

Updated March 19, 2020 4:00 p.m.

## Montana Workers' Compensation Coverage COVID-19 Frequently Asked Questions

⑩ Is COVID-19 covered by the Montana Workers' Compensation Act?

○ In Montana, workers' compensation probably does not cover most workers who might

become infected by COVID-19. The exception would likely be for health care and emergency medical services (EMS) workers who would be placed in a higher risk of exposure through their covered employment. To be accepted as a workers' compensation claim, a worker would have to demonstrate that their job put them at significantly greater risk for infection than the risk they have already through daily contact and exposure with the population in general.

- Under what circumstances is it likely that a workers' compensation claim for COVID-19 will be denied?
  - When the contraction of COVID-19 is incidental to the workplace or common to all employment (such as an office worker who contracts the condition from a fellow employee), a claim for exposure to and contraction of the disease will likely be denied by the insurer.
- When should I file a claim?

○ Ask yourself these questions:

- ✦ Was there an increased risk or greater likelihood of contracting the condition due to my occupation (such as a first responder or health care worker)?
- ✦ If not for my job, would I have been exposed to the virus or contracted the condition?
- ✦ Can I identify a specific source or event during the performance of work that resulted in exposure to COVID-19 (examples include a first responder or health care worker who has treated a patient with the virus)?

○ If the above criteria are not met, it is probably not necessary to file a workers' compensation claim; however, a claim may still be filed if requested by the worker or employer.

⑩ How can I file a COVID-19 claim? ○ For workers:

- ✦ With your employer, or
- ✦ With your employer's insurer, or
- ✦ With the Employment Relations Division
- ✦ Form located at <http://erd.dli.mt.gov/work-comp-claims/claims-assistance/claims-assistance-forms>
- ✦ By phone: 406-444-6543 ○ For employers:

✦ With their work comp insurer within six days of notification from worker.