

● NORTH CAROLINA WORKERS' COMPENSATION ACT

STATUTORY CITATION: N.C. Gen. Stat. §§ 97-1 – 97-200

GENERAL SUMMARY: The North Carolina Workers' Compensation Act renders most private employers in the state who have 3 or more regular employees, liable for the payment of compensation for any employee injured in a job-related accident or disabled by an occupational disease. Among other benefits, compensation includes the cost of medical treatment and regular cash payments to the worker or the worker's dependents to offset loss of wages.

Every employer subject to the Act must either (1) secure coverage through a commercial policy of workers' compensation insurance, or (2) obtain a license from the state as evidence of financial ability to pay compensation directly. Failure to evidence compliance under one of these two options may lead to an administrative fine and criminal prosecution.

PROVISIONS APPLICABLE TO AGRICULTURE: Farm operators who regularly employ 10 or more full-time non-seasonal farm laborers are subject to the Workers' Compensation Act, and farm laborers — even seasonal workers — employed by such an establishment are entitled to workers' compensation benefits for accidental injury, occupational disease or death sustained in the course of their employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Compliance Unit, North Carolina Industrial Commission, Raleigh, North Carolina 27699 (919-807-2525; toll-free 800-688-8349).* The Commission is established under the Workers' Compensation Act to administer and enforce the state workers' compensation system. An employee or the representative of an employee who is injured or killed in a job-related accident, or disabled as a result of an occupational illness, must promptly notify the employer, normally within 30 days of the injury, death or disablement. An employer subject to the Act is immediately liable for required medical treatment and supplies, and if the worker is disabled by the injury, the employer is generally liable for compensation payments after the first 7 days of disability. The right to compensation, however, is barred unless a claim is filed within 2 years after the accident or onset of the illness involved. Any worker who has a dispute with an employer or insurance carrier regarding eligibility for compensation, or over the amount or duration of benefits, may apply to the Commission for a hearing.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*