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Employee Injured at Home Eligible for Workers' Comp

A recent Quebec labour ruling found that an employee who sustained an injury while working from home was entitled to workers' compensation benefits.

Back in September 2020, a Canadian airline employee who was working from home got up to take her lunch break. As she was leaving her office to go to the kitchen, she tripped on her staircase, fell and injured herself. She went on to argue that because this happened while she was exiting the workplace, she should be entitled to workers' compensation. The airline disagreed, taking the position that because this happened outside of her office, there was no connection to work. Further, they argued that once she left her office there was a "presumption of privacy" and the airline had no control outside of that area.

The judge sided with the employee in this case, notably citing that many recognized and compensated work accidents have happened in places outside the control of the employer. Another factor in the ruling was that the employee was bound to a set schedule, and had this not been the case, she might not have sustained the injury.

While this ruling is specific to Quebec, we expect it could have an impact on Canadian businesses as it clarifies the definition of the workplace and employer obligations. With remote work becoming increasingly prevalent since the start of the pandemic, it is safe to say that this has been a topic on many employers' minds.

It is important to note that this case only has repercussions with respect to workers' compensation eligibility - not on employers' legal obligations with respect to workplace health and safety.

If you have any questions, please do not hesitate to reach out to an e2r™ Advisor.

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