

**Alberta WCB
Policies &
Information**

Chapter:

WORK-RELATEDNESS

Subject:

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

Authorization:

BoD Resolution 2010/03/10

Date:

March 30, 2010

APPLICATION 3: TRAVEL

1. *Under what circumstances are workers covered while travelling?*

Accidents that happen during travel must arise out of and occur in the course of employment. Travel occurs in the course of employment when the travel is under the direction of the employer either specifically or as an expected part of the work duties.

2. *How does WCB determine that travel is under the direction of the employer?*

To determine whether travel is under the direction of the employer, WCB looks at the purpose of the travel, whether the travel is part of the job requirement, and the degree of the employer's control of the travel.

For example, travel may be an expected part of the work duties, as is the case for a truck driver or travelling salesperson. Travel may also be an occasional or exceptional occurrence such as an office worker who travels to an offsite business meeting.

3. *Is ownership of the vehicle a factor?*

Generally, ownership of the vehicle is not a relevant factor. The determination is based on the purpose of the trip and the control or direction the employer exercises. For example, a worker who receives a company vehicle as part of a benefit package is not covered while routinely travelling to and from work. However, a worker who is required to take a company vehicle to and from the worksite (for example, to protect the contents, to be available for service calls) is covered while travelling.

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4. *Is payment for travel a factor?*

Payment for travel may in some circumstances be a factor in determining whether the travel is under the direction of the employer. However, although payment may be an indicator, the primary factor is the purpose of the trip.

For example, if as part of a benefit package a worker is paid for routine travel to and from a worksite, the travel is not covered (see Question 5). Conversely, a travelling salesperson working on commission may not be paid for travel. However, the salesperson is covered, as the travel is an expected part of the work duties.

5. *Is travel to and from the worksite covered?*

Travel is not considered to be at the direction of the employer simply because the worker is expected to be at work. Therefore, workers are not covered during routine travel to and from the worksite when there are no employment obligations or duties associated with the travel, regardless of any remuneration the worker may receive for the travel.

Travel to and from the worksite is only covered when it is under the direction and control of the employer such as when:

- the means of transportation is operated by, or for, the employer. For example, workers are covered if they commute to work in an employer-provided or operated bus. Coverage begins from the point workers board the bus.

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*Travel to and from the
worksite (continued)*

- reasonable and practical access to a worksite requires workers to travel on a private road that the employer owns, leases, or has permission for workers to use. Coverage begins when the worker enters the private road and extends while the worker is on the private road unless the worker makes a personal deviation.
- workers are required to drive company vehicles to and from the worksite for a work-related purpose such as to protect the contents or to be available for service calls, etc.
- workers are required to make an unexpected or special journey to the jobsite due to an emergency such as fire, flood or robbery, or some other unusual reason. In these situations, workers are covered continuously from the time they leave their residences until, having dealt with the situation, they return home. The only interruption to the continuous coverage is if the worker leaves employment by an activity that is distinctly personal.

**6. *Are workers covered when
travelling offsite on work-
related errands or
appointments?***

Workers who leave their employer’s premises for specific business purposes such as to attend offsite appointments or to do other work-related errands are considered to be under the direction of their employer. This is the case whether the worker leaves from the worksite or from home (for example to attend an early morning offsite meeting).

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7. *What is covered while a worker is travelling?*

Coverage begins when the worker begins the work-related travel and continues throughout the trip, unless the worker makes a distinctly personal departure that removes the worker from the course of employment (see below). Therefore, if a salesman goes directly from home to his first appointment for the day, the starting point is his residence, and coverage begins as soon as he starts his journey.

Apart from the journey itself, workers are also covered while taking breaks to fulfill basic comfort needs such as rest stops or meals, including any hazard of the food or premises. For example, a truck driver who stops for a meal at a location on (or close to) the business route is covered during this comfort break. Coverage is extended only when the injury results from a hazard that is not introduced by the worker.

Workers are not covered while participating in non-work-related activities. For example, if a delivery driver leaves the business route for personal reasons to go to a restaurant in another area of the city, the driver's coverage is interrupted from when he/she leaves the business route until he/she returns to the route and employment duties. Similarly, a business traveler staying overnight in another city is not covered if he/she goes to a movie.

