

# Injury on Snack Break May Not Be Covered by Workers' Compensation

On behalf of Johnston, Moore & Thompson

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According to a recent workers' comp ruling by the Arkansas Court of Appeals, there are certain situations when an employee who is injured during work hours may not be eligible for benefits. Although the case does not directly impact Alabama workers, it could show a trend toward limitation of [workers' compensation](#) benefits.

The case, Hill v. LDA Leasing, Inc., involved a commercial truck driver who took a restroom break and a trip to the snack room while waiting for his trailer to be unloaded. He was injured in a fall in the snack room. According to company policy, the driver was supposed to remain in the vicinity of his truck during unloading so he could ensure it was not damaged, make sure the load was accounted for properly, and be available to move the truck immediately.

Workers' compensation benefits are intended for injuries that occur during the course of employment. According to the Arkansas court, "during the course of employment" means while engaging in activities required by the employer or which advance the interests of the employer.

## **Are You On the Job When You Take a Break?**

Early in the history of workers' comp, some companies argued that workers who were on breaks or visiting the restroom were not performing work activities, so injuries occurring at those times shouldn't qualify for workers' comp benefits.

Both in Arkansas and nationwide, courts have generally disagreed with that view. Employees injured while on customary or authorized breaks have generally been considered covered by workers' comp. Courts have usually held that restroom visits and on-site breaks do take place in the course of employment. Breaks are normal events occurring during the workday, as opposed to off-the-clock activities, which normally wouldn't qualify for workers' compensation coverage.

In this case, however, the Arkansas court saw things differently. Because the company expected the driver to remain near his truck, the court decided, his snack break was not an activity occurring during the course of his employment.

Interestingly, if he had left merely to go to the restroom and was injured there, he would have been covered. Since he decided to get a snack instead of returning to the dock directly from the restroom, he was no longer advancing any interest of his employer.

Related Resources:

- ["Trip to vending machine breaks connection to employment"](#) (Risk & Insurance WORKERSCOMP Forum, May 27, 2010)
- Hill v. LDA Leasing, Inc., 2010 Ark. App. 271, Court of Appeals of Arkansas (2010)