Does Workers’ Comp Cover the Flu?



Workers’ comp covers employees who suffer work-related illnesses, including illnesses designated as “occupational diseases” under the workers’ comp law. Influenza is *not* one of the “occupational diseases” that are automatically covered. Here’s what we do know about workers’ comp coverage of influenza.

Guidance on Flu Claims

The thinking is that the flu is a “community” disease to which employees are exposed at not only work, but home and while shopping, traveling by mass transit and engaging in other activities in public. Accordingly, pinpointing work as the source of an infectious illness is extremely difficult.

In general, employees who contract the flu would get workers’ comp benefits *only* if they could show that the nature of their employment sufficiently exposed them to sources of infection and that such exposure was what made them sick, e.g., a hospital nurse who catches H1N1 or COVID-19 from patients. By contrast, a store clerk who catches the flu from a customer probably would not qualify for benefits.