



Date: June 24, 2020

To: Senate President Peter Courtney and House Speaker Tina Kotek
Members of the Joint Committee on the First Special Session of 2020

From: Government Affairs Team
Oregon Restaurant & Lodging Association

Subject: HB 4212: Opposition to Sections 37-39

Dear President Courtney, Speaker Kotek and Member of the Committee:

We are writing today to oppose House Bill 4212 – specifically sections 37-39 which relate to the authority of OSHA/DCBS to create a new program with no real sideboards. This section seeks to create permanent rules instead of a temporary fix with no direct tie to COVID-19. Additionally, we have concern with comments raised by the supporters of this bill that this section creates a presumption for workers compensation. Some organizations representing public and private sector workers believe a new law should be established making Oregon’s workplaces the default reason for virus spread. A ‘workplace virus spread presumption’ would trigger significant escalations in worker compensation claims, premium costs, and small business administrative expense at a time when our economic ecosystem is fragile at best. ORLA is adamantly opposed to the establishment of any presumption which discounts the immeasurable ways Oregonians can contract the virus outside of the workplace without appropriate safety precautions.

Likewise, this legislation as written will create costly new compliance challenges that expand liability for all Oregon employers, including those in the hospitality industry. Our country in normal times has grown accustomed to a business environment rife with lawsuits and settlements. The Legislature needs to take action to protect Oregon’s second largest private sector industry in providing reasonable liability protections against COVID-19 lawsuits when operators follow all Center for Disease Control and Oregon Health Authority guidelines. A field day for frivolous lawsuits against small businesses is on our doorstep without ground rules established by our elected leaders to protect hospitality businesses operating in good faith.

Please consider common sense liability protection for businesses, schools, local governments, non-profits, and other entities who need protection when following orders issued by the Governor and guidelines issued by the government during this crisis. Please consider amending HB 4212 to include straight-forward liability protection for entities from unwarranted lawsuits during this pandemic.

Respectfully submitted,

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

Jason Brandt
President & CEO
Oregon Restaurant & Lodging
Association

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

Greg Astley
Director of Government Affairs
Oregon Restaurant & Lodging
Association

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

Bill Perry
Contract Lobbyist
Oregon Restaurant & Lodging
Association