



Four specific cases of remote working and occupational injury

Decisions in specific cases show when an injury at home is considered an occupational injury.

By Kristine Seest

When an employee is injured when working from home, it can be difficult for the employer and the injured employee to assess whether it is an occupational injury. In order to clarify the practice in this area, the Insurance Complaints Board has issued a notice of principle based on decisions in four cases showing when the employee's injury is covered by the Worker's Compensation Act.

»The decisions in the four cases show that the Insurance Complaints Board interprets the cases more broadly than previous practice suggested, and that provides the employees with an increased sense of security now that remote working has become more widespread,« says occupational injury specialist Daniel Pihl of WTW.

In the four cases, the employees were injured while moving around inside and outside their homes during working hours.

The four specific cases from the Insurance Complaints Board

- **Case 1** – The injured employee fell while taking a walk during working hours. Although the health authorities recommended a walk during a day working from home, the injury was not recognized as an occupational injury, as the employee's movements were not a necessary or natural part of the work.
- **Case 2** – The injured employee went for a walk in his yard after a virtual meeting and fell as he was entering to make a phone call. The injury was not recognized as an occupational injury on the same grounds as in case 1.
- **Case 3** – The injured employee needed to use the restroom, which was a few steps up. She failed to grab the railing and therefore fell backwards. The injury was recognized as an occupational injury, as her movements were necessary and natural in connection with the work.
- **Case 4** – The injured employee was making her way up from the home office in the basement to use the restroom and to pick up something from the kitchen. She fell on her way up the stairs and the fall was recognised as an occupational injury on the same grounds as in case 3.

»The Insurance Complaints Board attaches importance to whether the employee's movements while working from home are natural and necessary in connection with the work. There have been many doubts in this area – especially during the covid-19 lockdown, when many people had to work from home. These cases can help to dispel some of those doubts,« says Daniel Pihl.

The Insurance Complaints Board's cases show that employees are covered by the Worker's Compensation Act, when they are doing actual work and also when they are in situations where they are doing something that has an indirect connection with work, without it being an actual work task.

Natural or necessary connection to work

Below are examples of behaviours in the home that, as a starting point, has a natural or necessary connection to work:

- The employee is injured when retrieving work tools such as computers, paper or pens
- The employee trips over the wires to the work computer
- The employee is injured when using the restroom
- The employee is injured while picking up food and drink in his / her own home

Below are examples of behaviours that are of a private nature, and therefore generally does not have a natural or necessary connection to the work:

- The employee is injured after leaving the home office – for example, when talking on the phone outside in the garden
- The employee is injured during working hours while performing private chores such as hanging up laundry or walking the dog

Whether the cause of the injury is due to work or private circumstances depends on a concrete assessment in the specific case.

New deadline for reporting accidents at work

On 1 July 2022, new rules on reporting accidents at work came into effect. With the new rules the deadline for reporting accidents under the Workers' Compensation Act and The Working Environment Act have been harmonised. Henceforth, the deadline is 14 days according to The Workers' Compensation Act and the Working Environment Act, which should make it easier for companies.