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Wednesday, July 1, 2020

Worker's Compensation Management-Labor Advisory Committee
Department of Consumer and Business Services
PO Box 14480
Salem, OR 97309

Dear Management and Labor Advisory Committee (MLAC) Chairs and Members,

Those of us with experience carry the truth that marginalized communities and people are disproportionately subject to adverse outcomes in all systems they face. The Workers' Compensation (WC) system is no different. WC system has limited its intake of demographic information by restricting its inquiry to gender. This systemic ignorance strips this body of valuable information about WC applicants' intersecting identities and the ability to ultimately trace outcomes to those workers with intersecting identities. At Tuesday's meeting, I heard MLAC members articulating their lack of knowledge about the role of race, ethnicity, national origins, immigration status, and other critical information of WC applicants. Thankfully research is available to clearly articulate what Black, Indigenous, People of Color, Migrant, Immigrant, and Refugees have declared. They are subject to more harm and harmful outcomes than their white counterparts.¹

We at Immigrant Refugee Community Organization (IRCO)² have known that Black, Indigenous, People of Color, Migrant, Immigrant, and Refugees are regularly engaged in hazardous and challenging work. These workers are paid less and are subject to more employment violations. The Center for Disease Control (CDC) examined this reality in the report titled, *Obscured by administrative data? Racial disparities in occupational injury*.³ The report concludes, "The undercount of occupational injuries in administrative versus self-report data may be greater among black compared to white workers, leading to underestimates of racial disparities in workplace injury." This report highlights the need for this body to look beyond administrative reports on racial disparities in the workplace injuries because systemic racism keeps workers of color from accessing the WC system.

Additionally, we know that these workers have a higher level of injury, even if the report rates are lower. A study titled, *Racial and Ethnic Differences in the Frequency of Workplace Injuries and the Prevalence of Work-Related Disability*, concluded that race-based economic disparities dramatically increase the likelihood of work injury for our communities of color. "Non-Hispanic black workers and foreign-born Hispanic workers worked in jobs with the highest injury risk on average, even adjusting for education and gender. These elevated levels of workplace injury risk led to a significant increase in the prevalence of work-related disabilities for non-Hispanic black and Hispanic workers. These findings suggest that disparities in economic opportunities expose minorities to greater risk of workplace injury and disability."

We at IRCO also know that COVID-19 has disproportionately ravaged our Black community. Additionally, we see disproportionate adverse effects of COVID-19 within our Immigrant, Refugee, and other communities of color. Over a third of our minimum wage workers are workers of color.⁴ In April Department of Labor reported that nearly 27 million people had filed for unemployment insurance within the United States. In Oregon, April saw the unemployment rate rise to 14.7%. Many of these workers will be called back to work, even as the infection rate is rising. Now low wage workers of color will report to low wages jobs with very little protection. For these workers, refusing to go back to work means loss of income and unemployment benefits. Under OAR 471-030-00382)(a) a workers refusal to work constitute a voluntary quit, which is a disqualifying event and servers their unemployment insurance benefits. We leave marginalized workers with two bad choices, work for low wages during a pandemic with very little safety or forgo that wage to keep themselves and their loved ones safe. It is unconscionable to make this ask of our marginalized workers.

We need a COVID-19 presumption built into the WC system. Research shows that structural racism plays a large part in communities of color's access to the protections under WC. We need a COVID-19 presumption within WC for the protection of low wage workers of color.

COVID-19 is ravaging communities of color at a higher rate. In its report titled, *Double Jeopardy: Low Wage Workers at Risk for Health and Financial Implications of COVID-19*⁵, the Kaiser Family Foundation concluded that exposure to COVID-19 conditions at work is higher for women and communities of color. That low wage workers are "essential workers." The intersection of low wage workers of color and high-risk COVID-19 employment environment makes it more likely for those workers to contract COVID-19 at work. Unless this body moves to include a COVID-19 presumption, those workers will have to overcome exceptional barriers to prove that they were infected at work. MLAC cannot use this racial significant negative

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outcome of lower levels of reports and filing by workers of color to turn away from the ask made by those workers and worker advocates. MLAC can choose to remove the obstacles for our most marginalized community members, and we at IRCO urge you to do so.

Respectfully,

/s/ Banafsheh Violet Nazari

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IRCO Policy and Advocacy

¹ Silenced About Covid-19 In The Workplace. National Employment Law Project, June 2020.

² Immigrant Refugee Community Organization (IRCO) was founded by refugees for refugees in 1976. Today IRCO serves the holistic needs of immigrants, refugees, and mainstream community members in Oregon and SW Washington. As a community-based organization, we empower children, youth, families and elders from around the world to build new lives and become self-sufficient by providing more than 200 culturally and linguistically specific social services. www.irco.org

³ Obscured by administrative data? Racial disparities in occupational injury. Sabbath EL, Boden LI, Williams JAR, Hashimoto D, Hopcia K, Sorensen G. *Scand J Work Environ Health*. 2017;43(2):155–162. doi:10.5271/sjweh.3611

⁴ A Portrait of Oregon's Minimum Wage Workers. Audrey Mechling, Oregon Center for Public Policy, December 17, 2019. <https://www.ocpp.org/2019/12/17/portrait-oregon-minimum-wage-workers/>

⁵ Double Jeopardy: Low Wage Workers at Risk for Health and Financial Implications of COVID-19. Kaiser Family Foundation, April 29, 2020.