

When Is An Accident Work-Related?

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Generally, as an employee, if you have reached your place of employment, and you have begun to work and then you get hurt, the injury is compensable. This means that the injury is covered by workers' compensation insurance. However, there are occasions when there is a dispute about whether an accident is compensable.

The definition of when an injury is compensable is governed by the so-called "Premises Rule" that states: "Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer." The workers' compensation attorneys at our firm have handled many cases in which the insurance company has denied that an injury was compensable. A case was denied in which an employee was injured on the way into work in the lobby of a multi-tenant building. Cases in which employees who were on a cigarette break or coffee/soda break were also denied. Our attorneys have successfully argued that New Jersey courts interpret the Premises Rule to include common areas of a building such as lobbies. Because common areas are important to employers and are used by them, they are part of the employer's premises. Also, under the "Personal Comfort Doctrine," employees are allowed to take breaks, and any injury occurring during the break is compensable. However, if the employee is injured while on a personal errand, such as going shopping or going to the post office, the injury is not compensable.

If you have been injured and you have a question about whether your injury is work-related, a Workers' Compensation attorney at our firm will meet with you and advise you at no charge. Please call the office to set up an appointment.