



Dear IRMA Claims Coordinators,

Some IRMA members have asked whether an employee's exposure to the coronavirus will be considered work related and compensable under the Illinois Workers' Compensation Act. The question of whether such an exposure is work-related depends on whether the employee is at a greater risk than the general public. In order for an injury to be compensable, an employee must have suffered an accident/exposure which arose out of and in the course of his employment. Under Illinois law, it is insufficient for an employee to prove that his accident simply occurred at work for the case to be found compensable. In addition, an employee must prove that the accident was the result of a risk inherent in the workplace. The accident at work is generally not compensable if the risk of injury is common to the general public.

The Coronavirus disease (COVID-19) was first detected in Wuhan, China in December 2019. It is contagious via human to human contact. Therefore, this is not an exposure peculiar to an employer or an employer's workplace. This is a worldwide health condition/crisis which affects potentially all members of the general public. This exposure is therefore not unique or specific to any particular employer. Therefore, as a general rule, we would not expect cases involving the Coronavirus to be compensable in Illinois.

However, first responders who respond to a call where they are exposed are likely at a greater risk than the general public and their exposure is likely to be considered workers' compensation. The question is whether they face direct exposure and/or greater exposure to patients with the disease than members of the general public. We will assess each claim individually as we receive them.

Please feel free to reach out to me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Margo Ely", with a long, sweeping horizontal line extending to the right.

Margo Ely
Executive Director
margoe@irmaisk.org
(708) 236-6333