

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 454

H.P. 351 House of Representatives, February 20, 1987
Reference to the Committee on Labor suggested and ordered
printed.

EDWIN H. PERT, Clerk
Presented by Representative WILLEY of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to Suitable Work Transfers
2 Under the Workers' Compensation Act.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 39 MRSA §66-A, 3rd ¶, as amended by PL 1983, c.
7 647, is further amended to read:

8 The exercise of this authority shall not conflict
9 with any provisions of a collective bargaining agree-
10 ment between the employer and a labor organization
11 which is the collective bargaining representative of
12 the unit of which the injured workman is a part, if
13 this agreement grants the injured employee greater
14 rights than are provided in this section.

1

STATEMENT OF FACT

2 In 1985, the Legislature enacted a comprehensive
3 system for the rehabilitation of injured workers un-
4 der the Workers' Compensation Act. The goal of that
5 legislation was clear, to facilitate and to expedite
6 the return of injured workers to suitable employment.

7 There is now a provision in the Act which thwarts
8 that objective in organized workplaces. It prohibits
9 an employer from rehiring an injured worker for an-
10 other position if the placement of that employee is
11 inconsistent with union restrictions on placement,
12 such as seniority provisions. The result, in many
13 situations, is that the injured worker is unable to
14 secure suitable employment.

15 This bill addresses that problem. It permits the
16 transfer of injured workers to suitable employment in
17 cases when the transfer may otherwise conflict with a
18 collective bargaining agreement. This is so only if
19 the collective bargaining agreement offers the in-
20 jured worker less protection than the law. If the
21 agreement offers the employee greater protection or
22 rights, then the collective bargaining agreement gov-
23 erns.

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