



# Potential impact of cultural differences on workers' compensation through the lens of a Chinese American - Part 2

By Bin Chen ■ November 17, 2016

*This series of three blogs about culture are from a presentation given by the author to the Oregon Workers' Compensation Board and administrative law judges in October 2016.*

Cultural values and beliefs learned in a national culture may be unconscious. You may not be aware of your own values and beliefs until you are confronted with someone different than you (e.g., working with a colleague from another country). Values vary enormously, especially across national cultures. We all have a tendency to judge others' behavior based on our own cultural norms, the "lens" we see through. And here we have lots of opportunities for potential conflict, misunderstandings, and miscommunication.

Speaking from my own experience and observation, many aspects of the Chinese culture may affect the workers' compensation system, including but not limited to, claim filing, receipt of disability benefits, and access to proper medical care. In part one, I discussed four cultural elements of Chinese culture (collectivism, authority, face and Guanxi), which I've applied to these claims processes.

## ***Filing an insurance claim: is it culturally acceptable?***

- **Collectivism:** If an on-the-job injury negatively impacts the company as a whole, it is foreseeable that a Chinese worker may opt not to file a claim based on social obligations to the higher authority and co-workers (e.g., safety incentive programs).
- **Authority/Hierarchy:** In China the social structure is formal and hierarchical. You know where you fit in the structure, and you abide by the rules there. If a company has a culture of discouraging workers' compensation claims, or a supervisor frowns upon workplace injuries, a Chinese worker may be dissuaded from filing a claim.
- **Face:** The concept of "face" or dignity is very important in Chinese culture. Face can be given, taken away, earned or lost on the basis of one's actions or behavior; one individual's wrongdoing can result in an entire family's loss of face. Loss of face may deter one from filing a workers' compensation claim, especially if the injury results from the worker's own fault (despite no-fault liability).

***Many aspects of the Chinese culture may affect the workers' compensation system***

*Continued*



Bin Chen is an attorney at Reinisch Wilson Weier PC. He may be reached at 503.452.7256 or BinC@rwwcomplaw.com.

## Cultural differences in workers' compensation - part 2 (continued)

• **Guanxi:** A kind of family relationship often develops between employer and employee in the Chinese community—filing a workers' compensation claim can be construed as a violation of that duty of loyalty, and is therefore discouraged. Moreover, a worker may be dissuaded from filing a claim out of concern that filing a claim and missing work could disturb the harmony in interpersonal relationships with co-workers (e.g., requiring a co-worker to cover a shift).

### **Stigma of Disability (losing face):**

- Recent studies reveal significant differences in the attitudes held by people of various ethnic groups toward people with disabilities. Until recent decades, Chinese society labeled individuals with disabilities as *canfei ren*, literally “disabled garbage people.” Now, the official term is *canji ren*, literally “disabled sick people,” although the Chinese government removes “sick” when providing an English translation.
- In many areas of China, disability is viewed as a punishment for the disabled person’s parental or past-life sins. When encountering health problems, many religious people, especially those from rural areas where medical resources are not readily available or sufficient, will visit temples or Taoist priest houses to pray, worship or perform rituals in order to find out the cause of and/or the solutions to their diseases or disabilities.
- The stigma attached to disability may generate the family fear of exposure to criticism and disgrace (i.e., losing face). The worker may be concerned about whether he/she would become a burden to the family or whether he/she had brought shame to the family.
- The strong cultural stigma of disability may dissuade a Chinese worker from filing a claim, or cause a worker to downplay the severity of his or her injury to minimize disability.

### **Medical Treatment:**

- Chinese medicine is partly based on the idea that an energy, called “qi,” flows along pathways in the body called meridians. In this belief, if the flow of qi along these meridians is blocked or unbalanced, illness can occur. The reliance on traditional Chinese medical concepts is also the reason many Chinese would choose to seek care with an herbal medicine doctor or acupuncturist instead of a medical doctor. The following is a list of traditional Chinese medicine modalities:
  - Acupuncture: meridians are pathways of energy, or “chi,” which lead to various organs
  - Cupping: using heated bamboo cups to reduce stress, congestion and colds
  - Herbology: use of plant or animal parts in the treatment of illness and deficiencies and to stimulate the body’s “chi”

*Continued*

Online and printed firm materials are for educational purposes only. Please consult your attorney for legal advice on a specific claim, case or issue.



## Cultural differences in workers' compensation - part 2 (continued)

- Yin/Yang concept: elders may avoid cold weather, and may avoid certain foods considered to be “cold” foods
- Meditation/Exercise: often used to help alleviate stress
- Ethnic/racial minorities are less likely to receive the best treatments. A patient’s race and cultural differences may be associated with a physician’s assessment of the patient’s intelligence, feelings of affiliation toward the patient, and beliefs about the patient’s likelihood of risk behavior and adherence with medical advice. Rather than viewing individual patients on the basis of their unique constellation of attributes and proclivities, providers may instead furnish categorical (i.e., stenotype-based) conceptions of patients.
- Mental illness stigma is an important issue in Chinese communities. The stigma causes public fear and perceptions of dangerousness towards those with mental illness, as well as shame and fear of rejection for patients and their families. As a result, mental illness becomes a highly guarded secret in Chinese communities in order to protect both the individual’s and the family’s standing in society, or to save “face.”

People from different backgrounds see, interpret and evaluate things in different ways. What is considered an appropriate behavior in one culture is frequently inappropriate in another one. Misunderstandings arise when I use my meanings to make sense of your reality. ■

*In part three, I will discuss some tips for using this information when handling a claim by a worker who may have a different cultural perspective from yours.*

*See also part one: A discussion of four key elements that can be identified in Chinese culture.*