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8. *Are business errands covered during personal travel?*

Workers are generally not covered in the course of personal travel. The exception is when they make a distinct deviation from the personal travel to perform a work-related errand that brings them back into the course of employment. Coverage begins when the work-related deviation starts and continues until its completion, when the worker returns to personal travel.

For example, the manager of a Calgary paper company on vacation in Montreal will be covered if he or she attends a meeting at the company's Montreal head office and at the employer's direction. The manager would not be covered for travel to and from Montreal, but would be covered for travel from the hotel to the meeting location and back, as well as the meeting itself.

This approach is consistent with the approach used in the preceding question excluding coverage for personal errands during business travel.

9. *Are drivers and passengers covered while transporting workers on work-related travel or errands?*

When a driver on personal travel transports a worker on work-related travel or errands, the driver is not covered unless directed by the employer to transport the worker. Other passengers in the vehicle, in the course of personal travel, are also not covered.

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10. *Under what situations are workers covered while staying in overnight accommodations?*

Workers who are employed to travel, such as travelling salespeople or truck drivers, and workers who are on employment-related assignments, courses, conferences, or short-term business trips are considered to be under the direction of the employer throughout the trip unless they are engaged in purely personal activities (see below). This includes taking breaks to fulfill basic comfort needs such as eating, including any hazard of the food, and while making reasonable and permitted use of overnight accommodation facilities.

Coverage while making use of these facilities is extended only when the injury results from a hazard of the premises. For example, a worker who wakes with a neck strain due to sleeping in an awkward position is not covered. However, a worker who trips over loose carpeting in the room would be covered for the resulting injury.

Workers are not covered during non-work-related or purely personal activities such as:

- travelling to (or during) personal errands, appointments or activities
- using hotel recreational or fitness facilities or equipment.

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11. *Are workers covered while travelling to take up employment at a distant location?*

Coverage is extended to workers while travelling to take up employment at a distant location when:

- a) the worker has been assigned or has accepted an offer of employment, and
- b) the distance from the worker’s home to the job is such that the worker must temporarily reside at the job location, and
- c) the employer has made a commitment to pay for the travel time or expenses.

In these cases, the initial trip to begin the job and the return journey at the conclusion of the job are considered to be part of the employment contract and the worker will be covered while travelling directly to and from the distant worksite.

For additional information on travel from outside of the province, refer to Policy 06-01, Part II, Application 5.

Generally, workers are not covered while making additional trips to and from home or elsewhere for personal reasons such as time off, shift changes, etc. unless these trips are considered to be a condition of the acceptance of the assignment.

Once a worker establishes a temporary residence at the distant work location, that worker does not have coverage while occupying the temporary residence, nor for routinely commuting between the temporary residence and the worksite. This applies regardless of the worker’s choice of a temporary residence (e.g., trailer, motor home, motel, hotel or private residence) and even if the worker is paid a living allowance, as the worker is not considered to be

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APPLICATION 3: TRAVEL*Employment at a distant
location (continued)*

under the employer's control while occupying the temporary residence.

For example, a worker living in Red Deer travels to a rig site in Northern Alberta for a three-month stay. For the duration of the project, the worker temporarily lives at the job location. The worker may live in his own accommodation such as a trailer or a motor home, or the worker may choose to stay in a hotel. In either case, the worker has temporarily relocated and is not considered to be under the direction of the employer while staying in the accommodation.

This is distinct from the case where the employer establishes the temporary accommodation in circumstances in which the worker is said to be "captive". See Application 1, Questions 6 and 7.

**12. *When is this policy
application effective?***

This policy application (Application 3 – Travel) is effective March 30, 2010, and applies to all accidents on or after that date, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0201 Part II - August 2015](#)
- [Policy 0201 Part II - April 2010](#)
- [Policy 0201 Part II - May 2007](#)
- [Policy 0201 Part II - April 2004](#)
- [Policy 0201 Part II - January 2004](#)
- [Policy 0201 Part II - January 2002](#)
- [Policy 0201 Part II \(consolidated manual 1st Issue\) - February 1997](#)