

Steps to Take to Prepare for COVID-19 Claims NOW

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Over the past few months, COVID-19 workers' compensation claims and third-party lawsuits have been popping up around the country. Most recently – in Illinois – the family of a woman who died of complications related to COVID-19 brought suit against the meat packing plant where her husband worked and allegedly contracted COVID-19. The family is alleging the company failed to take proper steps to respond to the spread of the virus, allowing the husband to contract the virus and transmit it to his wife at home.

As a business, it is important to protect your employees from COVID-19 and to prepare for potential COVID-19 claims. The checklist below outlines the steps businesses should be taking now to protect their employees from COVID and themselves from COVID-19 claims:

1. Stay current on all CDC, OSHA, and local COVID guidance and best practices;
2. Prepare a COVID-19 plan and incorporate the current CDC, OSHA, and local guidance into the plan;
3. Train employees on the plan and inform them of the new policies and procedures;
4. Display the plan and/or signage throughout your business for employees, guests, and others;
5. Reinforce the plan and the policies outlined whenever possible (company emails, announcements, meetings);
6. Document all the steps taken to protect against COVID-19 and its spread;
7. Investigate all employee COVID-19 cases to try and identify how the employee contracted COVID-19 (see our questionnaire); and
8. Review insurance policies with your attorney and broker to see if you have coverage for potential third-party COVID-19 claims.

While completing these steps may not prevent a COVID-19 case or claim, it will reduce the likelihood of both, and if a claim is ever brought, you will be in a good position to defend against it.

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