



## HR Strategy Series: HR Trends 2021 & Beyond

### Trend #2: Covid-19 Impact on Workers' Compensation

#### Is COVID-19 compensable under state workers compensation acts?—Updated 6/22

“The answer to that question is “maybe.” While workers compensation 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.” – *National Council on Compensation Insurance (NCCI)*

<https://www.ncci.com/Articles/Pages/Insights-Coronavirus-FAQs.aspx> - COVID-19 FAQ from NCCI

#### Does Workers' Compensation Cover COVID-19?

“The answer is complicated. Generally, workers' compensation does not cover routine community-spread illnesses like a cold or the flu because they usually cannot be directly tied to the workplace. Some states have made exceptions for certain workers who develop chronic illnesses, like cancer, resulting from repeated exposure to harmful materials and environments.” – *National Conference on State Legislatures*

At Focus HR, we've seen a marked increase in level of concern WC carriers have respecting COVID-19; they are requiring the following information from new groups and/or renewals:

**Please describe Covid-19 mitigation measures in place, including but not limited to PPE, social distancing and workspace protocols, cleaning and disinfecting protocols, visitor screening, and so forth.**

*Other questions we've seen include:*

- Are you complying with guidance/specific requirements set forth by CDC, OSHA and/or local governments for healthcare practices?
- Please describe safety injury/illness planning protocols.
- Have any employees tested positive for Covid-19? If yes, what steps are taken to prevent spread amongst other workers?
- Is PPE used in the workplace, including face masks, gloves, face shields, etc? Please describe contingency plans in the event PPE is not readily available (supply shortages).

For further questions or assistance, please contact Clint Parry, MBA, SHRM-SCP at Focus HR – (520) 301-4327 or [clint@focushr.net](mailto:clint@focushr.net).