



Sue A. Roudebush

Partner
Columbus
614.227.7744
sroudebush@bricker.com



Anthony T. Lelli

Staff Attorney
Columbus
614.227.4846
alelli@bricker.com

Workers' compensation implications of COVID-19 for employers

March 19, 2020

The Bureau of Workers' Compensation (BWC) has not provided a specific stance regarding compensability of COVID-19 (coronavirus). However, businesses should consider several factors of a workers' compensation claim to prepare for potential claims, should a member of their workforce contract the virus.

Generally, claims of exposure to viruses or other potentially dangerous substances are not covered by workers' compensation, unless an injury or occupational disease (OD) results from such exposure. Therefore, a claim of exposure to COVID-19 at work is not, in itself, a compensable injury or disease. Each claim will need to be evaluated on a case-by-case basis.

In order to prevail on a COVID-19 claim, an employee would need to show that:

- they were exposed to COVID-19 in the course and scope of their employment;
- the exposure at work caused them to contract COVID-19; and
- the employee's employment involved a peculiar risk of exposure to COVID-19 different from that which the public and employees in general face.

Due to the fact that COVID-19 is now prevalent and widespread in the public,

employees will have difficulty specifically linking the condition to their employment, as mere exposure to or contact with the virus is insufficient for the allowance an OD claim.

Could your employee file a claim?

Consider a health care employee working around patients that could likely be infected with COVID-19 on a daily basis versus an office employee that is unknowingly working around individuals that could be infected with the virus.

The health care employee expected to work with or around patients that could likely be infected with the virus is more likely to have a compensable claim, assuming the test above is met, versus an employee working in an office where no other COVID-19 cases were identified. This is because the risk of contracting the virus is higher for the health care employee who is expected to engage individuals with the virus versus the office employee who is not expected to engage individuals with the virus. In other words, the health care employee's employment involved a peculiar risk, different from that which the public and employees in general face.

While the BWC has not taken a specific stance regarding compensability of the COVID-19, it does have a [Disaster & Pandemic Preparedness webpage](#) that offers general prevention guidelines for employers during this time.