

**General
Compensation
Principles**

To be considered compensable, the cause of injury (hazard) must be related to a worker's employment and must arise from the premises or equipment (whether residential, recreational, or food facilities) and not from a worker's personal risks and conditions.

WCB recommends all employers take steps to ensure safe conditions in any employer-provided premises through proper maintenance and training.

For more information, see Policy 02-01, especially Part II, Applications 1 and 4.

Illustration Scenarios

WCB Coverage on Employer-Provided Premises

Background:

The employer's worksite is located outside of a major center and employees have the option of living in employer-provided premises (camp) or of staying off-site and commuting.

The employer has provided a fully equipped gym that is available to all employees.

Scenario 1: Injury while playing competitive sports at the camp

Chris, who lives in camp, joins coworkers in a basketball game and sprains an ankle. Is Chris covered?

No. As a rule, Chris' injury would not be covered as basketball is a competitive sport that, under this scenario, is not consistent with regular employment duties. As such, it is exempted under WC Regulation 3(1)(c). Even if competitive sports were not an issue, the injury would likely not be compensable as it arose as a result of personal risks and conditions and not from any hazards of the premises.

Scenario 2: Injury while participating in work place stretching

What if the employer had directed Chris to take part in a non-competitive activity?

Before each shift, Chris joins coworkers for a compulsory warm-up and stretching session and Chris pulls a hamstring while stretching. Under this scenario, the injury is likely to be compensable because the activity happened under the employer's direction and control and is linked to the employee's work requirements.

Scenario 3: Injury while working out

Chris uses the equipment at the gym and strains a back muscle while lifting weights. The equipment is in proper repair and all employees are made aware of how to properly use the equipment. Is the strain compensable?

Unlikely. The injury appears to be due to the worker's personal risks and conditions and not to any hazard of the premises or equipment.

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Illustration Scenarios

Scenario 4: Injury while working out – a facility problem

Chris is using the gym equipment and is injured when a light fixture falls on Chris' shoulder. Is the shoulder injury compensable?

Yes, in these circumstances the injury is compensable because the injury arose from a hazard of the premises. This injury would be compensable under these circumstances even if Chris was playing a competitive sport such as basketball. It is not the activity that was harmful, it was the facility.

Note that an employer may apply for a transfer of claim costs if the injury is due to negligence on the part of one or more employers or their workers. For more information, see Policy 07-02, Part II, Application 5.

Scenario 5: Injury while leaving residence

Alex has arranged to live as a tenant in an employer-owned residence in a near-by community. One morning, while leaving for work, Alex slips on the steps and breaks a hip. Is the injury compensable?

No. Alex is a tenant and has the same rights and privileges that usually exist between landlords and tenants. In these situations, the hazards of the premises are not considered hazards of employment.

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The purpose of travel and the direction and control exercised by the employer are key factors in determining workers' compensation coverage.

For more information, see Policy 02-01, especially Part II, Application 3.

Illustration Scenarios

Employer-Provided Transportation

Background:

Company XYZ's worksite is located approximately three hours outside of Edmonton. Employees work ten days on and then have four days off. They have the option of staying on-site or of going to Edmonton for their days off. As a result of ongoing labour shortages, the employer has hired a number of temporary foreign workers who reside in a camp near the worksite.

Scenario 1: Commuting to work vs. traveling on the employer's bus

Pat and Drew both live in the Edmonton and have accepted jobs with XYZ. Pat takes the employer-provided bus to and from the work-site, while Drew drives a personal vehicle.

One evening, as Pat is returning to Edmonton on the bus and Drew is driving, the weather conditions are poor and the bus crashes into a tree. A few kilometers away, Drew also has an accident. Pat and Drew both suffer broken collarbones. Are the injuries compensable?

In Pat's case, yes. In Drew's case, probably not. Travel to and from the worksite is only covered under certain circumstances such as when the method of transportation is under the direction and control of the employer – like the bus.

Scenario 2: Traveling on the bus when the employer pays a travel allowance

Kim works for XYZ but does not have access to the company-provided bus. Instead, Kim travels on a commercial bus line and the employer pays Kim a travel allowance.

While Kim is returning to work he is injured when the bus hits a pick-up truck. Are Kim's injuries compensable?

No. Routine travel to and from the worksite is not considered to arise out of and occur in the course of employment and is not covered in the absence of other employment obligations or duties associated with the travel.

Payment of a travel allowance, in and of itself, does not put the transportation under the employer's control and direction. In this case, Kim traveled on a commercial bus line, which is outside the employer's control.

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Scenario 3: Traveling outside a normal commuting route

One morning, instead of coming into the office as usual, Bobbie is asked to go directly from home to a client's site. On the way there, Bobbie's vehicle hits a deer and Bobbie is injured. Is Bobbie covered?

Yes. The trip arose out of and occurred in the course of employment. It was not simply routine travel to and from work (normal commuting), but was made for a specific business purpose at the request of the employer.

Scenario 4: Social outings in the employer's vehicle

Sam is a temporary foreign worker. XYZ has arranged for Sam and the other temporary foreign workers to be driven in an employer-provided van to attend social events in a near-by community. Attendance is purely optional.

One Sunday the van is returning from the social event and blows a tire. Sam is injured. Is this injury compensable?

No. Although the employer is providing the transportation, the purpose for the travel is not related to employment.

Suppose that this event is a company awards banquet that employees are strongly encouraged to attend. If the injury happened in these circumstances, would it be compensable?

Likely. Attendance is strongly encouraged and the trip would be viewed as being under the direction and control of the employer.