

Pennsylvania Workers' Compensation Legislative Update

The Pennsylvania Legislature has had a busy term considering many issues that will affect the Pennsylvania workers' compensation system. There are three bills that have seen some movement recently and they are discussed individually below.

- The Senate passed [S.B. 319](#), which is legislation that was developed in part by the Pennsylvania Chamber of Business and Industry, in an effort to address the Whitmoyer decision. You will recall that in Whitmoyer, a carrier/employer's subrogation rights were impacted negatively and S.B. 319 would restore those rights legislatively and fully. Not unexpectedly, the trial bar and a few unions are pushing back on the House side. Prospects on ultimate passage remain unclear and there is likely to be some political bargaining needed to get this to pass if it is to pass.
- Regarding the continuing battle for Pennsylvania to have (or fight) COVID-19 presumption legislation, the issue remains alive. While the push behind these proposals is certainly less urgent given the waning effects of the pandemic. Just recently, [a cosponsor memo was issued](#) for two COVID presumption bills related to emergency responders and to those working in the healthcare industry. Of interest, both bill sponsors are Republican and one of the bill sponsors serves on the House GOP leadership team.
- The House passed [H.B. 1387](#), legislation that is designed to require Uninsured Employer Guaranty Fund claimants to substantiate the wages they are claiming to have earned in order to qualify for wage-loss benefits. Members of the trial bar are opposing this legislation as well.

We will continue to keep you updated as this and other legislative proposals are developed in Harrisburg.

Weber Gallagher's Workers' Compensation Practice Additional Resources

WG Alert!:

- [Updated Pennsylvania Workers' Compensation Practice and Procedure During the COVID-19 Emergency](#)

Article:

- [Pa. Workers Comp Act and an Employer's Subrogation Entitlement Rights](#)