

## WHAT IS CORONAVIRUS?

According to the Centers for Disease Control and Prevention (CDC), coronavirus is a family of viruses that cause illnesses ranging from the common cold to more severe diseases. Common signs of infection

# COVID-19 (CORONAVIRUS)

## WHAT YOU NEED TO KNOW



## PROTECTING EMPLOYEES

As concerns about the COVID-19 continue to rise, many employers are left to wonder what they can do to protect their workforce. This document will examine what coronavirus is, how it spreads, and what employers can do.



include headache, fever, cough, sore throat, runny nose and breathing difficulties. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and even death. Individuals who are elderly or pregnant, and anyone with pre-existing medical conditions are at the greatest risk of becoming seriously ill from coronaviruses. **Symptoms may appear 2 – 14 days after exposure.**

## HOW DOES IT SPREAD?

COVID-19 can spread between people through their respiratory secretions, especially through coughing or sneezing. According to the CDC, the spread from person-to-person most likely occurs with close contact with someone who is within about 6 feet of each other. It's unclear at this time if a person can get sick by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes.

## STEPS TO PREVENT THE ILLNESS

*The best way to prevent illness is to avoid being exposed to this virus.*

**Sick Employees Should Stay Home.** Employees who have symptoms of acute respiratory illness should notify their supervisor and not come to work until they are free of signs of a fever and any other symptoms of COVID-19 for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines. Employees who appear to have symptoms upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately.

Employers should educate employees on the signs and symptoms of COVID-19 and the precautions that can be taken to minimize the risk of contracting the virus, without causing panic.

**Personal Hygiene.** Instruct employees to wash or sanitize their hands frequently with an alcohol-based hand sanitizer that contains at least 60% alcohol or wash their hands with soap and water for at least 20 seconds. Avoid touching of the eyes, nose, and mouth. Cover your cough/sneeze with a tissue, then throw the tissue in the trash.

For those with a higher risk to exposure (i.e. police, fire, paramedics), provide supplies that reduce the likelihood of infection (i.e. hand sanitizers, face masks, gloves).

**Cleaning of the Work Environment.** Employers should routinely clean and sanitize all frequently touched surfaces in the workplace, such as workstations, countertops and doorknobs. Increase the cleaning and sanitization of heavy traffic areas (i.e. lobbies, revolving doors, common areas).

Consider positioning hand sanitizing stations in the common areas of your building(s).

Consider postponing or canceling any social events or large gatherings of people.

**Social Distancing.** Encourage social distancing by maintaining a distance of 6 feet between employees and others. Review options to modify face-to-face contact and increase distance between persons in the workplace (e.g. telecommuting, staggered shifts, distanced seating in meetings, and office layout changes). Discourage hand shaking or other direct contact. Implement travel guidelines for approving travel and consider limiting or eliminating non-essential travel.

Appoint a single individual or department as the point of contact within your organization for employee questions about COVID-19.

Review safety programs and emergency action plans to ensure that they include infectious-disease protocols.



## WILL CORONAVIRUS CASES BE CONSIDERED COMPENSABLE AND COVERED BY THE ILLINOIS WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES ACTS?

The Illinois Workers' Compensation and Occupational Diseases Acts are statutes that create a system of benefits for employees that suffer work-related injuries. In order for an injury to be compensable, an employee must have suffered an accident/exposure which arose out of and in the course of his employment. Under Illinois law, it is insufficient for an employee to prove that his accident simply occurred at work. In addition, an employee must prove that the accident was the result of a risk inherent in the workplace. The accident at work is not compensable if the risk of injury is common to the general public.

The Illinois Occupational Disease Act states, "The term "occupational disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public."

The question is whether the Coronavirus disease if contracted by an employee would be compensable under the Illinois Workers' Compensation and Occupational Diseases Acts. The Coronavirus disease (COVID-19) was first detected in Wuhan, China in December 2019. It is a viral disease that causes a respiratory illness. It is contagious via human to human contact. Therefore, this is not an exposure peculiar to an employer or an employer's workplace. This is a worldwide health condition/crisis which affects potentially all members of the general public. This exposure is therefore not unique or specific to any particular employer.

Therefore, as a general rule, we would not expect cases involving the Coronavirus to be compensable in Illinois. There could be exceptions to this general rule. Traveling employees who are sent to areas of high exposure to the virus could prove a compensable workers' compensation claim.

Further, we would anticipate compensable claims involving health care workers in the event they face direct exposure and/or greater exposure to patients with the disease than members of the general public.

