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BY ELECTRONIC MAIL: WCD. Policy@dcbs.oregon.gov

April 30, 2024

Attn: Rules Coordinator
Workers' Compensation Division
350 Winter Street NE
PO Box 14480
Salem, OR 97309-0405

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

Dear Rules Coordinator:

I write to express our strong support for the proposed amendments to the rules relating to eligibility for vocational assistance for those injured workers who do not have authorization to work in the United States.

Legal Aid Services of Oregon (LASO) is a non-profit organization dedicated to achieving access to justice for low-income Oregonians. We provide free civil legal services to people across the state. The Farmworker Program provides education, outreach, advice, and extended representation to agricultural workers. Agricultural work is one of the most dangerous occupations. Oregon agricultural workers indicate that occupational safety and health is one of their top priorities. Over the years, hundreds of injured agricultural workers have shared their experiences and concerns with us.

While many Oregon agricultural workers have work authorization, there are others who do not have work authorization. Many of the workers who do not have work authorization have worked and lived in Oregon or in other places in the United States for decades. Often, at the time of injury, workers without work authorization have worked for many years for their respective employers. For all these workers, they are entitled to workers' compensation benefits, regardless of their immigration status. ORS 656.005(28)(a). These protections are critical to achieve the purposes of workers' compensation, namely 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). If all workers are not protected, employers may feel freer to ignore or deprioritize safety and health conditions in the workplace, endangering all workers. If all workers are not protected, employers may prefer workers who lack access to full protections, weakening labor protections for all.

Vocational assistance is a key component of the continuum of care needed to achieve the goal of returning injured workers to self-sufficient status. Vocational assistance is especially important for those workers who have been seriously injured or suffered from debilitating occupational disease. Being denied this assistance thwarts the goals of the program and further harms injured workers and their families by adding to the

emotional distress of being injured. Giving workers without work authorization access to certain vocational assistance will help many workers gain skills and capacity to remain self-sufficient.

Thank you for recognizing and addressing this gap in protection for injured Oregonians. These protections help all workers in all economic sectors.

Sincerely,

LEGAL AID SERVICES OF OREGON

Farmworker Program

Laurie Hoefler

Farmworker Program Director