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Why Workers' Compensation Information Doesn't Reach Spanish-Speaking Workers

Our Friends · Tuesday, August 4th, 2026

DCReport reported on July 17 that Spanish-speaking residents of western North Carolina were left at the margins of disaster information after Hurricane Helene. Language barriers in government benefits work more quietly: the explanation appears in one language, the number in another.

Workers' compensation language access decides one narrow thing: whether an injured worker can find out what an injury is worth under state rules without asking someone else to read it. New York makes that harder than its own record suggests.

The New York State Workers' Compensation Board translates a great deal: Spanish fact sheets, claim guides, a free phone line that arranges interpreters. The current dollar figures are another matter. They sit on English pages, beside the tables that set what a permanently damaged hand is worth in weeks of pay.

How Many Workers Face a Language Barrier on the Job?

The workforce numbers usually cited here track country of birth, ethnicity and occupation. None were built to answer the language question.

Immigrants made up 26.3% of the U.S. construction workforce in 2024, a record share, according to a National Association of Home Builders analysis of Census Bureau data reported by Construction Dive. Among workers in the trades, about one in three is foreign-born.

The Bureau of Labor Statistics tracks the same population from the other end: fatal injuries to foreign-born Hispanic or Latino workers, counted separately because the group is large enough to count.

That analysis sorts workers by where they were born, not by what language they read, and, Construction Dive noted, not by work authorization. So the 26.3% measures a workforce, not a language barrier. It does show where the risk sits: the trades are where a crushed hand becomes lost paychecks and a claim.

What New York Publishes and in Which Language

New York explains its workers' compensation rules in two languages. The Board's pages on disability classifications and on awards for permanent loss of use set out the categories in detail.

The current dollar amounts sit on an English page.

The Board's Spanish guide to Schedule Loss of Use awards carries the full table of benefit weeks by body part. Its Spanish fact sheet on lost wages carries the formula: two-thirds of average weekly wage, adjusted by the degree of disability, capped at two-thirds of the statewide average wage.

What that fact sheet does carry is a table of maximum weekly amounts, and the table stops at $1,222.42, the cap for accidents from July 1, 2025, through June 30, 2026. The cap that took effect July 1, 2026 — $1,281.50 — is not in it. Neither is the current $384.45 minimum; the Spanish sheet lists the 2024 and 2025 minimums and then says the figure will be indexed to a fifth of the statewide average wage. The workers' compensation translation gap is that narrow and that consequential: a worker reading only Spanish can follow the rule, find a dollar figure, and have last year's.

What the Benefit Schedule Actually Says

New York sets a maximum number of benefit weeks for the permanent loss of use of certain body parts, whether or not the part is gone. An arm carries 312 weeks, a leg 288, a hand 244, a foot 205, an eye 160, a thumb 75 and an index finger 46.

Those are ceilings for total loss, not automatic payouts; a partial loss earns the matching share of the weeks. For accidents from July 1, 2026, through June 30, 2027, the weekly rate cannot top $1,281.50, and cannot fall below $384.45 or the worker's actual wage, whichever is lower. A year earlier the cap was $1,222.42, and an injury keeps the numbers in force that day.

Those week values and current rates sit together, with **the same benefit schedule explained in Spanish** and a worked example.

That matters more than it should, because the Board's own Spanish table is wrong. Both editions of "Understanding Your Schedule Loss of Use Award" carry January 2019 version codes — SLU-UnderstandingSLU-flat-1-v1 in English, ES-SLU-UnderstandingSLU-flat-1-v1 in Spanish — and both remain posted. The English table follows state law: first finger, 46 weeks; second finger, 30; third finger, 25; fourth finger, 15. The Spanish table keeps those numbers and shifts the names, so the little finger appears at 46 weeks and the index finger at 30.

The pamphlet cannot change the law. It can change what a worker expects when an offer arrives. Sixteen weeks separate 46 from 30, and at the state's top rate that is $20,504.

How a Scheduled Loss of Use Award Is Calculated

A Schedule Loss of Use award multiplies the weeks the law assigns to a body part by the share of permanent use lost, paid at two-thirds of average weekly wage. The Board's example takes a 25% loss of an arm, turns 312 weeks into 78, and at a $900 weekly wage arrives at $46,800 before deductions.

A doctor reports that percentage once the injury stops improving, and a Board judge decides it when the insurer's examiner disagrees. Temporary benefits already paid come off the total. The arithmetic is simple. Finding out which week figure applies, and which cap was in force that day, is not.

Does Immigration Status Change Eligibility?

In New York, immigration status does not by itself disqualify an injured worker from benefits. The state attorney general's guidance for immigrant workers lists workers' compensation among the protections that hold whatever a worker's status.

Section 17 of New York's Workers' Compensation Law, headed "Noncitizens," sets compensation for noncitizens who are not residents of the United States or Canada, or are about to leave, at the same amount provided for residents. The section does carve out one limit: dependents in a foreign country are restricted to a surviving spouse and children, or, absent those, a parent the worker supported for the year before the accident.

The attorney general's guidance itself appears in 13 languages, from Spanish and Chinese to Haitian Creole and Yiddish. The Board's current benefit figures appear in one

New York legislated on that problem too. The next section, 17-a, is titled "Limited English proficiency." It orders the Board to translate the forms injured workers fill out, the guides explaining how to apply and all other vital documents, and to name a language access coordinator.

What the Fatality Data Shows About Who Is Affected

Hispanic workers are dying on the job at a higher rate than the workforce as a whole. The Bureau of Labor Statistics counted 5,070 fatal work injuries nationwide in 2024, a rate of 3.3 per 100,000 full-time-equivalent workers, the second yearly drop.

Hispanic or Latino workers accounted for 1,229 of those deaths, at a rate of 4.3. Of those 1,229, 842, or 68.5%, were born outside the United States.

The AFL-CIO's 2026 "Death on the Job" reads those same figures as a trend rather than a snapshot: Latino workers face the highest fatality risk of any group, 30% above the national average, and the immigrant share of those deaths is larger than in previous years. Construction ran 9.2 per 100,000, nearly three times the national rate.

Those numbers do not measure English proficiency, and cannot show that a language barrier caused any death. What they do show is who is dying at work. Behind each of those deaths is a family that has to work out what the system pays.

Section 17-a tells the Board's coordinator to gather data each year on language services, translated materials and signage. Availability is what the statute names. It does not name a check that the Spanish figures match the English ones.

The test is mechanical: follow each version to an answer and the two either agree or they don't. When one version needs an English search box, a phone call or a bilingual relative to get there, the information is public without being equally usable. The same test applies to any agency publishing in two languages.

The Board's Spanish pamphlet, dated January 2019 and still posted, caps an index finger at 30 weeks of benefits. New York law caps it at 46. A worker deciding whether to take a settlement offer is deciding with that gap in hand.

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