

Just the Facts: COVID-19 and Workers Compensation

Workers compensation is designed to benefit employees and employers by providing reliable insurance coverage with predictable, timely payments and reduced legal costs if a worker is injured or dies due to a qualifying condition.

Most states have a dedicated workers compensation court system where judges decide on claims and benefits awarded.

Are COVID-19 patients covered under state workers compensation laws?

Probably not, but there are some exceptions, particularly for first responders and essential workers.

In most cases, workers compensation laws provide compensation for "occupational diseases" that arise out of and in the course of employment. Many states exclude "ordinary diseases of life" like the flu.

Some states are amending their policies so COVID-19 infections in certain high-risk professions are presumed to be work-related and covered under workers compensation, placing the burden on the employer and insurer to prove the infection was not work-related.

Some employers and insurers have raised concerns that this will increase insurance costs for employers at a time when businesses already face significant financial challenges.

Are federal employees who contract COVID-19 eligible?

According to the U.S. Department of Labor (DOL), federal employees who develop COVID-19 while performing their federal duties are entitled to workers compensation coverage pursuant to the Federal Employees' Compensation Act.

Because it is hard to determine exactly when and how the virus was transmitted, federal workers who are required to regularly interact closely with the public, such as members of law enforcement, first responders, and frontline medical and public health personnel, are considered to be in high-risk employment.

The DOL has created new procedures to address COVID-19 claims. Employees filing a claim for workers compensation coverage as a result of COVID-19 should file Form CA-1, Notice of Traumatic Injury through their employer using the Employees' Compensation Operations & Management Portal.

- The National Council on Compensation Insurance (NCCI) tracks all regulatory and legislative activity at its COVID-19 resource center.
- As of June 19, 2020, no specific federal legislative and regulatory initiatives have been advanced that would directly affect the workers compensation system.

