

EMPLOYMENT LAW SUMMARY

Connecticut: Workers' Compensation - Employee Eligibility



Because You're Different

Workers compensation is a system of no-fault insurance that provides medical and monetary benefits to employees (or their survivors) who sustain work-related injuries, diseases or death. Workers' compensation is governed by state law.

The Connecticut Workers' Compensation Act (WCA) outlines which workers are eligible for benefits in the state. The Connecticut Workers' Compensation Commission ([Commission](#)) administers the workers' compensation system and resolves any eligibility disputes under the WCA.

COVERED EMPLOYEES

The WCA covers most workers in Connecticut. A covered employee includes any person who has entered into, or works under, any contract of service or apprenticeship with an employer. An "employer" is any person or organization that uses the services of at least one other person for pay.

EXCLUSIONS

The WCA excludes certain individuals from its definition of a covered employee. Among these are:

- Casual employees whose work is not performed for the purposes of the employer's trade or business;
- Members of an employer's family who live in the employer's house and whose wages are not included in the payroll upon which a workers' compensation premium is based;
- Domestic workers who are not regularly employed for more than 26 hours per week; and
- Officers of fraternal corporations who receive less than \$100 per year in salary.

ELECTIVE COVERAGE

Employers may elect coverage for any employee who is excluded by the WCA. To elect coverage, an employer must:

- Comply with all applicable WCA coverage requirements; and
- Provide written notice of the election to both the employee and the Commission.

Sole proprietors generally do not meet the WCA's definitions of a covered employee or employer, but they may also elect coverage under the WCA. To elect coverage, sole proprietors must comply with all the applicable coverage requirements and notify the Commission of the election in writing.

The WCA deems business partners to have accepted the WCA's requirements for their own coverage, but they may refuse coverage. To refuse coverage, they must provide the Commission with written notice and an agreement signed by all the business' partners.

Similarly, any corporate officer may elect to be excluded from WCA coverage by giving written notice to the Commission and to his or her employer.

COMPENSABLE INJURIES

To be compensable, an injury must cause more than weakened resistance or lowered vitality. In addition, the injury must arise out of and in the course of a covered employee's employment. An injury or disease arises out of and in the course of employment if it happens while the employee is:

- Engaged in the line of duty;
- In the business or affairs of the employer; and
- On the employer's premises (or elsewhere with the employer's express consent or implied direction).

Compensable injuries include those resulting from:

- A workplace accident that can be definitely located as to time and place; and
- Repetitive trauma or acts that are incident to employment.

Occupational diseases may also be compensable under the WCA. To be compensable, an occupational disease must meet the same requirements as compensable injuries, but must also be:

- Peculiar to the employee's occupation; and
- Due to causes in excess of the ordinary hazards of the employment.

This does not mean the disease has to be "unique" to the employee's occupation or to the workplace, but it does need to be "so distinctively associated with the employee's occupation that there is a direct causal link between the duties of the employment and the disease contracted." However, any disease resulting from exposure to radioactive material in the course of employment is considered a compensable occupational disease.

EXCLUSIONS

The WCA excludes some injuries and diseases from coverage even if they otherwise meet the requirements mentioned above. Specifically, a condition is **not** compensable if it is a result of the employee's:

- Use of alcohol;
- Use of any controlled substance that is not prescribed by a physician;
- Willful and serious misconduct;
- Intoxication; or
- Voluntary participation in any social or recreational activity, regardless of whether the employer pays for the activity.

The WCA also specifically excludes any injury that occurs at an employee's home while the employee engages in work-related acts that the employer did not expressly request or direct the employee to undertake.

Finally, mental or emotional impairments that do not arise from a physical injury or occupational disease are not compensable under the WCA.

EMPLOYEE RESPONSIBILITIES

The WCA sets several expectations and responsibilities for injured employees. Failure to satisfy them may cause an employee to lose benefits. Among the requirements, employees must:

- Immediately report any injury or disease to their employers;
- Obtain all medical treatment deemed reasonable and necessary by a physician;
- Submit to medical examinations upon the request of the employer or Commission; and
- File a written notice of a claim with the Commission **within one year**.

MORE INFORMATION

Contact Heffernan Insurance Brokers or visit the Commission [website](#) for more information on workers' compensation laws in Connecticut.

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