

## **WORKERS' COMP: Working From Home Information**

Many employees are now working from home due to the COVID-19 virus. This working situation is new for many businesses, and the employer has very little control over the working environment for the employee. Below you find a few bullet points addressing some Workers' Compensation questions from employers.

1. Employers generally have no ability to control the work environment of the employees working remotely from their homes. You can encourage your employees to make sure they have a safe work environment and to work safely.

Remember: Workers' Compensation is a "no fault" system. The fact an employee fell due to their own hazardous housekeeping is not a defense. The worker only needs to assert that he/she was performing their job duties at the time of the injury.

2. Ergonomics: Since this is COVID-19 suspension is supposed to be temporary we are unaware of any employer being required to do an ergonomic evaluation for any/every employee's home situation. If you have special needs individuals that would probably be different.


3. If an employee reports a work related injury (or illness) while working at home, the employer is obligated to report it to the WC Carrier, same as always.

If you question an injury or illness you should ask for a full and complete investigation at the time you report the claim. This will usually result in a 90 day hold on the employee's claim for benefits during which time they are eligible for up to \$10,000 in WC medical care while the claim is investigated. You can also question the employee about the time, circumstances, and what duty they were performing when it occurred.

4. No illnesses, like COVID-19, the flu etc, are likely to be work related given they are working at home (unless they can prove they were specifically exposed by a known carrier and the onset of the employee's symptoms is within the normal time frame).

Any employee must be able to prove their exposure arose from their employment and not from any other source (like family members or friends). If they went somewhere socially they would be in an especially difficult situation.

5. On the positive side, people have been working remotely for many years. It is not new but it is massively greater now and involves many new and inexperienced remote employees.

Information provided by:  **GARLAND  
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