



NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY & HEALTH
14 Wall Street, Suite 5A • New York, NY 10005 • 212.227.6440

**Testimony by Charlene Obernauer, NYCOSH Executive Director
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My name is Charlene Obernauer and I am the Executive Director of the New York Committee for Occupational Safety and Health (NYCOSH). We are a non-profit membership organization of workers, unions, community-based organizations, workers' rights activists, and health and safety professionals. NYCOSH uses training, education, and advocacy to improve health and safety conditions in our workplaces, our communities, and our environment. Founded in 1979 on the principle that workplace injuries, illnesses and deaths are preventable, NYCOSH works to extend and defend every person's right to a safe and healthy workplace.

NYCOSH has been advocating for safe and healthy jobs for decades, with a particular focus on the NYS Workers' Compensation system.

New York State (NYS) Workers' Compensation (WC) is a no-fault system enshrined in the NYS Constitution. It was initially established as a compromise between business and labor that was designed to help workers recover from injury and illness caused by their jobs. Since 1914, workers who get injured, fall ill, or die on the job have relied on this system to provide wages and benefits for themselves and their families. More than 100 years later, too few workers are able to access and use the system.

I'm here to testify today about these barriers to access.

- 1) Fewer than half of reported non-fatal work-related injuries and illnesses result in workers' compensation claims with awarded benefits.**

In 2022, there were an estimated 192,800 non-fatal work-related injuries and illnesses recorded by the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII) in NYS. During the same year, NYS provided WC benefits to approximately 83,000 workers.

- 2) Under filing of COVID cases was a serious issue.**

Only 4% of workers who contracted work-related COVID filed for workers' compensation in NYS during 2020 and 2021, and only 1% were awarded benefits. This occurred despite the fact that 85% of the workers who filed a COVID-19 WC claim worked in an essential industry.

3) Claimants who have access to an attorney or other form of representation are more than twice as likely to receive workers' compensation benefits than those who don't.

Over the past several years, NYS has awarded benefits to approximately 35% of all initiated claims and to over 80% of claimants with some form of representation. Representation can improve access to WC benefits by helping injured workers overcome legal, technical and administrative barriers that impede their ability to obtain proper and adequate compensation.

I believe that there are concrete solutions to these issues of under filing and that we can make the workers' compensation system more accessible for all workers.

One example comes out of Washington State. Project HELP (a department of the Washington State Labor Council, AFL-CIO) provides educational and one-on-one claims assistance to all interested persons. The project's goal is to provide "sure and certain relief for workers" injured on the job and their families and dependents. The project helps an estimated 1,800 workers per year file claims. A similar program could be piloted in NYS to support workers who need to file claims.

Non-profits and unions could also access Hazard Abatement Board funding, which is based on workers' compensation assessments and has remained stagnant for decades, to allow for outreach to workers about the system.

Finally, we could develop and fund a navigator program to train union representatives, CBOs, and other community representatives to help people apply for benefits.

I thank you for the opportunity to testify and welcome any questions.