



## Claims Arising From Business Travel



**PREDICT**



**DETER**



**DETECT**

When a worker is injured while on a business trip there are a specific questions that should be asked to ensure that the claim is adjudicated properly. Remember that workers' compensation coverage is provided in cases where injuries have arisen out of and occurred in the course of employment. As such, when injuries are reported during business trips there is a need for careful consideration of the activities of the worker at the time of the accident to ensure sufficient evidence for a claim exists. When workers are unsupervised, away from the office on business trips, there is opportunity for them to "remove themselves from the course of employment" causing lapses in workers' compensation coverage. As an employer, you should carefully investigate each of the following factors:

**1. Was the worker traveling for an approved, work related purpose at the time of the alleged injury?**

This may sound obvious, but this question should be deliberately considered whenever an injury claim results from during a business trip. For example, did the worker extend their stay at the end of a business trip over the course of a weekend to visit family or attend a sporting event? If so, these circumstances should be reported to your workers' compensation provider for their consideration of entitlement to coverage.

**2. Was the injury caused by a specific hazard in the environment where the worker was required to be as a result of the business travel?**

In many cases, limitations to coverage may be applied to injuries that occur during business travel. For example, the principle of "No Fault" coverage may be limited such that coverage is only extended in instances where the worker was injured as a result of an

identified hazard such as an icy sidewalk or a loose floor tile that created a tripping risk, leading to a fall. If you have workers that will be travelling for business it is a good idea to familiarize yourself with your workers' compensation provider's policies on the limits of coverage during business trips.

**3. Did the injury occur after hours?**

When workers are travelling for business there may be limits placed on coverage during off work hours such that it may be possible for the worker to remove themselves from the course of employment and coverage. For example, if a worker, having travelled from Edmonton to Vancouver to attend a conference decides to drive to Hope to visit her brother for supper, it could be argued that because there were many supper options closer than Hope, an hours drive away, and, as such, coverage would not be extended if the worker was injured during her trip to Hope for supper. Such cases would be decided on the merits and facts of the



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case but it is a good idea if such situations arise, that you take the time to review your specific workers' compensation provider's policies to ensure you understand them and how they may affect entitlement to coverage.

#### **4. Was the worker making reasonable and permitted use of restaurant, shopping mall or hotel facilities at the time of the accident that caused the alleged injury?**

Here again, there may be limitations of coverage that apply in certain circumstances and it is best to consult with your workers' compensation provider if there is ever a question as to whether the worker was acting in accordance with expectations of normal use of such facilities.

#### **Know your workers' compensation provider's policies on injuries that are alleged to occur during business travel.**

Business travel related injuries like all workers' compensation claims must, in general terms, must be considered to have arisen out of, and occurred during the course of employment. When a worker is travelling for the purpose of business, they may not be entitled to unlimited 24-hour coverage by your workers' compensation provider. When questions arise, contact your provider to ask whether coverage may extend to any special circumstances that you may identify.