

## COVID-19 Workplace Illness and Death Claims

Alert

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Another Concern for Employers as Businesses Resume Operations

Workers' compensation normally provides the exclusive remedy for employee injuries and occupational diseases that arise in the course and scope of employment. When an employee gets hurt at work, the employer doesn't have to worry about defending a claim that it was negligent in allowing the injury to occur. That is because in workers' compensation, the worker does not have to prove that his employer was at fault to receive benefits. Similarly, when an employee contracts an occupational disease due to the conditions of work performed, the employee can typically only receive workers' compensation benefits, and cannot recover other damages from his employer, such as pain and suffering. And when an employee contracts a cold or flu bug from a co-worker, employers are not normally concerned about liability for such illness, as they are "ordinary diseases of life" which are not covered by workers' compensation in most jurisdictions.

But these are not "normal" times, and COVID-19 is a disease that is straddling the bounds between occupational diseases and ordinary diseases of life, as certain types of employment involve higher risk of COVID-19 infection. Employers should anticipate the possibility that workers may file workers' compensation claims as well as lawsuits alleging negligence and other theories of liability outside the workers' compensation arena for COVID-19 infections. The filing of such lawsuits has already begun.

[Read the full article.](#)

For more information on COVID-19 workplace illness and death claims, please contact [Christina Arnone](#), [Brittany Barrientos](#), [Alisa Nickel Ehrlich](#), [Scott Hecht](#), [Stephanie Scheck](#) or the Stinson LLP contact with whom you regularly work.

### CONTACTS

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