



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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INJURIES UNDER UNUSUAL CIRCUMSTANCES

This Factsheet provides information about injuries that occur under unusual circumstances such as:

- injury occurring during a lunch break;
- injury from a fight;
- injury in a bunkhouse or recreational facility;
- injury while traveling to or from work;
- injury caused by natural hazards (sunburn, bee stings, etc.); or
- injury occurring before a worker is hired, or after employment ends.

1. Can I claim workers' compensation for an injury that occurs during a lunch break?

A claim for an injury on your lunch break can be accepted if:

- the injury occurs in a lunch room provided by the employer; or
- the injury occurs during lunch when you are required to travel as part of your work.
- WorkSafeBC will not accept a claim for an injury during lunch if:
- your injury occurs off the work site, and you are not travelling for the employer (for example, if you go across the street for coffee/lunch);
- the injury involves food, unless the food is provided by the employer, is part of the benefits provided by the employer, or you are eating as part of travelling on your employer's business; or
- the injury is caused by something brought into the lunch area including your own personal property that becomes dangerous (such as a paring knife used to cut food).

2. If I am assaulted while working, can I get compensation?

Claims for injuries received in a fight will be accepted if they occur under the following conditions:

For more information:

Website: gov.bc.ca/workersadvisers



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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- the fight causing the injury must be connected to your work place and the work you actually do; and generally,
- you are not the person who started the fight.

For example, a nurse or doctor would be compensated for injuries inflicted by a patient, but a claim will not be accepted if a fight is related to a dispute over a personal matter.

WorkSafeBC will consider information related to the fight and what duties you were carrying out at the time. You will need to provide WorkSafeBC with answers to the following questions:

- Did the assault happen on the employer's premises?
- Were you doing something for the benefit of the employer at the time?
- Were you acting under directions from the employer?
- Did the assault occur during a time period in which you were getting paid?
- Were you receiving payment or some other benefit from the employer at the time?
- What risk of assault ultimately resulted in you getting hurt, and was the risk the same as in the normal course of your work?

These are some of the factors that WorkSafeBC will consider if an assault occurs. No single point is more important than the others. WorkSafeBC may also consider additional information not listed here.

3. Can I get compensation if I am injured while living in an employer-provided accommodation?

WorkSafeBC will pay compensation for an injury in an employer-provided accommodation only if the employer requires the worker to use that accommodation, or there is no reasonable choice of suitable alternative accommodation. In most cases, such an injury may be accepted even if it occurred during 'off work' hours. If the location is isolated or remote, WorkSafeBC will also pay for injuries that occur on any of the employer's property, including recreational facilities, so long as there is no other available choice of where to live.

In some cases, if the employer provides the accommodation at no charge and the location is not isolated, WorkSafeBC may compensate the injury, but not if it occurred during 'off work' hours (for example, during recreational activities).

If you live in a "company town" (such as a mining town) and there is accommodation available from the company, but other residents of the town who do not work for the company live there as well, this living situation will not usually be accepted for a claim. However, if the accommodation provided by the

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employer is free or largely subsidized so that most persons would choose to stay in the employer provided accommodation rather than pay for housing elsewhere, WorkSafeBC may still accept the claim.

4. Can I get compensation for an injury that happened while traveling to and from work?

Injuries occurring while a worker is traveling between his or her home and the workplace on public roads or highways are generally not compensable.

However, you may be entitled to compensation for an injury that happens while travelling to and from work in the following circumstances:

- You were travelling in order to respond to an emergency situation at the time of your injury;
- You were directed by your employer to deviate from your regular commuting route in order to perform some activity related to work;
- You were travelling to a worksite in which access to the site involves some special hazard or hazards, or which required that you travel on a captive road (A captive road is one which leads only to the premises of the employer, and which is controlled and maintained by the employer. The fact that members of the public also use the road does not change its status as a captive road.);
- You were travelling to a worksite at the direction of your employer, which is not your usual place of employment;
- You are regularly required to travel to more than one work location in the course of a normal work day, and your injury occurred in transit between work locations; or
- You are on a business trip and were injured as a result of some hazard of the environment into which the business trip places you. This can even include personal activities such as eating in restaurants, sleeping in hotels, personal care, and other activities normally considered as incidental to business trips.

Claims for compensation for injuries that happen while traveling to and from work are not generally accepted when:

- The road you are traveling is considered a “public road”;
- The reason for your travel is not a work-related emergency and is outside of your usual employment hours or regular travel situations;
- There an accident occurs on a “captive road” and the vehicle was found not safe to operate; or

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- the travel is not for a legitimate purpose associated with the employment, or the injury occurred in the course of a significant non-work related deviation from your route or, in the case of a business trip, from normal incidental activities.

5. What if an injury was caused by a “hazard arising from nature”?

Claims for injuries arising from the natural elements are accepted where a particular activity required by the employment exposes the worker to the natural hazard. For example, a claim will be accepted if a logger is stung by a bee while working in the bush. Claims for frostbite will likely be accepted if a worker is required to work outdoors in the winter.

6. What if I am injured before I am hired, or after my employment ends?

Compensation is not necessarily limited to injuries which occur between the time when a worker is formally hired and when he has formally quit or been dismissed. A worker is entitled to compensation where he or she is injured while engaged in pre-employment training or probationary work required by the employer before the worker can be hired, and where that training or work exposes the worker to hazards of the industry. A worker may be compensated if he is injured after entering the work premises on his first day of work but before he has completed all the necessary hiring formalities required by the employer.

When employment ends, workers will be compensated for injuries that occur during a reasonable period while they are winding up their affairs and leaving the employer's premises. Workers will also be compensated for further injuries occurring in the course of Board sponsored vocational rehabilitation activities such as retraining.

A person who chooses on his or her own initiative, to travel to look for work will not be compensated for injuries that occur during travel.

What if I do not agree with the decision?

If you do not agree with WorkSafeBC decision, you have the right to request a review. You must request a review within 90 days. If you disagree with the Review Division decision you have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.