

When you are injured on the job, the last thing you may be thinking about is what you need to do to protect your rights to workers' compensation. Unfortunately, failing to take action soon after your accident could jeopardize your claim. If you do not know what to do or have questions, get the help you need from a [workers' comp lawyer](#) who can protect your rights.

Why You Need to Notify Your Employer

Workers' compensation is essentially an insurance program that pays benefits to workers who have been injured on the job and are unable to work. Almost all employers are required by North Carolina law to carry workers' compensation insurance to ensure that coverage is available in the event of an accident.

Recognizing that workers' compensation is an insurance program helps explain why you need to notify your employer. This is so they can submit the claim to their insurance carrier. Insurance companies require their insureds to promptly notify them of potential claims so that they can gather whatever information they need to evaluate the claim. Failing to report the claim to your employer means that they will not report the claim to their insurance carrier. In turn, this affects the insurance company's opportunity to gather important information when it is readily available.

Do Not Confuse Notice to Your Employer with the Statute of Limitations

Most legal claims have deadlines by which you must file your claim or you will lose your rights. In legal jargon, these are referred to as "statutes of limitations." North Carolina law requires that all workers' comp claims must be filed within **two years** of the date of the injury or accident.

This is somewhat confusing in light of the fact that you have 30 days to inform your employer. The way these deadlines work together is this:

- You are normally required to notify your employer within 30 days, even if you file within the two-year time period;
- You cannot pursue a claim for workers' compensation after two years even if you notified your employer within 30 days of the accident, unless the employer pays benefits voluntarily.

For example, let's say that Albert breaks his foot in the warehouse at work. He is unable to work for six weeks due to surgery and the time needed to recover enough to be able to return part-time. Although he lost income, his wife was able to support the family and they had sufficient savings to meet their expenses. As a result, Albert focused on his recovery and did not worry about his lost wages.

- Albert notified his employer of the accident and the injury in writing the day after the accident. Albert later realizes that he can recover his lost income through workers' compensation. He can file a claim provided that he does so within two years of the date of the accident.
- Albert failed to notify his employer of the accident and his injury. He simply told his employer that he broke his foot and would be unable to work for a while. Albert may have jeopardized his ability to pursue a workers' compensation claim even if he files it within two years of the date of his accident.

The interplay between these two deadlines can be complicated, and there are often factual issues concerning what constitutes "notice" under the law. In the examples above, Albert should consult with a workers' comp lawyer about whether he can pursue a claim and how.

The Sooner You Notify Your Employer, The Sooner You Can Get Your Benefits

For most people, an on-the-job injury that leaves them unable to work presents both a medical emergency and a financial crisis. You need medical treatment to address your injury, and you need income so that you can pay your bills. Workers' compensation can cover all of your medical expenses and up to two-thirds of your lost income, but you need to first file a claim. The process starts by notifying your employer of your work-related injury. In most cases, your employer will then file the claim with their workers' comp carrier so that you can begin receiving your benefits.

Injured workers should be aware that workers' compensation will normally only cover medical treatment received from approved providers. You should ask your employer where you should seek treatment if you need to see a doctor in order to ensure that your expenses will be covered.

Contact a Workers' Comp Lawyer at Martin & Jones if You Have Workers' Compensation Questions

If you need help with your workers' compensation claim, we are a phone call or an [email](#) away. Call us today at 800-662-1234 to schedule a free consultation to discuss your case and how we can help you get your benefits.