

Immigrant workers

When hiring people who come from other countries, best practices in safety can head off costly injuries

Rising levels of immigration over the past decade have brought new opportunities for new arrivals and for employers who hire them. Many reflect a strong work ethic and deep appreciation for the opportunity to do well.

But special challenges arise in the workplace, on both sides—like when a supervisor who speaks only English has an employee who speaks only Spanish.

Enlightened employers have responded to language barriers with new approaches to communicating. They see it as the right thing to do for their non-English-speaking employees and for their company's best interest. It allows them to advance both production and quality, and to get better control over the frequency and cost of work injuries.

Immigration into Midwest states is rapidly expanding the diversity of the region's population and workforce. Heaviest, most recent immigration is from Spanish-speaking countries, but high-level immigration is also coming from countries in Southeast Asia, Africa and the former Soviet Union.

Some immigrants originally relocated to other states, then continued on to this area. Many are refugees. Others come looking for work. Some seek higher educations. Some follow their families.

Ours is a rapid growth region for newer emigres. The region's Hispanic population tripled during the last decade to become the fastest-growing minority population in the area, according to state demographers' offices.

Inside—

Beware of false identifications when hiring people from other countries

The proportions of immigrant populations in the region that are employed are generally well above national averages. Newer immigrant populations are diverse in financial means, just like the communities they are joining, with upper, middle and lower economic classes. Some are well-educated and affluent, some are not. Some have excellent English-speaking skills, but many understand and speak little English or none at all.

For about 9 percent of Minnesota's population, English is not the language spoken in the home, according to census reports. Public school surveys—a window into the immigrant world—show that Hmong and other Asian languages are the largest immigrant language group spoken by students in Minnesota. Spanish is the most widely distributed language geographically.

How to talk about safety?

Employers with increasingly diverse workforces are challenged to do some things differently. One of the most critical is how they go about making sure employees who aren't fluent in English do their jobs safely.

The safety issue is particularly acute for non-English-speaking employees hired into labor-intensive jobs, where risk of injury is greater to begin with. And, many immigrants say that safety standards and practices—either on the job or off—

just aren't a way of life in the homelands they've left, perhaps because they seem a luxury relative to other pressing needs. This means safety standards and practices may be far from familiar or intuitive to your employee.

The worst thing an employer could do is throw up his hands and do little to help new immigrant employees understand their jobs, good safety practices and your expectations. What you need is for these employees to be as well-trained and as careful in their work habits as your English-speaking employees should be already.

Here are some tips from successful employers with mixed-language workforces.

1. Make sure people in key positions are bilingual.

If you expect to be hiring within an immigrant population, your first hire should be someone who knows both English and the immigrant language.

Position that person as an intermediary so that communications between you and your non-English-speaking employees go both ways. Your bilingual employee is the conduit through which you provide formal and informal training. It is also the means through which your employees can freely ask questions and convey concerns. You'll want to be responsive.

A practice in California and other border states is instructive, too. There, where a large portion of the workforce is Hispanic, employers commonly hire and train bilingual employees as foremen and first-line supervisors. These leaders are accountable for training their Spanish-speaking employees.

It is also emphasized in these border states, however, that relying on bilingual supervisors is a temporary Band-Aid. It buys time for the employer to get an employee into English as a Second Language. ESL classes are available locally at no or minimal charge through community organizations and public schools. Some organizations will come out to your workplace to conduct free ESL classes if you have enough employees signed up.

The value of having at least one bilingual

employee goes beyond safety. If you're like most businesses, you have other aspects of your operations to talk with employees about, and a bilingual employee can help you do that.

Give language-learning a try yourself. Think strongly about learning at least some rudimentary phrases in your employees' native language. Reference materials are easy to find at bookstores or online. Perhaps more important than a step in bridging the language gap, it's an effort that will go a long ways in developing rapport with your employees and gaining trust. This is key for all employment relationships, but may hold even more importance for many immigrant people.

