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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Assembly Committee on State Affairs**  
**February 9, 2022**  
**Assembly Bill 681**

Chairman Swearingen and members of the Assembly Committee on State Affairs – thank you for giving me the opportunity to speak on AB 681, relating to employer liability under worker’s compensation for mandatory or coerced COVID-19 vaccines.

During the last several months, I have received contacts from concerned citizens/constituents that are terrified of losing their jobs if they refuse the COVID vaccine that their employers are mandating or coercing them to get. We also see those concerns from testimony today and when the Senate version was heard in January.

It is wrong for an employer to require something for one’s terms of employment and not have liability towards it. If a worker gets hurt on an assembly line, the employer is likely liable. The same logic should apply towards the COVID vaccine.

This legislation creates a level of protection for Wisconsinites’ bodily autonomy by providing worker’s compensation liability against their employer if they are mandated or coerced to take the COVID vaccine and get injured from it. The burden of proof of the diagnosis is still required.

Let’s make it a legislative priority to protect the medical rights and freedoms of all our constituents.

I want to thank the committee for your time and consideration. I am happy to answer any questions members of the committee may have.



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## Testimony in Support of Assembly Bill 681

Assembly Committee on State Affairs

Wednesday, February 9

Thank you Chair Swearingen and members of the Assembly Committee on State Affairs for the opportunity to testify in favor of Assembly Bill 681. I appreciate your time and consideration of this legislation.

We shouldn't have to bring a bill like this forward; however, the past two years our medical rights and freedoms have been infringed on. Receiving the Covid-19 vaccine should be a decision made with you and your health care provider, not with your employer.

AB 681 provides additional protection to Wisconsin workers by including injury or illness as a result of an employer mandated Covid-19 vaccine under the Worker's Compensation program. Worker's Compensation generally covers injuries to workers as a result of workplace activities and requirements. If a certain vaccine is made mandatory for employment, any resulting injury to the employee should be covered in the same way as another workplace required activity resulting in injury to the worker.

For the past year, I have heard from many constituents who are afraid of losing their jobs if they refuse the Covid-19 vaccine that their employer is mandating. An employer should bear some liability for injuries received as a result of workplace requirements and terms of employment.

I ask you to support Assembly Bill 681 and thank you once again for your time to consider this piece of legislation that protects medical rights and freedoms.



## **AB 681 Worker Protection under the Worker's Compensation Program for Employer Mandated Covid-19 Vaccines**

**Testimony of Senator Steve Nass  
Assembly Committee on State Affairs  
February 9, 2022 • 328 Northwest, State Capitol**

Thank you Chairman and committee members for allowing me to provide written testimony in support of AB 681. This bill provides additional protection to Wisconsin workers by including injury or illness as a result of an employer mandated Covid-19 vaccine under the Worker's Compensation program.

Wisconsin's Worker's Compensation program requires payment of reasonable medical expenses and compensation for lost wages resulting from work-related injuries or disabilities. These benefits are the responsibility of the employer, if self-insured, or the employer's worker's compensation insurance carrier.

AB 681 provides that, for the purposes of worker's compensation, an injury caused to an employee by a vaccine against the SARS-CoV-2 coronavirus that the employee was required by or coerced by his or her employer to receive is presumed to be caused by the individual's employment. This presumption requires a diagnosis and may be rebutted by specific evidence that the injury was caused outside of employment.

Worker's Compensation generally covers injuries to workers as the result of workplace activities and requirements. If a certain medical treatment, in this case a vaccine, is made a mandatory term of employment, any resulting injury to the employee should be covered in the same way as another workplace required activity resulting in injury to the worker.

My office has received many contacts from constituents that are afraid of losing their jobs and livelihood if they refuse the Covid-19 vaccine that their employer is mandating, or may mandate them to get. An employer should bear some liability for injuries received as a result of workplace requirements and terms of employment.

Thank you for the opportunity to provide testimony in support of AB 681. Please contact my office if committee members have further questions on this legislation.

*"In God We Trust"*



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**Assembly Committee on State Affairs**  
**AB681**  
**February 9, 2022**  
**By Denise Brusveen, M.S.**  
**Co-Founder, Vaccine Choice Wisconsin**

Thank you Rep. Swearingen for holding this hearing today and to the members of this committee who are present. I would also like to thank Rep. Sortwell and Sen. Nass for authoring this bill as well as all of the other co-authors and co-sponsors.

My name is Denise Brusveen, and I am here today representing Vaccine Choice Wisconsin, an organization dedicated to ensuring that vaccination is always a choice from conception until death. Unfortunately, vaccination is not always a choice for employees because Wisconsin does not have any protective laws that would prohibit employer mandates. Thus, AB681 is not just a good bill. It is essential.

If an employee is injured in the workplace for any other reason, it is expected that worker's compensation would pay for the associated costs. This is no different. If an employer wants to exercise their current right to force their employees to have a medical product injected into their body, they MUST be held accountable.

One major difficulty that we foresee with employees actually receiving compensation is the requirement that they provide proof of a specific diagnosis by a physician. Even before 2020, physicians were already unwilling to diagnose vaccine injuries for fear of retaliation by their employer or the state medical board. In short, they have been refusing for years to acknowledge vaccine injury for fear of losing their medical license, and it has only gotten worse over the past two years. And I can't blame them for wanting to continue to practice medicine after investing many years and tens or hundreds of thousands of dollars to receive that license.

Ultimately, it is their patients – employees who are at the receiving end of employer vaccine mandates – who pay the price. I think that the passage of this bill is a firm step in the right direction. And I know that today is the deadline for you all to sign on to LRB5049/1, which would give health care providers the right to express their professional opinions related to health or medical information or guidance without the risk of being retaliated against, discriminated against, or having any adverse action brought against them for expressing their professional medical opinion by either the health care entity where they are employed or any examining or credentialing board in the Department of Safety and Professional Services.

I know that we're not here to discuss LRB5049 today, but its passage truly would make this bill even stronger. Nobody should be denied compensation for a valid vaccine injury as a result of an employer mandate simply because no doctor is willing to put their license on the line.

Today I ask you to vote 'yes' on AB681 as it is a big step in the right direction, and I can only hope and pray that at least some unfortunate vaccine injury victims will be properly compensated by the passage of this bill. Thank you.