

WORKERS' COMPENSATION AND COVID-19 CLAIMS

This information has been compiled from various state postings and other reliable sources. CES is not licensed to be a Workers Compensation Broker or Agent. PLEASE, check with your agent or broker to verify your company's coverages, premiums and claim procedures. As always, we hope this helps. Thank you – Melanie Gentry, CES President

Will there be Workers Compensation claims submitted by employees for COVID-19?

YES – However it isn't a cut and dried claim process. To be eligible for workers' compensation, a claimant must prove they were injured or made sick at their workplace. For a disease that's scope is both constantly changing and unprecedented, proving it was contracted while on the job will be challenging, if not possible.

How does an employee claimant prove they got sick on the job?

Proof is going to be challenging – How can you assume you picked up the virus at work as opposed to the grocery store? Proof would require that other colleagues were sick, or job sites (including residential homes) had a person who was tested positive – AND there was contact. This evidence is often blocked through patient confidentiality laws like HIPAA. The more widespread COVID-19 becomes in your community, the harder it will be for workers to trace the illness to your workplace or job sites.

Are states taking action on filing workers compensation claims to make it easier to file?

At this time, discussions to address this issue, has been generally for first responders and health providers.

If you have a claim filed will this affect your rates?

YES! Not only actual losses and claims are applied to your loss ratio, usually, so are expenses. If a claim is filed all costs are accrued against your premium, class codes and payroll levels. That will determine your Experience Modifier rate and your base rates and possible surcharges.

Should I file a loss if an employee claims they are sick?

Depends – do a little research – have a supervisor's report of injury/illness filled out – get the facts! Do you have anyone testing positive currently? Were they in contact with the employee making the claim? What was their job schedule, was there any report of illness at the jobs they were on? And when did the employee assume they were infected.

If there is any indication that there was contact – file a claim and let the insurance company decide. Give the insurance company all the support you can to make an informed decision on whether there is a workers compensation claim OR whether you need to direct that employee to get medical help and rely on other government relief efforts for them and for your company.

As always – we hope this helps. Be safe, well and lead with reason and information.

Melanie Gentry

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