2. Get the lay of the land during the initial stages of hiring.

Use your hiring process and employee orientation to find out how well, if at all, the person can speak, read and write English. Find out the same about his native language. He may say he reads well enough. But dig further. Immigrant people who've had little education back home oftentimes are embarrassed to acknowledge they cannot read or write their own native language. But it's important you know whether he can read your equipment warnings or safety signs, or whether you'll need to do more. This is probably your best time to find out.

You'll also want to understand the applicant's level of training and experience so you know what additional training you'll need to provide. One approach is developing a questionnaire. Whether you present the questions in verbal or written form, you may need to enlist someone who's bilingual to help. And if you give the questionnaire to one applicant, you'll need to give it to all applicants for that position in order to comply with nondiscrimination laws.

3. It's best to rely on communicating verbally and in the person's native language. Demonstrate what you're saying, and involve the employee.

Newer immigrants may be exceedingly polite and agreeable—so agreeable they may say yes to

things they're asked even if they don't understand the question well enough. They may know all too well how important it is to keep this job.

So, if you present something verbally in English or something you've written and had translated into the native language, don't be too ready to assume the employee understands it, even if he nods his head and says he does.

Your better bet is to communicate verbally in the language the employee understands—and you can use your bilingual employee to help you do that.

For special occasions, like a major presentation by a safety consultant or a seasonal start-up event, some employers hire interpreters to come out on-site to do the live oral translation. That can work, and it may be your only option at the time. But consider other, possibly better ways to get safety instructions across.

One is to hire a safety consultant who is fluent in the other language to come out and do the presentation. It seems these professionals are in too-short supply locally. To find someone who is both a safety expert in your industry and may know the language of your immigrant employees, try contacting your industry trade association, an ethnic group association, labor organizations or state offices.

Another option is to use your bilingual employee to help communicate the presentation. It's a good way to increase that person's knowledge and value as a safety point-person for your organization.

Do more than talk. As with any employee regardless of language, the most effective way to train and be understood is to demonstrate safety ideas you're talking about and to actively involve employees by asking them to demonstrate back to you.

4. Worksites are the critical place to focus on safety.

Training non-English-speaking employees is a great and necessary start. But southern border

states that have been dealing for years with the special safety issues of the mixed-language workplace have found that an employer's greatest impact is at the worksite.

It's there that you will be able to see whether your non-English-speaking employees really understand the training, the supervisors' instructions, the warning signs and equipment safety labels.

It takes some hunting to locate signs, tags, labels, bilingual manuals and other safety materials in the various foreign languages that arise in the workplace. Spanish resources seem to be the most widely available. Resources in other languages are more difficult to find, but demand appears to be pushing the development of new materials and wider availability.

Talk to a safety materials supplier, or go online and type "safety signs" into a search engine. You can also try trade associations and state offices. Some suppliers sell software that lets you create your own safety signs and labels. The ideal is signs and labels that use international picture symbols only and avoid text, but be sure the picture symbol clearly conveys the intended message.

In a pinch, have your bilingual employee use a marker pen to make a sign.

The worksite, too, is the best place for you and your supervisors to observe individual employees who may be having trouble understanding their safety training. You can offer immediate, on-the-spot feedback to correct behaviors that lead to accidents. Which brings up this next point.

5. Tune in to cultural sensitivities and differences.

A few observations:

Safety norms. American safety standards are way above the safety norm in many less-industrialized countries. If you see an immigrant employee, for instance, hoisting a ladder up on top of stacked crates so he can climb a few feet higher, he may not be aware he's doing anything unsafe.

His approach is “get the job done” rather than “get the job done safely.” Your training, your on-the-spot feedback, and your organization’s safety culture are key in helping immigrant employees become accustomed to safety-oriented work habits—just as they are for all your employees.

Machismo. Many ethnic cultures have a stronger male orientation. On the job, that can mean displays of toughness and invulnerability by male employees—behaviors you’ll want to make clear do not supercede safety. Or they may resist going to the doctor for treatment.

