

**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

APPLICATION 1: EMPLOYMENT HAZARDS

1. *What factors are considered when determining if an injury resulted from an employment hazard?*

The employment must have contributed to the accident so that, if it were not for the employment, the accident would not have occurred at that time (see Application 7 – Causation). The hazard may arise directly from the occupation or industry itself, or it may arise from positional risk. The following conditions apply when determining whether an employment hazard caused or contributed to an accident:

- the hazard must be related to the worker’s employment
- employer-provided residential, recreational, and food facilities are considered hazards of employment only when the hazard arises from the premises or equipment and the worker is making reasonable and permitted use of the facilities

For injuries incurred while the worker was engaging in athletic activities, see Policy 02-01, Part II, Application 4.

2. *What is positional risk?*

Positional risk occurs when workers’ employment causes them to be in a place at a time when they are exposed to a hazard. Examples include environmental hazards such as insect bites and exposure to weather conditions, motor vehicle collisions, and unprovoked attacks.

Usually, it does not matter whether the worker is at the same risk as the general public, provided the employment causes the worker to be in a certain place at a certain time when the accident happens. For example, a worker travelling to a business appointment is at the same risk as the general public if a rifle is fired accidentally in the vicinity. Were it not for employment, however, the worker would not have been there when the rifle was

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Positional risk (continued)

fired, so it is the employment which has placed the worker at risk.

In the case of infectious diseases, however, coverage is not extended unless the worker’s employment requires sufficient exposure to the source of infection. In these situations the nature of employment must be of causative significance or create an increased risk of exposure for the worker (see Policy 03-01, Part II, Application 3, Question 4).

3. *What are a worker’s personal risks and conditions?*

These are characteristics and circumstances specific to the worker and present regardless of employment. For example, a degenerative or other pre-existing physical condition is a risk for the worker both in and out of employment.

Personal relationships (e.g., spouse, family, friends) may also constitute a personal risk. Injuries resulting from personal relationships may coincidentally occur at the workplace, but claims will not be accepted if the cause is exclusively personal and has no direct or indirect relationship to the worker’s employment duties or the employer’s operations.

For example, if two co-workers who socialize outside of work fight during work hours because of some personal incident, the fight only coincidentally occurs during employment and does not arise out of employment. Any resulting injuries are not compensable (see Application 5, Removing Oneself from Employment).

However, if employment hazards increase the risk or aggravate a condition, the injury may be compensable (see also Policy 03-02, *Aggravation of a Pre-Existing Condition*).

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4. *Is coverage extended if a worker is injured during an epileptic seizure?*

Epilepsy itself is not compensable unless it resulted from a compensable head injury. WCB will, however, accept responsibility for any injuries resulting from a seizure occurring while the worker is in the course of employment.

5. *Are the injuries compensable if a worker faints or collapses at work?*

WCB’s responsibility varies according to the reason for the collapse. If a worker collapses because of some employment hazard (abnormally high temperatures, exposure to fumes, etc.), then the condition and any resulting injuries are compensable.

If, on the weight of evidence, it appears the worker collapsed because of some non-compensable medical condition, WCB does not accept any responsibility for the underlying cause of the collapse. If, however, the worker’s injuries were increased because of employment, WCB will accept responsibility for the resultant injuries.

6. *What is considered an employment hazard in residential and eating facilities?*

Injuries are compensable when a worker is making reasonable and permitted use of the provided facilities and the injury arises from a hazard of the premises or equipment provided.

Hazards include any employer-provided equipment such as furniture, utensils, etc., and any food or drink provided by or purchased from the employer or employer’s agent and consumed on the premises. Food, equipment, or other hazards introduced by the worker are not considered to be employment hazards.

If the worker is considered to be a “captive worker” in a residential facility, WCB may include other hazards, based on the individual merits of the claim. Captive workers are workers who, because of the circumstances

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Residential and eating facilities (continued)

and nature of their employment, have no reasonable alternative to living in a bunkhouse or campsite (for example, a remote campsite in the wilderness).

7. *Does coverage for reasonable and permitted use of employer provided residential facilities include all residences?*

The extension of coverage is intended to cover workers while they live in facilities operated by or for the employer, which by their nature, give workers less control over the environment and their activities than is the case in a normal home environment.

The hazards of the premises are not considered hazards of employment if a worker lives in employer-provided premises with the same rights and privileges as those which normally exist between landlord and tenant. An exception may be made if the employer directs the worker to perform maintenance on the premises.

8. *Is approved athletic activity considered an employment hazard?*

Athletic activity may be considered an employment hazard under certain circumstances. Refer to Application 4, Athletic Activity, for detailed information.

9. *When is this policy application effective?*

This policy application (Application 1 – Employment Hazards) is effective February 15, 1997, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0201 Part II - August 2015](#)
- [Policy 0201 Part II - January 2007](#)
- [Policy 0201 Part II - January 2004](#)
- [Policy 0201 Part II - January 2002](#)
- [Policy 0201 Part II - March 1999](#)
- [Policy 0201 Part II \(consolidated manual 1st Issue\) - February 1997](#)