

Immigrant and Undocumented Workers' Rights in Pennsylvania Workers' Compensation

Immigrants – including undocumented workers – make up a significant portion of Pennsylvania's workforce, particularly in industries such as construction, agriculture, hospitality, food service, and manufacturing. These jobs are often physically demanding and carry higher risks of workplace injuries.

But when an injury happens, many immigrant workers wonder: **“Do I have the right to workers' compensation if I'm not a U.S. citizen?”** The answer is clear: **Yes.**

Pennsylvania law protects all workers, regardless of immigration status. If you are hurt on the job, you are entitled to medical care and wage-loss benefits through the workers' compensation system.

This guide explains the rights of immigrant and undocumented workers in Pennsylvania, common challenges they face, and how to protect yourself if your employer or insurer tries to deny your benefits.

Workers' Compensation Applies to All Workers

Pennsylvania's Workers' Compensation Act does not distinguish between citizens, documented immigrants, or undocumented workers. The law simply says: if you are employed and injured on the job, you are covered.

This Means:

- **Undocumented workers are entitled to medical benefits** for workplace injuries.
- **Wage-loss benefits are also available**, though immigration status can sometimes complicate the calculation of future earning capacity.
- **Employers cannot legally deny coverage** based on immigration status.

Common Challenges Faced by Immigrant and Undocumented Workers

Despite these legal protections, many immigrant workers face serious obstacles when pursuing workers' comp benefits:

1. Fear of Retaliation

- Some employers threaten to fire or report undocumented workers to immigration authorities if they file a claim.
- Retaliation is illegal under Pennsylvania law – but the fear is real and often discourages workers from asserting their rights.

2. Language Barriers

- Injured workers may not fully understand medical instructions or claim forms.
- Employers sometimes fail to provide translations of important documents like panel physician lists or injury reporting instructions.

3. Lack of Awareness

- Many immigrant workers do not know they are covered by workers' comp, leading them to pay out-of-pocket for treatment or suffer without care.

4. Employer Misrepresentation

- Some employers incorrectly tell undocumented workers they are not eligible for benefits.
 - Others misclassify workers as “independent contractors” to avoid responsibility.
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Legal Protections for Undocumented Workers

Right to Medical Care

- Regardless of status, all injured workers are entitled to medical treatment paid by the employer’s workers’ comp insurance.

Right to Wage-Loss Benefits

- If your injury prevents you from working, you can receive partial wage replacement benefits.

Protection Against Retaliation

- Employers cannot legally fire, harass, or threaten workers for filing a claim.
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How Immigration Status Affects Workers' Comp Cases

While immigrant workers have rights, immigration status can affect certain aspects of a case:

- **Reemployment Issues:** If you cannot return to your old job, immigration status may limit your ability to accept new employment. Insurers may try to argue this affects ongoing wage-loss benefits.
- **Settlement Negotiations:** Undocumented workers may face unique challenges when negotiating settlements, especially when future employment prospects are uncertain.
- **Employer Intimidation:** Employers may attempt to use immigration status to scare workers away from pursuing claims.

These challenges make legal representation especially important for immigrant workers.

Real-World Examples

- 1. Undocumented Construction Worker:** A worker falls from scaffolding and suffers a serious back injury. Despite lacking papers, he is entitled to medical treatment and wage-loss benefits under PA law.
 - 2. Restaurant Employee:** A kitchen worker develops burns from unsafe equipment. The employer threatens to call immigration if she files a claim. This retaliation is illegal, and she remains eligible for comp benefits.
 - 3. Factory Worker With Language Barriers:** A Spanish-speaking worker struggles to understand forms provided only in English. The law requires that workers have access to information needed to pursue their claims.
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Steps Immigrant and Undocumented Workers Should Take

- 1. Report the Injury Immediately.** Notify your employer in

writing and keep a copy.

2. **Seek Medical Care.** You have the right to treatment, even if your employer says otherwise.
3. **Keep Records.** Document the injury, medical visits, and any employer threats.
4. **Do Not Be Intimidated.** Immigration status does not erase your rights.
5. **Consult a Workers' Comp Attorney.** An attorney can protect your rights, ensure you get benefits, and defend you against retaliation.

Final Thoughts

Immigrant and undocumented workers are the backbone of many industries in Pennsylvania, often performing the hardest and most dangerous jobs. The law recognizes that all workers deserve protection when they are injured, regardless of citizenship or immigration status.

If you are an immigrant or undocumented worker injured on the job, you have the right to medical care and wage-loss benefits. Do not let fear, misinformation, or intimidation stop you from getting the help you need. With the support of an experienced workers' compensation attorney, you can protect your rights and secure the benefits you deserve.