

Employers Should Recognize COVID-19 as a Work-Related Injury



While everyone is getting overloaded with information on COVID-19, a question remains unanswered or overlooked. If a person is infected with the virus while at work and/or due to the work they are performing, can it be considered in a worker's compensation injury claim?

Generally, for an injury or illness to be classified as work-related, the condition must both "arise out of" and "in the course of" employment. In simpler terms, the condition must have its source in employment and not somewhere else.

Other claims that meet certain criteria for exposure will be considered on a case-by-case basis.



Filing a Claim

The Industrial Insurance Act allows for treatment of COVID-19 when work-related activity has been proven the cause of the exposure of the virus.

Before assisting a worker in filing a worker's compensation claim, the treating provider should ensure the worker meets the following criteria:

- ✓ If not for the job, would the worker had been exposed to or contracted the condition?
- ✓ Does the job increase the risk or likelihood of contracting the condition due to the type of work (for example, a health care worker or emergency medical service personnel)?
- ✓ Can the worker be able to identify a specific event of source of contagion while he or she was working?

If all three criteria are not met, it is not necessary to file a worker's compensation claim. Though a claim can still be filed if

- ✓ Requested by the worker or;
- ✓ The provider is not sure if the case meets the criteria

EXPOSURE VS CONTRACTION OF COVID-19

Employees exposed to COVID-19 must submit the necessary accident report documents prior to receiving insurance payments for treatment or time-loss benefits. The same holds true if the worker is unable to work during the quarantine period or is ill from the virus.

If an accident report form is submitted, the diagnosis is contraction of the COVID-19 virus and all three criteria under "filing a claim" are satisfied, the claim will be allowed, and the treatment is authorized to proceed.



Quarantine

For an exposure claim to be recognized, it should meet all the criteria and the employee must have been quarantined by a local health officer or physician because of the exposure.

The Center of Disease Control indicates that the symptoms for COVID-19 manifests anywhere from two to 14 days after exposure. Time-loss payments can be allowed for lost wages during period for up to 14 days.

As a general rule with the wage replacement benefit under the Industrial Insurance Act, the initial three days are not paid unless the employee is medically required to remain off work on the 14th day following exposure.

Conclusion

A careful employer should plan to communicate their commitment to the health and safety of their workers, while encouraging any employee who suspects that they might be infected with COVID-19 through a work exposure, to report the illness so that their rights under the worker's compensation system will be fully protected.

If in doubt, it is wise to consult with a legal team for clarification and determine on the best way to handle the situation.

