

Why Is Worker's Injury Suffered During 'Normal Body Movement' Compensable?



SITUATION

A heavy equipment operator has to take an employer-provided bus to get to the truck she's assigned to drive each work day. The employer's bus is the size of a small school bus with narrow aisles and small seats. On a day when the bus is very crowded, the operator has to twist and turn to navigate the aisle between seated passengers to get to an open seat. She's also wearing bulky PPE and carrying a heavy backpack. She has to share a seat with another worker, who's a large male. To fit into the seat, the operator swings the backpack off her back and squeezes it in front of her. She then twists her body to fit on the end of the narrow seat. While twisting and moving from standing to a seated position, she twists her knee and hears a 'pop.' Upon arriving at her destination, the operator's unable to bear any weight on the knee or drive her truck. She's taken to receive first aid. An MRI reveals that she has torn the medial meniscus in her knee. Her workers' comp claim for this injury is approved.

QUESTION

The main reason the worker's knee injury is covered by workers' comp is because:

A. It occurred on the employer's bus.

- B. It occurred during work hours.
- C. It was caused by work-related conditions and hazards.
- D. It impacted her ability to do her job.

ANSWER

C. The injury the worker suffered on the employer's bus was caused by work-related conditions and hazards, including crowding, narrow aisles, the small size of the seating and the work-related gear she was wearing.

EXPLANATION

This scenario is based on an Alberta workers' comp appeals commission decision that ruled a worker's injury was compensable because it related to a workplace hazard. The worker was required to ride a small, employer-provided bus. The worker's PPE and heavy backpack increased the difficulty of navigating the small bus and made it awkward for her to get into a seat next to a co-worker. In doing so, she injured her knee. The commission rejected the argument that her injury occurred during a 'normal body movement' that is, sitting down' and wasn't related to a workplace hazard. It instead found the ergonomic conditions of the bus' i.e., the narrow aisle and small seating' were employment hazards that led to the worker's need to turn and twist as she went from standing to sitting, causing her knee injury. Thus, the commission concluded the injury arose out of and in the course of her employment and was compensable.

WHY THE WRONG ANSWERS ARE WRONG

A is wrong because an injury occurring on the employer's property isn't always compensable. Location is one factor to be considered in determining if an injury arose out of and in the course of employment, but it isn't sufficient *on its own* to make an injury compensable. For example, an injury could

occur in the employer's workplace while a worker is engaged in [horseplay](#) or other activity that takes them out of the course of their employment. In such a case, the resulting injury wouldn't be compensable despite where it occurred. Here, the fact the worker's knee injury occurred on the employer's bus is just one of several factors that contribute to it being compensable.

B is wrong because, just as with the location in which an injury occurs, the timing of an injury is just one factor, but not the sole factor, that determines compensability. The fact an injury occurs during work hours is one indication that it may arise out of or in the course of employment. But more must be known about the circumstances of the injury to determine if it's actually compensable. For example, if the injury happened during regular work hours but while the worker was [on a break](#), [away from the work site](#) or [engaged in personal activities](#) unrelated to employment, the injury may not be compensable. Here, the injury occurred not only on the employer's property and during work hours, but also due to ergonomic issues with the bus the operator was required to ride. So it was compensable for *all* those reasons, not just the timing.

D is wrong because the fact that a worker's injury impacts her ability to do her job is irrelevant as to whether it's covered by workers' comp. Instead, it's the cause of the injury and whether it arose in the course of employment that determines compensability. A worker could get hurt at home while cooking dinner for her family, for example, and the injury could impact her ability to do her job. But it wouldn't be compensable because it didn't arise out of or in the course of her employment duties. However, the fact such an injury impacts a worker's ability to work would potentially trigger responsibility for the employer to [accommodate](#) the worker's condition, such as by limiting how much she has to stand. In this case, the injury *did* impact the operator's ability to do her job, but it's the workplace hazards created by the

ergonomics of the bus that make her injury compensable.

Insider Says: For more guidance on compensable injuries, visit the [Workers' Comp Compliance Centre](#).

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