

Workers comp cuts injuring workers

Reductions in workers compensation benefits imposed by Republican state legislators and Gov. Rick Snyder in 2011 are working exactly as they intended.

For the eighth straight year, according to an Oct. 22 media release from the state Workers' Compensation Agency, workers and job providers will benefit as workers' comp premiums will decrease by 8.3 percent for 2019. Employers have saved \$492 million in premiums since 2011, amounting to an overall cumulative decrease of 49 percent. Employers have definitely benefited. Workers? Not so much.

In touting the cost savings, WCA Director Mark Long said, "Employers experience real financial savings from these declining rates. This allows them to invest more in their business by hiring more employees and increasing salaries. These rate decreases play a pivotal role by continuing to add workers and businesses to the state's economy."

The comp insurance premium savings were an intended outcome of the 2011 Republican rewrite of Michigan's workers' comp law signed by Snyder. Tim Esper, a 40-year veteran workers' comp attorney, points out that the premium decrease was accomplished by denying or reducing benefits to most injured workers. He said under the rewrite, as applied by Snyder-appointed magistrates and appellate commissioners, injured workers get no weekly comp benefits unless they can prove, for each and every week of lost time, that they were making a "good faith effort" to find work.

"Weekly benefits, for those who get them, are no longer based on their wages and benefits when they got hurt," Esper said. "Instead, their benefits are reduced, often by hundreds of dollars per week, based on a supposed residual earning capacity. For any period when a worker refuses 'a bona fide offer of reasonable employment,' they get no comp at all.

"Again, Snyder appointees decide the fate of such workers. Figure the odds on who wins those fights. Sadly, a law written in 1912, consistently determined by Michigan courts to be social legislation that should be liberally construed in favor of injured workers, has been gutted by Republican lawmakers and Gov. Snyder. They cut employers' premiums in half by gutting benefits for injured workers."