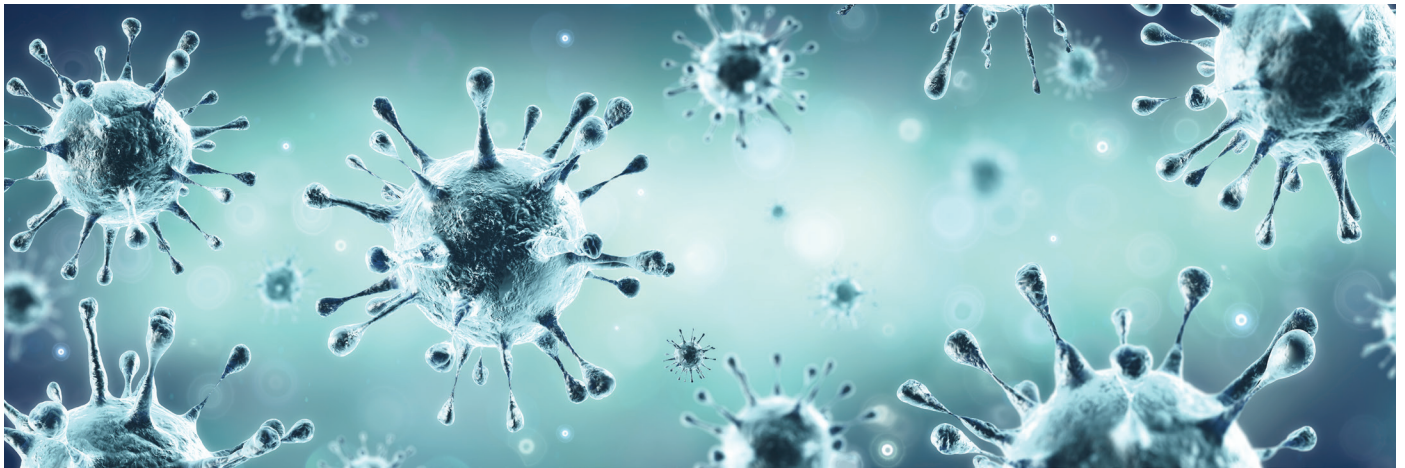


COVID-19 (CORONAVIRUS)

BULLETIN



We at MEMIC understand everyone is concerned about the spread of, and potential infection by, the COVID-19 virus (coronavirus); and what that means from a workers' compensation perspective. At MEMIC, we will thoroughly investigate any claims arising out of an alleged exposure to coronavirus, in accordance with our guidelines regarding the investigation of exposure and/or pathogen claims. Once a complete investigation is done, compensability of the claim will be determined by the facts, and applicable jurisdictional law.

It is important to note that the basic workers' compensation legal principles of 'arising out of the employment (AOE)' and "occurring within the course and scope of employment (COE)"; will apply to these claims. For exposure claims such as these, the test is "the nature of the work must put an employee at 'greater risk' than the general public as a whole". Here are two examples pertinent to viral exposure:

- ▶ A construction worker, working at a site, is "exposed" to the virus because they shook hands with a co-worker who was later found to be infected. In this case, the claim would not be "work related (AOE/COE)", as the construction worker was not placed at greater risk than the public as a whole, due to his job duties on the construction site.
- ▶ A nurse at a health care facility is exposed to the virus while drawing blood from an infected patient. In this case the claim may be compensable as the worker's duties as a nurse have exposed her to "greater risk than the public as a whole".



In addition, employers ought to be reviewing their illness and absence policies to ensure compliance with state and federal laws as well as referring to the U.S. Centers for Disease Control and Prevention for prudent loss control measures.

www.cdc.gov/coronavirus/2019-ncov/index.html

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