

# Working from a designated workspace (including home)

Working from home, hybrid work, telecommuting and telework are all terms for work arrangements where a worker performs employment duties outside their employer's premises or specific worksite. We call this working from a *designated workspace*.

Whether working from an employer's premises, a specific worksite or from a designated workspace, the foundational principle for adjudication remains the same: **Did the accident arise out of and occur in the course of employment?**

## Arise out of and occur in the course of employment

To be compensable, an accident must:

1. **Arise out of employment:** An accident arises out of employment when it is caused by an employment hazard, and
2. **Occur 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.

## Designated workspace

When making decisions on coverage for injuries that occur while working from a designated workspace, we consider the following main questions to determine if there is a connection between the work duties and the accident:

- **Where** did the accident occur and, if you have a work agreement (i.e., an agreement with your employer about where you will work in your designated workspace), is the location of the accident consistent with the work agreement?
- **When** did the accident occur and, if you have a work agreement, is the time of the accident consistent with the work agreement?
- **Why** did the accident happen and what were you doing at the time of your accident (i.e., was there a work-related hazard that caused the accident)?

We take all this information into consideration when making decisions.

For travel, there are special considerations (see below).

## Work agreements

Your employer may ask you to sign a work agreement specifying when and where work is to take place when you work from a designated workspace (e.g., you'll work from an agreed-upon room/space when working from home). Coverage generally only extends to the time and place specified in the agreement. However, there may be times you're covered outside the agreement, provided the time, place and hazard are consistent with the obligations and expectations of employment. If, for some reason, you're unable to work within the agreed-upon time or place, it's best practice to discuss this with your employer prior to starting work at a new location or outside of your normal working hours.

Work agreements help us confirm that the time and place of your accident are work-related. However, it's only one piece of information we consider; we also look at what you were doing at the time of your accident, whether your accident was caused by a work-related hazard, and why you were working in that place at that time.

## Coverage

There are times when similar scenarios may be treated slightly differently depending on whether you're working from a designated workspace or at your employer's premises. The difference relates to the nature of the hazard. To be covered, the hazard must be a **hazard of employment**. When working from a designated workspace, you are not covered for:

- accidents that happen before you enter your designated workspace or after you leave it, or when you go for breaks or lunch, and
- accidents caused by personal hazards (e.g., toys left in your work area)

## Travel

When you work at your employer's premises or worksite, you are not covered for accidents that occur when travelling to and from work unless you have a task or errand that's related to your work **during the journey** (e.g., your employer asks you to pick up something on your way to the office or you stop to meet with a client on the way to a jobsite). It's no different when you work from a designated workspace — you are not covered for accidents that happen when you travel to and from your employer's premises or worksite, even if you primarily work from home and you only come into the office occasionally (e.g., for a team or client meeting), unless you are doing some specific errand, task or duty that's related to work while you travel (e.g., you pick up a client on your way to attend a meeting at the office).

## Working outside Alberta

If you work from a designated workspace outside of Alberta for an Alberta employer, you may be covered. The accident must be compensable under Policy 02-01, and the employer must have coverage for you under Policy 06-01. Check with your employer if you have questions about your workers' compensation coverage while working out-of-province.

## After an injury

Modified work can play an important part in your recovery and successful return to work. If you have a claim with us and you work from a designated workspace, we will work with you and your employer to find suitable modified work options.

## Example scenarios

These scenarios give examples of how we consider all the available facts when making entitlement decisions. They also show how *different facts alter entitlement decisions*. Remember, for an accident to be compensable, the hazard, time and place must be work-related.

### Scenario 1:

*Margaret and her employer agreed that she will work from a spare room in her basement. On the way to her basement office to start work, she slipped on the stairs and hurt her back. Is she covered?*

No, her coverage doesn't begin until she enters the room where she is supposed to do her work.

*What if Margaret slipped because she was carrying a box of supplies that her employer instructed her to take home to use in her office, which obstructed her view of the stairs? Is she covered?*

Probably. It's likely that her accident was caused from performing work-related duties (carrying the box her employer told her to bring home), even though she had not yet entered her spare room in her basement.

### Scenario 2:

*Margaret does not have a work agreement with her employer specifying where she will work within her home. She typically works in the spare room in her basement but decided to work from her dining room. While in her dining room, she tripped over the laptop's power cord and hit her shoulder on the dining room table. Is she covered?*

Probably. In this case, the power cord is the employment hazard. As there is no agreement specifying where she should work in her home, she is covered for work-related injuries that take place anywhere it might be reasonable for her to work (i.e., the time and place are consistent with the expectations of her employment).

*What if Margaret tripped on her dog's toy and not the laptop power cord? Is she covered?*

No. The toy is not an employment hazard, it's a personal hazard.

### Scenario 3:

*Margaret has worked out of a home office for three months using her own personal desk and chair. She started to have wrist and neck pain and her doctor diagnosed a repetitive strain injury as a result of her chair and desk being at the wrong height. Is she covered?*

Probably, as long as she needed to use her own desk and chair to do her work duties because her employer did not provide a desk and chair to her.

*What if Margaret worked most of the time from her couch in her living room, despite her work agreement indicating that she would work from her spare room, and working from her couch is likely the cause of the wrist and neck issues? Is she covered?*

Probably not. Her injury was likely caused from working for a prolonged period (three months) from a place that was not consistent with her work agreement.

### Scenario 4:

*Margaret left her home office and drove to her employer's office to attend a mandatory team meeting. On the way home, she was involved in a motor vehicle accident and injured her neck. Is she covered?*

No, workers are not covered travelling from their designated workspace to and from the employer's premises. This is true even when employers direct their workers to come in or they need to pick up equipment and supplies necessary to work from home or to perform other work duties.

*What if Margaret's employer asked her to pick up toner and paper from a store on her way into the office to attend a team meeting when she was involved in the motor vehicle accident? Is she covered?*

Probably, as long as Margaret didn't make a personal deviation enroute. She was directed by her employer to travel to the store for work-related purposes, so she would likely be covered, even though she was also travelling from her designated workspace to the employer's premises at the time.

### For more information about:

- employment hazards, time and place, see [Policy 02-01, Part II, Application 2](#)
- work-related travel, see [Policy 02-01, Part II, Application 3](#)
- working outside of Alberta, see [Policy 06-01, Part II, Application 5](#), or our [out-of-province accidents](#) fact sheet

