

Telecommuting

Telecommuting is a work arrangement where workers perform all or parts of their jobs outside the employer's usual place of work. Also known as telework or e-work, telecommuting relies on the use of computer and communication technology to perform work from home or other remote locations.

Telecommuting workers may be covered under workers' compensation. When coverage is in effect, employers' responsibilities under workers' compensation legislation (including recording and reporting accidents) apply even though the work is performed from the worker's home or another remote location.

Telecommuting arrangements may be temporary or permanent. Temporary arrangements include carrying out a time-limited project at home. Permanent arrangements include workers who perform all or part of their duties out of their home on a regular basis. For example a medical typist who types medical reports, a distance learning instructor who works for a post-secondary institution, or an auditor who is employed by a public institution.

Telecommuting does not cover occasional situations when a worker brings work home on his or her own initiative, even with the employer's knowledge (for example to complete a project in time for a deadline).

Workers' Compensation Issues

Several workers' compensation issues arise out of telecommuting:

Recording and Reporting

Because injuries or illnesses arising from telecommuting may be work-related, employers are required to record and report these injuries and illnesses. For more information see Section 33 of the Workers' Compensation Act, Section 9 of the Workers' Compensation Regulation, and Policy 01-05, Part II, Application 2, Recording and Reporting Accidents.

The Workspace

When telecommuting is authorized by an employer, as a general rule, coverage is confined to the defined workspace unless the worker is engaged in an activity that is directly related to the telecommuting work.

For example, injuries occurring in a basement bedroom specifically designated as a work office may be covered. There may also be circumstances in which injuries outside the designated area are covered. The following section lists the key factors WCB-Alberta considers in determining entitlement.

Entitlement

Taking into consideration the individual circumstances of each claim, WCB-Alberta looks at the following factors, and possibly others, to determine whether a telecommuting injury is work-related and therefore covered:

- Was the activity on work time?

- Was the activity for the employer's benefit?
- Was the worker paid for the time?
- Was the worker in that time and place due to employment reasons?
- Was the work arrangement authorized by the employer?
- Did the injury occur in the course of using equipment or materials supplied by the employer?

See Policy 02-01, Part II, Application 1: Employment Hazards, and Application 2: Time and Place.

Travel

Travel at the direction of the employer is covered. This includes situations when a telecommuting worker travels from his or her home to the employer's office or another site to attend a work-related meeting. It may also include travel to pick up supplies for the worker's home office that are used in the performance of his or her work duties. For more information about travel see Policy 02-01, Part II, Application 3, Travel.

Tips for Employers

Employers should exercise caution when authorizing telecommuting. Even though some hazards in a telecommuting arrangement may not be under their control, employers still have a legal obligation under occupational health and safety legislation to provide a safe and healthy workplace. A written policy or agreement clarifies the arrangement for the worker and employer, as well as helping WCB-Alberta in the adjudication of claims arising from telecommuting.

Scenario 1:

Margaret is a typist for a municipality. She types transportation planning reports from audiotapes. She works in a spare room in the basement of her home that has been designated as her workspace. Her home office has a computer, fax machine, and printer supplied by the employer. On her way to the basement office one morning, Margaret slips on some water on her kitchen floor. She falls and hurts her lower back. Is her injury covered?

Unlikely. Margaret was not yet in the designated workspace and the hazard did not relate to her employment.

Scenario 2:

Margaret drives to a local office supplies store to purchase toner and paper for the printer in her home office. On the way home she is involved in a motor vehicle accident and suffers a neck injury. Is Margaret covered?

Probably, provided Margaret did not deviate from the route for a personal errand. If she deviated from a direct route to the office supply store, she is not covered until she completes her personal errand and returns to the direct route.

Scenario 3:

Margaret has been typing transportation planning reports out of her home for three months using her own desk and chair. Her work station was not ergonomically assessed before beginning the telecommuting arrangement. Lately, she has been experiencing pain in her wrists and neck. Her doctor diagnosed a repetitive strain injury in her wrists. Her employer sent an ergonomist out to assess her workstation. The ergonomist determined that her chair and desk, which cannot be adjusted, do not suit her body and that she needs new office equipment. Is her injury covered?

Probably. Although Margaret provided the desk and chair, the injury is work-related because the desk and chair were required as a condition of her employment at home.

Scenario 4:

Margaret receives a box of office supplies delivered to her home. The supplies are paid for by the employer and are necessary for her employment. The box is large and, when carried, prevents her from seeing her feet. As she descends the stairs to her home office carrying the box, she trips and falls. Her doctor diagnoses a sprained ankle, contusions and a concussion. Is Margaret covered?

Probably. Depending on the facts, the injury may be covered even though it occurred outside the designated workspace. The box is a hazard introduced by her employment and contributed to the accident.

Scenario 5:

At noon, Margaret decides to take a lunch break. She leaves her home office in the basement and climbs the stairs to her kitchen. On her way up the stairs, she misses a step, falls and cuts her chin on a step. The cut requires three stitches. Is Margaret covered?

Probably not. Margaret has left the designated workspace on personal business and the stairs are not a hazard of employment.

For more information on WCB-Alberta policies, go to our web site at
http://www.wcb.ab.ca/public/policy/manual/policy_manual.asp