

What to do when you're injured on the job in North Carolina

1. Report the injury in writing.

Most companies have a form for this purpose and you should request this form and fill it out. If you simply complain about an injury and give an oral report to your supervisor, you run the risk of the supervisor denying that you ever reported the injury. A written report removes all doubt. Under North Carolina law, you are required to report the injury within 30 days of the accident but you should not wait that long. If you didn't report the accident within 30 days all is not lost, because there are some exceptions.

2. Consult an attorney

Attorneys generally work on contingency fees, which means that they do not charge any fees unless there is a recovery. Although you may not need an attorney immediately (in fact, the vast majority of cases proceed through the system without attorney involvement), it should not cost you anything to consult with an attorney to initially evaluate your claim (99% of attorneys in this field do not charge anything for the first consultation). Also, attorney's fees have to be approved by the North Carolina Industrial Commission, so an injured worker should not be paying anything to an attorney for representation without that approval.

It is particularly important to talk to an attorney about preserving evidence, taking photographs of the accident site, and possibly getting experts involved very quickly, particularly in serious injury cases. Most injured workers are concerned about medical attention (as they should be) and are not thinking about preserving evidence in order to prove a legal claim under workers' compensation law, or a claim for civil damages against a negligent individual or company who may have caused the injury but who is not an employer. The first few hours after a serious injury are crucial. You can be sure that the insurance company is taking adequate steps to protect their interests. You should do likewise.

3. Seek medical attention if necessary.

Many workers are tough and believe that the pain will go away in a few days. Sometimes it does. If it does not, and you have waited several weeks before you went to a doctor, the insurance company will be suspicious that your injury occurred outside the workplace at a time later than you claim, or that the injury wasn't serious enough for you to seek medical attention. So, if necessary, seek medical attention soon after your injury.

4. Make sure your claim is filed properly.

The North Carolina Industrial Commission in Raleigh is the government agency that administers the Workers' Compensation Act. It has jurisdiction of all claims but before they can take jurisdiction a claim must be filed, or some admission of liability must be made by the employer. It is the better practice for the employee to go ahead and file a claim (Form 18), particularly on a serious injury.

5. Cooperate with the investigation.

Before an insurance company will pay workers' compensation benefits it wants to make sure that an injury actually happened at work. You will probably be contacted by an insurance company adjuster who will take a recorded statement. Try to have information available which will help the adjuster verify your injury. For example, if there was a co-worker there at the time who will verify your injury, have the co-worker's name and telephone number available. Be specific about the time of the injury and exactly how it happened. However, if you are taking medicines and/or feel like you're confused and unable to discuss your injury clearly, wait until you feel better. Discuss only those matters concerning the accident and do not allow the questioner to ask about personal matters. The purpose of the statement is to determine whether you had an accident and will be used to determine whether your case is accepted or denied. The statement is crucial to your claim and should be taken seriously. You should be honest and forthright at all times.

6. Keep Notes

Every time an insurance adjuster contacts you they make an entry in their records. You should do likewise. Unfortunately, some injured workers have been given misleading or inaccurate information. You should keep a notebook and put down the date, name and time that anyone called you, as well as the actual words spoken to you. This information may be crucial to explain why you took certain actions, and what you were told.

7. Cooperate with medical care.

Make sure that you listen carefully to instructions given to you by your physician and follow those instructions carefully. Be clean and neat when you attend your appointments and if for any reason you cannot make an appointment, please be sure to call and notify the doctor's office. If you just "don't show" that notation is made in your chart and it will be used against you to claim you are unreliable. If your physician is uncooperative, unpleasant or seems overly company-oriented to the extent you believe you are not getting adequate medical attention and care, you can request a change of doctors with the insurance company. If they refuse (and in all likelihood they will) then you need to write the North Carolina Industrial Commission and request a change of physician. The Industrial Commission has the ultimate authority over medical care, not the insurance company.

We hope these suggestions will help you if you are ever unfortunate enough to be injured on the job. The failure to follow these guidelines can lead to the failure to process your claim properly and cause unnecessary delays in receiving compensation. By following these guidelines, you will increase your chances of having your claim fairly determined.