

Submitted via email to Cara.L.Filsinger@oregon.gov

July 15, 2020

Co-Chair Kimberly Wood
Co-Chair Diana Winther
Members of the Management-Labor Advisory Committee
Workers' Compensation Division
350 Winter St NE #210
Salem, OR 97301

Re: COVID-19 and Workers' Compensation

Thank you for your service volunteering to serve Oregonians on this important committee and on this important issue on which the Governor has requested input. Oregon Business & Industry is the state's largest and most comprehensive business association. We represent over 1,600 businesses from all areas of Oregon. Our members are in nearly every industry and employ over 250,000 people.

We want to share our members' perspective about workers' compensation and the proposed COVID-19 presumption.

OBI was part of the original Mahonia Hall agreements through our predecessor organization, Associated Oregon Industries (AOI). Prior to those efforts, the system was bad for workers, employers and insurers. It was nearing a breaking point. That was why labor and management joined forces to negotiate agreements to stabilize the system. Those agreements restored balance and health to Oregon's workers' compensation system. Because of those efforts, Oregon now has one of the strongest systems in the nation. We must preserve the system for future generations.

Businesses have faced unprecedented challenges to provide workplaces safe from the spread of COVID-19. Among those challenges, are the rapidly changing recommendations from a multitude of state agencies, each with a role to play in containing the virus. Our members strive to do all that they can to protect our employees. Not just for today, but for their futures.

OBI thanks you for taking a data-driven approach to looking at how claims have been processed. MLAC's study of this issue shows 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. The proposals we have seen for a presumption would operate much more like a guarantee of claim acceptance, even where there may be evidence the employee was more likely to have been exposed at home or at social gatherings. Such a proposal risks the stability and balance of the workers compensation system. And it would unfairly burden the system.

Part of the success of MLAC has been making decisions based on evidence. The data we have heard supports 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.

Paloma Sparks
Vice President
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