

# Coronavirus and workers' compensation

## What employers need to know

posted March 11, 2020

Businesses across Oregon are preparing for how the coronavirus/COVID-19 could impact their communities and workplaces. Here is some important information about the virus as it relates to workers' compensation and the workplace.

### **Employers should be prepared to follow guidance from reputable health organizations and address safety and health concerns.**

Employers are encouraged to follow guidelines from [Oregon Health Authority](#), [Centers for Disease Control](#), and [World Health Organization](#), and to check these resources regularly since the situation is changing daily. The [Preventing COVID-19 Spread in Communities](#) section of the CDC site is particularly helpful because it provides specific guidance for home and work. In addition, the federal [Occupational Safety and Health Administration COVID-19 topic page](#) has resources for employers.

### **Regarding workers' compensation claims involving exposure to the coronavirus, SAIF's decisions are made on a fact-specific claim-by-claim basis.**

Claims should only be filed when employees believe they contracted COVID-19 on the job. It is not necessary that an employer have all employees who are diagnosed with COVID-19 complete an 801 form.

A coronavirus diagnosis is not necessarily work-related or a default workers' compensation claim. An employee should only file a claim when they are seeking treatment or medical advice for a condition the employee believes resulted from work exposure.

### **A COVID-19 diagnosis may be a compensable work injury. To establish a compensable claim, an employee would need to prove that the COVID-19 is work-related.**

Under Oregon's workers' compensation law, the burden of proof is on the employee to show that, more likely than not, the employee contracted the coronavirus while working or traveling for work. As the coronavirus becomes more widespread in the community, this may be difficult to prove and would likely require an expert medical opinion.

## **If an employer shuts down its operations temporarily due to COVID-19 concerns, employees should not necessarily file claims for time loss.**

If the employer shuts down the company or suggests that employees be tested, that does not necessarily mean claims should be filed or that interim time loss or diagnostic testing will be paid. If a medical provider recommends testing or quarantine for a specific individual and ties that recommendation to a confirmed or suspected work exposure, then a claim should be filed.

## **Diagnostic testing for COVID-19 may be paid through workers' compensation in suspected work-related COVID-19 cases.**

Diagnostic testing may be compensable if there is confirmed or suspected work exposure to the coronavirus, and a doctor recommends diagnostic testing to determine whether the employee carries the coronavirus or has developed COVID-19.

## **Time loss associated with quarantine may be paid in work-related COVID-19 cases.**

If SAIF accepts a claim for COVID-19, or for diagnostic testing for coronavirus, and the worker is quarantined by the worker's health care provider or the CDC, time loss may be owed to the worker. If an employee with an accepted claim for exposure is otherwise healthy and has an agreement with the employer to work remotely and is earning full wages, SAIF will not pay time loss.

## **Having employees work from home will not necessarily require changes to your workers' compensation.**

The impact of telecommuting on workers' compensation for your employees depends on their class codes and the employees' duties. If the employee is normally a clerical employee at the employer's location (8810), they would have the same class code when performing clerical duties at a home office.

If the employee is not normally a clerical employee, but they are going to temporarily work from home in a clerical capacity, you would be able to apply some wages to a clerical class code if the employee maintains [verifiable time records](#). If they are performing work other than clerical duties, it would be unlikely that a different class code would apply. If you have a specific situation and want guidance, please contact SAIF or your agent.

## **We're here to help.**

Please don't hesitate to reach out to your SAIF contacts or call our general number at 800.285.8525 for more information.

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