

# Employer-provided premises

## General compensation principles

To be considered compensable, the cause of injury (hazard) must be related to a worker's employment and must arise from the premises or equipment (whether residential, recreational, or food facilities) and not from a worker's personal risks and conditions.

WCB-Alberta recommends all employers take steps to ensure safe conditions in any employer-provided premises through proper maintenance and training. For more information see Policy 02-01, Part II, Applications 1 and 4.

## Scenario background

The employer's worksite is located outside of a major center and employees have the option of living in employer-provided premises (camp) or of staying off-site and commuting. The employer has provided a fully equipped gym that is available to all employees.

### Scenario 1: Injury while playing competitive sports at the camp

Chris, who lives in camp, joins coworkers in a basketball game and sprains an ankle. Is Chris covered?

No. As a rule, Chris' injury would not be covered as basketball is a competitive sport that, under this scenario, is not consistent with regular employment duties. As such, it is exempted under WC Regulation 3(1)(c). Even if competitive sports were not an issue, the injury would likely not be compensable as it arose as a result of personal risks and conditions, and not from any hazards of the premises.

### Scenario 2: Injury while participating in work place stretching

Chris has been directed by his employer to take part in a non-competitive activity. Before each shift, Chris joins coworkers for a compulsory warm-up and stretching session and Chris pulls a hamstring while stretching. Is Chris covered?

Likely. Under this scenario, the injury is likely to be compensable because the activity happened under the employer's direction and control and is linked to the employee's work requirements.

### Scenario 3: Injury while working out

Chris uses the equipment at the gym and strains a back muscle while lifting weights. The equipment is in proper repair and all employees are made aware of how to properly use the equipment. Is the strain compensable?

Unlikely. The injury appears to be due to the worker's personal risks and conditions and not to any hazard of the premises or equipment.

### Scenario 4: Injury while working out – a facility problem

Chris is using the gym equipment and is injured when a light fixture falls on his shoulder. Is the shoulder injury compensable?

Yes. In these circumstances the injury is compensable because the injury arose from a hazard of the premises. This injury would be compensable under these circumstances even if Chris was playing a competitive sport such as basketball. It is not the activity that was harmful, it was the facility.

*\*An employer may apply for a transfer of claim costs if the injury is due to negligence on the part of one or more employers or their workers. For more information see Policy 07-02, Part II, Application 5.*

### Scenario 5: Injury while leaving residence

Alex has arranged to live as a tenant in an employer-owned residence in a near-by community. One morning, while leaving for work, Alex slips on the steps and breaks a hip. Is the injury compensable?

No. Alex is a tenant and has the same rights and privileges that usually exist between landlords and tenants. In these situations, the hazards of the premises are not considered hazards of employment.

**For more information** on WCB-Alberta policies, go to our website at: <https://www.wcb.ab.ca/about-wcb/policy-manual/>

