

Is Coronavirus Covered by Workers' Compensation?



As businesses begin to address challenges associated with the coronavirus, one common question may be whether workers' compensation benefits would cover someone claiming to have contracted the illness in the workplace.

Employers and employees whose work is closely related to the coronavirus (such as health care facilities) could see viable claims, but what about other employers? What about a company whose employees are regularly exposed to the general public as part of their jobs, such as retail employees, outside sales, and those who travel for work? If an employee at such a company became infected with the coronavirus, they might claim that the disease was contracted on the job and, in turn, claim that the cost of their medical treatment and their lost time (due to the effects of the illness or medically mandated quarantines) should be covered by workers' compensation.

While each case should be considered individually, as of today, such coronavirus-related claims are not likely to be covered by workers' compensation. The risks of contracting the coronavirus, just like contracting the common cold or seasonal flu, are risks of commonality in general. In California, the employee-claimant has the initial burden of proof by reasonable medical probability that their injury or illness arose out of and occurred during the course of their employment.

Does this mean employers can simply ignore the COVID-19 epidemic? No. We should all work together to keep workplaces safe from the spread of this virus and other risks wherever possible. OSHA offers a detailed COVID-19 webpage with resources for preventing exposures.

If you have any questions, contact your claims consultant to discuss:

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