



July 15, 2020

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**RE: COVID-19 and Workers' Compensation**

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

Thank you for volunteering to serve Oregonians on the Management-Labor Advisory Committee (MLAC).

The Oregon State Chamber of Commerce (OSCC) represents 86 local Oregon chambers of commerce and the 27,000 local businesses that are chamber members in every corner of the state.

Our local businesses have faced unprecedented challenges as they work with regulators to help prevent the spread of COVID-19 in the workplace. Among those challenges are the rapidly changing recommendations from state and federal agencies and executive orders from Governor Brown.

We don't believe that an automatic presumption is warranted for COVID-19. COVID-19 is highly communicable, and it is very difficult to prove or disprove that it was contracted at work. The common cold and flu also are highly communicable, and that is why they are not covered under workers' compensation. We cannot expect employers to pay workers' compensation benefits for COVID-19, particularly in instances where there is no evidence that it was related to work.

The data provided to MLAC over the last two weeks shows that the workers' compensation system is working as it should. According to data from the Department of Consumer and Business Services (DCBS) and SAIF, workers' compensation claims are being filed, investigated and issued either an acceptance or denial. The vast majority of claims appear to be accepted, and a worker who receives a denial of a COVID-19 claim has the same right to appeal as with any other denied claim.

Testimony has also revealed that employees who are exposed to the virus at work are currently protected. A presumption that employees who have COVID-19 were only exposed at work would unfairly burden the workers' compensation system. Presumption also ignores the investment of county public health departments and state-funded contact tracers to determine the source of the virus when an illness is reported.



Part of the success of MLAC has been making decisions based on evidence. The data we have heard supports the conclusion that the system is working as intended. A presumption of compensability for COVID-19 is not needed.

Thank you for time and attention to this important issue.

Respectfully,

A handwritten signature in black ink, appearing to read "V. Mikkelsen", written in a cursive style.

Vonnie Mikkelsen  
OSCC Chair

A handwritten signature in black ink, appearing to read "J. Dresler", written in a cursive style.

Jenny Dresler  
Legislative Counsel