



Joseph J. Pass
Edward H. Walter
James A. Welker
Joseph Santino Pass*
Steven E. Winslow
Patrick K. Lemon
Justin T. Romano**

Ben Paul Jubelirer (1904–1983)
Frank P. G. Intrieri (1942–1976)

*also admitted in Ohio
**also admitted in West Virginia

of counsel
Neal R. Cramer
Joseph M. Burns**

**licensed in Illinois

ALLEGHENY COUNTY LABOR COUNCIL REPORT OF LEGAL COUNSEL November 4, 2021

DOES PENNSYLVANIA WORKERS' COMPENSATION COVER COVID-19

If you have been diagnosed with COVID-19 because you were exposed at work, you are probably wondering whether you are entitled to workers' compensation benefits. The coronavirus affects each person differently and may cause minor symptoms in some and life threatening illness in others. If your condition is severe and has caused you to missed work and incur medical expenses, workers' compensation may provide the essential support you need.

While every case is different and it's best to get legal advice regarding your unique situation, workers' compensation covers all work related injuries and illnesses including the coronavirus.

IS COVID CONSIDERED A WORK RELATED INJURY?

According to the Pennsylvania Workers' Compensation Act, an illness caused by workplace exposure may be considered an injury or an occupational disease. Whether your condition is considered an injury or disease may depend on the nature of your work and how you are exposed. Regardless, if you contracted COVID-19 due to an exposure at the workplace or in association with your job duties, it is considered work related and should be covered by workers' compensation.

WHEN SHOULD I TELL MY EMPLOYER ABOUT A WORK RELATED COVID DIAGNOSIS?



As with all potential work related injuries or illnesses, you should tell your supervisor or manager about COVID exposure or a positive diagnosis as soon as possible. In Pennsylvania, you have twenty-one (21) days to report a workplace injury or illness to your employer. If you do not report in time, this could affect your eligibility for full workers' compensation coverage.

After a worker reports their COVID-19 illness as a work related injury, employers must report it to their workers' compensation insurance company. At that point, the insurer has twenty-one (21) days to accept or deny the claim.

WHAT BENEFITS WILL I RECEIVE?

If your COVID workers' compensation claim is approved you may receive:

- Up to 2/3 of your average weekly wage for time missed from work; and
- 100% of your coronavirus-related medical expenses

Coverage is provided for as long as you are out of work and/or require medical care.

CAN I BRING A LAWSUIT AGAINST MY EMPLOYER AFTER CONTRACTING COVID-19?

The purpose of the PA workers' compensation system is to offer employees a way to obtain financial support and medical care for work related injuries and illnesses without having to prove that their employers are to blame. Workers' compensation benefits are provided on a no-fault basis, and employers are protected from litigation for on the job injuries.

WHAT IF MY COVID-19 WORKERS' COMPENSATION CASE IS DENIED?

Ultimately, the insurance company will decide whether to approve or deny your claim. If your claim is denied by the insurance company, call our office and ask to speak with a workers' compensation attorney.

Respectfully Submitted,

James A. Welker, Esquire