

**HB 4086 STAFF MEASURE SUMMARY****Carrier:** Sen. Taylor**Senate Committee On Labor and Business****Action Date:** 02/17/22**Action:** Do pass.**Vote:** 4-0-1-0**Yeas:** 4 - Hansell, Jama, Lieber, Taylor**Exc:** 1 - Knopp**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Wenzel Cummings, LPRO Analyst**Meeting Dates:** 2/17**WHAT THE MEASURE DOES:**

Amends provisions of workers' compensation law related to retaliation and beneficiaries. Adds that a person acting on behalf of the employer engages in an unlawful employment practice by discriminating against a worker for engaging in certain workers' compensation activities. Establishes that a worker inquiring about workers' compensation benefits is a protected activity. Removes exemption from the retaliation statute for employers with five or fewer employees. Provides that Oregon family law is used to determine who may qualify as surviving spouse or cohabitant. Amends the definition of "dependent" to include any individual related by blood or affinity and to remove an exemption for an alien who does not reside in the state at the time of the injured worker's accident. Removes provision allowing the director of the Department of Consumer and Business Services to reduce compensation if the beneficiary is an alien residing outside of the United States. Replaces "invalid" with "incapacitated" in definitions and updates references.

**ISSUES DISCUSSED:**

- Need for an update to modernize the workers' compensation program
- Barriers to receipt of benefits
- Linked to family law where the case law is more developed so workers' compensation law can more easily stay current
- Update to language regarding those who reside outside the country
- Workers raising questions about their benefits during COVID-19 pandemic

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Workers' compensation law requires most employers to provide their workers with workers' compensation insurance coverage. The law provides an exclusive remedy for job-related injuries and occupational diseases. Oregon law prohibits employers with six or more employees from discriminating against a worker for applying for workers' compensation benefits, utilizing the procedures to receive those benefits, or giving testimony as required to receive benefits.

House Bill 4086 extends retaliation protections to all employees, clarifies that a person acting on behalf of the employer is also liable for retaliation, and protects workers who inquire about workers' compensation benefits. The measure also refers to Oregon family law to determine who qualifies as a surviving spouse or cohabitant, removes provisions related to beneficiaries who live outside the United States, and replaces references to "invalid" with "incapacitated".