

If you have been injured on the job and are unable to work, you are likely entitled to workers' compensation.

Unfortunately, many workers are reluctant to file a claim for a variety of reasons, one of which is that they are worried about jeopardizing their job. If you have questions about workers' comp and its impact on your job, the best thing to do is contact a [Durham workers comp lawyer](#) to discuss your rights and your options.

Can I Be Fired for Filing a Workers' Compensation Claim?

The short answer to this question is no, you cannot be fired for filing a workers' compensation claim. The North Carolina Retaliatory Employment Discrimination Act (REDA) prohibits employers from taking any retaliatory action against employees for filing a workers' compensation claim. It is also important to note that retaliation includes more than firing an employee - it includes any adverse action such as the following:

- Suspension
- Demotion
- Pay cuts or other reductions in wages or benefits
- Relocation to a less desirable location

If you believe you have been terminated in retaliation for filing a workers' compensation claim, you should contact a Durham workers' comp lawyer as soon as possible.

Understanding Workers' Compensation

One of the reasons why workers fear termination is that they do not really understand what workers' compensation is or how it works. Workers' compensation is an [income replacement](#) and [medical coverage](#) benefit that is paid to employees who were injured on the job and are unable to work. The benefits are paid on a no-fault basis, meaning that the employee does not need to prove or even claim that they were injured as a result of their employer's negligence. In fact, you can file a workers comp claim even if you were injured as a result of a co-worker's negligence or a visitor to the job site. In other words, filing a workers comp claim does not reflect on your employer's commitment

to ensuring the safety of their employees.

That said, workers' compensation claims can sometimes become more adversarial when the claim is denied and you have to appeal it. However, most workers' comp claims are denied because they lack sufficient documentation to demonstrate that the injury occurred at work or how your injuries prevent you from working. A Durham workers comp lawyer can help you file your claim to ensure the best chance of it being approved the first time.

Workers' Compensation is an Insurance Program

Another thing that can help put your mind at ease if you think you have a workers' compensation claim – the claim does not cost your employer anything, even though it will pay up to 66% of your wages and your medical bills. Almost all employers are required to carry workers' compensation insurance. As a result, your employer's insurance carrier will be the one paying your workers' comp claim, not your employer. While numerous claims may eventually trigger an increase in their premiums, there will be no immediate cost to your employer.

Workers' Compensation Does Not Guarantee Your Job

While employers cannot retaliate against workers who file workers comp claims, it is important to recognize that this doesn't mean you cannot be terminated for other reasons that can be difficult to distinguish from retaliation. For example, your employer may decide to terminate you because you are no longer able to do your job or you will be recovering for longer than is covered by your sick leave or the Family Medical Leave Act. However, your employer must be able to prove that your termination is unrelated to your filing a workers' compensation claim.

This is why it is so important to file your workers' compensation claim as quickly as possible. Your employer may terminate you if you suffer a permanent disability that renders you unable to work or your recovery will require an extended leave of absence. Workers comp guarantees that you will have some income and medical coverage for the foreseeable future.

Reporting Your Injury to Your Employer

The first step in pursuing a workers' comp claim is reporting your injury to your employer. Under North Carolina law, you must report your injury to your employer within 30 days of the incident that caused you injury. Your employer may give you a form to fill out, which you should complete accurately and with as much detail as possible. If your employer does not give you a form, you should make your report in writing (email is sufficient) and be careful to

clearly indicate the date, time, and other pertinent details.

Failure to report your injury to your employer may result in a subsequent workers' comp claim being denied. As a result, you should make this report even if you are not sure you are going to pursue a claim for workers' compensation.

Understand the Statute of Limitations

While you must report your injury to your employer within 30 days, you have up to two years to file your claim with the North Carolina Industrial Commission. If you do not file your claim within this time period, it will be automatically denied. However, you can file a claim for workers' compensation with the Commission up to that point assuming that you reported your injury to your employer and even if you no longer work for them.

Injured at Work? Talk to a Durham Workers' Comp Lawyer at Martin & Jones Today

The workers' compensation system can be confusing for anyone, but especially if you are injured and worried about how to pay your bills. For over 30 years, the workers' compensation lawyers at Martin & Jones have been helping injured workers get the medical care they need and pay their bills. We handle all types of workers' comp claims, from comparatively minor injuries with short recoveries to debilitating injuries that result in permanent disability. Let us help you navigate the claim process – call us today at 800-662-1234 or fill out our [online contact form](#) to schedule a free consultation.