



COVID-19 and Workers' Compensation

What if an employee is exposed to COVID-19?

It is unlikely that the Virginia Workers' Compensation Act will cover workers who contract the Coronavirus (COVID-19), except possibly those workers who get the virus as a natural consequence of their jobs, such as emergency responders.

Exposure to COVID-19, including a quarantine, is similar to exposure to other illnesses such as the flu in that exposure does not constitute an injury and the employee has not been diagnosed with a disease.

Simply stated, an evaluation of compensability begins with a diagnosis (not merely a potential exposure); then an investigation can ensue to determine if contraction of the virus is related to a work event. The investigation will hinge on whether the worker experienced a work-related exposure.

As noted above, workers such as first responders are at a greater risk than the ordinary public and may be able to identify exactly when they were exposed. Ironically, the more widespread the outbreak, the less likely a specific time, place and event can be established for a single exposure.

Other employees, such as those who primarily work in an office or classroom, will have a more difficult time demonstrating their jobs put them at a materially greater risk than the ordinary public. As employees go to public places like the grocery store, pharmacy, etc. chances increase that employees could be exposed during their time away from work.

A workers' compensation investigation for benefits will ask those types of questions. An additional factor is the incubation period of up to 14 days, which will make it more difficult for anyone to identify exactly where they were during the 14 days.

If you have an employee who is diagnosed with the virus and they feel the exposure arose out of their employment, submit the claim as you normally would. We will conduct our investigation into the claim and provide a timely decision.