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Senator Green Conveys Concerns with the Harmful GOP Workers' Compensation Reform

JEFFERSON CITY, MO – After making technical corrections today to a bill harming the workers' compensation system, Democratic Senators blasted the Republican leadership for continuing to ignore the day-to-day needs of hard working middle-class Missourians. Sen. Green said the new law erodes the original intent of Missouri's Workers' Compensation system and will end up hurting both employers and employees alike.

"The original intent of the workers' compensation system was to protect employees from the debilitating affects of workplace injuries and employers from costly civil lawsuits against them," Sen. Green said. "If we do not respect the law's original intent, then the system breaks down and everyone gets hurt in the end."

Under the legislation, signed into law by Republican Gov. Matt Blunt last session, the following workers will be affected the most:

- **Older workers.** The new law states that work must be the "*prevailing factor*" of an injury meaning that if an older worker hurt his or her back on the job, the employer may now deny benefits by claiming the injury has more to do with the worker's age than the job itself.
- **Firefighters:** Under the new law, if a firefighter rushes into a burning building to save someone's life and is injured or killed before a back-up team arrives, then his benefits can be cut by 25-50%.
- **Hospitalized workers:** The new law removes the "good cause" exception to the rule that an employee must notify an employer of an injury within 30 days. An employee hospitalized for 30 days because of an injury who cannot contact his employer may be denied benefits for example.

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- **Workers without mind-reading capabilities:**
 - Employers no longer have to publish or post safety standards in a conspicuous place. Therefore, if an employee accidentally violates a company safety standard that he or she is not aware of because it is not posted or published anywhere, he or she will still be held liable and see their benefits reduced by 25-50%. Meanwhile, the employers' penalty for violating a safety standard – posted or not – remains the same at 15%.
 - Employers are not required to notify injured workers that unless they provide written verification of the time, date and nature of the injury within 30 days of a diagnosis, their benefits will be denied.
- **Workers with vacation, personal or sick time coming.** The new law states that injured workers must now use sick leave, vacation time or personal leave to receive medically necessary treatment.
- **Workers who talk back:** Under the new law, employees who allegedly commit post-injury misconduct that caused their firing can be cut off disability benefits. This gives employers an obvious incentive to fire workers.
- **Workers who receive injuries that cannot be physically recorded.** Doctors can no longer qualify injuries as compensable if the injury cannot meet *object medical findings*. In other words, if a worker suffers a head injury at work and suffers from headaches as a result, he or she may not be compensated, because headaches do not show up on X-Rays.
- **Workers who have received bonuses.** Under the new law, employers may now deduct bonuses when determining workers' compensation benefits.

In addition, the new law allows the Republican Governor Blunt to pack the workers' compensation courts with new anti-worker judges that are opposed to workers' rights.
