

COVID-19 And Workers Compensation Considerations

Is coronavirus compensable under Workers Compensation?

The answer to that question is “maybe.”

While WC laws provide compensation for “occupational diseases” that arise out of and in the course of employment, many state statutes exclude “ordinary diseases of life” (e.g., the common cold or flu). There are occupational groups that arguably would have a higher probability for exposure such as healthcare workers. However, even in those cases, there may be uncertainty as to whether the disease is compensable.

Generally speaking, COVID-19 claims will be examined on a on a case-by-case basis by the carrier. The carrier will normally assign specialists who will investigate the facts of each case and evaluate whether an employee’s illness related to COVID-19 occurred during the course and scope of employment. As with any claimed occupational disease, the medical evidence will be important to the compensability determination.

Certain types of employment or circumstances specific to your business may carry a higher risk of COVID-19 exposure than others, and carriers will carefully weigh all factors presented in each potential COVID-19 claim before making any compensability determination.

Keep in mind, the more widespread COVID-19 becomes, the more difficult it may be for the employee to show that it is work related rather than an ordinary disease of life to which the general public is exposed.

Employees Working from Home

Your workers compensation carrier will generally investigate and evaluate any claimed injury that occurs while working from home just as they would a claim in the workplace. They will determine whether the injury arose from the employment and occurred while furthering the business of the employer. For example, an injury occurring while the employee was setting up her remote workstation likely would be compensable. An injury that occurred while the employee was walking downstairs first thing in the morning likely would not be considered compensable.