

Declaration of Principles to Advance the Human Rights of Injured or Ill Workers in the United States

Whereas workers' compensation systems across the United States consistently fail to protect the basic human rights of injured or ill workers and subject workers injured or made ill on the job to serious physical, psychological, economic and social harm;

Whereas the current design of workers' compensation systems, the implementation of these systems and the recurring reform efforts in workers' compensation often do not conform with the basic human rights principles of universality, dignity, participation, transparency and accountability;

Whereas workers' compensation systems fail to meet their stated goals to provide injured or ill workers timely, quality health care and compensation for lost wages;

Whereas injured or ill workers are often faced with official procedures and informal practices that are arbitrary, cruel and capricious, cause unjustified denial or significant delays of receipt of benefits and health care, and violate both their right to privacy and their right to information regarding their own case;

Whereas workers' compensation systems are frequently evaluated and reformed with the principal aim of reducing costs, often undermining the essential goal of meeting the needs of injured or ill workers;

Whereas it is vital that injured or ill workers advocate on their own behalf and that their advocacy is supported by experts from related disciplines, including scholars, researchers, economists, actuaries, union and labor leaders, physicians, government representatives, lawyers and civil society advocates who share the goal of seeking strategies and solutions that respect injured or ill workers human rights and preserve their dignity;

We, the undersigned, declare that the basic human rights of injured or ill workers must be fulfilled and that therefore the following principles must guide all efforts for reform in workers' compensation systems:

- **Human Dignity:** Injured or ill workers must be treated with dignity and respect.
- **Availability and Access to Quality and Timely Healthcare:** All injured or ill workers, regardless of status, classification or type of employment, must have access to patient-oriented, quality and timely healthcare and treatment. The legal burden of determining the cause of the injury or illness should not result in the delay or denial of timely and quality healthcare.
- **Timely and Adequate Compensation:** All injured or ill workers, regardless

of status, classification or type of employment, must receive timely and adequate compensation and benefits that – at the very least – meet their basic needs.

- **Protection from Retaliation and Discrimination:** Injured or ill workers must be afforded adequate protection against retaliation and discrimination by current and potential employers, insurers or any other actors within the workers' compensation system.
- **A Fair and Participatory System:** Processes for providing benefits and care to injured or ill workers must be timely, transparent, fair and impartial, and oriented toward meeting the needs of injured or ill workers. Legal presumptions and rules of evidence should be designed around and weighted in favor of workers' interests. Workers must have the right to participate in the workers' compensation system, including representation on relevant boards and commissions.
- **Access to Information:** Injured or ill workers must have access to information from employers, insurance companies, government agencies and other authorities which is pertinent to their treatment and to receiving adequate compensation. All information regarding injured or ill workers must be obtained and utilized in a manner that protects the right to privacy of workers and of their families. The public must also have access to quality and accurate data on the illnesses and injuries workers experience and more generally about workers' compensation systems.
- **Accountability:** There must be greater accountability demanded of workers' compensation systems and insurers, including evaluation and better oversight of processes within the systems.
- **Access to Subsequent Employment:** Injured or ill workers physically and psychologically able to work should have access to appropriate subsequent employment.

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