Complaints. Immigrant workers may not complain, even about things you would want to know. They may have come from less desirable working conditions back home and are grateful for their opportunities here. They don’t want to make waves. Or they’re afraid they’ll be fired and deported. That means you may not find out about circumstances that are accidents waiting to happen. Stay alert to what’s going on.

Extensions of “family.” In some ethnic cultures, the concept of “family” is stronger and broader: Stronger in the sense that members tend to be close-knit, even financially interdependent long-term, and do things as a unit. Broader in the sense that they welcome into their “family” others with a genuine interest in their personal and family’s well-being. Employers who are sensitive to this might, for instance, look for opportunities to make special company events inclusive of not only employees but their family members, too—so that the company feels like an extension of family.

6. Show your employees you respect them.

It’s the right thing to do, of course. And if you have immigrant employees, who may be among the more vulnerable members of their communities, you gain their trust—with practical, positive implications for your business.

Immigrant people who need help on health and safety matters generally turn to sources they feel have their interests in mind. Especially in matters of workplace safety, you want that first source of help and advice to be you, the employer.

Fear, confusion and distrust may lead your employee elsewhere. When you’re not approached to address problems or give a complete picture, some issues can become unnecessarily complicated, even litigious.

Show you care. Show you’re fair. It will speak volumes, and in a way all your employees will understand.

If you have questions about working with non-English-speaking employees, call SFM’s Loss Prevention Team at (952) 838-4309 or (800) 937-1181, ext. 4309.

Beware of false identifications when hiring people from other countries; verify their IDs before offering employment

Employers need to watch for false identifications and be sure they are hiring workers who are legally documented and allowed to work in the United States.

It's not enough anymore just to see a Social Security number and a "green card." You also need to make a call to be sure those IDs are legitimate. Failing to do that can result in unexpected and costly legal consequences.

Under Minnesota law, undocumented workers injured on the job are entitled to workers' compensation benefits. However, employers and insurers had taken the position that once an unauthorized alien was released to return to work—with or without restrictions—his entitlement to wage-loss benefits immediately ends.

The reasoning had been that his employer cannot lawfully take him back and that he is not capable of conducting a diligent job search because other employers can't lawfully hire him, either, and federal law prohibits him from showing fraudulent documentation, like a counterfeit Social Security card, to get a job.

Nonetheless, the Minnesota Supreme Court ruled in 2003 that, even though an unauthorized alien cannot legally obtain employment in this situation, he can conduct a "diligent job search" and therefore is entitled to continuing workers' compensation wage-loss benefits. In the case before the court, benefits were awarded even though the employer had asked for and was provided with a Social Security number.

Lessons learned

There's a big lesson here to be heeded by employers not only in Minnesota, but elsewhere:

The cost of workers' compensation indemnity

benefits can be far greater when the injured employee is an "illegal alien." Because the employee cannot legally work in the United States, the employer does not have the option of bringing him back even to light-duty work. Nor can the workers' compensation insurer help him find a job elsewhere. But the injured employee still will continue receiving benefits until he reaches maximum medical improvement or, in Minnesota, until he reaches the 130-week maximum benefit.

Claims like these can significantly impact the employer's workers' compensation experience modification factor and premium.

Who to call

To avoid unknowingly hiring undocumented employees, employers need to take some extra steps when hiring people who've come from other countries. An employer should verify a job applicants' identity or eligibility for employment.

1. Verify the Social Security number with the Social Security Administration. Call the SSA at (800) 772-6270 or visit its website at www.ssa.gov.
2. Take advantage of services offered by the U.S. Immigration and Naturalization Service that give you the ability to verify all of the worker's documentation including a green card or other immigration cards. The agency provides software for Social Security number searches and other resources useful for employers who are hiring aliens. Call (888) 464-4218.

For more information on undocumented workers, order the Undocumented worker Pak from the Resource Catalog at www.sfmic.com. ❖

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