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Farm union wants workers' comp claims examined

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YAKIMA — Graciela Gutierrez was carrying a 60-pound box of frozen cattle hooves when she tripped on an electrical cord at the meatpacking plant where she worked.

The Mabton woman injured her knee so badly when she fell, she says, that two years later she is still unable to work.

But her workers'-compensation payments ended when the state Department of Labor and Industries closed her case less than four months after she was hurt.

Today, the 42-year-old mother of seven receives \$800 a month in welfare payments, about \$400 less than she made when she was working. Her case is on appeal.

Gutierrez's situation is typical of low-wage laborers who find the workers'-compensation system difficult to negotiate, especially if their English skills are limited, said Guadalupe Gamboa, a regional director for the United Farm Workers union.

Gamboa has collected statements from about 200 farm workers and laborers who believe they were treated unfairly. He has submitted their cases to the state for review.

One of the biggest obstacles is correspondence — it usually comes from the Department of Labor and Industries in English, when many workers need to see something in Spanish, he said.

Cenovio Nunez, a 25-year-old farm worker from Sunnyside, said he was hurt when a dairy cow pinned him to a wall about five years ago, and he has chronic pain in his shoulders, back and legs. His case is under review. "The way people look at me is embarrassing," he said in Spanish. "You can tell they think I'm making it up."

The department does not assume that Spanish-speaking workers are out to cheat the system, said Robert Nelson, an agency spokesman. Most workers lose their compensation because they return to work too soon, he said.

But Mike Gempler, director of the Washington Growers League in Yakima, said farmers often see workers trying to collect payments for their injuries when they are able to work.

If there is a barrier to Spanish-speaking workers honestly trying to use the state's system, Labor and Industries should fix it, said Gempler. But he said he wasn't aware of such a problem.

The fewer injuries an employer has on a work site, the less that employer has to pay into the state workers'-compensation system. Untreated injuries that turn into long-term disabilities are expensive for everyone, Gempler said.

Agricultural work is one of the most dangerous jobs in the country, second only in the number of deaths to truck driving, according to the U.S. Bureau of Labor Statistics.

Nelson said there are several areas in which Labor and Industries can improve, but it will be at least a few years before the state budgets enough money for a computer system that mass-produces Spanish-language documents.

The department has hired Spanish-speaking claims agents for its Yakima office and recently hired a Spanish-speaking employee to help workers communicate better with the agency, he said.

There is also a 24-hour Spanish-language phone line that workers can call with questions.

The state is reviewing the 200 cases submitted by Gamboa, he said.

"The ones we've looked at to this point, we did a pretty good job," Nelson said. "But there was probably a lack of understanding on some of these people's parts as to what we were telling them."

He said he would like to see the union do more to educate farm workers about workers' compensation. Workers sometimes treatment without knowing such basic information as where they were employed when they got hurt, whom they were working for and when they were hurt.

"At some point, the worker has to take some responsibility for getting better," Nelson said. "A lot of times, they just stop going to the doctors."

Fortunato Tapia of Sunnyside was poked in the eye by a branch while pruning apple trees in Mattawa eight years ago. A doctor gave him some eyedrops and a patch, but his eye got worse, he said.

Then, according to Labor and Industries, Tapia failed to show up for a doctor's appointment.

Tapia received several letters from the department in the mail, but they were in English, and he says he doesn't know what they said. His claim was closed, but he said his vision has continued to worsen.

"All of these issues demonstrate how farm workers just don't understand how the system works," Gamboa said.

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