WORKERS’ COMPENSATION LIABILITY FOR INFECTIOUS DISEASES IN THE NEW ENGLAND STATES

We have recently received questions from many employers and insurers regarding how to handle claims involving coronavirus/COVID-19.

The analysis of compensability for infectious disease differs between each state.

Such claims require close investigation of the actual exposure to the virus and the nature of the particular employment, as well as legal analysis of complex causation standards.

All claims involving COVID-19 should be assessed on a case-by-case basis and our attorneys are ready to assist you with any questions concerning compensability.

Vermont

Vermont is a “positional-risk” doctrine jurisdiction. The positional risk doctrine holds that an injury is compensable if it would not have occurred but for the fact that the employment placed the employee in the position where he/she was injured. Thus, if the injury occurred at work, it is generally accepted as work-related, regardless of the risk to the general public. This doctrine is certainly a lower standard than some of the other jurisdictions; however, in cases of infectious diseases, an employee is still required to prove how and when they were infected.