

Adrian McErlean

FOI Reference: 1747546

Date: 18 March 2021

request-725625-caaa4714@whatdotheyknow.com

Dear Adrian McErlean

Your Freedom of Information Request

Thank you for your request, detailed below, which we received on 9 February 2021.

"The government is talking about discriminating people that doesn't want the covid19 injection product. By saying no job no job or you'll lose the right to enter pubs and restaurants without the job. Also by introducing Freedom passports.

1. Does the Nuremberg treaty still stand?

As it states all medical treatments must ne consented and you can't be discriminated against if you refuse the product. It also states medical treatments must be tested on animals before being given to humans and the pharmaceutical companies admitted they missed out animal testing too rush out the product.

2. Can an employer force a vaccine product on their employees?

Again that breaches the Nuremberg treaty

3. What human rights have we left? If the government/companies can force people against their will or blackmail them into a vaccine product. "

This request is being handled under the Freedom of Information Act 2000.

On 9 March 2021 we wrote to you to advise that we considered that the Section 36 'Prejudice to effective conduct of public affairs' exemption is engaged and we needed additional time to carry out a public interest test to determine whether the public interest lay

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in favour of disclosing or withholding the information. We have now completed these considerations and can provide you with our response.

Response

For clarity we have responded to each of your requests in turn below:

1. Does the Nuremberg treaty still stand?

As it states all medical treatments must be consented and you can't be discriminated against if you refuse the product. It also states medical treatments must be tested on animals before being given to humans and the pharmaceutical companies admitted they missed out animal testing too rush out the product.

Following a search of our records we have found no information which would confirm whether or not the Nuremberg treaty still stands in relation to medical treatments.

2. Can an employer force a vaccine product on their employees?

We can confirm that Equality and Human Rights Commission holds information relevant to this request, however, we are withholding the information as we consider that exemptions apply. Details of these exemptions are set out below.

Section 21 – Information accessible to applicant by other means

The Commission holds information published by others who have considered this question. Under section 21 of the Freedom of Information Act (FoIA), we are not required to provide information in response to a request if it is already reasonably accessible to you. However, in line with our section 16 duty to provide advice and assistance, we have provided links to the information below:

<http://employmentblog.practicallaw.com/can-refusing-to-be-vaccinated-be-protected-on-religion-or-belief-grounds-under-the-equality-act-2010/>

https://www.theguardian.com/business/2021/jan/14/pimlico-plumbers-to-introduce-no-job-no-job-work-contracts-covid?CMP=share_btn_link

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<https://www.managementtoday.co.uk/pimlico-plumbers-no-jab-no-job-policyopens-interesting-debate/food-for-thought/article/1704513> (Full article available when signing in)

<https://www.nuffieldbioethics.org/wp-content/uploads/2014/07/Public-healthethical-issues.pdf>

We also hold internal communications in which we consider our policy position in relation to this question. This information is being withheld as we consider that it engages the section 36 'Prejudice to effective conduct of public affairs' exemption. An explanation of this exemption and how we have applied it is set out below.

Section 36: Prejudice to effective conduct of public affairs

We consider that information revealing internal communications relating to formulating a policy position on 'no job no job' policies engages the Section 36 exemption 'Prejudice to effective conduct of public affairs'

Section 36(2) states: Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—
(a)...

(b) would, or would be likely to, inhibit— (i)
the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

The Minister (as our qualified person) has been consulted, and in her reasonable opinion disclosing internal communications relating to the formulation of our policy position on 'no job no job' policies would be likely to inhibit (i) the free and frank provision of advice and (ii) the free and frank exchange of views for the purposes of deliberation. We have therefore determined that the section 36 exemption is engaged.

The section 36 exemption is a qualified exemption and therefore the information can only be withheld where the public interest in maintaining the exemption outweighs the public interest in disclosure. We have therefore carried out a Public Interest Test and our considerations are detailed below:

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Factors in favour of disclosure

- Disclosure would be in the general public interest of transparency in decision making.
- Aid the public in understanding the Commission's considerations in relation to this matter.
- There is a legitimate public interest in the subject the information relates to.

Factors in favour of maintaining the exemption

- There is a need to preserve a 'safe space' in which the Commission can openly seek and consider views when developing our policy positions.
- The subject matter is of great significance to the working population and has been shown to divide opinion.
- The public interest is best served by providing a clear and well considered policy position at the appropriate time.

Conclusion

We recognise that there is a clear public interest in the Commission's position on this matter. However, we do not consider that there is a compelling public interest to override the need for a 'safe space' to share and consider views and receive advice. Accordingly, we have determined that the public interest lies in maintaining the exemption and the information is withheld.

3. What human rights have we left? If the government/companies can force people against their will or blackmail them into a vaccine product.

We consider this to be a comment rather than a request for information. However for completeness we refer you schedule 1 of the Human Rights Act 1998 which can be accessed using the link below:

<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>

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Internal Review

If you are unhappy with our response and wish to request an internal review please write to the Information Governance Team within 40 days of receiving this letter setting out your reasons at:

Email: foi@equalityhumanrights.com

During the independent review the handling of your request will be reassessed by Commission staff afresh.

If following the review you are not content with the outcome you may apply directly to the Information Commissioner's Office (ICO) at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Generally the ICO will not provide a decision until you have exhausted the review process within the Equality and Human Rights Commission.

We will now close your request as of this date.

Yours sincerely

Senior Associate
Information Governance team

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