

# Exhibit “4”

April 29, 2024

Attn: Rules Coordinator  
Workers' Compensation Division  
WCD.Policy@dcbs.oregon.gov

Re: Proposed Changes to Rules Regarding Vocational Assistance to Injured Workers

Dear Workers' Compensation Division:

My name is Dr. Eva Galvez, and I am a primary care physician that has been providing care to seasonal and migrant farmworkers in Washington County for over 12 years. I write to express my strong support for the proposed amendments to the rules relating to eligibility for workers without authorization to work in the United States.

The purpose of workers' compensation is to “restore the injured worker physically and economically to a self-sufficient status in an expeditious manner and to the greatest extent practicable.” ORS 656.012(2)(c). I am very aware of the poor health outcomes for so many farmworkers and the short- and long-term work-related injuries and diseases related to occupational health and safety. These include musculoskeletal injuries from repetitive work and work accidents, under diagnosed and under treated chronic medical conditions such as diabetes and hypertension, high rate of mental health conditions such as depression and anxiety influenced by the cumulative effect of physical and psychological stress. I also know the strong work ethic of agricultural workers. Many farmworkers continue to work with injuries even against the advice of their healthcare provider because they have no other choice.

Workers whose injuries are severe enough to permanently prevent them from performing their previous responsibilities are entitled to assistance so they can enter new careers. This ensures that they are able to contribute to the economy and support their families after devastating injuries. For too long, however, workers without work authorization have been unfairly excluded from this benefit. All workers injured on the job deserve and are entitled to workers' compensation benefits, regardless of their immigration status. As a life-long Oregonian, I know that our economy relies on workers without work authorization to perform some of the most dangerous and physically demanding jobs, including in agriculture, fish processing, construction, forestry, and firefighting.

Workers without work authorization particularly struggle to find jobs that do not require hard labor due to a lack of language skills and education. This forces those with disabilities to make an impossible choice. If they follow their physician's instructions, they are left with no earning capacity, a result that harms not only the workers, but also their families. Often, they instead return to the same or similar work--despite constant pain or risk of exacerbating their injury--in order to provide for their families. Excluding workers without work authorization from vocational assistance also hurts those who work alongside them because it partially relieves employers from responsibility for providing unsafe workplaces.

For all of the above reasons, I support the Workers 'Compensation Division for proposing the amendments to OAR 436-120-0145, 0175, 0177, and 0511, and I urge you to adopt them.

Sincerely,

*Eva Galvez, MD*

Eva Galvez, MD  
Hillsboro, Oregon