

Section	Policy
40	44.10.50.10

Section Title: Benefits Administration - *Adjudication and Compensation*
Subject: Transportation Controlled by Employer
Effective Date: September 9, 1976 to December 31, 2022

A. POLICY

A worker is considered to be in the course of employment while in transit to and from the place of employment when the employer has direct control over the transportation. The employer is considered to have direct control over the transportation when:

- A vehicle is essential to employment and the employer provides the worker with a vehicle for that purpose; or
- A vehicle is essential to the employment and the worker furnishes his or her own vehicle in order to fulfil those obligations of employment; or
- The journey to or from work is made in the employer's vehicle, is under the supervision of the employer, or is directed by the employer; or
- The employer pays for the expense of the transportation to or from the worksite.

When the worker deviates from a reasonable and recognizable route directly associated with the employment for personal or non-work related reasons, it will constitute removal from employment and any injury arising out of or in the course of such deviation will not be compensable.

B. REFERENCES

The Workers Compensation Act, section 60(2)(b)

WCB Policy 44.10.50.50, *Travelling on the Job*

WCB Policy 44.05.20, *General Premises*

History:

- Policy regarding "Workmen being transported, or travelling, to and from work" established February 20, 1970.
- Policy amended on September 9, 1976, by removing a paragraph which provided that there would be no entitlement to compensation if the worker had an option of travelling with the employer or by his/her own means.
- Policy re-written for inclusion in the Policy Manual in June, 1991, as Policy 44.10.50.10, *Transportation Controlled by Employer*.
- References to *The Workers Compensation Act* updated May, 1992.
- Effective date corrected; reference to Policy 44.05.20 and history section added January 5, 1996.
- Minor formatting changes were made to the policy June 27, 2012.
- Minor formatting changes were made to the policy, April 2021.
- This policy was repealed as of December 31, 2022 by Board Order 29/22 and removed from the policy manual and archived.