

Oregon Workers' Compensation

Topic of Interest

Records Disclosure _____

Until November 1993, Oregon law gave the public unlimited access to information contained in an estimated 675,000 workers' compensation claims. Based on concerns that this type of information was being used inappropriately to screen job applicants, Oregon Revised Statute 192.502 was amended. Unlimited access to these records, either by individual businesses or national subscription services, was discontinued.

The statute now generally restricts public access to the state's workers' compensation claim records except for parties with a direct interest, such as insurers, self-insured employers, government agencies, and injured workers or their representatives.

Alleged bias against injured workers accounted for nearly one-fourth of the job discrimination claims filed by Oregonians with the Bureau of Labor & Industries. Discriminatory use of the names violates the state's civil rights code and the Americans with Disabilities Act.

Oregon's law now helps eliminate discrimination against job applicants who have filed workers' compensation claims. Following is the text of the pertinent law.

ORS 192.502 Other exempt records . The following public records are exempt from disclosure under ORS 192.410 to 192.505:

(18) Workers' compensation claim records of the Department of Consumer and Business Services, except in accordance with rules adopted by the Director of the Department of Consumer and Business Services, in any of the following circumstances:

- (a) When necessary for insurers, self-insured employers and third party claim administrators to process workers' compensation claims.
- (b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.
- (c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.
- (d) When a worker or the worker's representative requests review of the worker's claim record.

In addition, the director may exercise her/his sole discretion to authorize release of workers' compensation records to persons other than those described above when such a release would be in the public interest, as provided by administrative rule.

Rule reference: OAR 436-060-0009: Claims Administration, Access to Department of Consumer and Business Services Workers' Compensation Claim File Records

For more information contact:

Operations Section: (503) 947-7624