



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

Workers' Compensation Division

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## Industry Notice

July 15, 2021

**To:** Workers' compensation insurers, self-insured employers, language translators and interpreters, and people who employ or contract with translators and interpreters

**Subject:** Coverage requirements for translators and interpreters – effective July 14, 2021

Oregon law uses a two-step process when determining if a person is entitled to workers' compensation coverage.

The first step is determining whether the person is a “worker,” which is defined by law as a person who performs services for pay and is subject to the direction and control of an employer.

Independent contractors generally do not qualify as workers because they are free from direction and control<sup>1</sup>.

The second step is determining whether the person is a “subject worker,” which is defined by law as any worker who does not fall under a specific exclusion. Any person who employs a subject worker is required to provide workers' compensation coverage for that worker.

Formerly, ORS 656.027(27) excluded certain translators and interpreters, providing that “A person performing language translator or interpreter services that are provided for others through an agent or broker [is not a subject worker].” However, this exclusion was removed effective July 14, 2021, by House Bill 2359.

Because the exclusion was removed, translators and interpreters who qualify as “workers” may be entitled to workers' compensation coverage. If you are a person who employs or contracts with translators or interpreters, and you have a right to direct and control their services, **you may be required to provide this coverage.**

If you do not currently provide coverage, we recommend you discuss your needs with an insurance professional. You can also contact the Small Business Ombudsman at 971-283-0997 or email [wc.advocate@oregon.gov](mailto:wc.advocate@oregon.gov).

Translators and interpreters who qualify as independent contractors are generally not “workers” and will not be entitled to workers' compensation coverage. For more information on independent contractor classification, see <https://www.oregon.gov/ic>.

Failure to provide workers' compensation coverage when required to do so can result in substantial penalties. If an employer does not have coverage and a worker is injured and files a claim, people in positions of

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<sup>1</sup> Note that another law change (House Bill 3188) further changes the definition of ‘worker’ to include any person who performs services for pay and is not an independent contractor. This change is effective Jan. 1, 2022.

responsibility such as corporate officers, members, or partners may be found personally liable for claims costs and penalties, which may not be dischargeable in bankruptcy. For the purposes of penalties and claim costs, shareholders of a corporation and members of a limited liability company are not protected by limits to their liability.

If you are a translator or interpreter and you believe you were injured at work or suffer from an illness because of your job, tell your employer as soon as possible. **Injured workers in Oregon have the right to file a claim, seek medical care, and access benefits for time off.**

If you have questions about your rights, contact the Ombudsman for Injured Workers at 800-927-1271 (toll-free) or email [oiw.questions@oregon.gov](mailto:oiw.questions@oregon.gov).

We appreciate your compliance with Oregon workers' compensation law.

If you have questions, contact Kathleen Bruns at 503-947-7665 or email [Kathleen.R.Bruns@oregon.gov](mailto:Kathleen.R.Bruns@oregon.gov).

Sincerely,

A handwritten signature in blue ink that reads "Sally Coen". The signature is written in a cursive, flowing style.

Sally Coen, Administrator  
Workers' Compensation Division

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