

Webinar on

Workers' Compensation and Covid-19; The Health Issues Connected to Infections From The Workplace

Learning Objectives

How Workers' Compensation benefits are determined

Eligibility standards for Workers' Compensation benefits

What are the states doing/saying about eligibility

How to determine if your employees may be eligible

How to protect yourself from fraudulent claims

This webinar creates some uncertainty about future payroll levels and overall claim frequency for WC, as both have been impacted by previous economic downturns.

PRESENTED BY:

Dr. Chartier is the Principal of HRinfo4u, a human resource consulting firm, and a well-known educator and speaker. As a consultant, he works with organizations to improve the effectiveness and efficiency of their human resource function. He has worked extensively in designing, developing and implementing human resource programs, procedures, and systems for smaller and mid-size firms up and down the Hudson Valley.

On-Demand Webinar

Duration : 75 Minutes

Price: \$200

Webinar Description

Is coronavirus compensable under WC? The answer to that question is “maybe.” While WC laws provide compensation for “occupational diseases” that arise out of and in the course of employment, many state statutes exclude “ordinary diseases of life” (e.g., the common cold or flu). There are occupational groups that arguably would have a higher probability of exposure such as healthcare workers. However, even in those cases, there may be uncertainty as to whether the disease is compensable. Would time away from work during recovery be considered “temporary disability” or is it just normal “sick time”? While these questions linger, several states have taken steps to address compensability for WC.

It remains to be seen if other states will take the same measures relative to WC. However, for general health insurance, at least 10 states have issued mandates for coverage of coronavirus. The mandates vary by state, but they include coverage for testing and visits to emergency rooms or urgent care facilities either in-network or out-of-network without deductibles or copays. These measures, if expanded to more states, could have the impact of limiting claim activity in the WC market in those cases where only testing or quarantine is necessary.



With a focus on worker safety, employers have begun to implement a number of policies related to coronavirus. These include limiting nonessential travel, maximizing telecommuting options, and being flexible on sick leave policies to encourage employees to stay home when they are ill. Some companies have also canceled large in-person industry conferences. The Centers for Disease Control and Prevention has issued its own guidelines related to travel with specific recommendations for the cruise industry.

As a result of these measures, it is reasonable to expect that certain sectors of the economy could begin to see impacts in the near future. The travel and hospitality sectors have been the hardest hit so far. But, over time, other industries could also be impacted depending on how general consumer attitudes and behaviors evolve. This could have a negative impact on employment levels and the general economy, including the possibility of a recession. This creates some uncertainty about future payroll levels and overall claim frequency for WC, as both have been impacted by previous economic downturns.



Who Should Attend ?

Any industry professional will benefit but those in hospitality, retail, health care, and transportation will particularly benefit.

