

PRESIDENTS MESSAGE

MICHAEL K. GRUBER

A recent article co-published by Pro Publica and NPR reported a disturbing trend in Florida of employers reporting unauthorized workers to state authorities following work related accidents. Sadly, given the current atmosphere surrounding both illegal immigration and workers compensation, the stories highlighted in the investigation are neither unexpected nor surprising.

Undocumented workers are an integral part of the American workforce. These workers are subjected to the same hazards of employment as all other workers in the labor market. The threat of injury for undocumented workers may in fact be greater than average as they are often hired to work in dangerous environments for employers who may not follow applicable safety regulations. These workers should be protected if they suffer injuries in the course of their employment, and the vast majority of states allow undocumented workers to receive workers' compensation benefits. Recently, workers compensation "reform" measures have threatened benefits for all workers and undocumented workers have seen a corresponding assault upon their rights. Business interests have not been able to obtain outright prohibitions on undocumented workers being able to collect workers' compensation but they have been successful in implementing laws that encroach upon an undocumented workers ability to obtain benefits such as awards for lost time, medical treatment or vocational retraining. The atmosphere for unauthorized workers only darkened following the election of Donald Trump. President Trumps' anti-immigrant rhetoric and his policy of strict enforcement by Immigration and Customs Enforcement agents has created an environment where undocumented workers are afraid to claim benefits to which they are legally entitled. As the report by Pro Public and NPR shows, these fears are well founded. It is not surprising that employers and insurance carriers are reporting undocumented workers to governmental authorities once those workers suffer on the job injuries. It is not surprising that unscrupulous employers who avoid paying taxes relating to their employment of undocumented workers, who avoid paying benefits to undocumented workers, and who avoid minimum wage and other employment law protections for undocumented workers would seek to avoid responsibility for those workers when they are injured.

Laws restricting an undocumented workers right to receive appropriate benefits are wrong on multiple levels. From a public policy standpoint, allowing employers who hire undocumented workers' to avoid paying compensation benefits to those workers places employers who follow applicable laws at a competitive disadvantage relative to those who do not. More importantly, such laws are wrong ethically and morally. Injured workers should not hesitate in filing claims for fear that they will be arrested, jailed or deported. Workers who have made valuable contributions to their community through their work should not be afraid their families will be torn apart should they claim workers compensation benefits.

We must continue to fight to ensure that ALL workers are afforded the protection of workers compensation laws. The health and safety of workers should take precedence over the profits of employers and insurance companies. As such, we must continue to oppose any efforts to limit access to justice for undocumented workers.