

Accidents can happen at any time and at any place. This is no less true in the workplace, where employees can be injured in the blink of an eye. [Construction workers](#) and those who work in [industrial settings](#) are especially vulnerable, but even office workers and other employees can be injured in a fall, a [car accident](#), or even an assault. Both new and experienced workers are at risk, including those who are on their first day at a new job. If you have been injured at work on your first day, an experienced [workers' compensation attorney](#) can discuss what rights you may have to workers' compensation benefits.

What Employees Must Prove in a Workers' Compensation Claim

To receive workers' compensation benefits, an injured employee must prove the following:

1. That they were injured in an incident that arose in the course of their employment; and
2. That their injuries prevent them from working to some extent.

The first element - proving that the injury arose in the course of the worker's employment - is often the most challenging. But once you have demonstrated that you were injured while on the job, you must then prove that your injuries either prevent you from performing your typical job duties or prevent you from working at all.

There is no requirement that you prove that you were working for your employer for a specific period of time.

Workers' Comp Does Not Depend on How Long You Have Been at Your Job

Generally speaking, all employers with three or more employees are required to carry workers' compensation insurance. This insurance provides coverage to all employees who are injured on the job and consequently unable to work, either temporarily or permanently.

Unfortunately, there is a common misconception that new employees are not eligible for workers' compensation if they are injured on the job on their first day or soon after starting. Perhaps this is because other rights do not take effect until after a certain period of time. Whatever the case may be, workers are covered by their employer's workers' compensation insurance from the very first day of their employment in most cases. As a result, you are eligible for workers' compensation even if you are injured on the first day at your new job, and you should contact a workers' compensation lawyer if your employer has told you that you are not eligible for workers' compensation coverage.

Exceptions to Workers' Comp Coverage

While there are exceptions, these exceptions are based on the fact that the employer may not be required to provide workers' compensation and are unrelated to the length of time that the employee had been on the job when they were injured. Common exceptions include the following:

- Contractors employed on a temporary basis to perform work that is not ordinarily performed by the employer
- Farm laborers employed by farms with fewer than 10 full-time, non-seasonal laborers
- Sellers of agricultural products who are paid on commission
- Domestic servants directly employed by a household or family
- Employees of the federal government
- Corporate officers who have chosen to opt out of their employer's workers' compensation coverage
- Employees of certain railroads (who may be eligible under [other programs](#))

The most common exception is the one applying to independent contractors. Unfortunately, many employers abuse this exception, claiming employees as independent contractors in order to avoid providing workers' compensation coverage and other obligations. Employers may be required to justify the classification of independent contractors as part of a workers' compensation proceeding. The Industrial Commission may review a variety of factors, including the degree of control that the employer exercised over the independent contractor. As a result, the employer may be required to provide workers' compensation coverage in cases where the Commission determines that the employee was wrongly classified as an independent contractor.

If you are an independent contractor, do not, therefore, assume that you are not entitled to workers' compensation coverage without first speaking to a lawyer. An experienced workers' compensation attorney will be able to determine

whether you may have a valid claim.

Workers' Compensation Benefits That You May Be Entitled To

In light of the above, even employees who are injured on the first day are entitled to the following benefits under the employer's workers' compensation coverage:

- All of your medical expenses, including emergency room treatment, surgery, physical therapy, and any other expenses arising from your injury
- A portion of your wages, typically two-thirds of your average weekly pay

You will also be eligible for benefits if you suffer a partial or total permanent disability. In addition, families of workers who die due to a work-related incident may be entitled to a death benefit.

What to Do if You Have Been Injured on Your First Day at Work

Suffering an injury on your first day or early on in your employment can be overwhelming - you aren't familiar with policies or procedures and may still be struggling to put faces to names. If you have been injured on your first day, you need to take the following steps:

1. **Report your injury to your immediate supervisor.** This can be done verbally, but be sure to follow any instructions that they may have about how you should proceed.
2. **Seek medical treatment.** Your employer may require you to see a specific doctor for workers' compensation purposes. You should follow any instructions your employer may have. You may be able to see your own doctor, but that expense may not be covered and your doctor's opinion may not be accepted in determining whether you are entitled to workers' compensation benefits.
3. **Notify your employer in writing** if you have not already done so. This must be done within 30 days of the accident that caused your injury. You should include basic information surrounding the accident such as the date, time, and location you were injured, and a brief description of how it happened. An email is sufficient.
4. **File North Carolina Industrial Commission Form 18.** This [form](#) initiates the claim process. Your employer may process it for you, but if they do not, you must file it on your own.

Contact Martin & Jones if You Have Been Injured at Work

Whether you are a new employee or a veteran, we can help you navigate the workers' compensation claim process.

[Contact us](#) today at 800-662-1234 to schedule a free consultation to discuss your case and how to get the benefits

you need.

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