

By Lawrence Savell

## Corporate Outings

Who pays if you're injured on course and on the job?

**Q:** If I'm hurt while playing in a golf outing sponsored by my employer, are my injuries covered by workers' compensation?

**A:** It depends on the relationship between the golf activity and your employment.

**Q:** What do you mean?

**A:** Although workers' compensation laws vary from state to state, most states generally require that the injury "arise out of and in the course of employment." That means you're injured while doing something connected with your job.

**Q:** How do you determine if the golf game was in the "course of employment"?

**A:** Courts may consider several factors. For instance, did the employer compel the employee to attend or participate in the event? Did the employer benefit from having employees attend? And did the employer sponsor, organize, control or participate in the event? Whether the activity took place during working hours and/or on the employer's premises might also be important.

**Q:** How significant is it if I choose to take part in the game?

**A:** It may be very significant. Some states exclude claims where employees voluntarily participate in recreational events. Of course, whether participation was truly voluntary (and not at least implicitly required) isn't always clear. The pressure brought by an employer may be subtle and indirect but extremely compelling.

**Q:** What other factors could block my claim?

**A:** Some laws exclude injuries

resulting from the employee's deliberate misconduct or extreme "horseplay." If you deliberately threw your club in the air or at another player, and it hit you, your claim might be denied.

**Q:** What is the benefit of having an injury covered by workers' compensation?

**A:** Under workers' compensation, you don't have to file a formal lawsuit or prove that your employer was to blame for your injury.

**Q:** Will it always benefit me to have a golf injury covered by workers' compensation?

**A:** Not necessarily. If you believe you have a legal claim against your employer which could result in an award of more money than workers' compensation would provide, you might be better off with a traditional lawsuit.

**Q:** Can I do both?

**A:** No. If your injury is covered by workers' compensation, you generally can't bring a civil suit against your employer (or, in many cases, fellow employee) over the same incident. So you'd be limited to the amount you could claim under workers' compensation.

A golf course employee in Ohio was injured while taking advantage of a policy allowing workers to play without



paying greens fees. When the employee sued the employer, the court dismissed the case because it found that the employee had been injured in the course of employment.

The court noted that the accident occurred on the employer's premises and the no-greens-fees

policy "benefitted the employer by producing heightened morale and job interest, as well as by attracting employees who were both knowledgeable and enthusiastic about golf." Therefore, the court ruled that the employee's sole recourse was a workers' compensation claim.

**Q:** So how do I protect myself if I'm going to participate in a golf activity sponsored by my employer?

**A:** Always be conscious of the risks of the game of golf. Also keep in mind the dangers of misusing clubs, balls and carts that could easily cause injury.

If you are injured and are considering a workers' compensation claim, try to collect any evidence (written is best) relating to factors, such as those discussed above. In particular, look for anything showing you were compelled (even if indirectly) to attend and/or participate by your employer. GFW

ART BY CHARLENE PAGAN