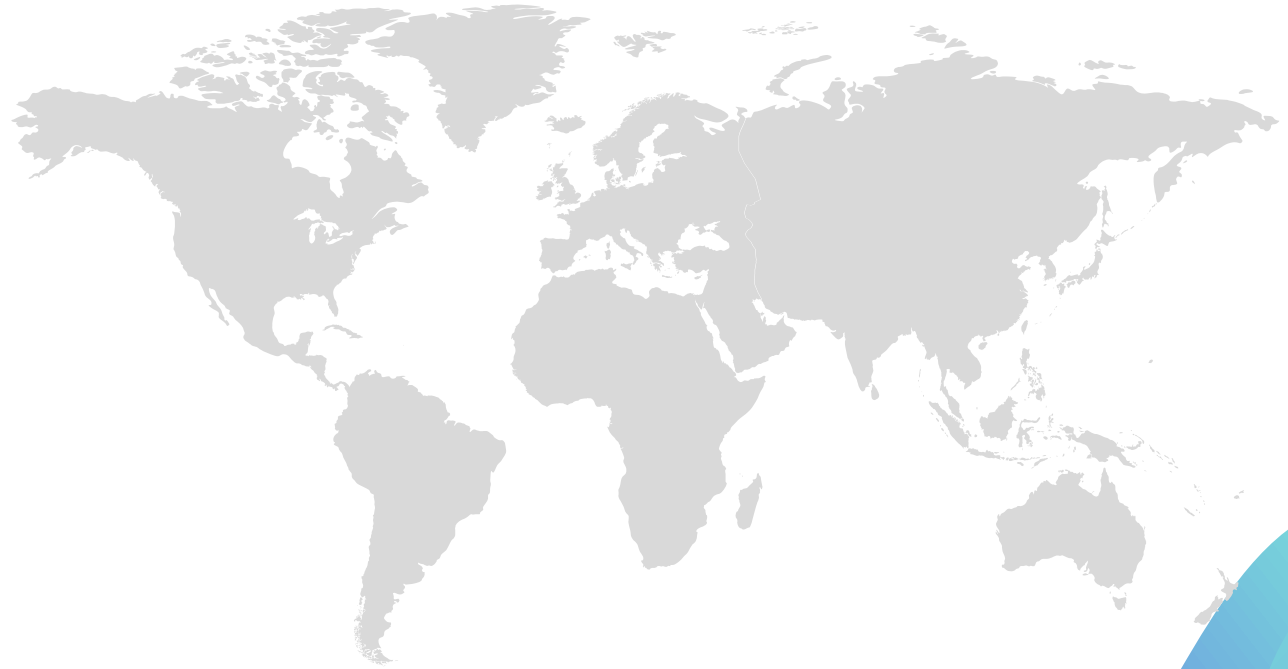


Why Should You Attend ?

Workers' compensation generally covers diseases that employees' contracts because of their work—or in legal jargon, occupational diseases “arising out of and in the course of employment.” Although common infectious diseases like the flu aren't considered occupational illnesses, COVID-19 might be treated differently in some cases.

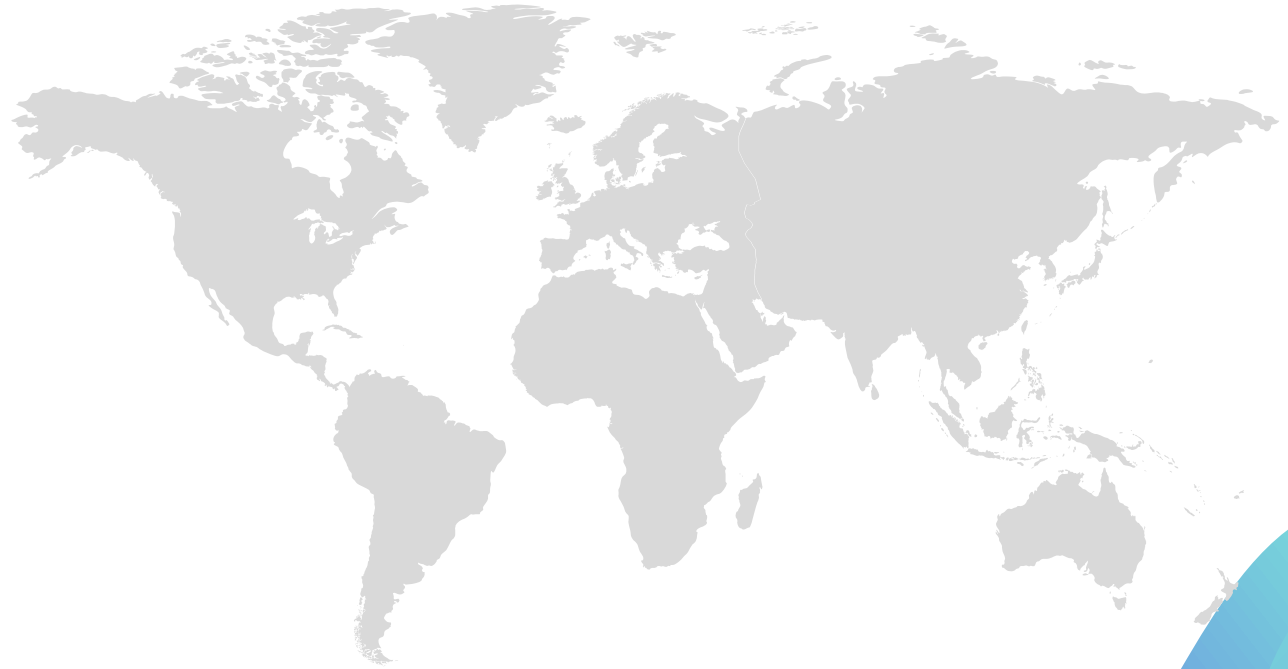
Specific eligibility requirements for occupational diseases vary from state to state, but you typically need to demonstrate that:

