

## **An Insured's Letter to MLAC**

Submitted via email to [Cara.L.Filsinger@oregon.gov](mailto:Cara.L.Filsinger@oregon.gov)

To: Management-Labor Advisory Committee on Workers Compensation (MLAC)

From: A Concerned Insured Manufacturer

Date: July 15, 2020

RE: COVID-19 and Workers' Compensation

Thank you for your service volunteering to serve Oregonians on this important committee.

Covid-19 is highly contagious and the science of transmission is still developing. In many cases, it is difficult to determine where a person contracted the virus. Many cases are contracted in a community setting or large group gathering, as evidenced by the most recent expansion of face covering requirements and limits on group sizes.

Employers who have implemented COVID protocols in their work places, and who are able to enforce social distancing and face covering requirements should not be punished with presumptive WC claim filings. These WC actions are costly to defend and doing so will impose additional financial burdens on companies that have already endured costs of cleaning, face coverings, separation mechanisms, education and absenteeism related to quarantines.

Employees will still be permitted to file claims, they will have the traditional burden to establish the basis of their case and that the source of their illness stemmed from the workplace. MLAC's study of this issue indicates the workers' compensation system is working as intended. Claims are being filed, investigated and issued either an acceptance (in the vast majority of claims) or denial. A worker who receives a denial of COVID-19 claim has the same right to appeal as with any other denied claim. Workers exposed to the virus at work are protected within the current system.

A presumption that working Oregonians who have COVID-19 could only have been exposed at work, risks the stability and balance of the workers' compensation system. A presumption would unfairly burden self-insured and insured employers with a high deductible policy while placing a strain on the system as a whole.

Part of the success of MLAC has been making decisions based on evidence. A presumption of compensability for COVID-19 is not needed.

Thank you for time and attention to this important issue.