



"Employers Must Investigate Whether Coronavirus Infections are Work-Related," SHRM Online

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Kathryn M. Willis

For a June 1, 2020 SHRM Online article addressing investigations for work-related coronavirus infections, Kathryn Willis shed light on strategies to determine whether an infection is work-related.

"Employers cannot assume that an employee contracted COVID-19 from going to the grocery store or otherwise being out in public," Willis said, suggesting that employers must make reasonable efforts to determine if the exposure might be work-related. Those efforts include:

- Asking the employee limited questions about how he or she believes COVID-19 was contracted.
- Making inquiries about the employee's work and nonwork activities, and possible exposure, leading up to the diagnosis.
- Investigating the employee's work environment to determine whether COVID-19 exposure was possible. This might include considering whether other employees in the work area have tested positive, the employee's job duties and exposure to the public, and whether the work areas are crowded and do not facilitate social distancing.

Willis also added that employers should avoid overly-extensive medical inquiries that might lead to violations of the employee's right to privacy, the Americans with Disabilities Act or other laws.

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