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TO: Chair Taylor
Vice-Chair Knopp
Members of the Senate Committee on Workforce

FR: Jess Giannettino Villatoro, Political Director, Oregon AFL-CIO

RE: Opposition to HB 4093

February 27, 2018

The Oregon AFL-CIO represents 300,000 workers across Oregon and is a voice for all workers in the legislative process. In our role as a worker advocate we cannot overlook attempts to exempt types of workers or players from the pathway to prove whether they are employees. For this reason, we are opposed to HB 4093.

The issue we raise before this committee is not to state that the Winterhawks are employees. But rather to ask the committee not to take away the current statutory pathway currently provided to the players to challenge their treatment and state that they should be considered employees. HB 4093 would exempt these players from wage and hour protections and therefore take away their ability to go through the legal avenue currently provided to all workers not classified as employees to challenge their employment structure. In the era of the “gig economy” and alternate employment structures where new companies’ pop-up frequently and classify their workers as independent contractors, it’s critical that the state not preempt a worker’s ability to appeal their employment structure.

We applaud the work of this legislature and specifically this committee in recent policy victories to ensure all workers have equal opportunity to be covered under the same protections. Some of those wins included Pay Equity. Oregon stands out among others for not including exemptions in minimum wage, pay equity or paid sick days for youth employment or types of employers. HB 4093 is a dangerous step backward, into saying that certain type of work or ages don’t qualify for the same benefits as others.

Lastly, in section one of the engrossed bill you will see an exemption from workers compensation. According to the National Center for Catastrophic Injury Research housed at the University of North Carolina Thirtieth Annual Report *The number of ice hockey injuries is low, but the injury rate per 100,000 participants is high when compared to other sports (direct rate of injury per 100,000 participants is 2.97 high school and 9.23 college). Ice hockey catastrophic injuries usually occur when an athlete is struck from behind by an opponent, slides across the ice in a prone position, and makes contact with the crown of his/her head and the boards surrounding the rink. The results are usually fractured cervical vertebrae with paralysis.*¹

For these reasons, we are respectfully urging a no vote on HB 4093.

¹ https://nccsir.unc.edu/files/2014/06/NCCSIR-30th-Annual-All-Sport-Report-1982_2012.pdf Page 20

