

May 2022

Joint Protocol

The Management of Long Covid



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This is a joint protocol agreed between [redacted] [the employer] and the relevant trade unions and is intended to cover all staff employed by [redacted].

Introduction

The National Institute for Health and Care Excellence (NICE) defines Long Covid as signs and symptoms that develop during or following an infection consistent with Covid-19, which continue for more than 12 weeks and are not explained by an alternative diagnosis¹. There is a growing list of symptoms. A positive Covid-19 test result is not required for a diagnosis of Long Covid.

Both employers and trade unions recognise the impact that Long Covid can have on employees. This is a new and debilitating condition for which treatments are still emerging; therefore its implications are not yet fully understood.

Employers and trade unions wish to support affected individuals as best they can whilst further research is undertaken, granting us a fuller understanding of the condition and how it can best be managed medically and consistently with other conditions.

This joint protocol provides the basis for a consistent approach to management at the workplace of those individuals medically diagnosed as having Long Covid. It should provide reassurance and confidence that Long Covid is being managed in a sympathetic and supportive way that is wholly consistent with the approach advocated by the Advisory, Conciliation and Arbitration Service (Acas). It is, therefore, important that staff are encouraged to make their employer aware of their symptoms at the earliest opportunity and in writing.

¹[nice.org.uk/guidance/ng188](https://www.nice.org.uk/guidance/ng188)

Key elements

There will be a temporary suspension of some elements of the sickness absence scheme for staff medically diagnosed with Long Covid. Employers will exercise their discretion in the absence of a medical diagnosis, being mindful at all times of the difficulty in obtaining a diagnosis of Long Covid.

- 1.**
 - a. The absence will still be regarded as sickness absence and should be recorded as such and although the usual monitoring processes will still apply, there will be no sanctions imposed as a result of these.
 - b. Members of staff who have had Long Covid symptoms for 12 months or more, or who are assessed by an approved medical practitioner as having symptoms likely to last 12 months or more, may receive paid disability leave while waiting for adjustments to be put in place. In such cases, absences will be recorded as either disability leave or medical suspension rather than sick leave.
 - c. In addition to any meetings held through the absence management process, regular Manager/Supervisor contact and engagement with individuals will continue for supportive purposes.
 - d. Referral to Occupational Health Services, including self-referral, will continue as a recognised route for support, advice and any therapies that the employer is able to offer; including specialist Long Covid clinics, and psychological and emotional support. Pending any such referral GP recommendations will be followed.
 - e. Time off with pay will be granted for medical appointments and treatment within working hours.
- 2.** Staff with Long Covid symptoms who can work, subject to medical advice, will have robust health and safety risk assessments undertaken, looking at the working environment, work activity and individual factors that may put them at risk of harm. The employer will take steps to reduce the risk of harm. Staff will have access to reasonable adjustments to remove barriers to their ability to work, including phased returns where appropriate.
- 3.** Employers will ensure that as a minimum entitlement, any employee on long-term sick leave who is medically diagnosed with Long Covid, will remain on full pay for a minimum of 12 months (regardless of length of service). After 12 months, if the employee is still absent from work with Long Covid the provision of full pay will be reviewed. It is recognised that in certain circumstances, contractual provisions within the Burgundy Book, Green Book or elsewhere may provide an entitlement to remain on full pay beyond this. The employer has the discretion to continue with additional periods of full pay and half pay.
- 4.** In keeping with its anticipatory duty under s20 of the Equality Act 2010 to make reasonable adjustments and s149 to advance equality of opportunity and eliminate discrimination, the employer will always consider the following steps to help facilitate a return to working as far as possible for staff with Long Covid:
 - a phased return to work on full pay
 - amended duties
 - suspending/reviewing performance management processes and objectives
 - a different role/post
 - disability leave for Long Covid related absences

- a change to workplace location
- assistive equipment
- physical changes to the workplace
- support from occupational health, including regular welfare meetings and self-referral options
- working from home for agreed periods of time
- long- or short-term temporary flexible work arrangements (for example flexitime, staggered hours, compressed hours or annualised hours – see [gov.uk/flexible-working/types-of-flexible-working](https://www.gov.uk/flexible-working/types-of-flexible-working)).

5. Where Long Covid sufferers are experiencing extended waiting times for NHS treatments/therapies, the employer may, at its discretion, consider support to employees to access these.

Term

The operation of this joint protocol will be reviewed every six months by both sides in order that consideration can be given to the need for any change in the light of experience.

[Redacted] may give six months' notice of their intention to withdraw from the protocol.

Further Developments

This joint protocol provides a period in which those staff diagnosed with Long Covid can feel reassured and supported during a difficult and uncertain time. It will also provide the opportunity to further understand the size and scope of the issue, and to benefit from improved understanding of the condition and how best employers and trade unions can manage this issue in a consistent and sustainable way.

All parties to this protocol will continue to contribute to a better understanding of these issues.

On behalf of the employer

Date

On behalf of the Trade Unions (listed below)

