

Ohio Workers' Compensation/COVID-19 Update

By: Megan Roach on March 26, 2020 on graydon.law

In the midst of all the other COVID-19 news, here's a quick update on several points of interest for Ohio employers regarding their workers' compensation obligations:

- Deferral of premium payments. The Ohio Bureau of Workers' Compensation has announced that insurance premium installment payments due for March, April and May for the current policy year may be deferred until June 1, 2020, at which time the matter will be reconsidered. This is for public and private employers. BWC will not lapse (cancel) coverage or assess penalties for amounts not paid because of the coronavirus (COVID-19) pandemic.
- Compensability of COVID-19 as a valid workers' compensation claim. We've received questions from clients about whether employees can file workers' compensation claims for COVID-19. While anyone can file a claim at any time, it will be a challenge for most employees to establish a valid workers' compensation claim for COVID-19. In order to be successful, an employee would need to prove they:
 - contracted the disease in the course of their employment;
 - that the disease, by its causes and the characteristics of its manifestation, or the condition of the employment, results in a hazard which distinguishes the employment in character from employment generally; and
 - the employment creates a risk of contracting the disease in greater degree and in a different manner from the public in general.

Thus, communicable diseases like COVID-19 are not typically workers' compensation claims because people can be exposed in a variety of ways, most of which are not specific to their employment. However, health care workers, first responders, and others whose jobs present a special hazard or greater risk of contracting COVID-19 may be able to establish a compensable claim. These will be fact-specific inquiries.

BWC issued a FAQs sheet with its responses to Frequently Asked Questions about COVID-19 on March 21, which can be found [here](#).

Industrial Commission Hearings. The Industrial Commission began conducting telephone hearings last week for certain issues only: permanent total disability, temporary total

disability or the termination of temporary total disability, wage loss, allowance and additional allowance. Assumedly, hearings on all other issues are suspended. The Industrial Commission is continuing to evaluate the hearing process and updates can be found on its [website](#).