

NORTHERN IRELAND SAFETY GROUP

Long Covid Webinar
27th May 2020
Neill Wallace

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RETURNING TO WORK AFTER AN ABSENCE

- Employers should ideally have a well-defined absence management policy to which all staff are familiar.
- The policy should dictate how employees report their sickness absence and how the employer will respond.
- LRA guide on managing sickness absence [here](#)

DEFINITION OF “DISABILITY”

Disability Discrimination Act 1995:

(1) a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a **substantial** and **long-term adverse effect** on his ability to carry out **normal day-to-day activities**.

Best information can be sought from the Equality commission [here](#)

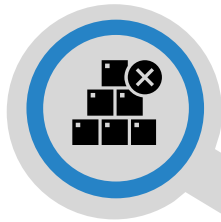
EQ document on the definition of a disability can be viewed [here](#)

Does “long Covid” fit into this definition

IDEAS FOR A PHASED RETURN

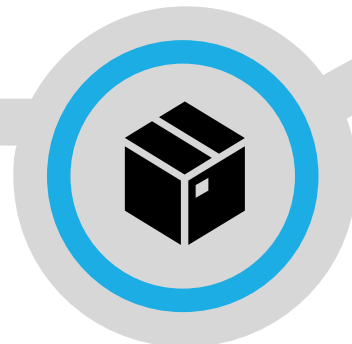
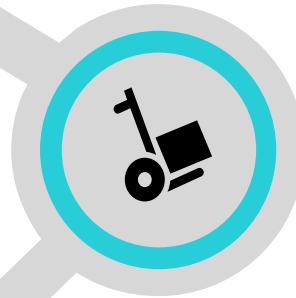
Inadequate performance

What happens if performance is not adequate? Review?



Impact on staff

How will this impact on the other staff and how will this be managed?



Discuss issues

- Each instance will be unique
- Management and staff should discuss the phased return
- Open honest communication around issues



Individual plan detail

Document that states:

- Hours build up
 - Duties
- Adjustments
- Assessments
 - Pay



Pay arrangements

reduced hours so:

- reduced pay?
- SSP or enhanced sick pay?
- Annual leave?



TEMPLATE FOR A PHASED RETURN



Options when SSP ends



QUESTIONS TO ASK AT A RETURN TO WORK INTERVIEW 1

You should conduct return-to-work interviews in order to:

- welcome employees back
- check they are well enough to be at work
- discuss the details of an agreed return to work based on advice given
- by the GP in the Statement of Fitness for Work • update employees on any news while they were off
- identify the cause of the absence and find out whether they have a disability and whether the provisions of the Disability Discrimination Act 1995 applies such as the need to make a reasonable adjustment

QUESTIONS TO ASK AT A RETURN TO WORK INTERVIEW 2

- establish if their sickness is work-related and whether there are any health and safety issues you need to address.
- admit that their sick absence is really caused by having to care for an elderly relative for example?
- feel able to tell you they are being bullied by a manager/colleague?

EMPLOYEES UNABLE TO PERFORM AT THEIR OPTIMUM LEVEL DUE TO LONG COVID

- This requires careful consideration
 - Are there potential DDA issues?
 - Seek advice from the Equality Commission
 - Talk to your HR department about it (you could always contact the LRA also)
 - Are reasonable adjustments available?
-
- Potential capability issues – capability dismissal?
 - LRA code - [here](#)

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