



## HR Strategy Series: COVID-19 & Workers' Compensation

### Headline:

**Several states have enacted legislation, signed executive orders or have pending legislation stating that COVID-19 infections in certain workers are presumed to be work-related and covered under Workers' Compensation.**

### The Highlights:

- Generally, WC does not cover illnesses like the flu or a cold, as they can't directly be tied back to the workplace. Certain states have made exceptions with respect to chronic illnesses from repeated exposure to harmful materials or conditions.
- COVID-19 has changed the landscape, where environments previously considered non-hazardous have become higher risk for employees, including occupations like essential healthcare services, mass transit workers and grocery store employees.
- 14 states have already taken action to extend Workers' Comp coverage for COVID-19 infections, and numerous other states have pending legislation on the matter. As for now, Arizona does not, but they could easily follow suit, as we've seen in other cases.
- Employers will carry the burden of proof that an employee did not contract COVID-19 due to work-related conditions to avoid successful claims. This will certainly impact financial and operational costs and likely lead to increased premiums for employers.

### \*\*State of Washington criteria:

- Was there an increased risk or greater likelihood of contracting the condition due to the worker's occupation (such as a first responder or health care worker)?
- If not for their job, would the worker have been exposed to the virus or contracted the condition?
- Can the worker identify a specific source or event during the performance of his or her employment that resulted in exposure to the new coronavirus (examples include a first responder or health care worker who has actually treated a patient with the virus)?

\*\*Source: National Conference of State Legislatures

### What should I do as an employer?

- As with current strategies to reduce the frequency and severity of WC claims, employers should enact COVID-19 related protocols, policies and training that clearly demonstrate a reasonable effort to mitigate the spread of the virus and ultimately create a safer workplace.

### \*\*June HR Report Follow-Up: Recalibrating HR

See the replay of our webinar outlining a **4-Stage Approach** to build a solid HR System for your business:

<https://www.focushr.net/webinar>

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