

COVID-19: NOW A COMPENSABLE OCCUPATIONAL ILLNESS FOR EMPLOYEES

Through yet another measure in response to the COVID-19 pandemic, on June 1, 2020 the Governor of Puerto Rico signed into law Act No. 56-2020 (“Act 56”) to amend the Puerto Rico Workers’ Accident Compensation Act (Workers’ Compensation Act). The measure makes COVID-19 a compensable occupational illness for public and private-sector employees. The amendment is effective retroactively to March 1, 2020.

Act 56 amended Article 3-A of the Workers’ Compensation Act related to illnesses of the respiratory system, to expand workers’ compensation benefits to employees who are first responders and health care industry workers who contract COVID-19 as a consequence or in the course of employment. These professionals include:

- Health Care Providers
- Nurses
- Paramedics
- Health professionals in medical offices, hospitals, diagnostic and treatment centers or any other medical facility
- Laboratory employees
- Nursing home employees
- Law enforcement employees
- Firefighters
- State and municipal rescue and emergency personnel

Likewise, coverage will be extended to any other person that the Administrator of the State Insurance Fund deems exposed to the contagion as an occupational hazard as well as those employees who conclusively demonstrate, on a case by case basis, that the contagion with the virus occurred while carrying out activities inherent to their job.

Now more than ever the establishment of COVID-19 Exposure Control Plans and filing of the Employer’s Self-Certification to ensure workplace health and safety in compliance with the Occupational Safety and Health Administration (OSHA), and its Puerto Rico counterpart (PR OSHA) guidelines, will be of the essence. As employers resume operations, they must ensure having in place workplace safety measures and ascertain they are being followed to prevent or reduce risks of exposure and infection with the virus.

Our COVID-19 multidisciplinary taskforce comprised of practitioners in our different departments, including Labor and Employment, is available to assist you address the legal and practical considerations pertaining to this evolving topic.

This document has been prepared for information purposes only and is not intended, and should not be relied upon, as legal advice. If you have any questions or wish to obtain more information related thereto, or about its possible effect(s) on policy or operational matters, please contact us at your convenience.

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