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Race, age, gender mean less compensation for injured workers

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Dean Calbreath in the [San Diego Union-Tribune](#) shines a spotlight today on the overt discrimination based on age, race and gender that's going on under the workers' compensation "reform" championed by the governor in 2004.

Thanks to the changes, workers' compensation insurers are raking in big profits. Rather than regulating workers' comp companies and requiring them to justify their rates to lower costs (like Prop 103 does in California for auto and homeowners insurance), [Arnold's plan protected insurers](#) and takes the biggest toll on injured workers.

Employer-chosen medical examiners are lowering benefits by attributing a part of work-related injuries to the higher propensity of women to get carpal-tunnel, or black men to have high blood pressure, or older people to have hypertension.

Some examples from the story:

Last month, medical examiners at Kaiser Permanente in San Diego cut down a food service worker's claims for carpal tunnel syndrome because she had several pre-existing conditions, including "being female." In the past several years, medical examiners in other locales have cited "female gender" as a reason for cutting carpal tunnel claims, since women statistically report more problems than men.

Last September, a medical examiner in Los Angeles disallowed a third of a 52-year-old clerk's claims of work-related stress on the grounds that her advanced age made her susceptible to hypertension. (As a 52-year-old myself, I'm getting hypertense just thinking that some young whippersnapper of a medical examiner thinks my age makes me hypertense.)

Last March, a medical examiner in Torrance disallowed a portion of a cleaning woman's claims that her work-related back injury had resulted in depression. The examiner's reasons for slimming down the claim included that she was a woman from Central America.

"She's from El Salvador and she is, as the pronoun indicates, a woman," the examiner said in a deposition. "She has a personality disorder... which sadly might apply to all too many women. And I must say, when it comes to Central America, it might apply to more men than I would care to mention."

A middle-aged Hispanic man who spent decades working for a utility company injured his left shoulder and left leg on the job. By the medical examiner's account, the worker was involved in intense physical activity: "putting up (power) lines, working underground, climbing up poles, construction, maintenance of lines, kneeling, squatting." But the examiner trimmed his claim, saying that his injuries were also caused by his race, age and gender.

"Age plays a big role in what you determine the nonwork-related factors are, even though he did work half of his life there," the examiner said. "Some of these (factors) are racially connected and some are gender connected."