



FACT SHEET

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Longshore and Harbor Workers' COVID-19 Compensation Act of 2022 (H.R. 3114) *Improving access to workers' compensation for maritime workers diagnosed with COVID-19*

Maritime workers are at increased risk of contracting COVID-19 due to the nature of their work.

Maritime workers across the country have continued to perform essential work throughout the pandemic. Unfortunately, many maritime workers, particularly shipbuilding and longshore workers, must work in close proximity and in confined spaces, placing them at increased risk of contracting COVID-19 on the job.

Unlike many other essential workers, maritime workers who contract COVID-19 and seek workers' compensation face steep barriers to proving their diagnosis was work related.

Most employees who are injured, become ill, or killed on the job rely on state workers' compensation programs to provide wage replacement, medical costs, and survivor benefits. Unlike these workers, maritime workers are covered under the federal *Longshore and Harbor Workers Compensation Act* (LHWCA), which poses a nearly insurmountable burden of proof for workers to establish that a COVID-19 diagnosis was related to their work. Between April 2020 and October 2021, 1,093 maritime workers applied for COVID related claims, but employers refused to accept 93 percent of those claims. Maritime workers deserve the same access to workers' compensation as other essential workers.

About the Longshore and Harbor Workers' COVID-19 Compensation Act of 2022

The *Longshore and Harbor Workers' COVID-19 Compensation Act of 2022* makes it easier for maritime workers who were diagnosed with COVID-19 to access the workers' compensation they deserve by:

- Providing maritime workers—who worked between January 27, 2020 and January 27, 2024 and contracted COVID-19 (or were ordered to quarantine by their employer)—with the presumption that their COVID-19 diagnosis was work-related under the LHWCA.
- Establishing mandatory funding to reimburse employers and insurers for LHWCA benefits paid out to maritime workers.
- Requiring employers who seek reimbursement of benefits to comply with federal or state OSHA standards and other federal workplace safety guidance.

The legislation is endorsed by: United Steelworkers (USW) Union, Metal Trades Council of the AFL-CIO, Transportation Trades Department of the AFL-CIO, International Longshoreman's Association (ILA), International Longshore and Warehouse Union (ILWU), and Workers Injury Law & Advocacy Group (WILG).