

COVID-19 Workers Compensation Considerations

How would my workers compensation policy respond to an employee claiming injury from coronavirus?

- Initial research is pointing to a claim NOT being compensable under workers compensation as employees would not be at a greater risk than the general public. As we have seen recently, if the virus is contracted it will likely be from a community outbreak.
- All claims that could be COVID-19 related should be reported to your workers compensation carrier.
- Questions that will typically be asked from an adjuster with regards to COVID-19 related claims:
 - Does the employee have a confirmed diagnosis of COVID-19?
 - What symptoms does the employee have and when did they begin?
 - Does the employee know when and where they contracted COVID-19?
 - Was the employee in contact with someone that also tested positive for COVID-19?
 - How many employees in this area/division have tested positive for COVID-19?
 - What circumstances, if any, placed this employee at a higher risk for the virus than the general public?
 - Was the employee working in a healthcare facility?
 - Did the employee recently travel as part of their employment and if so, where?
- Employees well being is most important. Care should not be delayed and they should seek appropriate medical care regardless of the workers compensation being involved or not.
- If an employee is a health care workers or in an employment that is considered greater risk to COVID-19 than the general public, then it is more likely to be a covered workers compensation claim.
- Questions have come from whether a coronavirus event is a recordable event with regards to OSHA. Attached (or where we put it) is a guide to help walkthrough this process.

Additional Working from Home and Telecommuting Work Comp Thoughts (*not specific to COVID-19*)

The COVID-19 Pandemic is certainly causing all sorts of changes in everyone's business and causing changes to day to day operations that many companies would not have expected. One of those being the need to have more people work from home when possible. Although working from home does not seem like it may come with additional risk, there are certain things you will want to know with regards to having employees work from home.

1. As noted in the COVID-19 compensability discussion, each claim will need to be investigated on its own merit, individual circumstances and the state that each claim occurs in. State vary on their views on what is a compensable claim.
2. Employees still need to follow guidelines with regards to your company's policies and communication requirements. Understanding this is a challenging time, the workers compensation policy should not be utilized unless an employee is injured in the course and scope of their employment.
3. As always, taking care of truly injured workers is your number one priority, however, steps should still be taken to understand the individual claim.
4. It will be difficult to do accident investigation, root cause analysis and gather witness statements obviously, but employers should still attempt to complete as much of the workers compensation claim reporting best practices as possible.
5. Questions that should be asked with regards to telecommunitng/work from home employees
 - What time of day did this occur? Where were you going/coming to?
 - What activities were you doing prior to this occurring?
 - What activities were you in route to do?
 - What activities took place following the injury?
 - Was anyone else in the house at the time?
 - What is the setup of the area? (where is office located as opposed to where this occurred)
 - Is there a policy in place to outline the expectations and hours for at home employees?
6. Below are some claims scenarios that can be deemed compensable by some jurisdictions.
 - Employee is walking down the stairs in the morning as that is where their home office location is located. They slip and fall hurting themselves.
 - Employee is hooking up a monitor, steps back and trips over a cord or box on the floor that was from the monitor they just connected.
 - Employee complains of soreness in wrists due to repetitive motion
 - Employee gets up from chair in office, back is strained
 - Employee is driving to local store to get additional office supplies, printer paper, monitor, keyboard, etc. and gets injured in an accident

These claims need to be reported to the carrier for investigation. The adjuster will determine per jurisdiction, if the specific incident places the employee at greater risk than the general public.

Additional Work Comp Thoughts

Open claims will most likely be impacted by COVID-19. We want to share ideas on ways you might be able to help:

- Talk to your carrier to see if tele-medicine or tele-rehab are options for injured workers.
- Communicate with injured workers, and if you sense they are concerned about their recovery or pay, reach out to the adjuster or recommend a conference call.
- Take note of how the COVID-19 situation has affected your open claims, so when renewal occurs, our Marketing Team can help tell the story to the underwriters.
- Reach out to your Broker for questions; we are here to help.

[Access Cottingham & Butler Client Resource Center](#)