

**Alberta WCB  
Policies &  
Information**

Chapter:

**WORK-RELATEDNESS**

Subject:

**ARISES OUT OF AND OCCURS IN THE COURSE  
OF EMPLOYMENT**

Authorization:

**BoD Resolution 2023/03/10**

Date:

**June 20, 2023**

**REFERENCE:**

[Workers' Compensation Act, RSA 2000, Sections 1\(1\), 24, 24.1, 24.2, and 28](#)

[Workers' Compensation Regulation, Sections 2-7, 20, Schedules A and B](#)

[Firefighters' Primary Site Cancer Regulation](#)

**POLICY:**

To be compensable, an *accident* must meet two conditions; it must:

1. *arise out of employment, AND*
2. *occur in the course of employment.*

When WCB is notified of an accident, it initiates inquiries to obtain all relevant *evidence*, and adjudicates the eligibility of the claim based on the weight of that evidence.

If, after gathering all the available evidence, it is clear that one of the conditions is met but there is insufficient evidence on which to base a decision regarding the second condition, the *statutory presumptions* contained in s.24 of the *Workers' Compensation Act (WCA)* will apply.

Workers are not entitled to compensation if they have *removed themselves from the course of employment* by their actions, and may not be entitled if the accident was a result of *serious and wilful misconduct*.

This policy is effective **September 1, 2023**, except when noted otherwise in a specific policy section(s).

**INTERPRETATION**

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## 1.0 Accident

For the purposes of workers' compensation, "accident" includes the circumstances defined in s.1(1)(a) of the *WCA*:

an accident that arises out of and occurs in the course of employment in an industry to which the *WCA* applies and includes

- (i) a wilful and intentional act, not being the act of the worker who suffers the accident,
- (ii) a chance event occasioned by a physical or natural cause,
- (iii) disablement, and
- (iv) a disabling or potentially disabling condition caused by an occupational disease

## 2.0 Arises out of Employment

An accident arises out of employment when it is caused by an **employment hazard**.

### *Employment Hazard*

Employment hazard deals with *how* the injury occurred. An employment hazard is defined as an employment circumstance which presents a risk of injury. The hazard may be directly related to the industry or occupation (for example, machinery, chemicals, worksite ergonomics), or may be incidental (for example, weather conditions, insect bites, third-party vehicles).

### *Personal Risks, Conditions, and Hazards*

Risks or conditions which are personal to the worker (such as the worker's physical or pre-existing condition or personal relationships) are not hazards of employment unless employment factors contribute to the occurrence of injury. Personal hazards are introduced by the worker and not under the control of the employer. They are hazards specific to a worker and do not arise out of employment (see Application 2).

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### 3.0 Occurs in the Course of Employment

An accident occurs in the course of employment when it happens at a **time and place** consistent with the obligations and expectations of employment.

#### *Time and Place*

Time and place consider *when* and *where* the injury occurred. Time and place are not strictly limited to the normal hours of work or the employer’s premises. For more information on working outside normal hours and working outside the employer’s premises, including designated workspaces (e.g., working from home), see Application 2.

Regardless of when and where the injury takes place, there must be a relationship between employment expectations and the time and place the accident occurs (see Part II, Applications 2 and 3).

### 4.0 Evidence

Evidence includes accident reports, witness reports, medical information, and accepted medical opinion, as well as any other facts relevant to the accident.

If the information received on the required reports is not sufficient to adjudicate the claim, WCB is responsible for gathering additional evidence relevant to the claim.

### 5.0 Statutory Presumptions

A statutory presumption is a presumption created by legislation (under an Act or regulation). In workers’ compensation, statutory presumptions are used to presume a worker’s injury or disease arose out of and occurred in the course of employment, if the criteria outlined in the Act or regulation is met.

Under s.24 of the *WCA*, if an accident *arose out of the employment*, unless the contrary is shown, it is presumed that it *occurred during the course of the employment*, and if an accident *occurred during the course of the employment*, unless the contrary is shown, it is presumed that it *arose out of the employment*. The presumption does not release WCB

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**Statutory presumptions  
(continued)**

from its obligation to inquire into and examine the circumstances of the injury.

See Part II, Application 2, Question 3 for additional information.

**6.0 Removing Oneself From the  
Course of Employment**

A worker will lose entitlement to compensation if the worker’s actions at the time of the injury are a substantial deviation from the expectations and conditions of employment (see Part II, Application 5).

**7.0 Serious and Wilful  
Misconduct**

A worker is normally not entitled to compensation when the injury is primarily due to serious and wilful misconduct. The only exception is when the injury results in serious disability or death (see Part II, Application 6).

Serious and wilful misconduct is a deliberate and unreasonable breach of law or rule which is designed for safety, well known to the worker, and enforced.

Serious disability is normally defined as permanent disability, but WCB is not bound by that definition and will consider the specific circumstances of each case. In cases of serious disability, the worker is eligible for compensation on the same basis as any other claim.

**Please see Part II for additional information on the following subjects:**

**Application**

- 1 – [Arises Out of and Occurs in the Course of Employment Chart](#)
- 2 – [Employment Hazards, Time, and Place](#)
- 3 – [Work-Related Travel](#)
- 4 – [Athletic Activity](#)
- 5 – [Removing Oneself From the Course of Employment](#)

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6 – [Serious and Wilful Misconduct](#)

7 – [Causation](#)

[Document History](#)

**Previous versions**

- [Policy 0201 Part I - April 2018](#)
- [Policy 0201 Part I - August 2015](#)
- [Policy 0201 Part I - April 2014](#)
- [Policy 0201 Part I - January 2004](#)
- [Policy 0201 Part I - June 2003](#)
- [Policy 0201 Part I - January 2002](#)
- [Policy 0201 Part I \(consolidated manual 1st Issue\) - February 1997](#)