

Should Workers' Comp Cover an Injury Suffered in a Workplace Gym?



Situation

A prison provides an on-site gym for use by workers. In fact, a prison policy encourages workers to use the gym facilities and equipment for personal recreation or physical fitness. A worker whose job puts him in contact with inmates decides to use the staff gym to work out during his lunch break. While he's lifting weights, he drops the bar on his right leg, injuring his knee. He files a workers' comp claim. Although the worker had to meet a certain physical fitness standard when he was hired, he isn't required to maintain that standard as a condition of his employment.

Question

Is the worker's knee injury covered by workers' compensation?

- A. No, because he wasn't required to maintain a designated level of physical fitness.
- B. No, because he was injured on his lunch break.
- C. Yes, because he was injured at a gym located in the workplace and provided by the employer.
- D. Yes, because, given the nature of the workplace, he has to stay in shape for his own safety and that of his co-workers.

Answer

A. Because the worker was injured while exercising for personal reasons and not to meet a work-related fitness standard, his injury isn't covered by workers' comp.

EXPLANATION

This scenario is based on an actual case from Alberta in which the worker's claim for his knee injury was originally approved and then denied. So he appealed.

The Appeals Commission explained that under a workers' comp policy, injuries suffered during athletic activity are covered if the worker was making reasonable and permitted use of employer-provided premises in order to maintain a mandated level of physical fitness. For example, a worker injured while working out to pass an annual physical fitness test as required by his employment contract would be covered. In this case, the employer didn't require workers in this worker's position to maintain designated levels of physical fitness; only workers on specialized teams had to maintain their fitness levels. In addition, the worker wasn't required to stay in shape as a specific condition of his employment. Thus, the Commission ruled that the injury wasn't covered by workers' comp.

WHY WRONG ANSWERS ARE WRONG

B is wrong because the fact the worker was hurt on his lunch break isn't decisive. An injury suffered during lunch *could* be covered by workers' comp depending on where the injury occurred (such as in the workplace versus at a restaurant) and what the worker was doing when he was injured. If the worker was engaged in work-related activity or activity reasonably incidental to his employment during lunch or any other break, his injury would likely be covered by workers' comp.

C is wrong because although injuries suffered in the workplace are often covered by workers' comp, there are exceptions. For example, if a worker is hurt on the job while fooling around with a co-worker or otherwise engaging in non-work-related activity, his injury may not be covered by workers' comp. So here, the fact the worker was hurt in an on-site gym provided by the employer doesn't mean his injury is automatically compensable.

D is wrong. Because of the type of workplace (a prison) and nature of the work, it's understandable why the worker would want to stay in shape out of concern for his own personal safety and that of his co-workers. But the employer didn't require him to maintain a certain level of physical fitness to do his job safely. Rather, use of the on-site gym was purely voluntary, although the employer did encourage it. So his injury while working out didn't arise out of or in the course of his employment.

SHOW YOUR LAWYER

Decision No: 2012-516, [2012] CanLII 31503 (AB WCAC), June 7, 2012