

Employees can be injured in several different ways while on the job, but one of the most common is when an employee is injured by a co-worker, either intentionally or accidentally. If you have been injured at work by a co-worker and have questions about whether you qualify for workers' compensation, an experienced [workers' compensation lawyer](#) can provide you with the guidance you need.

Workers' Comp Provides Coverage Regardless of Fault

Many workers are under the impression that workers comp is available only in situations where their injuries were caused by their employer, either as a result of negligence or some intentional act. Thankfully, this is not the case. Unlike most personal injury claims, you can pursue a claim for workers' compensation regardless of fault. In other words, you may be entitled to compensation if you cannot prove who is responsible for your injury or even if your injuries are the result of your own mistake. Generally speaking, this includes pursuing a claim if you are injured by a co-worker.

Injuries Caused by Co-Workers Must Be Work-Related to Be Eligible

If you have been injured by a co-worker, the threshold issue will be whether your injury was work-related. A work-related injury is one that arose in the "scope of employment," or the range of conduct or activities that you are reasonably expected to perform as a part of your job. For example, the following accidents may be considered as being within the scope of employment:

- Your co-worker struck you while operating [heavy machinery](#)
- Your co-worker spilled oil on the floor and caused you to slip and fall
- Your co-worker dropped building materials on you
- Your co-worker left wiring exposed that resulted in you being electrocuted

Each of these hypothetical accidents is the result of your co-worker's negligence. Assuming that these occurred while performing your routine job duties, they would all be considered work-related and any injuries that they caused would

therefore be eligible for workers' compensation.

Not All Injuries Caused by Co-Workers Will Be Covered

While "scope of employment" will generally be interpreted broadly, there are many instances where the employer or their insurer may disagree that the accident occurred within the scope of your employer. An experienced workers' compensation lawyer can be a powerful advocate for coverage if you are worried about whether your accident will be considered eligible. Nonetheless, there are some common scenarios where your workers' compensation claim may be denied.

Your Co-Worker Injured You While on Break

Where the accident occurred, whether you were both on break and what exactly you were doing will be important factors in determining whether you are entitled to workers' compensation:

- Accidents that occurred on the job site are more likely to be covered under workers' compensation than accidents that occurred off-site.
- Your accident is more likely to be covered if your co-worker was not on break but was acting within the scope of their employment.
- Your accident will more likely be covered if you were performing a task for your employer even though you were technically on break.

In addition, North Carolina courts routinely apply the "personal comfort doctrine." The personal comfort doctrine recognizes that employees may be entitled to workers' compensation benefits when engaging in an activity permitted by their employer for their health or comfort, even though the activity would not ordinarily be considered to be within the scope of their employment.

Whether or not you receive workers' compensation benefits can turn on seemingly insignificant facts. Do not assume that you do not have a claim without first speaking to an experienced workers' compensation attorney.

You Were Injured During Horseplay with Your Co-Worker

Another common scenario where workers' compensation claims are often denied is when workers are injured during horseplay. Horseplay or "goofing off" can be generally considered as any conduct that is not within the employees' job duties.

Obviously, employers and employees can disagree over whether or not they were engaged in horseplay. Lighthearted or humorous behavior can be mischaracterized as horseplay, even though the employee was performing their job duties. Alternatively, a supervisor may claim that the employee was goofing off based on erroneous information.

Whatever the case may be, the line between horseplay and working is not always clear. Some factors that may determine the outcome include the following:

- Whether your injury was caused by or merely occurred during the conduct at issue.
- How long the conduct at issue had been going on prior to the incident
- Whether you were involved in the conduct at issue
- Whether such conduct was generally tolerated by the employer

Even if you were injured during horseplay, you may still be eligible for workers' compensation. A workers' compensation lawyer can review your case and determine whether you may be able to pursue a claim.

You Were Injured in a Fight with Your Co-Worker

In general, injuries arising from physical altercations with co-workers will not be covered by workers' compensation.

That said, you may be able to pursue a claim if:

1. The fight was work-related; and
2. You were not the one who started the fight.

As you might have guessed at this point, people may disagree over whether or not the fight was work-related. If you believe that your employer is mischaracterizing what happened, you should contact a workers' compensation attorney to discuss your options.

Injured by a Co-Worker? Contact Martin & Jones Today

The success of your workers' compensation claim will turn upon the facts surrounding your injury and how the law applies to your case. Do not risk your benefits - a workers' compensation attorney from our firm can help you put your injury behind you. [Contact us](#) today at 800-662-1234 to schedule a free consultation.