

Knowing your privacy and disability rights, your workplace obligations, and the benefits to which you are entitled is key to working while living with Long COVID. Use this resource to navigate discussions with employers around accommodations and support.

If you are dealing with workplace issues like retaliation, failure to accommodate, privacy violations, discrimination, and/or disability application concerns, legal professionals can provide guidance on your employee rights and benefits under applicable state and federal law.

This RECOVER tip sheet for employees with Long COVID does not constitute legal advice, but it does provide information and links to resources that may help navigate workplace issues.

ACCOMMODATIONS

Long COVID can substantially impact your ability to work. However, all employees living with a chronic illness in the United States have certain rights and are entitled to certain benefits.

The Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA) contain certain health-related protections. Changes in workplace conditions called “reasonable accommodations” can be made for employees who are ill but can still work or return to work with a chronic illness. FMLA leave may apply when a condition meets the definition of a serious health condition, and Long COVID may fit this description.

Legal counsel is recommended if an employee wants to pursue violations of ADA or FMLA under federal law.

RESOURCE	WHAT IT OFFERS	HOW TO ACCESS
Reasonable Accommodations in the Workplace ADA National Network	Explains “reasonable accommodations”—changes to workplace conditions that allow employees who are ill, or returning to work with a chronic illness, to keep working.	Read the fact sheet: adata.org/factsheet/reasonable-accommodations-workplace
Guidance on “Long COVID” as a Disability under the ADA, Section 504, and Section 1557 U.S. Department of Health and Human Services	Federal guidance on when Long COVID qualifies as a disability under the ADA, Section 504, and Section 1557.	Read the guidance: bit.ly/4v1qk9y
Family and Medical Leave Act U.S. Department of Labor	Overview of FMLA leave, which may apply when Long COVID meets the definition of a serious health condition.	Learn about FMLA: dol.gov/agencies/whd/fmla

SAFETY

There are several ways your employer can ensure you have a safe working environment. The following resources share information about workplace safety related to Long COVID.

RESOURCE	WHAT IT OFFERS	HOW TO ACCESS
Living With Long COVID Centers for Disease Control and Prevention	Talk to your employer about preventing the spread of the virus that causes COVID-19 with masking, air filtration, and other measures such as improved ventilation and workplace accommodations wherever possible.	Visit the CDC page: cdc.gov/long-covid/living-with
Working With Long COVID Office of Disability Employment Policy	Remote work can allow you to continue working with less physical risk. The Office of Disability Employment Policy provides workplace environment-based accommodations you can share with your employer to help make your workplace safer—including a link to the Department of Labor’s Job Accommodation Network (JAN), a source for free, expert, and confidential guidance on workplace accommodations and disability employment issues.	Read the resource: bit.ly/4ygkybN 

PRIVACY

Privacy for personal health information protects you from stigma and discrimination, gives you control over disclosing an often invisible and misunderstood illness, upholds your legal rights, and builds the trust needed to secure accommodations that let you keep working.

You are entitled to privacy of your protected health information (PHI) under the Health Insurance Portability and Accountability Act, commonly referred to as HIPAA. In general, under HIPAA, a doctor is not allowed to share a patient’s personal health information with an employer without the consent of the patient, although there are exceptions. In some cases, employers are also obligated under the Act to comply with the privacy rights of employees. Legal counsel is recommended if an employee wants to pursue violations of privacy protections under federal law.

RESOURCE	WHAT IT OFFERS	HOW TO ACCESS
Your Rights Under HIPAA U.S. Department of Health and Human Services	Explains your right to privacy of your protected health information (PHI) under HIPAA.	Learn your rights: bit.ly/4gwn7jQ 
Employers and Health Information in the Workplace U.S. Department of Health and Human Services	Explains how HIPAA applies to employers and health information in the workplace, including when patient consent is required and what exceptions exist.	Read more: bit.ly/4vSq031 

Disclaimer: RECOVER Representatives developed this material. The opinions expressed herein are their own. This material should not be interpreted as representing the official viewpoint of the U.S. Department of Health and Human Services (HHS) or the National Institutes of Health (NIH) or ascribing future directions for the federal government or agencies thereof.

RETURN TO WORK (RTW)

Return-to-work (RTW) programs are important because Long COVID symptoms often come and go, so you may need flexible, individualized support—like tailored pacing and workplace accommodations—to safely rejoin the workforce without triggering setbacks. These programs can help you protect your health and keep your job.

RESOURCE	WHAT IT OFFERS	HOW TO ACCESS
Stay at Work (SAW) / Return to Work (RTW) Job Accommodation Network (JAN)	A helpful tool to share with your employer that lays out practical, low-cost ways to keep you working—such as modified schedules, adjusted job duties, or transitional work—and explains employer responsibilities under laws like the ADA and FMLA. It also shows the business benefits of these programs, noting that most accommodations cost nothing and that retaining an experienced employee is far less expensive than hiring and training someone new.	Explore SAW/RTW: askjan.org/topics/return.cfm 
Return-to-Work for People Living with Long COVID: A Scoping Review of Interventions and Recommendations National Library of Medicine (PubMed Central)	This study looked at the best ways to help people with Long COVID get back to work. It found that the most helpful programs bring together a team of experts who teach skills like pacing, breathing techniques, and how to protect your energy levels. The authors emphasize that support works best when tailored to each person and backed by understanding managers, though they note that many questions remain about which return-to-work approaches are most effective.	Read the review: pmc.ncbi.nlm.nih.gov/articles/PMC12527184

HELPING YOUR EMPLOYER UNDERSTAND LONG COVID

To effectively navigate the workplace while living with Long COVID, both you and your employer need good communication and a shared understanding of your illness. You can use the following resources to help your employer better understand Long COVID:

RESOURCE	WHAT IT OFFERS	HOW TO ACCESS
A Long COVID Definition The National Academies of Sciences, Engineering, and Medicine (NASEM)	A consensus definition of Long COVID that you and your employer can use to build a shared understanding of the illness.	Read the definition: bit.ly/4gvyUPI 
Long COVID Fact Sheet and Long COVID Symptom Checker U.S. Department of Veterans Affairs	A fact sheet and symptom checker that explain Long COVID and its common symptoms.	View the fact sheet: bit.ly/4eVdB8x 
What is Long COVID? RECOVER Initiative	An overview of Long COVID from the NIH RECOVER Initiative, explaining what it is and what researchers are learning.	Learn more: recoverCOVID.org/long-covid 

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