Social Events

Spring is almost here and with the changing of the seasons comes picnics, softball games, corporate retreats and golf outings. When all the attendees are employees and an injury occurs, is it covered by workers’ compensation? “It depends” is the answer the claims adjuster or corporate counsel will give you.

**Criteria To Determine If Covered By Workers Compensation**

In order to determine if workers’ compensation is applicable, the adjuster will have to ask a lot of questions. While the criteria may vary from state to state, the following are general guidelines to separate a workers’ compensation injury from a personal injury that is not covered by workers’ compensation.

* Is the event employer sponsored or employee sponsored?
* Is the event primarily financed by the employer?
* Does the employer benefit from the event by providing training or presentations, or by making morale speeches or passing out special achievement awards?
* Does the employer mandate attendance or is attendance voluntary?
* Does the employer encourage attendance by making a record of attendance?
* Were the employees paid for the time in attendance?
* Were employees who chose not to attend required to work their regular job if not in attendance?
* Do the employees regard the event as a fringe benefit they are entitled to?
* Does the social event occur during normal work hours?

If the answer is “yes” to most of the above questions, the injury most likely will be covered by workers’ compensation.

**What Is Employee’s Activity At Time of Injury?**

However, the activity of the employee at the time of the injury is also a factor in whether or not the injury is workers’ compensation related. For example – the corporate retreat is to be held Friday, Saturday and Sunday at a five star resort. The sales manager arrives on Thursday night to enjoy the amenities of the resort. While walking down the grand staircase in the hotel lobby, he trips and falls, and fractures both arms. Even though the sales manager was required to be at the resort as a part of his job, the injury occurred while the employee was there on his own time. The employer received no benefit from the sales manager arriving early to enjoy the amenities of the resort prior to the official start of the corporate retreat.

In the above example, if the same fall and injury had occurred during the course of the meeting on Saturday, while the sales manager went from one presentation to another, it would be covered by workers’ compensation.

When the benefit of the social event to the employer is hard to measure, any injury occurring is normally not workers’ compensation. This is often true with sporting events such as the company softball team, bowling team, volley ball team, etc. When the company allows the team to use the corporate name in the sports league but does not schedule the sports events, does not provide financial support and keeps no records of participation, any injury will not be covered by workers’ compensation. When all participation is totally voluntary and the sporting event is after normal business hours, any injury that occurs is not workers’ compensation. For example – the first basemen for the company sponsored softball team breaks his ankle sliding into home plate with the winning run in the bottom of the ninth inning. [WCx]

**Is Workers Comp If Fringe Benefit of Employment**

When the social event is company sponsored and the company encourages participation, even if attendance is voluntary, if an injury occurs during the event, it is workers’ compensation. For example – the office Summer Picnic at the major amusement park is a huge event, and is considered a fringe benefit paid for by the employer. It is held on a week day when the employees would otherwise be working and the employees are being paid their regular earnings while attending the Summer Picnic. While doing the Limbo dance, the secretary injures her lower back. The injury would be covered by workers’ compensation due to the event being paid for by the employer, the employee being encouraged to attend and the employee being paid while participating in the event.

Social events can result in workers’ compensation claims. The facts surrounding the social event and the facts surrounding what the employee was doing at the time of the social event will be the determining factor in whether or not an injury is a workers’ compensation claim.