

RMT Guidance on long Covid

Please use this guide when representing members who have long Covid (if further information on long Covid is required, see the links at the end of the guide).

Information on this guide

The guide refers to RICF (Rail Industry Coronavirus forum) and TOCs (Train Operating Companies), however, the principles and guidance within this document apply equally to all RMT members, irrelevant of which part of the transport sector they are employed in.

Covid-19 is a new disease and given this it was not initially realised that there would be symptoms beyond the immediate illness (and any associated longer-term consequences). Medical knowledge of long Covid has only developed after those who had the initial virus, reported suffering from ongoing symptoms and some of them went on to form online self-help groups. From this grew wider medical knowledge – which is still developing (something that is reflected in this guidance document).

In this guide we outline the adaptations which employers should put in place to ensure that RMT members with long Covid are not penalised from having what can be a debilitating condition (that depending on the individual circumstances of the members case, could have been caused by contracting Covid due to their role as a front-line worker).

What is long Covid?

The term “long Covid” is commonly used to describe signs and symptoms that continue or develop after acute Covid-19. The formal medically recognised name is “post-Covid-19 syndrome” and it is sometimes also known as “long-tail Covid”.

NICE (The National Institute for Health and Care Excellence) use the following clinical definitions for the initial illness and long Covid at different times:

- **Acute Covid-19:** signs and symptoms of Covid-19 for up to 4 weeks.
- **Ongoing symptomatic Covid-19:** signs and symptoms of Covid-19 from 4 to 12 weeks.
- **Post-Covid-19 syndrome:** signs and symptoms that develop during or after an infection consistent with Covid-19, continue for more than 12 weeks and are not explained by an alternative diagnosis.

Long Covid is commonly used to describe signs and symptoms that continue or develop after acute Covid-19. It includes both ongoing symptomatic Covid-19 and post-Covid-19 syndrome (as defined above).

Recovery time is different for everyone, but many people with long Covid will continue to have symptoms after 12 weeks.

Symptoms of long Covid

The NHS list long Covid symptoms as follows:

- Extreme tiredness (fatigue)
- Shortness of breath
- Chest pain tightness or heaviness
- Problems with memory and concentration (“brain fog”)
- Difficulty sleeping (insomnia)
- Heart palpitations
- Dizziness

- Pins and needles
- Joint pain or swelling
- 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
- Skin rash

The effects of long Covid could also cause other impairments. Long Covid is still a new illness and it is likely to take time to fully understand it and the symptoms it causes.

A common feature of long Covid is the relapsing, remitting nature of the illness, where people feel as though they have recovered, but then it returns.

Although “profound fatigue” is a common symptom for many people with long Covid, it is not chronic fatigue syndrome (for more information on chronic fatigue syndrome see NHS advice: <https://www.nhs.uk/conditions/chronic-fatigue-syndrome-cfs/>).

Recent ONS (Office of National Statistics) and REACT (Real-time Assessment of Community Transmission) data shows that between one and two million are experiencing self-reported long Covid (symptoms persisting for more than four weeks after the first suspected coronavirus infection).

What RMT reps can do when representing members with long Covid:

- 1) Encourage members who feel they may have long Covid, to contact their GP and get their long Covid status registered with their GP.
- 2) Support members in the disclosure of long Covid to their employer.
- 3) Encourage members to report symptoms.
- 4) Offer advice and support in development of individual risk assessments and any necessary reasonable adjustments. Employers should be guided by occupational health in the necessary adjustments for the affected individuals.
Adjustments could include:
 - changing job: for example some safety-critical functions may not be appropriate for an individual suffering fatigue or “brain fog”.
 - different working hours
 - a phased return to work
 - longer rest breaks.
 - flexible working arrangements
 - specialist soft wear or equipment
 - agreeing what they want to tell others at work about their illness
- 5) Advise employers to be aware that the effects of long Covid can come and go. On some days the person might seem well, but on others their symptoms can be worse, and they might need to be off work again.

(Remember: as the effects of long Covid are wide ranging, there is not a one size fits all approach).

Is long Covid a disability?

The definition of disability under the Equality Act 2010 is if you have a physical or mental impairment that has a “substantial” and “long-term” negative effect on your ability to do normal daily activities.

“Long-term” means 12 months or more. Long Covid has not existed long enough to know whether it will last longer than 12 months.

“Substantial” is more than minor or trivial - it takes much longer than it usually would to complete a daily task like getting dressed, for example.

Although most people have not had the symptoms of long Covid for 12 months, they could still be covered by the legal definition of disability under the Equality Act 2010 (the TUC are calling on the Government to agree that when a person is diagnosed with long Covid, they are automatically classified as disabled for the purposes of the Equality Act.).

But until such time as this happens, the advice from ACAS (the Advisory, Conciliation and Arbitration Service) is that “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”.

In addition to disability, employers must be careful to avoid other types of discrimination when considering long Covid.

Long Covid has been found to affect more severely:

- Older people, research findings on this have differed, some studies showing middle aged people to be more at risk, and other research that older people are most at risk.
- women
- those living in most deprived areas.
- those on low wages
- overweight people and smokers or vapers

Given the above, in addition to disability issues and potential impact of the Equality Act, RMT reps also need to be aware that low paid workers, living in deprived areas appear to have a higher burden of the persistent symptoms post Covid-19 and to reflect this when representing members who fall within these categories.

Sickness Absence procedure

Employers should take anticipatory measures to ensure staff experiencing increased sickness absence due to long Covid are not treated unfairly and are able to take disability leave to rehabilitate, undertake treatment and attend medical appointments.

RMT have had initial discussions with RICF in relation to long Covid and potential impact on sickness absence procedures and sick pay. RICF state that they are confident that managers can exercise discretion on whether it is appropriate for a member of staff to progress within absence procedures.

RMT do not share this confidence and therefore we will continue to demand of the RICF that they agree an industry wide long Covid policy that protects our members against the possibility of being penalised, in any way, for having long Covid.

If you are facing any difficulties in relation to long Covid, please contact your Regional Office for advice.

Further Reading on long Covid:

ACAS: “Long Covid – advice for employers and employees”

<https://www.acas.org.uk/guide-print/846>

NICE guidance: “Covid-19 rapid guideline: managing the long-term effects of Covid-19”

<https://www.nice.org.uk/guidance/ng188>

The NHS has established the Your Covid Recovery scheme for those experiencing long covid symptoms and they have also written guidance on the long-term effects of coronavirus: <https://www.nhs.uk/conditions/coronavirus-covid-19/long-term-effects-of-coronavirus-long-covid/>

RSSB briefing document:



RICF Long term
effects COVID RSSB 1

RMT: “Coronavirus – Covid-19 Pandemic, RMT advice to members employed in the rail industry”.
<https://bit.ly/3eW9vhy>

RSSB: “Good Practice Guidance: Assessing employee vulnerability to Covid-19”
<https://bit.ly/332bF7U>

REACT: Long Covid Paper: <https://spiral.imperial.ac.uk/handle/10044/1/89844>

TUC:

Workers’ experiences of long Covid, A TUC report <https://www.tuc.org.uk/sites/default/files/2021-06/Formatted%20version%20of%20Long%20Covid%20report%20-%20v1.3.pdf>

LRD (Labour Research Department) guides:

“Covid and mental health - a guide for union reps”

“Working safely with Covid-19 - a guide for workplace reps”

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