



Date: April 29, 2024
Re: Comment in Support of Proposed Changes to Vocational Assistance Rules
To: WCD.Policy@dcbs.oregon.gov, Attention: rules coordinator
From: Kate Suisman, Attorney

Thank you for the opportunity to provide testimony on this important concept. Northwest Workers' Justice Project (NWJP) represents workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being injured, or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

I write in strong support of the proposed amendments to OAR 436-120-0145, 0175, 0177 and the proposed new rule, OAR 436-120-0511. I also testified virtually in support on April 25, 2024.

By removing the current requirement that, “[t]he worker is authorized to work in the United States,” from the eligibility requirements for vocational rehabilitation, the Division is leveling the playing field. It should not cost an employer (or the insurance system) less to return an undocumented worker to the workforce than a documented one. There is a perverse incentive if that is allowed to continue.

By changing this set of rules, the Division is also acknowledging the reality that immigrant workers in low-wage jobs are more likely to be hurt- and to need vocational rehabilitation- than other workers.

We know that immigrant, Latine workers do some of the most dangerous jobs, and are injured and die at work at higher rates, than other groups of workers. Foreign-born, Latine workers made up 8.2 percent of the employed U.S. workforce, but 14.0 percent of work-related deaths in 2021, 25% higher than the overall job fatality rate. The fatality rate for Latinx workers increased dramatically- 42%- between 2011 and 2021, according to the BLS. The majority of the Latinx workers that lost their lives were foreign born. Fatalities are of course not the same as serious injuries in which a worker can return to work someday, but they are an indicator of the disparity between Latine immigrant workers and others.

All of this makes sense because the most dangerous jobs often have a high density of immigrant workers. NWJP's clients tend to work in a few main industries: construction, farming and forestry, food processing and manufacturing. For example, BLS data confirms that these jobs have high rates of workers identifying as Latine (or Hispanic): 39.9% of food processing workers, 49.6% of tree trimmers and pruners, and 44.6% of farming, fishing, and forestry occupations.

These same industries also have high rates of workplace injuries. Dairy manufacturing and animal slaughtering, for example, have high rates of workplace injuries, according to [BLS data](#), as do seafood preparation and packaging and food manufacturing overall.

Thank you for your work on this important equity issue.