

Special Considerations for Farmworkers

Most agricultural employers are exempt from laws requiring them to carry worker's compensation insurance.



However, the following employers **are required** to carry worker's compensation insurance:

- Employers who hire 10 or more farmworkers for full time, year round employment.
- Employers who hire farmworkers with an H2A visa. This means that **ALL** employees on a farm that hires H2A workers are covered by worker's compensation insurance.

* Some agricultural employers opt to purchase worker's compensation insurance even though they are not required to by law. You can find out if a grower is covered by calling the NC Industrial Commission.

If a farmworker is here on an H2A visa and becomes injured or sick, he should not return to Mexico without first obtaining medical treatment and legal counsel to assure that he receives all benefits due to him.

Illnesses resulting from pesticide exposure on the job are covered under worker's compensation laws. Farmworkers and medical providers are entitled by law to inquire about pesticide usage from the employer.

Helpful Resources

North Carolina Industrial Commission

To inquire about a claim or employer coverage, call (919) 807-2500.
<http://www.comp.state.nc.us>

North Carolina Occupational Safety and Health Project (NCOSH)

For information and for referrals to attorneys who specialize in worker's compensation cases, call (919) 286-9249 or 1-800-646-2674.

NC Justice and Community Development Center, Immigrants Legal Assistance Project

For information and legal services for farmworkers call (919) 856-2144 or 1-888-251-2776.

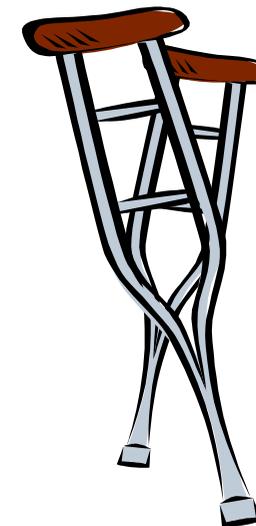
Farmworker Unit, Legal Services of North Carolina

For information and legal services for farmworkers call (919) 856-2180 or 1-800-777-5869.

Worker's Compensation

in North Carolina

Useful information for service providers



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What is Worker's Compensation?

Insurance coverage for workers who suffer "all accidents or injuries arising out of the course of, and in employment."

It also covers 27 occupational diseases.



Who is eligible for Worker's Compensation?

In North Carolina most employers with 3 or more workers are required to carry worker's compensation coverage for their employees.

All eligible persons are covered by worker's compensation laws regardless of their immigration status.

What does Worker's Compensation Provide?

- 100% of all medical costs incurred as a result of a work-related injury or illness, including specialists and rehabilitation services
- Costs of transportation to appointments and medicines
- Compensation for 2/3 of lost salary due to lost work as a result of temporary disability
- Compensation for partial or permanent loss

How can an injured worker protect his/her rights under worker's compensation laws?

- Seek medical attention immediately after an injury.
- Obtain any medical instructions in writing, such as prescribed rest days and any restrictions placed on work duties.
- Notify the employer about the injury as soon as possible. This should be done in writing within 30 days of the incident.
- Write down important information about the incident including dates, times, and names of persons who were present. Save all pay stubs from before and after an accident.
- Follow through with all medical instructions and appointments with the doctor. Workers have a right to request a second medical opinion if they are not satisfied with treatment.
- Return to work according to the doctor's instructions. If the worker feels any pain or discomfort, he/she should return to the doctor as soon as possible.

Why do injured workers need a lawyer?

- A lawyer can maximize the amount of weekly lost wages the worker receives.
- A lawyer can assure that an injured worker gets specialized medical care, therapy and transportation to treatment.
- A lawyer can advocate for further medical treatment or therapy when the insurance company denies these benefits.

○ A lawyer can make sure an injured worker receives proper compensation for partial or total permanent loss of capacity.

○ A lawyer can make sure an accident is properly reported to the Industrial Commission with the Form 18.

How much does a lawyer cost?

Private lawyers will receive attorney's fees from the amount recovered and do not collect if the injured worker does not receive compensation.

Non-profit Legal Services programs do not charge for services provided to eligible clients.

Other Frequently Asked Questions

Does an employer's insurance premium costs increase when claims are filed?

Only if a substantial amount of accidents occur, signifying that this could be a dangerous place to work.

What happens if an employer fires or in other ways discriminates against an employee that files a worker's compensation claim?

It is against the law for an employer to retaliate against a worker for filing a worker's compensation claim. The state law that protects workers is called REDA - Retaliatory Employment Discrimination Act.

Persons who experience retaliation can file a complaint with the NC Department of Labor and seek reinstatement, compensation and other benefits.

How long does a worker have to file a claim?

2 years from the date of accident or last authorized treatment.