

If an employee is injured at a company picnic, would that be covered by workers' comp?

Q. We are considering holding, off-site at a park, a “Company Olympics” event featuring sports such as softball and tennis. If an employee were to be injured while participating, would that be considered a workers’ compensation-covered injury? Would it matter if participation was voluntary?

A. An injury during this type of company-sponsored activity could very well be considered a workplace injury subject to workers’ compensation laws and regulations.

The answer under Minnesota law turns on whether the event is truly voluntary or could instead be considered a mandatory work event. Will the event occur on a day and at a time that would fall within normal work hours? Will employees still receive their regular pay for attending? Will employees have the option of not attending? If the answers to these questions establish that attendance is mandatory and that this event is, in effect, replacing the normal work day activities required of employees, then an injury at the event would quite likely fall under Minnesota’s workers’ compensation law. It would be considered an on-the-job injury.

On the other hand, injuries suffered in truly voluntary activities outside of normal work hours—such as playing on a company-sponsored softball team in a recreational league—are not considered on-the-job injuries and are not covered under the workers’ compensation law.