

BENEFITS OF USING A PROFESSIONAL INTERPRETER

Participation

Interpretation helps limited English proficient persons be heard, to be involved, and to engage with investigations, mediations, and proceedings. This helps the LEP person feel the workers' compensation claim process is reasonable, fair, and unbiased.

Privacy

Some injured workers are hesitant to share medical history, financial concerns, and the true impacts of a work injury with friends and family. A third-party interpreter provides privacy and may provide information that the Employer would not have otherwise.

Neutrality

Professional interpretation conveys the message and intent of the speaker, rather than the interpreter. Family members and friends are naturally biased in favor of the LEP person. Employers and Carriers are likely to appreciate the neutrality provided by the professional interpreter.

Accuracy

Using professional interpreters results in clear communication that conveys exactly what the speaker is saying without the interpreter adding their own thoughts. Well-meaning family and friends are prone to impose their experiences and beliefs into the interpretation which can alter the message, create confusion and causes misinterpretation.

CONSIDERATIONS FOR HIRING A PROFESSIONAL INTERPRETER

1. Skills in language and/or dialect needed.
2. Method of interpretation.
3. Subject matter experience.
4. Flexibility to meet needs.
5. Focus on quality assessment.
6. Number of interpreters needed.

EXAMPLE LANGUAGE SERVICE PROVIDERS



BWC
Bureau of **WORKERS'**
COMPENSATION

Unlock
the Value of
Professional
Interpretation

"Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to **limited English proficiency ("LEP")**. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. "

Preamble TSC Rule 41



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The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.



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HOW TO USE AN INTERPRETER

- Address the limited English proficient person (LEP) **directly**. Don't say "tell him/her."
- Find a **quiet spot** to communicate with your LEP client. It's very difficult to interpret in the middle of a noisy hallway.
- Let the interpreter do their job, even if you speak the LEP's language. They are **trained** to sort out language-related issues and to preserve the register (level) of the speaker.
- Introduce the interpreter as an **impartial** person who will keep every word said confidential when appropriate.
- Provide the interpreter **a chance to prepare** beforehand, especially before hearings and trials. They need to read case summaries and documents to be able to clarify language-related doubts and to get context.
- Explain the interpreter is there to say in English everything she/he says in the other language, but **not to give legal advice**.
- Be sensitive to an interpreters need to **rotate** with a colleague during long proceedings, for taking quick breaks, and for sitting where they can see and hear all speakers.
- Speak loudly, **clearly**, and slowly.
- Interpreting is difficult and demands knowledge and skills. Please, treat them with professional **respect** like you would with any other colleague.
- Don't ask the interpreter to explain something. They interpret for you while **you explain it**.
- Use Interpreters. They have a duty to ensure **linguistic access** by providing professional interpreting. Using family members, state officers or co-workers can result in problems.

COURT OF WORKERS' COMPENSATION CLAIMS

Rule 0800-02-21-.13(3)

The employer or their counsel must arrange for **court-approved interpreters** at all hearings.

The interpreters must be either:

- A. State-certified court interpreters or,
- B. State-registered court interpreters.

In areas where state-certified or state-registered court interpreters are unavailable, the judge may waive this requirement.

APPLICATION TO MEDIATION

Don't let poor and misguided interpretation be a resolution barrier.

Consider the use of court-certified and registered interpreters for in-person or virtual mediation sessions.

The goal of mediation is to help parties make an informed decision about the future of the workers' compensation claim.

Strong communication develops trust and rapport, Interpretation is critical to understanding the best way to resolve a dispute.

OTHER OPPORTUNITIES

- Safety and Accident Prevention Training
- Accident Investigations
- Explaining What to Expect in a Work Comp Case
- Conversations about Light Duty and Return to Work
- Communication at doctor visits and with case managers