



June 22, 2020

Members of the Oregon Legislative Assembly:

Oregon Manufacturers & Commerce is an association dedicated to promoting, protecting, and advancing Oregon manufacturers and their allied partners. From the silicon forest to forest products, fabricated metals, machinery, paper, rail cars, aerospace and food and beverage products, our members are in communities across our state, providing living-wage jobs to our friends and neighbors. As you embark on the upcoming special session, we want to stress the need to do no further harm in this unprecedented economic crisis. Currently absent from the agenda, we strongly encourage you all to immediately pass temporary and limited liability protections for those companies that are adhering to (or exceeding) federal and state guidance.

#### **Temporary & Limited Liability Protections for Businesses in Good Standing**

We support a narrow liability shield that protects Oregon employers from coronavirus lawsuits that may come as a result of circumstances outside of which they could reasonably control. We believe that employers in compliance with Governor Brown's executive orders, state agency guidelines and federal recommendations should be eligible for these protections, and that employers who show gross negligence should face potential legal consequences. From firsthand reports, it is clear that many manufacturers are going above and beyond government issued safety mandates to keep their employees and the public safe.

#### **Maintain Stability & Integrity of Workers' Compensation System**

We support an employee's right to pursue a workers' compensation claim related to COVID-19 exposures in the workplace. However, we oppose efforts to establish an automatic presumption for these claims. Such a presumption runs counter to current workers' compensation standards and would require all COVID-19 cases to be covered claims unless an employer can prove that an employee did not contract the virus at work - a next to impossible burden for Oregon employers to meet. The presumption would also lead to a spike in "recordable injuries" against businesses, which could negatively impact businesses' insurance rates for years to come. Given the nature of the virus and how it spreads - sometimes even through contact with an asymptomatic person - a workplace presumption for COVID-19 claims is fundamentally unfair to Oregon employers and should be rejected out of hand.

#### **Oppose Provisions in LC 45 and LC 68 Creating a Permanent Regulatory Regime Five Months into This Crisis**

We oppose efforts to establish a permanent regulatory regime at OR-OSHA to regulate infectious diseases in the workplace without significant stakeholder input and parameters established by the



Legislative Assembly. One day of remote testimony is not sufficient. Current statutory authority has already proven sufficient to address workplace standards, and efforts that go well beyond the current pandemic leave employers vulnerable to additional litigation threats. At a minimum, adoption of a policy of this magnitude should be considered in a regular session to allow for stakeholder input and to ensure that legislative sideboards and parameters are clearly delineated.

Thank you for the opportunity to provide these comments. We look forward to partnering with you now and in the months ahead to support Oregon's recovery from this unprecedented crisis.

A handwritten signature in black ink, appearing to read "SJillions".

Shaun Jillions  
Executive Director