

新型冠状病毒肺炎与您的工作

当新型冠状病毒肺炎（以下简称：新冠肺炎）开始蔓延，人们都开始担心在工作时或在通勤的途中感染上病毒。

一般来说，如果雇员因为害怕感染新冠肺炎并且拒绝在办公室办公，雇主是可以合法解雇他们的。

一般来说，如果雇员因为害怕感染新冠肺炎并且拒绝在办公室办公，雇主可以合法解雇他们。根据《美国残疾人法案》，在家办公并不是基本权利。然而，美国有大量的工作场所安全法。另外，当谈及到对新冠肺炎的害怕，一个劳动律师说道“雇主已经采取了积极的行动并且采取的措施远远超出了职业与健康安全局的要求”。

三月初，美国已经有了 128 例新冠肺炎确诊病例和 9 例确诊死亡病例。

您在工作中生病时拥有的权利

简言之，您有权利在一个安全且安心的地方工作。当谈及到传染病的爆发，这些准则又包含了很多灰色地带。然而，在 2009 年的 H1N1 猪流感爆发期间，许多机构，如职业安全与健康管理局，彻底地更新了他们的相关规定。

工伤赔偿涵盖了许多职业疾病，比如听力丧失和重复性应激障碍。这些福利通常包括工资替代和医疗账单支付。通常情况下，工伤受害者会收到周平均工资的三分之二直到他们回来工作为止。在更严重的案子中，比如新冠肺炎死亡案例，工伤受害者也可拿到替代工资。医疗账单支付通常包括所有从进入紧急护理的第一天到物理治疗的最后一天产生的合理医疗费用。

病毒性疾病通常会涉及到证明问题。受伤的受害者不需要建立过错。然而，他们需要证明他们是在工作中生病的，并且不是在上下班的路上生病的。这个举证责任非常难实现，除非您大量的同事也感染了相同的疾病。

在前文中提到的职业安全与健康管理局的工作安全条例要求每一个雇主提供一个没有已知安全和健康危害的工作场所。具体的条例包括以下权利：

- ✧ 使用规定的安全装置
- ✧ 报告与工作有关的疾病和伤害
- ✧ 查看工作地的疾病/受伤日志
- ✧ 获得一份查明已知安全和健康危害的检测报告
- ✧ 要求职业安全与健康管理局来检查工作场所

雇员必须能够在不惧怕任何报复的情况下行使这些权利。换句话说，雇主不能够对雇员采取不利行动而且也不能以此来威胁雇员。

在现在以及可预见的将来，这些权利或许会或不会适用于新冠肺炎。如果新冠病毒蔓延的越发严重并且市长或者其他官员宣布州紧急状态，一切或许会不一样。

回应紧急状态的人，比如消防员和医护人员有权获得额外的保护。

当您 anywhere 受伤后您拥有的权利

新冠肺炎病毒的暴露是有限风险，但是受伤风险存在于任何地方。车祸就是一个好的例子。这些意外每年都会致死或重伤数百万的美国人。其他普遍的伤害包括意外中毒（主要是药物过量），狗咬伤，环境中毒以及摔伤。

通常，所有这些受害者都有权获得医疗救治，即便他们没有保险和钱。一般来说，一个纽约的人身伤害律师会将受害者与医生连接起来，这些医生一般都没有收取任何费用。

因为这些医生专注于与车祸有关的伤害，他们知道怎么样诊断和救治这样的创伤。

举个例子，许多车祸受害者和其他受害者会遭受头部伤害。这些创伤很难诊断。因为大脑总会隐藏它自己的创伤，所以许多受害者会告诉医生他们感觉没有问题。除此之外，许多头部损伤症状与其他受伤情况有相似之处，比如来自车祸的强烈震荡。

车祸受害者有权获得合理赔偿。在一个严重的人身伤害案子中，赔偿通常包括：

- ✧ 经济损失，比如医疗费账单和工资损失，以及
- ✧ 非经济损失，比如疼痛，痛苦以及情绪上的折磨。

为了获得赔偿，纽约的人身伤害律师必须建立侵权法上过失，或者缺失普遍的谨慎。其他法律理论包括法定侵权过失，即违反了安全法；以及严格责任侵权行为，该理论通常在药品缺陷的案子中适用。

最后以及或许最重要的是，车祸受害者有权伸张正义。从根本上说，人身伤害诉讼并不是为发生了的意外埋怨任何人。毕竟，我们都会犯错。并且，我们必须为我们的错误付出代价。这也是人身伤害索赔的本质。

这样的正义尤其在大公司直接或间接为车祸负责的情况下是非常重要的。除非医疗或者其他失职的事务能改变他们的运行程序，更多的受害者将可能经历和你一样的命运安排。法律行动将会阻止这些发生。

不论您在哪里以及您在做什么，您都享有相应的权利。如果需要与一位经验丰富的纽约人身伤害律师进行免费的咨询，您可以联系 Napoli Shkolnik PLLC。我们可以处理全国范围内的人身伤害案件。

Coronavirus and Your Job

As the COVID-19 outbreak spreads, many people are worried about contracting the virus at work or during their commutes.

