

*John Sweeny*

**F**ailure to enact national health care reform has merely postponed the need to address the dilemma created by our current irrational health care system. That public policy debates have moved on to other issues merely masks the continuing crisis in delivery of and payment for health care in America.

Coverage continues to contract for those whose health insurance is linked to employment. Workers protected by collective bargaining contracts are under constant pressure from employers seeking to shift costs and reduce benefits. Republicans in the Congress propose to fund tax cuts for the rich by dismantling Medicare and Medicaid programs that provide health security for

the elderly, poor and disabled. Rapid commercialization of health care has profound negative implications for patients, health care workers and our communities.

Related to these developments, workers seeking treatment for injuries or illnesses suffered on the job are

finding that medical treatment under workers' compensation is under attack. The focus has shifted away from quality of care and satisfactory medical recovery to ways to reduce cost. At the state level, employers and insurers are seeking to shift some portion of medical care costs to injured workers and to influence medical decision-making in regard to treatment.

In the national health reform debate, the AFL-CIO was the most vocal supporter of integrating the medical portion of workers' compensation into the overall health care delivery system. It was and remains our belief that:

- using a single health plan regardless of the source of injury or illness is rational;
- ceasing to maintain separate systems would be a giant step toward efficiency;
- eliminating the opportunity to shift costs from workers' compensation to group health or the reverse would be cost effective and would save money;
- choosing providers *before* the injury or illness would be a giant step toward restoring trust doctors' decisions;

- requiring group health care providers to become familiar with work injuries and illnesses would improve attention to the workplace and to these medical conditions; and
- collecting data on medical conditions and employment would help us improve health and safety at the workplace.

Under integration workers would have retained the right to choose their own health care provider and would not have been liable for any of the costs of the medical care related to their work-related condition. The workers' compensation insurance industry fought this proposal largely because workers would have had the right to choose their own health plan.

Choice is critical to workers' compensation. Treating doctors make important determinations unrelated to quality or cost of medical care. These are critical to compensability (the work-relatedness of the condition), pivotal in deciding the amount of benefits to be paid (the extent of impairment), and crucial to decisions about return-to-work (under what conditions or restrictions).

In recent years, insurance carriers and employers have turned to managed care to avoid the historic legislative battles over "choice." Simply providing by statute the right (or in some cases the requirement) of the employer or insurer to designate medical treatment through a managed care arrangement made the fight over choice a moot issue. Today, twenty of the twenty-eight "employee choice" states provide for managed care in workers compensation. The other states were already employer choice states.

Unions have opposed legislative attempts to reduce worker choice of health provider. But as managed care became the dominant form of health care delivery, unions began to bargain contract provisions that protect workers' right in managed care and that provide for a major role for the union in administering such arrangements.

The AFL-CIO, as part of a broad effort to insure quality and accountability in managed care settings on behalf of union members, is currently developing an overall policy on use of managed care in workers' compensation. Guaranteeing worker protection will be a cornerstone of that effort.

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## Organized Labor's Concerns