

HB 4086 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/2, 2/7, 2/9

WHAT THE MEASURE DOES:

Amends provisions of workers' compensation law related to retaliation and beneficiaries. Adds a person acting on behalf of the employer as someone who commits an unlawful employment act by discriminating against a worker for engaging in certain workers' compensation activities. Establishes that inquiring about workers' compensation benefits is a protected activity and removes an exemption from the retaliation statute for employers with five or less employees. Provides that Oregon family law is used to determine who may qualify as surviving spouse or cohabitant. Replaces "invalid" with "incapacitated" in definitions and updates references. Amends the definition of "dependent" to include any individual related by blood or affinity and to remove an exemption for an alien who does not reside in the state at the time of the injured workers' accident. Removes provision allowing the director of the Department of Consumer and Business Services to reduce compensation if the beneficiary is an alien residing outside of the United States.

Minimal fiscal impact; no revenue impact

ISSUES DISCUSSED:

- Need to update workers' compensation law to reflect current values
- Recommendation of support from the Workers' Compensation Management-Labor Advisory Committee
- Provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Workers' compensation law requires most employers to provide their workers with workers' compensation insurance coverage; the law provides an exclusive remedy for job-related injuries and occupational diseases.

Oregon law prohibits employers with six or more employees from discriminating against a worker for applying for workers' compensation benefits, utilizing the procedures to receive those benefits, or giving testimony as required to receive benefits.

House Bill 4086 extends retaliation protections to all employees, clarifies that a person acting on behalf of the employer is also liable for retaliation, and protects workers who inquire about workers' compensation benefits. The measure also refers to Oregon family law to determine who qualifies as a surviving spouse or cohabitant, removes provisions related to beneficiaries who live outside the United States, and replaces references to "invalid" with "incapacitated".