

LETTER TO A COUNCIL THAT HAS BEEN INSTRUCTING BUSINESSES NOT TO SERVE THE MASK EXEMPT

Dear [names],

I am writing to you regarding false and misleading claims it appears your staff are disseminating to local businesses; claims that both incite and endorse discrimination against the disabled, and encourage businesses to openly flout the law.

On the 29th of October of this year, I visited the [name] charity shop on [street name]. I was not wearing a face covering, as I have a medical exemption which excuses me from doing so. I was challenged on my maskless appearance by the female employee manning the shop, and when I explained to her I was exempt, she replied by asking me for proof. She further elucidated that the council had visited the shop that morning to inform employees that they were prohibited from serving customers without masks, unless the customers in question provided proof of a medical exemption.

This is in direct contravention of the law, which is what I explained to the employee. The government's own website clearly states that the mask-exempt are required only to self-certify by stating to anyone who challenges them that they are exempt (1). They are not required to provide any proof of said exemption, and to ask them to do so is to break the law, in particular, the Disabilities Discrimination Act and the Equality Act 2010. Breaking these laws can carry with it a personal fine of up to £5,000 and punitive damages of between £900 and £9,000 (2).

To further exacerbate this situation, doctors have stated formally and on public record that they will not be issuing any medical certification for those who are mask-exempt (3). Therefore, it is an abject impossibility to provide proof of a mask exemption. Although the mask-exempt are invited by the government to carry mask-exemption cards with them if it gives them peace of mind to do so, these do not constitute "proof" of anything, since they are freely available online to anyone who would like to order one.

I outlined the above legally-binding facts to the RSPCA employee, but she maintained her position that she would not serve me without "proof" of an exemption, as this is what the council had instructed her to do. I was deeply shocked and dismayed to learn that the council was instructing local businesses to discriminate against the disabled and break the law, so therefore I felt I must urgently bring this matter to your attention, as either the shop's staff have profoundly misinterpreted the council's guidance, or the council is actively advising them to flout the law. Both of these scenarios are very serious indeed, and so this situation requires your urgent attention.

It is imperative that council employees are absolutely clear on what the law regarding mask-exemptions is, and that they are communicating this to businesses in a clear and unambiguous way.

The alternative is that businesses could not only cause great personal distress to individuals, but could also be the recipients of legal action and heavy punitive fines, something that most businesses - especially charities - can ill afford in the current climate.

Please reply to this letter within 14 days of today's date advising me of what action you have taken to ensure the council, and all businesses it instructs, are thoroughly conversant with the law, and consistently adhere to it at all times.

Yours sincerely,

[Name]