

I Was Injured At A Company Picnic; What Can I Do?

July 17, 2014 | by Thomas F. Dorn, Jr

Every year my company has an annual summer picnic at one of the town's parks. While you are not "required" to come to the event, if you don't it is noticed by the higher-ups. This year, I was playing in the company softball game when I tripped over my own two feet running to first base and twisted my ankle, tearing a ligament. I am off my feet entirely and my job requires standing for long periods of time which means I can't work right now. Can I get worker's comp to help me pay my bills? If not, what do I do?

B.F.

Dear B.F.:

Your question raises several potential issues about the applicability of workers' compensation benefits, private health insurance, and your employer's responsibilities.

In general, an accident occurring off company premises is not considered a workers' compensation accident. However, there are exceptions to this general rule. If an employee is injured off site on a business trip, or if the employee is injured in a company car performing a work activity, as opposed to a personal errand, the injury is covered by the workers' compensation insurance company for the employer.

Furthermore, recreational or social activities are usually not considered to be work related. The exception, by statute, is that if the recreational or social activity is a regular incident of your employment and produces a benefit to the employer then the activity is considered work related. As an example, if your employer required all employees to attend an exercise session every morning and you were injured during that session, your injury would most likely be considered work related because

it was a regular aspect of your job and it produced a benefit to your employer by having healthy fit employees. The latest cases in New Jersey have concluded that there has to be some type of compulsion for the employee to participate in a recreational or social activity for it to be covered under workers' compensation. Therefore in your scenario, a company sponsored picnic, there has to be direct or indirect compulsion by a boss or owner toward the employee in order for your accident to be covered by workers' compensation. For example, if the owner of the company told you to grab a bat and pinch hit then there may be proof that you were compelled to play softball. If your boss told you that employees who play in the game might get overtime hours and those who do not play might not get overtime then there may be indirect evidence that you felt compelled to play.

If no one was required to play in the softball game, and there was no pressure on you to participate then your injury may not be considered a work related event because it was a purely recreational activity. In this case, you would submit any medical bills to your private health insurance company.

If your accident is determined to be work related you will receive disability checks from the workers' compensation insurance company for the time that you are unable to work. However, if your accident is not work related you have the right to receive disability payments from a private disability plan, if you or your company has such a plan. If you do not have a private disability plan you can apply for New Jersey State Temporary Disability. In order to get approved for state disability you and your treating doctor have to complete forms before the state would pay your lost time from work.

Because the answer to your question depends upon all of the facts you should consult with a workers' compensation attorney to help you determine your rights as well as any steps you should take now.