

CCWC Prepares for Final Month of 2017 Legislative Session

Key Workers' Compensation Bills Still in Play as September 15 Deadline Nears

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Today the California State Legislature returns to Sacramento for the final month of the 2017 legislative session, and several important workers' compensation bills are still under consideration.

While CCWC has worked effectively to neutralize several of the worst legislative proposals this year, a few key bills could still reach the Governor's desk.

AB 570 (Gonzalez-Fletcher) – Employer Liability: Pregnancy-related Disability

California's workers' compensation system is intended to compensate workers for permanent disability resulting from work-related accidents and exposures. California law requires "apportionment" to industrial and non-industrial causes of disability – a process by which a physician determines, based on substantial medical evidence, what portion of an injured worker's disability is attributable to work as opposed to non-work causes.

AB 570 would change the law to disallow apportionment for any non-industrial disability that is related to pregnancy. The result of this legislation is clear – for the first time, as a matter of law, employers would be required to compensate injured workers for disability that factually did not result from the workplace.

The bill is touted by the author and sponsor as a solution to gender-based apportionment that unfairly harms women. Below is an excerpt from the [Assembly Insurance Committee analysis](#) of the bill:

“According to the author, women can receive disproportionately low compensation amounts for work-related permanent disability because of the gender-specific conditions of pregnancy and childbirth. The author points to specific examples where the evaluating physician has pointed to pre-existing conditions that have involved pregnancy or childbirth in apportioning the causation of subsequent industrial injuries, and argues that this constitutes an inappropriate discrimination, since male injured workers can never have their disability apportioned in this manner.”

What supporters of the bill fail to recognize is that the process of apportionment applies the same for both men and women. If there is pre-existing non-industrial disability that can be established via substantial medical evidence, then the injured worker does not get compensated for that disability by their employer. Luckily for California employers, Governor Jerry Brown has been unequivocal in his past vetoes of legislation such as AB 570.

AB 1028 (Bocanegra) – School Police Officers: Presumptions

California's workers' compensation system provides special benefits to public safety workers, typically in the form of additional wage loss benefits and presumptions of industrial causation that apply very specifically to certain occupations and injury types. The law on this subject has been pieced together over the years as unions seek to deliver special benefits to their members with little in the way of objective evidence that such a policy is needed. Employers, on the other hand, contend that presumptions create an insurmountable barrier to righteous denials of non-industrial conditions.

AB 1028 expands existing presumption law to school police officers around the state. Prior versions of the bill, which is sponsored by police unions, were vetoed by Governor Brown because of a lack of supporting data to demonstrate that a problem even exists. Supporters claim to have additional data to present to Governor Brown this year, however little has been produced during the policy and fiscal committee process.

WCIRB Releases 2017 State of the System Report

Last week, the Workers' Compensation Insurance Rating Bureau (WCIRB) released its 2017 State of the California Workers' Compensation Insurance System report. The report highlights the cost of California workers' compensation insurance based on premiums paid by insured employers, illustrates how premium dollars are distributed among various system components, details key cost drivers in the system and provides a summary of statewide insurer results. The report also includes comparisons of components of the California system to the systems in other states, as well as comparisons within California regionally.

[View the full report via this link.](#)

