

# Does Stopping for Coffee on Work Trip Remove Worker from Course of Employment?



## SITUATION

Two co-workers using a company car to travel to a worksite as directed by their employer decide to stop for coffee along their route. After getting their coffee, they continue the drive to the worksite and are involved in a car accident. The worker in the passenger seat braces himself with his left arm on the dashboard at the time of impact and suffers a shoulder injury. He files a workers' comp claim. The employer argues that the injury doesn't qualify for workers' comp because the worker got hurt after stopping for coffee.

## QUESTION

**Is the worker's injury compensable'**

- A) Yes, because he was injured while traveling in a company car.
- B) Yes, because he was injured while traveling to a worksite for a work-related purpose.
- C) No, because he wasn't at the workplace when the car accident occurred.
- D) No, because the coffee stop removed him from the course of employment.

## ANSWER

**B. A worker injured while traveling to a worksite for work-related purposes is entitled to workers' comp for his injury.**

This hypothetical is based upon an actual decision of the Appeals Commission for Alberta Workers' Compensation. Workers are entitled to workers' comp for injuries caused by an incident occurring in the course of employment and due to an employment hazard. Injuries suffered during travel are covered by workers' comp if the travel is at the employer's direction as an expected part of the employment duties. And a stop for food (or drinks) on the way to the work location doesn't automatically remove the worker from the course of employment. The Commission explained that there must be some relationship between the injury and an employment risk. In this case, the Commission found that the worker was traveling in a company vehicle under the employer's direction on his way to a worksite and as part of his work duties. There was no evidence that the car accident occurred during or because of the stop at the coffee shop. Thus, the Commission concluded that the worker's injury was caused by a work-related hazard, at a time and place related to work obligations and so was covered by workers' comp.

## WHY THE WRONG ANSWERS ARE WRONG

**A is wrong** because not all injuries incurred while traveling in an employer-owned vehicle are compensable. The injury must occur during activity that's in the course of the worker's employment. For example, if the worker is allowed to drive the vehicle for personal use as well and is injured while simply commuting to work in the morning, those injuries wouldn't be compensable. (For examples of two cases reaching different conclusions about injuries occurring in employer-owned vehicles, see '[Winners & Losers: Does Workers' Comp Cover Injuries Suffered in a Company Vehicle](#)' Dec. 2011, p. 20.)

Here, the fact the worker was injured in a company car is just one of several factors that leads to the conclusion that his injury is covered by workers' comp.

**C is wrong** because injuries occurring away from the workplace can be compensable if the injury occurs in the course of employment. The key factor is whether the injury has some relationship to work-related activities'not where the worker is when the injury occurs. Further, even injuries occurring *at the workplace* aren't compensable if they occur [during personal activity unrelated to employment requirements](#), such as while the worker is engaging in horseplay. In this case, the worker was engaged in work-related activities when he was hurt'he was on his way to a worksite at the employer's direction.

**D is wrong** because workers *can* be compensated for work-related injuries occurring during a meal break. Workers may take short breaks to fulfill basic comfort needs without removing themselves from the course of their employment. For example, if a worker takes a brief break to eat lunch at the workplace and is injured crossing the cafeteria, he'd likely be entitled to receive workers' comp. (See, ['Winners & Losers: Does Workers' Comp Cover Injuries Suffered During a Meal Break'](#) July 2008, p. 16). Here, the two workers merely took a brief break from their trip to the worksite for coffee and so were still within the course of their employment when the car accident happened.

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[Decision No: 2013-0191](#), [2013] CanLII 12001 (AB WCAC), March 7, 2013.