



STATEMENT IN SUPPORT OF SB 801

To: Senate Committee on Labor and Business
From: United Food and Commercial Workers Local 555
March 22nd, 2021

Dear Chair Riley and Members of the Committee,

As a worker in the retail industry, I would like to share my experiences regarding the workers compensation system in the hopes that it convinces the committee to pass Senate Bills 801 and 802 in order to better protect workers like myself.

Prior to working in retail, I was employed at a residential care facility, where my duties were stocking and retrieving supplies. At one point, my kneecap slammed into a cabinet, which was so painful and injurious I was immobilized on the floor howling in pain. My manager helped me to a couch and iced my knee. However, when I asked for a Workers Compensation form, she said that it wasn't necessary yet and that we'd file it later if we really needed to. She later confessed that she didn't actually know where the forms were. At the time, I didn't know much about my rights as an employee and didn't think much of it. I used my health insurance plan for the resulting medical care. I don't know whether a workers comp application was ever filed.

This same employer was listed on the Oregon Health Authority's list of residential care facilities that experienced COVID outbreaks in 2020, though I've been informed that no workers compensation claims were ever filed. Based on my own experience there, this may be due in large part to management's lax attitude towards their workers compensation responsibilities, rather than lack of an actual need.

I currently work at a large retailer who self-insures their workers compensation plan. My job involves lots of bending down, stooping, and standing up: circumstances ripe for a repetitive stress injury. Recently as I was stooping down, I heard a pop in my left knee. Initially, the joint seemed fine, but within a few minutes it had swollen up and become incredibly painful. Luckily, my department manager is very responsive, and supported my filing of a workers compensation claim. But due to the nature of my department, we were obligated to wait until a "person in charge" (who works elsewhere in the store) delivered the form to our area. With the end of my shift coming up, it nevertheless took over an hour for the paperwork to be delivered.

Hardly being able to walk, and not at all able to perform the physical demands of my job, I took an unpaid week off, during which time I used my existing insurance plan to see a doctor. The doctor indicated that it was likely the injury was caused at work, but I'm still waiting on test results to determine whether a referral to an orthopedic surgeon is needed.

In this particular circumstance, my claim was filed and I expect it to be accepted. But my experience at other sites working for this same employer have shown me how lucky I am to have a supportive manager.

Working previously at another location, I found it was common practice for that manager to regale his staff with workers comp horror stories. Any time workers compensation came up in discussion, that manager would make a point to emphasize the danger of filing a false claim, even in at least one situation where the employee

was found later to have herniated a disc at work and their claim was accepted. Other times it may have been as simple as convincing us that claims were generally very likely to be denied. The clear attitude of not wanting employees to file claims told me that if I ever wanted to file a claim, it would have to be in some way not through this manager. The message was that I shouldn't deal with him if I had a claim. I don't know what I would have done if I had needed to file a claim under that manager.

My story is ultimately a lucky one, but for every worker like me who was able to navigate the process, there are dozens more who have simply not tried, whether because of fear of retribution, lack of faith that the claim would be honored, or because they didn't know their rights. And while legislation can't eliminate unscrupulous managers, it can help remove incentives for managers to throw up barriers, as well as address the legitimate COVID claims that have so far gone unfiled.

Please pass SB 801 and SB 802.

Thank you,

- Paul