



Standing for dignity in the workplace

*Testimony in Support of HB 4086
February 7, 2022*

Chair Holvey, Vice-Chairs Grayber and Bonham, Members of the House Business and Labor Committee,

I write in strong support of HB 4086. This bill represents a step towards reforming our broken workers' compensation system for injured workers. The Northwest Workers' Justice Project provides legal representation to low-wage workers throughout the economy in sectors such as construction, building maintenance, landscaping, hotels, restaurants, food processing, agriculture and forestry. All of our clients are low-wage earners. The large majority of our clients are people of color, and most are immigrants. Many have sustained injuries at work. NWJJP handles many cases of workers' compensation retaliation, and I myself have litigated many of these claims.

Too often, workers who are injured at work suffer serious retaliation after their injury. The changes in HB 4086 would make a difference in the lives of many injured workers. Please keep in mind that many immigrant workers do some of the most dangerous, challenging jobs that local workers do not want to do. These workers often receive cursory if any safety training, and accident rates for foreign-born workers are regularly higher as a result.

There are a number of provisions that we believe will help our client community:

-Removal of the clause that allows reduction of payments to workers out of the country if the cost of living is lower in the home country. Injured workers who are in the United States on a visa often have to return to their home country after an injury. As it is now, time loss payments can be reduced if it is determined that the cost of living in the worker's home country is less. This further punishes a worker who has already suffered a workplace injury and loss of a job.

-Addition of "inquires about" to protected activities. If a worker merely inquires about workers' compensation coverage, but decides not to pursue a claim for one reason or another, they should still be protected from retaliation. Expanding the definition of what is protected makes sense. We regularly hear from workers who have been told by their employer not to seek medical care after a workplace injury, or to report that an accident was not work-related, or to refrain from filing a claim at all.

-Removal of the 6 worker minimum to retaliation protections. While we understand that small employers may not always be able to reinstate an injured worker to their previous job, this does not mean they should have a free pass to retaliate. All employers should have the duty to treat an injured worker fairly and refrain from retaliating.

Thank you for your consideration. Kate Suisman, Attorney at NWJJP