

Workers' compensation is an important safety net for employees who are injured while on the job and unable to work. Almost all employers are required by North Carolina law to carry workers' compensation insurance. This allows workers to get the medical care they need and take the time they need to recover without facing financial ruin. Unfortunately, many employers do not cooperate with their employees when it is time to make a claim. Whether this is in bad faith or unintentional, you should contact a workers' compensation attorney if you believe that your employer is preventing your claim from moving forward.

## Five Reasons Why Your Employer May Be Uncooperative

There is a broad range of reasons why your employer may be uncooperative in proceeding with your workers' compensation claim. These reasons may be based on malicious intent or simply due to being disorganized or ill-informed.

### 1. Your Employer Does Not Have Workers' Compensation Coverage

A lack of workers' comp coverage is often the result of failing to pay the premiums and allowing coverage to lapse. When this happens, they can still be held liable for your medical expenses and lost wages. They also lose the protection of the "exclusive remedy" provided by workers' comp, meaning that you may be able to sue your employer as a result of your injury.

On the other hand, your employer may not be required to carry workers' compensation coverage. While North Carolina law requires all employers with three or more workers to provide coverage, there are several exceptions. Regardless, a workers' compensation lawyer can verify whether or not your employer is required to provide coverage.

### 2. Your Employer Does Not Know What to Do

In some cases, incompetence can look like a refusal to cooperate. Smaller employers or family-run businesses may not have a formal policy that guides how they handle claims or have anyone on staff who is responsible for

understanding the process. Yours may be the first workers' comp claim they have ever handled, meaning they are figuring it out with you. Unfortunately, many employers are reluctant to admit this, leaving employees in the dark about what is happening with their claims. You should contact a workers' compensation lawyer to make sure that your claim is processed in a timely manner.

### 3. Your Employer is Disorganized

Your employer may not be uncooperative, they may have simply lost track of your claim. They may have lost the incident report or other important paperwork. They may not have a system for tracking claims to ensure that they are processed in a timely manner. In short, they may have forgotten all about it.

### 4. Your Employer Does Not Understand Their Obligations

Some employers think that they do not need to cooperate with certain types of claims such as injuries they consider to be minor, injuries that happened off duty, or injuries that would otherwise not be covered. In almost every instance, this is not the employer's determination to make. Your employer is obligated to participate in the process if you decide you want to pursue a claim - the North Carolina Industrial Commission will decide whether or not your claim is valid.

### 5. Your Employer is Afraid of the Potential Consequences

Despite the fact that workers' compensation is a no-fault system, many employers are afraid that claims can lead to potential legal liability. Other employers are simply worried about their premiums increasing. Whether or not these fears are valid, they do not relieve your employer of their obligations.

Whatever the reason may be, do not allow your employer to tell you that you do not have a claim or otherwise talk you out of the proceeding. If they will not help you or answer your questions, contact a workers' compensation lawyer as soon as possible.

## What You Can Do if Your Employer is Not Cooperating

When you are injured and unable to work, it is easy to feel overwhelmed. Dealing with an uncooperative employer can be exhausting. And it is easy to accept as true whatever your employer may tell you. Here are some simple steps you can take to protect your rights and make sure you can get the benefits to which you are entitled.

## Notify Your Employer in Writing

Under North Carolina law, you must notify your employer of your injury within 30 days of the incident. Failure to do so will seriously jeopardize your claim. If your employer has their own forms or procedure for filing the report, make sure you follow their process but also keep a copy for your own records. If your employer does not have a specific form or process, an email should be sufficient if you include all of the pertinent information such as the date, time, and location of the incident that led to your injury.

## Seek Medical Treatment

In order to receive workers' compensation benefits, you must have medical records that document your injury and that you are unable to work. Your employer or their insurance carrier may require you to see a specific medical provider. If they are refusing to provide this information, you can see your own doctor, but be aware you may not be able to seek reimbursement and you may need to be evaluated by their doctor eventually. Lastly, make sure that you follow your doctor's orders to the letter.

## File Your Claim with the NCIC

You do not need your employer to file your claim with the North Carolina Industrial Commission on your behalf - you can file it without their help. If you do not know what to do, a workers' compensation lawyer can provide you with the guidance you need.

## Injured at Work? Martin & Jones Can Help You Get Your Workers' Comp Benefits

We have more than 40 years of experience in helping injured North Carolinians successfully navigate the workers' compensation process. Do not let an uncooperative employer jeopardize your claim - contact us today by calling 800-662-1234 to schedule a free consultation.