- The particular nature of your job caused your illness or put you at a higher risk of exposure to the virus than the general public, and*
- You contracted the illness as a result of a specific exposure that happened while you were doing your job.*
- When an infectious disease becomes widespread in the community, as in the case of the coronavirus pandemic, it can be particularly difficult to meet both of those requirements.*

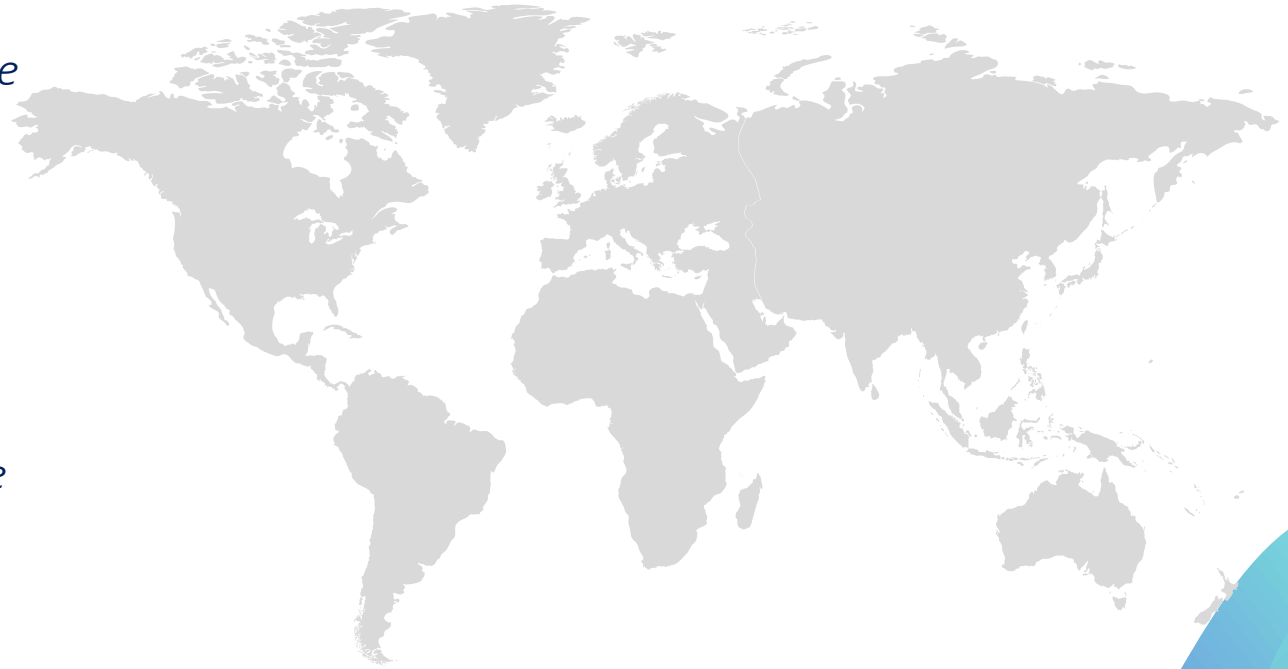


Clearly, first responders and healthcare workers face a particular danger of being exposed to COVID-19, especially in the midst of a pandemic and shortages of proper protective equipment. But workers in other occupations—like high-volume retail or airport screeners—might also be able to show that the nature of their work puts them at higher risk than the general population.

