

MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



SB725 Workers' Compensation – Occupational Disease Presumptions – COVID-19
SB756 Workers' Compensation – Occupational Disease Presumptions – COVID-19
SB812 Workers' Compensation – Occupational Disease Presumptions – COVID-19
SB813 Workers' Compensation – Occupational Disease Presumptions – COVID-19
Finance Committee
March 9, 2021

Position: Unfavorable

Background: SB813 would presume that a person who tests positive for the COVID-19 coronavirus contracted the virus at their place of work.

Comments: The Maryland Retailers Association opposes the presumption proposed in SB813, which is unreasonable given the nature of how the COVID-19 coronavirus is transmitted.

The novel coronavirus is an airborne disease which has a known incubation period of up to 14 days after exposure. With such a wide window of time in which a person may become ill after exposure, it is often impossible to determine when and where the virus was contracted. Employers in Maryland are already following strict requirements for sanitation, social distancing, and limited operation in an effort to protect their employees and customers to the best of their ability. Business owners that are following every possible guidance for safe operations should not have an additional sword hanging over their heads for the responsibility of transmissions that may not be reasonably traced back to the workplace. Additionally, employers have no control over how their employees behave outside of the workplace, and this bill does not acknowledge the potential risks posed by any activity that employees may participate in during their personal time away from work. Due to that oversight and the nature of how the virus is transmitted, it would also be wholly inappropriate to employ this presumption retroactively.

The proposed legislation is also unnecessary due to current guidance from the Occupational Safety and Health Administration (OSHA) regarding OSHA Form 300. Under the current guidance, all businesses who employ an individual who tests positive for COVID-19 must conduct an investigation to determine whether the virus was contracted in the workplace or while performing work-related activities. If it is found that the exposure did occur at the business, the employer must report that information on an OSHA Form 300. These current practices should remain the standard for determining potential workplace exposure, rather than the automatic presumption proposed in SB813.

The presumption proposed in this bill does not accurately reflect the reality of the risks of COVID-19 transmission or current practices under OSHA guidelines, and the Maryland Retailers Association would urge an unfavorable report on these bills. Thank you for your consideration.