

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

Thank you for the opportunity to submit these comments in support of House Bill 4086. The Oregon & Southern Idaho District Council of Laborers (OSIDCL) or “LIUNA” for short, represents approximately 4,000 members working across the state and stands in strong support of efforts to modernize Oregon’s Workers Compensation system. This update addresses areas of the state’s Workers’ Compensation system that are overdue, regarding the coverage that occurs in the event of a worker’s death on the job and retaliation protections related to filing claims. These updates reflect important values and principles in support of Oregon’s workforce by ensuring equitable basic worker protections against retaliation and discrimination for all employees, regardless of the size of the employer.

Oregon’s Workers’ Compensation system is meant to provide wage replacement and medical coverage for all workers who are injured on the job and should reflect an inclusive definition of family to help better ensure that no worker’s loved ones are otherwise precluded from accessing death benefits. During 2020, 53 workers died on the job, leaving their families without a loved one, and lacking the economic support they provided. Access to critical death benefits in the wake of such tragic loss should not be metered by arbitrary factors and, as such, this proposal would strengthen equity in the system for workers and their families throughout our state.

HB 4086:

- Modernizes Workers’ Compensation death benefit recipient language to ensure that families of all shapes and sizes are reflected in the statute without the current arbitrary barriers.
  - Current statute only affords spousal death benefits to a worker’s spouse when they have cohabitated in the state for one year and had a child together. HB 4086 rectifies this and aligns the family definition to what is currently specified in Oregon’s Paid Family and Medical Leave law.
- Updates outdated and inappropriate language
  - Modernizes terms used to describe family members with severe disabilities who need ongoing support
  - Updates language around non-citizens and ensures equitable payments, regardless of where family members live.
- Clarifies workers’ compensation retaliation protections
  - Establishes an adverse employment action to dissuades an employee from filing a Workers’ Compensation claim
- Removes the current exemption for employers with fewer than 6 employees to legally discriminate against workers when they file a Workers’ Compensation Claim.
  - This will ensure that all workers - regardless of how many employees an employer has - receive equitable protections if they experience discrimination or retaliation for filing a workers’ compensation claim.

In many ways, Oregon’s workers’ compensation statutes are simply no longer reflective of the experiences of Oregon’s families. HB 4086 modernizes statute to better work as it is intended:



to protect all workers from discrimination and retaliation at work and to allow all workers and their families to receive these critical benefits if they are harmed on the job.

LIUNA urges your support for House Bill 4086.

Sincerely,

Chris Hewitt, Political Director

Oregon & Southern Idaho District Council of Laborers