Many states give special protection to first responders (including police officers, firefighters, and emergency medical technicians) by presuming that they'll get workers' comp benefits when they come down with certain illnesses. When the presumption applies, it's up to the employer or its insurance company to prove that the illness was caused by something unrelated to work. This presumption typically applies to specific occupational diseases listed in the statutes. But there's also usually a "catch-all" provision that applies the presumption for any occupational disease when the requirements discussed above are met (special risk plus documented exposure).

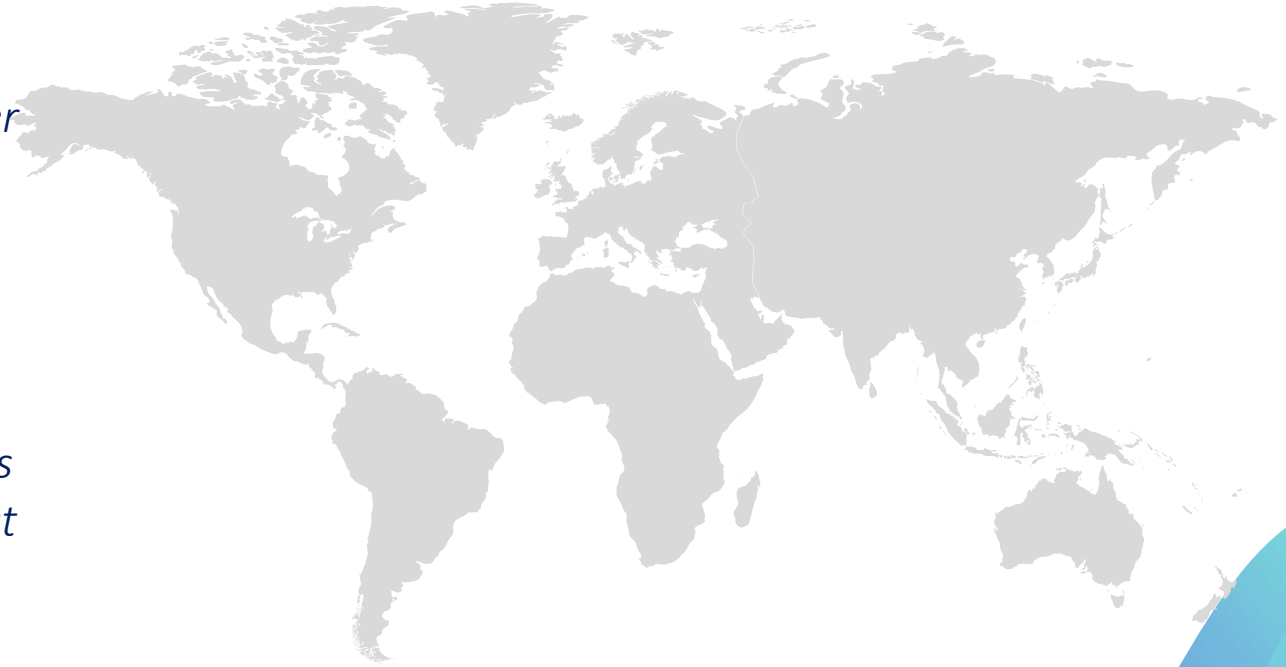


The question that employers will need to answer is “What if your employee believes that they were exposed to the coronavirus because of dangerous conditions at your workplace rather than the nature of your occupation? For instance, a shipping/delivery company that hasn’t provided proper cleaning of equipment, training, or social distancing measures for employees. Can that worker get workers’ comp benefits if they contracted COVID-19 after being exposed to an infected coworker? This webinar will examine those issues and provide clear direction to employers to prepare for the inevitable claims to come.



Topic Background

The COVID-19 virus (coronavirus) is the latest in a series of infectious diseases that have emerged over the last 20 years. Since 2003, the world has seen the emergence of SARS, H1N1, Ebola, and Zika viruses. While the overall impact of each disease has been well documented, you would be hard-pressed to find meaningful information on how or even if the workers' compensation (WC) system was affected. However, in the two months, since the first US case of coronavirus was confirmed in Washington state, there has already been an impact on the WC environment and there may be more to come. So, what are the potential implications of coronavirus for WC? This webinar will focus on two important aspects: compensability and economic impact.



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