



## **COVID-19 & Workers' Compensation:**

As for COVID-19, and how this might play out in the workplace, this is a huge “gray” area since we haven’t had a lot of previous exposure to such epidemics.

However, in California, based on a number of Supreme Court cases the “test” is going to be that an employee must show that they were subjected to some special exposure that the general public was not exposed to. Taking this a step further, although an illness does not become an occupational disease simply because it is contracted on the employer’s premises, if the employment subjects a person to an increased risk compared to the general public, the injury would likely be compensable. Occupations that would fall within this area would be first responders, medical care providers, anyone mandated to travel on business and any employee who could prove that their exposure was directly related to their work. Please go to <https://www.lflm.com/wp-content/uploads/2020/03/03092020-COVID19-FLASH.pdf> for the legal opinion of our partner California workers’ compensation defense firm Laughlin, Falbo, Levy & Moresi.

Washington State is another example of this premise of COVID-19 and industrial exposure. On March 5, 2020, their Governor decreed that the “state is taking steps to ensure workers’ compensation protections for health care workers and first responders who are on the front lines of the COVIDS-19 outbreak”. In addition they clarified that they “will provide benefits to these workers during the time they’re quarantined after being exposed to COVID-19 on the job”.

Although every state workers’ compensation statute is different, they all fall under a “no-fault” premise. As a result, the examples that California and Washington are setting are strong ones for HIB to utilize to support our clients, in other state jurisdictions, should the need arise in regards to COVID-19.

At Heffernan Insurance Brokers, we are committed to helping our clients and their employees, through the COVID-19 situation. We continue to work closely with our partner carriers and service providers to ensure that all appropriate workers’ compensation benefits are paid timely and appropriately to anyone affected by this situation in the workplace. Should you need assistance in this



regard, please feel free to reach out to your Heffernan Team or to our Risk management Division at [riskmanagement@heffins.com](mailto:riskmanagement@heffins.com).

Sources:

[www.cdc.gov](http://www.cdc.gov)

<https://www.latimes.com/california/story/2020-03-04/california-coronavirus-spread-mergency-declarations>

<https://www.governor.wa.gov/news-media/inslee-announces-workers-compensation-coverage-include-quarantined-health-workersfirst>