



TO: Senate Insurance & Financial Institutions Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: June 13, 2017
RE: Substitute House Bill 27

To Chairman Hottinger, Vice Chair Hackett, Ranking Member Brown, and members of the Senate Insurance & Financial Institutions Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio (“ACLU of Ohio”) and I appear to present interested party testimony on Substitute House Bill 27.

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As you might expect, almost all issues related to workers’ compensation do not involve civil liberties. However, HB 27 contains some particularly harmful and ill-conceived provisions regarding undocumented workers prompting our testimony against these proposed changes to Ohio law.

As you have heard and will continue to, a portion of Sub. HB 27 seeks to:

- 1) Outlaw payment of workers’ compensation benefits to undocumented workers regardless of how serious their injuries or illnesses;
- 2) Prevents undocumented workers from filing lawsuits against their employers for *any* personal injury or disease suffered as result of their employer’s actions unless the victim has “clear and convincing” evidence they were unlawfully hired;
- 3) Prevents courts from even considering a lawsuit for damages without the just-referenced clear and convincing evidence.

No one should be blamed if they interpret this as a license for unscrupulous businesses and corporations to hire undocumented workers and assign them to work the most harmful jobs or in the most dangerous environments.

After all, these employers know the overwhelming majority of workers in these jobs do not have the resources or wherewithal to file lawsuits or conduct a search for “clear and convincing” evidence against them.

But, many are desperate to help themselves and their families and they will continue to perform work where and when they can find it.

These provisions regarding undocumented workers clearly come from a certain amount of frustration with our country's immigration laws and policies. Believe me, everyone, on all sides, is frustrated with these antiquated laws. They are remnants of the distant past, badly in need of reform, with apparently no improvements on the way from Congress.

But, that frustration should not result in the passage of what appears to be the nation's most draconian law regarding workers' compensation coverage and this, often times, vulnerable population.

Someone who is seriously injured, diseased, or dying because of their hard work should not have additional, almost entirely insurmountable, hurdles put in their way on those rare occasions they wish to hold an incompetent, neglectful, or exploitative business or corporation accountable for their actions.

Yet, by design, that is exactly who HB 27 protects. All for a "problem" of undocumented workers having access to workers compensation benefits when proponents of this problem have zero evidence of *any* demonstrable problem.

Members of this committee, the ACLU of Ohio urges you to reject the provisions in Substitute House Bill 27 regarding undocumented workers. They are unnecessary and harmful to workers, their families, and your taxpaying constituents, who will be forced to foot the bill for medical care when the worst employers in Ohio are immunized via this legislation.