

Is Injury Suffered During Safety Training Compensable?



SITUATION

A worker participates in mandatory fall protection training, which is conducted in the workplace by the employer's instructor. The worker dons a safety harness and is suspended in it. Although he's only supposed to be suspended in the harness for about 10 seconds, he remains suspended for nearly two minutes when the instructor and co-workers are unable to quickly remove him from it. While suspended, he feels pressure on his groin. Immediately after they release him from the harness, he reports feeling fine. However, the next day, he feels pain in his right testicle, which becomes swollen. He visits the employer's first aid attendant, who sends him to a clinic where a physician gives him a painkiller. He later goes to a hospital, where he's diagnosed with a bruised and swollen right testicle. His workers' comp claim for the injury is accepted, but the employer appeals.

QUESTION

Is the worker's testicular injury compensable'

- A. No, because he wasn't working when he was hurt.
- B. No, because he didn't report the injury the day it happened.
- C. Yes, because he was injured in the workplace.
- D. Yes, because he was hurt while participating in mandatory training he needed to do his job safely.

ANSWER

D. The injury is compensable because the worker got hurt while participating in mandatory training related to the safe performance of his job.

EXPLANATION

This scenario is based on an Alberta Workers' Compensation Appeals Commission

decision that upheld workers' comp coverage for a worker's testicular injury suffered during fall protection training. Such training was a routine part of the employer's business and was held in the workplace. The worker was suspended in a fall protection harness for almost two minutes when the staff was unable to immediately remove him from the harness. The Appeals Commission found that the worker's testicle was injured during the safety harness training, which was mandatory and related to his usual work duties. As a result, the Commission ruled the injury was caused by an employment hazard, and was suffered at a time and place consistent with the obligations and expectation of his job. So the testicular injury was compensable [2017-0198 (Re), [2017] CanLII 18777 (AB WCAC), April 6, 2017].

WHY THE WRONG ANSWERS ARE WRONG

A is wrong because although the worker may not have been performing specific tasks included in his job when he was hurt, he was engaged in activity required by his employer and related to his work responsibilities. Under workers' comp law, injuries are compensable if they arise out of or in the course of employment. Arbitrators and courts look to the connection between the activity in which the worker was engaged while injured and the employment operations. In this case, the safety training the worker was participating in at the time was directly related to and required for his employment, and thus the injury suffered during that training was compensable.

Insider Says: For more information about compensable injuries, visit the Workers' Compensation Compliance Centre.

B is wrong because the worker didn't realize he was injured on the day of the training incident but rather only began to experience pain the following day, when he *did* report it. Therefore, he couldn't report the injury the same day it occurred. Workers' comp laws include reporting requirements for workers and employers, which spell out what injuries and illnesses must be reported, the deadlines for reporting and what information must be included in the report. These laws acknowledge that injuries and illnesses can be either immediate or develop over time. So they generally require workers to report an injury to their employer as soon as is reasonably practicable and employers to report such injuries within 72 hours or three days of being notified by the workers. Here, the worker did report the injury the first day he experienced pain and swelling, which was only one day after he got hurt in the training session. Therefore, his report was timely.

C is wrong because not every injury incurred in the workplace is automatically covered by workers' comp. As mentioned above, the criteria for determining if an injury is compensable is whether it arises out of or in the course of employment and is suffered in a time and place consistent with the worker's employment responsibilities. An injury can occur in the workplace yet not arise out of the worker's employment and so it won't be compensable. For example, if a worker is injured while on a break and engaged in personal activities unrelated to his job or if he's engaged in horseplay with others, the injury likely won't be compensable. In this case, the injury not only occurred in the workplace but also happened during mandatory safety training that was required for the worker to do his job. Thus, it arose out of and was consistent with his employment and therefore was compensable.