## Coronavirus (COVID -19) Guidance for Employers

## May 2021 Edition

Since the COVID-19 pandemic begun, the LMC HR team have provided advice and guidance for various queries on the topic of COVID and the various issues it has brought up.

In providing advice on these matters the HR team are relying significantly on the following sources of guidance which are now attached for the benefit of Practices:

* Guidance provided via the [ACAS website](https://www.acas.org.uk/coronavirus)
* Freeths Solicitors [Coronavirus: FAQs for Employers | Freeths](https://www.freeths.co.uk/2020/03/16/coronavirus-qa-for-employers/)
* Government Guidance on the GOV website

All the above reflect the base line legal position and continuing updated guidance and clarification

**Long COVID**

**What is it?**

For some people, the COVID-19 virus can cause symptoms that last weeks and or months after the infection. The side effects of which can affect an employee’s ability to work and cause them to take periods of sickness absence.

Some of the symptoms, known currently, of long COVID are as follows:

* extreme tiredness (fatigue)
* shortness of breath
* chest pain or tightness
* problems with memory and concentration ("brain fog")
* difficulty sleeping (insomnia)
* heart palpitations
* dizziness
* pins and needles
* joint pain
* depression and anxiety
* tinnitus, earaches
* feeling sick, diarrhoea, stomach aches, loss of appetite
* a high temperature, cough, headaches, sore throat, changes to sense of smell or taste
* rashes

Keep update by checking the NHS symptom list available via the following link - Long-term effects of coronavirus (long COVID) - NHS (www.nhs.uk)

Due to the varying nature of long COVID symptoms, duration, and unpredictability of when, where and how long COVID will affect an employee, it is important for employers to apply their local sickness absence procedures. However, employers will need to adopt a more flexible approach when managing long COVID sickness absences and deal with each on a case by case basis to minimise potential discrimination claims.

**Is long COVID a disability?**

ACAS define “a disability as a physical or mental impairment that has a 'substantial and long-term' negative effect on a person's ability to do normal day-to-day activities.

'Long term' means the impairment:

* has lasted or will last for at least 12 months
* can come and go or is likely to last for the rest of the person's life

Long COVID is still a new illness and it may take time to understand it fully. It can affect a person's day-to-day activities and it's currently understood that it can last or come and go for several months. The effects of long COVID could also cause other impairments.

It's a good idea for the employer to focus on the reasonable adjustments they can make rather than trying to work out if an employee's condition is a disability.”

A reasonable adjustment may start through obtaining an occupational health assessment and or a GP report. This will identify other reasonable adjustments for the employer to consider in helping facilitate a successful return to work and may provide clarity as to whether the employee falls under the Disability Act.

For further guidance please see the ACAS guidance eon Long COVID via [this link.](https://www.acas.org.uk/long-covid)

The following link will direct you to the Freeths Solicitors slides on Long COVID - [PowerPoint Presentation (freeths.co.uk)](https://communications.freeths.co.uk/21/1767/uploads/long-covid---what-employers-need-to-know-slides.pdf)