

WAC 296-27-01103 Determination of work-relatedness. (1) The employer must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in subsection (2)(a) through (i) of this section specifically applies.

(2) An injury or illness occurring in the work environment is not recordable or considered work-related if it meets one of the following exceptions:

(a) At the time of the injury or illness, the employee was present in the work environment as a member of the public rather than as an employee.

(b) The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.

(c) The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

(d) The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.

(e) The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

(f) The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.

(g) The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

(h) The illness is the common cold or flu.

(i) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

Notes: 1. If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
2. Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

(3) If it is not obvious whether an event or exposure was work-related, the employer must evaluate the employee's work duties and work environment to determine if the event or exposure was work-related and resulted in either a new injury or illness or it significantly aggravated a preexisting condition. A preexisting condition is an injury or illness that is significantly aggravated by the event or exposure occurring in the work environment if it results in any of the following:

(a) Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

(b) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

(c) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(d) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(4) Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed in Table 2 of this subsection:

**Table 2
Determining Work-Related Injuries or Illnesses During Travel Status**

If the employee has:	The employer may use the following to determine if an injury or illness is work-related.
Checked into a hotel or motel for one or more days	When a traveling employee checks into a hotel, motel, or into another temporary residence, they establish a "home away from home." The employer must evaluate the employee's activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they are considered to have left the work environment. When the employee begins work each day, they reenter the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, the employer also does not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
Taken a detour for personal reasons	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

(5) Injuries and illnesses that occur while an employee is working at home are considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work and not to the home environment.

- Note: Examples of recordable injury and illnesses that occur when an employee works at home:
1. If an employee drops a box of work documents and injures their foot, the case is considered work-related.
 2. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related.
 3. If an employee is injured because they trip on the family dog while rushing to answer a work phone call, the case is not considered work-related.
 4. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

[Statutory Authority: RCW 49.17.010, 49.17.040, and 49.17.050. WSR 19-17-068, § 296-27-01103, filed 8/20/19, effective 1/1/20; WSR

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