Generally, if employees cite coronavirus concerns and refuse to come to work, employers can legally [terminate them](#). Working from home is not a fundamental right even under the Americans with Disabilities Act. However, the United States has a number of workplace safety laws. Additionally, in terms of coronavirus fears, “employers [are] preemptively going well beyond what OSHA would ever require,” according to one labor lawyer.

As of early March, there have been 128 confirmed cases and nine confirmed coronavirus deaths in the United States.

Your Rights When You Get Sick at Work

In a nutshell, you have the right to a safe and secure place to work. When it comes to contagious disease outbreaks, these maxims include a lot of grey area. However, during the 2009 H1N1 swine flu outbreak, many agencies, including the Occupational Safety and Health Administration, significantly updated their rules.

[Workers' compensation](#) covers many occupational diseases, such as hearing loss and repetitive stress disorder. These benefits usually include wage replacement and medical bill payment. Typically, job injury victims receive two-thirds of their average weekly wage until they can go back to work. In more serious cases, such as a coronavirus death, alternative wage replacement is usually available. Medical bill payment usually includes all reasonably necessary medical expenses, from the first day of emergency care to the last day of physical therapy.

Viral illnesses usually involve proof issues. Injured victims need not establish fault. However, they must prove that they got sick at work, and not on the way to or from work. This burden is difficult to meet, unless a significant number of your co-workers contracted the same illness.

The aforementioned [OSHA workplace safety rules](#) require every employer to “provide a workplace free of known health and safety hazards.” Specifics include the right to:

- Access “required safety gear,”
- Report a work-related illness or injury,
- View workplace illness/injury logs, and
- Obtain copies of tests which detected known safety or health hazards, and
- Ask OSHA to inspect the premises.

Workers must be able to exercise these rights without any fear of retaliation. In other words, employers cannot take adverse action against their workers and cannot even threaten to take such action.

Right now, and for the foreseeable future, these rights might or might not apply to COVID-19 concerns. If the outbreak worsens and the mayor or another public official declares a state of emergency, things could change.

Emergency responders, such as firefighters and hospital workers, are usually entitled to additional protections.

Your Rights When You Get Injured Anywhere

Coronavirus exposure is a limited risk, but injury risks are everywhere. Car crashes are a good example. Every year, these incidents kill or seriously injure millions of Americans. Other common injuries include unintentional poisoning (mostly drug overdoses), dog bites, environmental poisoning, and fall injuries.

All these victims have the right to **medical treatment**. That's usually true even if they have no insurance or money. Generally, a New York personal injury attorney connects victims with doctors who charge nothing upfront for their services.

Since these physicians concentrate on accident-related injuries, they know how to diagnose and treat such wounds.

For example, many car crash victims and other victims sustain head injuries. These wounds are difficult to diagnose. Since the brain often conceals its own injuries, many of these victims tell their doctors they "feel fine." Additionally, many head injury symptoms mimic other conditions, such as shock from the accident. Experienced car crash doctors, on the other hand, know what to look for.

Accident victims also have the right to **fair compensation**. In a serious injury case, that compensation usually includes money for:

- Economic losses, such as medical bills and lost wages, and
- Noneconomic losses, such as pain and suffering and emotional distress.

To obtain this compensation, New York personal injury attorneys must usually establish negligence, or a lack of ordinary care. Other legal theories include negligence per se, which is the violation of a safety law, and strict liability, which often applies in defective drug cases.

Finally, and perhaps most importantly, accident victims have the right to **justice**. Fundamentally, injury lawsuits are not about "blaming" anyone for what happened. After all,

we all make mistakes. And, we must all pay the consequences of our mistakes. That's the essence of an injury claim.

This justice is especially important when a large company was directly or indirectly responsible for the accident. Unless hospitals and other negligent business change their operating procedures, more victims will probably experience the same fate you did. Legal action keeps that from happening.

Wherever you go and whatever you do, you have rights. For a free consultation with an [experienced personal injury attorney in New York](#), contact Napoli Shkolnik PLLC. We handle injury cases on a nationwide basis.