

Ohio House of Representatives



State Representative Brian Lampton District 73

**HB 447 – Sponsor Testimony
House Insurance Committee
27 October 2021**

Chair Brinkman, Ranking Member Miranda, and members of the House Insurance Committee, thank you for the opportunity to testify on House Bill 447. This bill would prevent frivolous workers' compensation claims from employees who sustain non-work related injuries while working from home. As many of us know, COVID-19 caused a large disruption in our work force. For some, the "new norm" is working either partly or entirely from their primary residence. This has created a situation that puts our workers' compensation system at a high risk for frivolous claims. To prevent this, the Ohio General Assembly must act to codify a system that can determine which at-home injuries were caused by factors outside of the employer's control. As we all know, employers cannot mitigate risk in an employee's home the same way they can mitigate risk in the employer provided workspace. Employers are 100% responsible for paying workers' compensation premiums, and a single claim can substantially increase an employer's premium rate.

Currently, our state fails to differentiate injuries sustained by at-home employees that are within the employer's control and injuries sustained by at-home employees that are outside of the employer's control. The purpose of this bill is not to prevent work-from-home employees from claiming workers' compensation. Instead, the purpose of this bill is to establish criteria to determine which injuries sustained by work-from-home employees are due to their employment and within the employer's control.

Under this bill, work-from-home employees, who sustain an injury while working, qualify for workers' compensation if the employee meets these three criteria:

1. The employee's injury or disability arises out of the employee's employment.
2. The employee's employment necessarily exposes the employee to conditions that substantially contribute to the risk of injury or disability.
3. The injury or disability is sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.

For example, this bill would not prevent an at-home employee from claiming workers' compensation for injuries such as carpal tunnel, as long as it was sustained due to his or her work. However, this bill would prevent at-home employees from claiming workers' compensation for injuries sustained outside of the employer's control. One example of this could be if an at-home employee were to fall on a freshly mopped floor while on the clock. Obviously, the employer cannot control the environment of the employee's home; therefore, they should not be responsible for injuries sustained due to these at-home environments. This is important to keep in mind when considering that workers' compensation insurance provides lifetime benefits when an employee becomes permanently disabled.

Chair Brinkman, Ranking Member Miranda, and members of the House Insurance Committee, thank you again for the opportunity to testify on HB 447. I am happy to answer any questions the committee may have.