MARTIN & JONES PLLC
Attorneys at Law

While deaths in the workplace have been decreasing on a nationwide basis, the U.S. Bureau of Labor Statistics reports that fatal job accidents have been increasing in North Carolina. The greatest number of those deaths occurred in the construction industry.

But nonfatal injuries also cause serious hardship for construction workers in North Carolina. In many situations, these injuries should be covered by the workers' compensation program, which provides benefits to make up for lost wages and to cover medical care and rehabilitation. However, the insurance companies that provide these benefits often make it very difficult for construction workers to receive the benefits they're eligible for.

At Martin & Jones, we've been helping injured workers recover for decades, so we know how disheartening the process can be. When you work with an experienced workers' compensation attorney during the claims process, your lawyer can help you avoid problems that allow the insurance company to delay or deny your claim. It often requires a formal hearing to secure full benefits for injured workers, and our team regularly guides claimants through this process.

If you schedule a free consultation with us, we can explain how the process should work in your specific situation. While we cannot provide that level of specificity in an article like this, we offer general guidelines for employees in the construction industry seeking workers' compensation benefits in North Carolina.

The Basics: Your Rights as a Construction Employee

The workers' compensation system in North Carolina protects most workers who qualify as employees under the criteria established by the federal and state governments. The system is a no-fault compensation system. That means that you do not have to prove that your employer did something wrong in order to receive benefits. (This is different from a personal injury lawsuit, where injured individuals need to prove that someone's negligence caused their injuries.)

In most situations, it also means that your employer cannot avoid paying workers' compensation benefits by arguing that it was your mistake that caused your injuries. If you were hurt because you did something that was really wrong,

such as showing up for work drunk and losing your balance on a roof, then your employer might be able to deny benefits. But generally, if you are hurt in an accident while you're doing your job, you should be eligible for benefits, even if it was your own mistake that caused the accident.

If you developed injuries gradually over time because of repeating the same motions over and over, you may be able to receive benefits for your injuries if they get so bad that you're unable to keep working or have to drastically cut back. But you will need to point to one specific moment when things got really bad.

While most employees covered by the workers' compensation program have the right to receive benefits, they can forfeit those rights and lose the opportunity to claim benefits if they don't follow the requirements of the program. This is one reason why it is so helpful to work with an experienced attorney.

Mandatory Steps After a Job-Site Injury

There are three vital steps that must be taken after a workplace injury to protect your right to benefits.

1. Get the Right Medical Attention. If your injury requires emergency medical treatment, which is usually the case for construction workplace injuries, then get emergency care as quickly as possible. Take an ambulance to the hospital or have someone take you to the emergency room. But if your injury is not as urgent, then you need to seek treatment from a doctor approved by your employer. Regardless of who you see, follow their instructions and keep copies of all your records.
2. Report the Injury to Your Employer. You (or someone working for you) need to provide written notice to your employer about the injuries from the accident within 30 days.
3. Report the Injury to the Government. You also need to file an official document (Form 18) to report the injury to the North Carolina Industrial Commission. This form must be filed within two years of the date of the injury.

If you don't take these steps, or if they aren't completed properly, then you could lose out on benefits.

Understanding Workers' Compensation Benefits

Construction workers can receive several different types of benefits through the workers' compensation program. They can get medical care for their injuries, including surgery and follow-up care. If the injury causes an employee to miss more than 7 days of work, that employee may receive compensation equal to 2/3 of the wages they would have earned during that period. There is a cap on the amount that can be received each week, but the wage benefits are not subject to state or federal taxes.

In addition to wages and medical benefits, injured construction workers may be eligible for additional compensation if their injuries result in permanent disabilities. If they are unable to return to the work they did before the injury, they may be eligible for retraining for a different type of job.

Claims are Frequently Denied – It is Important to Get the Details Right

Employers and the insurance companies that provide their workers' compensation coverage frequently do things that can make it extremely difficult for construction workers to get the benefits they need and deserve after an on-the-job injury. All too often, employers will claim a worker is ineligible, or they'll fail to file the paperwork required at their end of the claims process. Insurance companies will insist that the injury was caused by something outside of work or that an employee is not as injured as they claim. The big corporations work with legal teams that spend all their time finding ways to cut costs by denying benefits.

To fight back effectively, construction workers need skilled legal representatives to fight on their behalf. At Martin & Jones, we know how the system is stacked against workers, and we know how to overcome the challenges to gain full benefits for our hardworking clients who are hurt on the job. We invite you to schedule a free case evaluation and consultation to learn more about the assistance we could provide in your situation. To get started, call us at 800-662-1234 or contact us online now.

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