However, strict proof of an actual increased risk will be required.

The more difficult questions will be whether employees who regularly deal with general public will be considered at greater risk than employees who do not generally interact with the general public. It is possible that those employees could be covered under workers' compensation but it is highly unlikely. Strict proof would be required. Illinois courts have been reluctant to grant compensability in cases like these and there is nothing in the Illinois statute nor Illinois case law which would encourage either the Commission or Courts to grant compensation except in cases of clear increased risk.

Cases involving the Coronavirus would more likely appear to be personal conditions and not work related. Neither Illinois statutes nor Illinois case law would tend to favor a finding of compensability in these types of cases absent special circumstances or direct proof.

The Illinois Workers' Compensation and Occupational Diseases Acts contains a rebuttable presumption of compensability in favor of firefighters, emergency medical technicians and paramedics for certain conditions of ill-being.

In Section 6(f) of the Workers' Compensation Act, it provides in essence that any condition or impairment of the health of an employee employed as a firefighter, EMT or paramedic which results directly or indirectly from any blood born pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis or cancer resulting in any disability to the employee shall be rebuttably presumed to arise out of and in the course of the employee's work duties.

This only applies to employees on the job for more than five years.

This section of the Act may create different potential liability for employers of firefighters, EMTs and paramedics. Arguably, a Coronavirus infection would be considered to be a respiratory disease or condition for which a rebuttable presumption would be created.

**It is important to reiterate that Illinois is not a positional risk state.** The positional risk doctrine is a principle which holds that an injury arises out of employment if the injured worker's employment required the worker to be at the place where the injury occurred at the time it occurred.

In order for a claim to be compensable in Illinois, an employee must show a risk inherent in the employment rather than simply an injury while at work. Certainly, cases involving viral conditions which are spread worldwide would not be generally considered unique to the employment in Illinois.

Employers are encouraged to protect their employees and prevent the spread of the disease. Employers should regularly consult the CDC website for updated information and recommendations. See [www.cdc.gov/coronavirus/2019-nCoV](http://www.cdc.gov/coronavirus/2019-nCoV).

# COVID-19(CORONAVIRUS) AVAILABE RESOURCES

## Primary U.S. government sources for information

Centers for Disease Control and Prevention: [www.cdc.gov](http://www.cdc.gov)

Illinois Department of Public Health: [www.idph.state.il.us](http://www.idph.state.il.us)

OSHA: [www.osha.gov](http://www.osha.gov)

### Guidance for all Members

- [www.osha.gov/SLTC/covid-19/](http://www.osha.gov/SLTC/covid-19/)
- [www.cdc.gov/coronavirus/2019-ncov/community/](http://www.cdc.gov/coronavirus/2019-ncov/community/)
- [www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html](http://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html)
- [www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html](http://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html)
- [www.cdc.gov/coronavirus/2019-ncov/php/water.html](http://www.cdc.gov/coronavirus/2019-ncov/php/water.html)
- Handouts/Posters:  
[www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html](http://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html)
- CDC Email Updates:  
[tools.cdc.gov/campaignproxyservice/subscriptions.aspx?topic\\_id=USCDC\\_2067](http://tools.cdc.gov/campaignproxyservice/subscriptions.aspx?topic_id=USCDC_2067)

### Guidance for Law Enforcement and First Responders

- [www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-for-ems.html](http://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-for-ems.html)
- [www.ems.gov/pdf/ASPR-EMS-Infectious-Disease-Playbook-June-2017.pdf](http://www.ems.gov/pdf/ASPR-EMS-Infectious-Disease-Playbook-June-2017.pdf)
- [www.cdc.gov/coronavirus/2019-ncov/community/guidance-law-enforcement.html](http://www.cdc.gov/coronavirus/2019-ncov/community/guidance-law-enforcement.html)

### CDC Guidelines for Schools

- [www.cdc.gov/coronavirus/2019-ncov/downloads/workplace-school-and-home-guidance.pdf](http://www.cdc.gov/coronavirus/2019-ncov/downloads/workplace-school-and-home-guidance.pdf)
- K-12 Schools and Childcare Programs.  
[www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare](http://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare)
- Institutes of Higher Education:  
[www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities](http://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities)

**IPRF CLAIMS  
CONTACT FOR  
COVID-19**

If you have questions or concerns about workers' compensation claims related to COVID-19, please contact IPRF's Senior Claims Manager, Julie Draves, at (630) 649-6071 or by email at [jdraves@iprf.com](mailto:jdraves@iprf.com). Julie is IPRF's primary contact for reported cases.