

Arising Out of and In the Course of Employment – Examples

The following scenarios are examples. Operations staff will review claims on a case by case basis using the above guidelines when considering if an injury or disease arose out of and in the course of employment.

General

- A nurse reports a neck and back strain after lifting a heavy patient in the ICU. It is clear that the worker was in the course of employment when the injury occurred and that the injury arose out of employment (i.e., lifting a heavy patient). The injury claim is accepted.
- A worker is walking from their work station to the staff room to prepare for their next client. The worker trips because they are wearing ill-fitting shoes and falls directly onto their shoulder causing an injury and it is determined that the worker tripped “on their own feet”. The injury arose out of and in the course of employment because the worker is required to walk from one point to the next in the workplace while performing employment duties and the WCB provides no fault coverage. The injury claim is accepted.
- A worker is found unconscious on the floor. There were no witnesses and, because of the injury, the worker has no memory of the incident. It is determined the worker was in the course of employment but how the injury happened cannot be clearly determined. The injury claim is accepted base on benefit of doubt.

Non-specific incidents

- A worker reports experiencing back pain after standing up from their desk chair. Using medical reports and diagnosis and reviewing employment duties, WCB determines that it is more likely than not that the injury arose out of and during the course of employment. There is no evidence supporting that the injury occurred as a result of a pre-existing condition. The injury claim is accepted.

Entering or exiting employer premises

- A worker trips on loose carpet in a common area while entering or exiting employment in a multi-user premise. Injuries are acceptable when an injury happens on the employer’s premises and results from the condition of the property. The injury claim is accepted.
- A worker slips on ice on a parking lot surface while stepping out of their personal vehicle. The parking lot is provided by the employer and is considered part of the employer’s premises. This injury includes a combination of both an imported personal hazard (i.e., the workers vehicle) and a hazard of the employer’s premises (i.e., parking lot in the strip mall). The injury claim is accepted.

Rest breaks on the employers premises

- During a paid lunch break in the employer-provided break room, a worker stands up from a chair. It abruptly rolls out from underneath them and causes them to twist awkwardly and strain their back. The chair is considered a hazard of the employer’s premises and the injury claim is accepted.

- The employer provides a smoking area on their premises for staff and customers. During an authorized rest break, a worker trips on an uneven paving stone leaving this area. This causes them to fall and injure their ankle. The paving stone is considered a hazard of the employer's premises and the injury claim is accepted.

Imported personal hazards

- A worker sustains an injury resulting from a personal relationship that coincidentally occurs at the workplace. Personal relationships (e.g., spouse, family, and friends) are considered a personal risk (i.e., imported personal hazard). The cause of the injury is exclusively personal and has no direct or indirect relationship to the worker's employment duties or the employer's operations. The claim is not accepted.
- A worker brings food for their own personal lunch into the workplace which results in food poisoning. The food item is not under the control of the employer and is considered an imported personal hazard of the worker and not a hazard of their employment. The injury claim is not accepted.
- A worker has an allergic reaction to a food item brought into the workplace by another worker. It would not be considered an imported personal hazard of the injured worker, and therefore, the injury claim is accepted.

Travelling to and from or for work

- A worker is travelling to work and the employer pays for the worker's travel time. The worker is involved in a vehicle incident, which results in an injury. However, it is determined the worker was not following the most practical and reasonable route between their residence and the work site. The WCB does not consider the worker to be in the course of employment and the injury claim is not accepted.

Working from home (telework)

- An employer has approved telework arrangements with a worker. The worker completes the required work in a spare room in their home that has been designated as their workspace. While reaching for documents on the printer, the chair breaks and the worker injures their leg. The worker was performing employment duties and in a time and place linked to their employment. The worker is considered to be in the course of employment and the injury is accepted.
- A worker, working from home as arranged with their employer, leaves their computer to turn off their television in the next room. The worker falls and hurts their back. Walking to turn off their personal television is not considered an activity related to their employment. Therefore, the worker was not in the course of employment and the injury claim is not accepted.
- A worker is supplied with a cellphone and in accordance with the employer approved arrangements, is expected to provide remote IT support for the business. The worker is expected to answer calls 24/7 while designated "on call". Late one night, the worker is on call and the worker's cellphone rings. While walking to answer it, the worker trips and injures their wrist. The injury arose out of and in the course of employment because the worker was required to answer the cellphone while on call.

Pre-existing conditions

- A worker has an epileptic seizure at work while performing activities required for their employment. During the seizure, they hit and injure their head on the photocopier. No responsibility is assumed for the pre-existing condition and therefore, the epileptic seizure itself is not a compensable injury. However, the head injury claim is accepted.
- A worker collapses at work from a non-work-related condition while performing an activity required for their employment (e.g., faints or has an epileptic seizure). The worker is not injured during the fall, but is required to miss work. An injury claim is not accepted and WCB does not accept responsibility for the underlying cause of the collapse.
- A worker faints at work while conducting an office meeting and injures their arm on an office chair. While the faint is non-work-related, the injury claim for the arm is accepted as a work injury.
- A worker has a pre-existing respiratory condition. They are exposed to a chemical at work while performing employment duties that causes them to have shortness of breath. The work exposure has aggravated their pre-existing condition. The claim is accepted and coverage is provided while the worker recovers from the effects of the work exposure.