

In the daily bustle of our jobs, it is easy to lose sight of the fact that employers have a legal obligation to ensure the safety of their workers. Of course, this does not mean that they must do anything and everything to prevent every possible injury. Instead, they must make a reasonable effort to guard against probable or foreseeable accidents and injuries. This obligation extends beyond providing workers' compensation insurance – there are state and federal regulations that govern employee safety as well as industry standards. Despite all of this, we all know that work-related injuries are always a possibility. If you have been injured on the job and are unable to work, a [workers' compensation attorney](#) can explain your options and help you find the way forward.

General Safety Obligations

Employers have a legal responsibility to ensure that the workplace is free from known safety and health hazards. They must also comply with various state and federal regulations, notably those imposed by the Occupational Safety and Health Administration (OSHA) and the North Carolina Occupational Safety and Health Division of the Department of Labor. These two agencies generally require employers to do the following:

- Employers must prominently display any posters required by federal and state agencies (such as the OSHA "Job Safety and Health - It's the Law" poster) that describe the rights and responsibilities of employees pertaining to workplace safety and health.
- Employers must alert workers to chemical hazards through training, labeling, information sheets and posters, alarms, decals, and other methods.
- Employers must provide free safety training to workers relevant to their jobs. This training must be made available in a language and vocabulary workers can understand.
- Employers must keep accurate and up-to-date records of work-related injuries and illnesses.
- Employers must routinely perform tests and conduct inspections of the workplace to ensure employee safety. For example, air sampling may be required by OSHA standards in some industries.
- Employers must provide necessary personal protective equipment (PPE) to workers at no cost.
- Employers must provide medical testing, such as hearing exams, as required by OSHA standards.

- Employers must post any OSHA citations and injury and illness data where they can be easily seen by workers.
- Employers must notify OSHA within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye. They must notify OSHA within eight hours of a workplace fatality.

Employers are also prohibited by law from retaliating against workers for exercising their legal rights. This includes terminating or taking any other adverse action against employees for actions such as reporting a workplace safety violation and reporting a work-related injury or illness.

Of course, this is only a basic overview of the obligations that employers have to keep their workers safe. There may be many more specific regulations that your employer must comply with that are specific to your industry. An experienced workers' compensation attorney will be able to identify whether your injury was the result of a workplace safety violation.

Do You Need to Prove That Your Injury Was Caused by a Health or Safety Violation?

Workers' compensation benefits are paid to workers suffering a work-related injury or illness on a "no-fault" basis. This means that you do not need to prove that another party was at fault for causing your injury in order to successfully pursue a workers' compensation claim. In fact, you can receive workers' compensation benefits even if your accident was the result of your own carelessness.

As a result, you do not need to prove that your injury was caused by a workplace health or safety violation. All you need to do is prove that your injury was work-related and that you are unable to work for the time being. That said, evidence of a health or safety violation can help you prove that your injury was, in fact, work-related.

What Are Your Rights if You Were Injured as a Result of a Health or Safety Violation?

You always have the right to pursue a workers' compensation claim. However, in pursuing a workers' compensation claim, you may be foregoing the opportunity to pursue a claim against your employer. While you may be frustrated and angry about the fact that your injury could have been prevented, it is important to understand the benefits of pursuing a workers' compensation claim:

- If successful, your workers' compensation benefits will cover all of your medical expenses and up to two-thirds of your average weekly income.
- As mentioned above, you do not need to prove that your employer was at fault in any way.
- You can begin receiving your benefits almost immediately, allowing you to get the treatment you need without worrying about expenses and paying your bills.

While you may be entitled to more compensation if you were to file a lawsuit against your employer, a lawsuit will require you to prove that your employer should be held liable. If you have to go to trial, it could be well over a year for you to receive any compensation and that is only if your claim is successful.

However, North Carolina does recognize an exception to the "exclusivity doctrine" (the concept that an employee's only right to compensation in these cases is through a workers' comp claim) in situations where the employer's intentional misconduct caused serious injury or death to a worker. You may be able to sue your employer if they knowingly and willfully refused to comply with various safety standards which resulted in the accident that caused your injury. You should not assume that this is an option without first speaking with an experienced workers' compensation attorney.

Injured Due to an Unsafe Work Environment? Contact Martin & Jones Today

If you have been injured on the job, the sooner you get help the sooner you can start moving forward. At [Martin & Jones](#), we understand the challenges people face when they are unable to work. We provide a 360-degree assessment of your case and walk you through your options, helping you make an informed decision about how to proceed. To discuss your case and how we can help, [contact us](#) today at 800-662-1234 to schedule a free consultation.