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Can an Employer be Liable for an Employee's Spouse Contracting COVID-19?

Short Answer: No, Worker's compensation statutes typically protect an employer from an employee's spouse claiming they contracted COVID-19 from the employer's worksite.

Why?

A spouse's claim would typically fall under Worker's Compensation statutes when the spouse's claim is dependent on the employee's workplace injury (i.e. the employee had to first contract COVID-19 at work before he could return home and infect his wife). Worker's Compensation statutes are typically the exclusive remedy for workplace injuries and, as such, protect employers from civil liability for those injuries. As evidenced in the recent *Kuciemba v. Victory Woodworks* case, courts will not accept implausible theories on how a spouse could potentially have an injury independent of an employee making Worker's Compensation statutes inapplicable. (Note, this decision could be appealed.)

In the event Worker's Compensation does not preclude a spouse's claim, an employer does not have a duty to protect nonemployees (who have never visited the worksite) from contracting a virus from an employee off the worksite. An employer's duty to provide a safe worksite ends when the employee leaves the worksite. Since an employer does not have a duty to protect nonemployees, they cannot be liable for negligence (i.e., failure to screen employees for COVID-19, clean the worksite properly, implement social distancing policies, provide PPE) if a nonemployee contracts COVID-19 from an employee.