

# Employer-provided transportation

## General compensation principles

The purpose of travel and the direction and control exercised by the employer are key factors in determining workers' compensation coverage.

For more information, see Policy 02-01, Part II, Application 3 (Employer-Provided Transportation)

## Scenario background

Company XYZ's worksite is located approximately three hours outside of Edmonton. Employees have the option of staying on-site or of going to Edmonton for their days off. As a result of ongoing labour shortages, the employer has hired a number of temporary foreign workers who reside in a camp near the worksite.

### Scenario 1: Commuting to work vs. travelling on the employer's bus

Pat and Drew both live in Edmonton and have accepted jobs with XYZ. Pat takes the employer-provided bus to and from the work-site, while Drew drives a personal vehicle. One evening, as Pat is returning to Edmonton on the bus and Drew is driving, the weather conditions are poor and the bus crashes into a tree. A few kilometres away, Drew also has an accident. Pat and Drew both suffer broken collarbones. Are the injuries compensable?

In Pat's case, yes. In Drew's case, probably not. Travel to and from the worksite is only covered under certain circumstances such as when the method of transportation is under the direction and control of the employer – like the bus.

### Scenario 2: Travelling on the bus when the employer pays a travel allowance

Kim works for XYZ but does not have access to the company-provided bus. Instead, Kim travels on a commercial bus line and the employer pays Kim a travel allowance. While Kim is returning to work she is injured when the bus hits a pick-up truck. Are Kim's injuries compensable?

No. Routine travel to and from the worksite is not considered to arise out of and occur in the course of employment and is not covered in the absence of other employment obligations or duties associated with the travel.

*\*Payment of a travel allowance, in and of itself, does not put the transportation under the employer's control and direction. In this case, Kim travelled on a commercial bus line, which is outside the employer's control.*

### Scenario 3: Travelling outside a normal commuting route

One morning, instead of coming into the office as usual, Bobbie is asked to go directly from home to a client's site. On the way there, Bobbie's vehicle hits a deer and Bobbie is injured. Is Bobbie covered?

Yes. The trip arose out of and occurred in the course of employment. It was not simply routine travel to and from work (normal commuting), but was made for a specific business purpose at the request of the employer.

### Scenario 4: Social outings in the employer's vehicle

Sam is a temporary foreign worker. XYZ has arranged for Sam and the other temporary foreign workers to be driven in an employer-provided van to attend social events in a near-by community. Attendance is purely optional. One Sunday the van is returning from the social event and blows a tire. Sam is injured. Is this injury compensable?

No. Although the employer is providing the transportation, the purpose for the travel is not related to employment.

Suppose that this event is a company awards banquet that employees are strongly encouraged to attend. If the injury happened in these circumstances, would it be compensable?

Likely. Attendance is strongly encouraged and the trip would be viewed as being under the direction and control of the employer.

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