



PEARSON KOUTCHER LAW

We have received many calls and know that you are concerned and have questions regarding workers' compensation and we want to help you through them. So, we put together a list of general questions and answers we hope will help you better understand the affects that COVID-19 has under the Pennsylvania workers' compensation system. If your question is not answered here or if you have a specific concern please contact Eric at 484-368-7857 / eric@pearsonkoutcherlaw.com or Jon at 484-368-7859 / jon@pearsonkoutcherlaw.com.

Stay safe and healthy,

Eric and Jon

Disclaimer: If you believe you have been exposed to Coronavirus (COVID-19) you should follow the self-quarantining and medical treatment guidelines provided by the CDC (<https://www.cdc.gov/quarantine/quarantineisolation.html>).

FAQs

Q: Am I entitled to worker's compensation in Pennsylvania if I am exposed to Coronavirus (COVID-19) at work?

A: Yes. While there are important reporting requirements, a worker who contracts COVID-19 at work in Pennsylvania may file a claim as an "injury-at-work" claim, which is a typical hurt on the job claim and requires you to provide medical proof that you were exposed to COVID-19 in your workplace. This is the type of evidence that all work injury claims require. Or, you may file an "occupational disease" claim, which would require evidence showing that your exposure to COVID-19 is occurring more in your industry or occupation than in the general population such as nurses and medical professions, utility workers, grocery store and retail employees, police officers, firefighters, first responders, truck drivers, and sanitation workers.

Q: What if I am forced to quarantine and/or undergo testing for a possible exposure to the virus?

A: You may be entitled to workers' compensation benefits even if your test results are negative. Pennsylvania Courts have held that persons exposed to a serious risk of contracting a disease at work, which is commonly known to be highly contagious and potentially deadly, have been deemed "injured" to receive compensation under workers' compensation laws in Pennsylvania. Please remember that we recommend providing notice to your supervisor even when your test results are negative.

Q: How do I report my illness to my employer?

A: Properly reporting a potential virus exposure to your employer is essential to a successful claim. Immediately contact your supervisor. We recommend doing so by text to limit the spread of the virus and to be able to provide proof that you gave notice as to your belief that you were exposed to the virus at work and any symptoms you are having. You must specify that you believe you were exposed to the virus at work. DO NOT allow your supervisor to convince you that you were exposed outside of work if you do not believe that to be the case. Exposures outside of work are not compensable by workers' comp.

Q: Do I need to see a company doctor if I believe I was exposed to COVID-19 at work?

A: Maybe. Whether you are legally required to see the workers' compensation doctor provided by your employer depends on if your employer maintains a panel physician list. You should ask if your employer has such a list and, if they do, ask that it is provided to you immediately. If they do not have a list, you are free to get tested and treat wherever you would like. Explaining to any healthcare professionals you speak to or are examined by that you believe you were exposed to the virus at work is vital to not only containing the spread of the virus but also to establish that your illness is work-related.

Q: What if I am laid off while out of work for a work injury or while working light duty?

A: While layoffs for COVID-19 have not been litigated before the courts to date, it is our opinion that it is likely the employers will be required to continue your workers' compensation benefits or reestablish your wage loss payments until you are found to be fully recovered.

Q: What if I am injured while working from home?

A: Work injuries that occur while working from home are likely to be compensable. This could be true even if you are not performing a regular job duty. The courts are still accepting new claims for work injuries unrelated to COVID-19.

Q: I am currently receiving workers' compensation benefits due to an accepted work injury, can those benefits stop during the COVID-19 outbreak?

A: No. Neither your wage-loss benefits nor your medical benefits can be stopped or changed solely because of the COVID-19 pandemic. Your benefits have to be challenged the same way before the virus outbreak.

WORKERS' COMP. IT'S ALL WE DO.