



League of United Latin American Citizens

Support For Access To Interpreters For Non-English Speakers At All Stages Of The California Worker's Compensation Process

WHEREAS, 40% of the population in California is Hispanic and 40% of the workforce in California is Hispanic.

WHEREAS, the U.S. Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses found that Hispanic/Latino workers continue to be at increased risk of getting hurt and/or dying on the job. These vulnerable workers have a disproportionate rate of injuries, illnesses, and fatalities in the workplace largely because they work in dangerous industries, like agriculture and construction, may be particularly vulnerable due to their immigration status, and may be subject to employer exploitation. Many are foreign-born, do not speak English, and are not informed about their rights on the job.

WHEREAS, former U.S. Secretary of Labor, Hilda Solis, stated she is "particularly concerned about our Hispanic workforce, as Latinos often work low-wage jobs and are more susceptible to injuries in the workplace than other workers. There can be no excuses for negligence in protecting workers, not even a language barrier."

WHEREAS, employees who are injured while working in California or for a California company are legally required to report their injury to their employer. Then, the employer must direct the worker to get immediate medical attention at the industrial clinic identified by the employer. From the initial medical appointment through resolution of the claim, all information provided by or given to the injured worker is essential and often subject to time constraints.

WHEREAS, most claims for injury are ultimately adjudicated at the Worker's Compensation Appeals Court through the Department of Industrial Relations Division of Workers Compensation which is codified in the California Labor Code.

WHEREAS, the law is clear that interpreters are required under the California Labor Code through §§ 4600, 4600(f), 4620, 9795.3, 9795.1.6 and 5811. Those sections recognize the need for interpreters to assist injured workers to be able to communicate in their native language at all significant steps of the proceedings connected with their claim, from the first medical appointment through any legal proceeding.



League of United Latin American Citizens

Support For Access To Interpreters For Non-English Speakers At All Stages Of The California Worker's Compensation Process

WHEREAS, in a recent survey, 89% of all California farmworkers reported that Spanish was their primary language, 16% reported that they could speak English "well" and 35% "not at all."

WHEREAS, Non-English speaking Applicants have a Due Process right to fully understand the consequences of legal and medical process, upon which most legal decisions are made.

WHEREAS, certified interpreters are required by law to assist those injured workers who do not speak English well but are often dispensed with to the detriment of the non-English speaker.

WHEREAS, participation by and the rate of pay for interpreters is frequently challenged by the Courts and the insurance companies.

WHEREAS, without certified interpreters being required to be at medical and legal events, those non-English speakers are denied Due Process.

NOW, THEREFORE, BE IT RESOLVED, LULAC, should continue its strong support for the requirement that certified interpreters are required to be present at all significant events where a Non-English speaking injured worker is subject to decision concerning their work injury.

NOW, THEREFORE, BE IT RESOLVED, LULAC, should advocate on behalf of any organization that fights for the requirement that the injured worker have the presence of a certified interpreter at all medical and legal steps following a work injury.

NOW, THEREFORE, BE IT RESOLVED, LULAC, should also advocate that any efforts to have any medical or legal reports or proceedings be inadmissible if a certified interpreter was not provided to the injured worker per Evidence Code §755.5.

NOW, THEREFORE, BE IT RESOLVED, LULAC, should support any organization that fights for an increase in fees for interpreter services.

Submitted by: LULAC of San Diego Council# 3198. Voted and approved by the National Assembly of the 2024 LULAC National Convention on June 29, 2024.

Roman Palomares
LULAC National President