

What Happens if an Employee is Injured While Working From Home in Rhode Island?

As a general principle, Rhode Island recognizes that an injury that happens at home, as part of a work-from-home or “remote” position, could be compensable depending on the circumstances of the injured workers’ job duties and the incident in question. A lot of the case law centers around “on call” workers, which can be different than the typical remote worker. Thus, the location of the injury (i.e. off the physical work premises of the employer) is not really all that important in and of itself. That said, the very same things that we use in defense of “on-premises” claims are still defenses in work-from-home injuries (unwitnessed, reported late or unreported, causal relationship, intoxication, prior conditions, etc.).

Workers’ Compensation law recognizes four general risk doctrines - Rhode Island is an *actual* risk state – meaning simply the injured worker must show the injury arose from an actual risk of the employment and not some risk that everyone encounters daily.

The primary question you should ask yourself for compensability of any injury but also injuries in remote work-from-home settings: **Did the injury arise out of and in the course of the employment: time, place, and activity?**

Time: The injury happened within a reasonable period before or after the work shift would suffice (this element will be far more relaxed in a “remote” work setting unless the employer has clear methods for determining start and stop of shift. If EE can “pop on” to work at his/her leisure then the “time” element will almost always be satisfied).

Place: The employee was in a place they could reasonably be expected to be. Again, this element is much more relaxed in a remote work setting unless the employer has clear methods for determining the location of its remote employees. That will be very hard to do never mind prove later. Unless the injured worker is running an errand outside the home, it will be challenging to argue this element is not met in the remote setting.

Activity: Activities within the scope of employment include those which are reasonably incidental to work or reasonably incidental to the conditions under which the work is performed. In most cases, ask the question whether the employer is deriving some benefit from the activity. This will be more liberally applied in the work-from-home setting because employers are deriving some benefit from the very fact that their employees are working remotely.

The Takeaway: Work from home injuries during COVID-19 will be very hard to defend. Even if the person had gone downstairs to check on their kids, the court may find that given the circumstances the employee was in a place the employer would reasonably expect them to be and working while caring for kids is in the best interest of employers because if not, the employee would not be able to work as all kids are ordered home and daycares are closed.

Please contact us should you have any legal questions or require advice related to COVID-19's impact on Rhode Island workers' compensation cases:



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