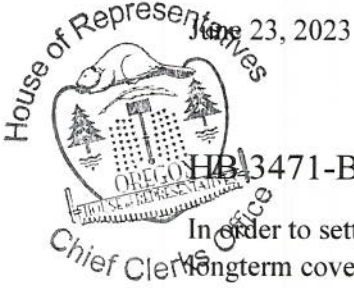




From the Desk of:  
Tom Andersen



**OREGON HOUSE OF REPRESENTATIVES**

**HB 3471-B: Return to Work in Workers' Compensation Settlements**

In order to settle a workers' compensation claim to receive benefits like wage replacement and short and long-term coverage of medical costs, far too often workers are asked to sign a no re-hire agreement as a condition of their settlement.

- Many releases include no reemployment at any affiliated business or parent company, effectively shutting many workers out from their whole local industry.
- A no rehire agreement disproportionately affects those in more rural areas and those in industries where there are fewer local employers in the same industry (i.e. health care, grocery education etc.)
- Often, no re-hires are coupled with confidentiality agreements, so the full magnitude of this problem in data is actively hidden

In industries from healthcare to retail and construction where meeting Oregonians' demands is already hard, no re-hires put an undue burden on workers and our economy and runs counter to the very mission of workers' compensation: to get healthy workers back to work in a fair and equitable way

**HB 3471-B Technical Amendments**

*Advocates worked with the business groups who had concerns on the original language to craft the below technical amendments:*

- Clarify that it is an unlawful employment practice for an employer to require a no-rehire agreement just to negotiate a settlement agreement
- Addresses companies who currently have a blanket policy of requiring a no-rehire agreement to even discuss settling a workers' compensation claim
- Clarify that it is an unlawful employment practice for an employer to require a no-rehire agreement as a condition of settlement unless the worker provides written confirmation on their willingness to enter into an agreement that is conditional of a no-rehire before-hand, and that the offer is very clear about the conditionality of the no-rehire agreement
- Clarify that as long as the worker agreed in writing in advance and that the offer is clear on the conditionality of a no-rehire agreement, either party can still offer or reject a settlement conditional on a no-rehire or not reach a settlement
- Ensures that once the worker has confirmed they are willing to put no rehire on the table, lawyers discuss and negotiate on a no-rehire agreement before a final agreement is reached
- Clarify that an employer may make a settlement offer that includes – but clearly states that it is not conditional upon – a no-rehire agreement.

