

8 WORKERS' COMPENSATION

CASE STUDY

A gas leak recently occurred at your factory and one of your employees, Brent Santos, is applying for workers' compensation because of it. He claims his health problems are a result of the accident, but you are not sure. While Mr. Santos has been a reliable employee, you recall that he has had medical problems in the past. You know that workers' compensation is intended to provide coverage only for certain work-related conditions—not for all of an employee's health problems. You also know that statutory definitions and tests have been adopted to distinguish between conditions that are compensable and those that are not. The statutes usually limit benefits to personal injury caused by accidents “arising out of and in the course of employment.” This test, applied by almost every jurisdiction, is meant to clearly define the relationship between employment and an injury or disease for an employee to be eligible for worker's compensation. Unfortunately, it lacks precision and you are having a difficult time deciding whether or not Mr. Santos should receive worker's compensation for his problems. Before making a final recommendation, you decide to review the issues surrounding the “arising out of and in the course of employment” test.

1. What is the definition of course of employment?
2. What problems does the definition pose?
3. What is the purpose of the “arising out of” portion of the test?
4. What theories have been developed to deal with it?