

Alberta WCB Policies & Information

Chapter:

WORK-RELATEDNESS

Subject:

ARISES OUT OF AND OCCURS IN THE COURSE
OF EMPLOYMENT

Authorization:

BoD Resolution 96/10/53

Date:

November 26, 1996

REFERENCE:

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

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

[Firefighters' Primary Site Cancer Regulation](#)

POLICY:

To be considered compensable, an *accident* must meet two conditions: it must *arise out of* and *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 February 15, 1997, except when noted otherwise in a specific policy section(s).

INTERPRETATION**1.0 Accident**

“Accident” is used in the usual and ordinary sense, and means an unexpected mishap or event. For the purposes of workers' compensation, “accident” also includes the circumstances defined in the four subclauses of s.1(1)(a) of the *WCA*.

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2.0 Arises out of Employment

An accident arises out of employment when it is caused by some employment hazard. 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 and
Conditions*

Risks or conditions which are personal to the worker (such as the worker's physical condition or personal relationships) are not hazards of employment unless employment factors contribute to the occurrence of injury (see Part II, Applications 1 and 4).

**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 are not strictly limited to the normal hours of work or the employer's premises, however, 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.

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5.0 Statutory Presumptions

When determining the eligibility of an injury, WCB normally bases its decision on the weight of evidence. In some cases, however, it is not possible to get sufficient evidence on which to base a decision (for example, if a worker is found unconscious on the floor; there were no witnesses to the fall; and, because of the injury, the worker has no recollection of the incident). The statutory presumptions of s.24 of the WCA are included so workers will be compensated in cases where one condition of compensability (either “arises out of” or “occurs in the course of” employment) is met, but there is insufficient evidence to determine the status of the second condition.

Section 24 of the WCA contains the provision that when one of the conditions is met, the other is presumed, unless the contrary is shown.

The presumption does not release WCB from its obligation to inquire into and examine the circumstances of the injury.

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).

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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.

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 – [Employment Hazards](#)
- 2 – [Time and Place](#)
- 3 – [Travel](#)
- 4 – [Athletic Activity](#)
- 5 – [Removing Oneself From the Course of Employment](#)
- 6 – [Serious and Wilful Misconduct](#)
- 7 – [Causation](#)

Previous versions

- [Policy 0201 Part I - August 2015](#)
- [Policy 0201 Part I - April 2014](#)
- [Policy 0201 Part I - January 2004](#)
- [Policy 0201 Part I - June 2003](#)

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- [Policy 0201 Part I - January 2002](#)
- [Policy 0201 Part I \(consolidated manual 1st Issue\) - February 1997](#)