

# Are we liable for food poisoning that employee suffers while working out of town?

**Q. We have a question regarding our crews that work out of town and stay out for about four days. Can we be held liable if they get sick on a meal that was paid for by the company? We are thinking about paying a per diem instead to resolve this issue. If an employee is working on a road crew and takes off sick and stays in motel room, are we required to supply him the meal per diem?**

**A.** It's unlikely that the company would be held liable for a meal that makes an employee sick, unless the company itself negligently prepared the meal or somehow negligently provided the food that was served (i.e., knew or should have known of safety risks associated with the food). Any injury from the meal provided by the employer in this manner might fall under the company's workers' compensation policy.

If the employee is out of town for work, it would be appropriate to provide the per diem meal even if he or she is sick since you are providing a per diem to the other employees and the employee is traveling on the company's behalf.