

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 738  
HOUSE BILL 568

AN ACT TO PROTECT EMPLOYEES FROM BEING DISCHARGED BECAUSE THEY  
HAVE FILED A WORKMEN'S COMPENSATION CLAIM.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 97 of the General Statutes is amended by adding a new section to read:

"§ 97-6.1. **Protection of claimants from discharge or demotion by employers.** — (a) No employer may discharge or demote any employee because the employee has instituted or caused to be instituted, in good faith, any proceeding under the North Carolina Workmen's Compensation Act, or has testified or is about to testify in any such proceeding.

(b) Any employer who violates any provision of this section shall be liable in a civil action for reasonable damages suffered by an employee as a result of the violation, and an employee discharged or demoted in violation of this section shall be entitled to be reinstated to his former position. The burden of proof shall be upon the employee.

(c) Any employer shall have as an affirmative defense to this section the following: willful or habitual tardiness or absence from work or being disorderly or intoxicated while at work, or destructive of an employer's property; or for failure to meet employer work standards not related to the Workmen's Compensation Claim; or malingering; or embezzlement or larceny of employer's property; or for violating specific written company policy of which the employee has been previously warned and for which the action is a stated remedy of such violation.

(d) The General Court of Justice shall have jurisdiction of actions under this section.

(e) The failure of an employer to continue to employ, either in employment or at the employee's previous level of employment, an employee who receives compensation for permanent disability, total or partial, shall in no manner be deemed a violation of this section.

(f) The statute of limitations for actions under this section shall be six months as set out in General Statute 1-55."

**Sec. 2.** General Statute 1-55 is amended by adding a new subsection (3) to read as follows:

"(3) For wrongful discharge or demotion because of proceedings under the North Carolina Workmen's Compensation Act as prohibited by G.S. 97-6.1."

**Sec. 3.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1979.