SFM The Work Comp Experts® CompTalk
Guiding employers through workers' compensation

Managing claims
Minnesota | Iowa | Nebraska | South Dakota | Wisconsin

Infectious disease

Is it a work-related illness if the employee caught it at work?

Under Minnesota, Wisconsin, Iowa, Nebraska and South Dakota law, not necessarily.

But it's a question that surfaces especially under circumstances of unusual risk. Some years, new types of flu, such as swine flu, bird flu or COVID-19 grow to become public health concerns. Or vaccine shortages raise concerns about higher incidence rates. Or an employer has employees traveling in areas with outbreaks of flu or other infectious diseases.

State law addresses how workers' compensation medical and wage-loss benefits apply when illnesses, including influenza, may be contracted by or passed among workers.

'Ordinary' versus 'occupational'

Many state laws distinguish between "ordinary diseases of life" and "occupational diseases."

"Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable . . . Except where exposure is peculiar to the occupation," Minnesota law says.

Iowa and Nebraska statutes and case law say much the same. Wisconsin and South Dakota laws are silent in this regard.

"Occupational diseases," on the other hand, are covered by workers' compensation. Minnesota law, for example, basically says it is an occupational disease when the person's employment increased the risk of and "proximately caused" the disease. That would apply, for instance, in the case of a firefighter who contracts smoke-caused cancer. One well-known case was the airline flight attendant who came down with the Hong Kong Flu after stopping in that country during a virulent outbreak.

In applying state workers' compensation laws to claims involving illnesses, SFM looks at the facts of each specific case. Some cases may require additional investigation to accurately be identified as an ordinary disease of life or an occupational disease.

Ounce of prevention

An employer's best protection against flu outbreaks is to encourage vaccinations, preach good old-fashioned personal hygiene practices, teach precautions like frequent hand washing, covering coughs and having contagious employees stay home.

For more on disease prevention practices, posters and other resources:
U.S. Centers for Disease Control at www.cdc.gov
State health department websites

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