

Evidence of Bias in Workers' Compensation Awards

Study Shows Whites Receive Higher Benefits Than Other Groups for Comparable Harm

Despite the basic workers' compensation principle that every claimant should receive equal medical and wage-loss benefits for the same type of compensable injury and that those benefits should reflect the extent of that harm, relevant statistics have indicated that someone's ethnic background may impact the awarded compensation.

An article entitled "[Analysis of Ethnic Disparities in Workers' Compensation Claims Using Data Linkage](#)" that Lee S. Friedman, Ph.D. and his co-authors wrote for the October 2012 edition of the [Journal of Occupational and Environmental Medicine](#) addressed the issue of race-based differences regarding workers' compensation benefits in the context of compensable injuries that construction workers in Illinois sustained. The high incidence of compensable harm in that industry is one reason that the team chose it for the study.

The stated goal of the research on which the authors based the article "was to assess ethnic disparities in monetary compensation among construction workers injured on the job through the linkage of medical records and workers' compensation data." The primary finding was that "white non-Hispanic construction workers are awarded higher monetary settlements despite the observation that for specific injuries the mean temporary total disability and permanent partial disability were equivalent to or lower than those in Hispanic and black construction workers."

In simpler terms, the data showed that white non-Hispanic construction workers typically received more workers' compensation benefits than other workers received for comparable or greater compensable harm. The following brief discussion of the study demonstrates how the researchers reached that conclusion.

Study Overview

Statistics showed that Hispanics comprised approximately 30-percent of the construction labor force despite making up only roughly 15-percent of the entire U.S. workforce. The percentage of Hispanics in the higher-risk subsets, such as roofers and cement masons, of the construction industry ranged from 43-percent to just over 51-percent.

One defect regarding prior studies that attempted to determine whether ethnic-based differences existed

Studies such as the one described above may help support a claim that a workers' compensation award reflected ethnic-based bias. Such an assertion can provide a basis for a prolonged appeals process.

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