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### **Work Comp Pays Horseplay Injuries**

Employers - learn from your mothers' words - "No horse playing in the house!" However, in the work place it usually does not lead to broken china, but a broken wallet for employers. Injuries sustained from horseplay often fall under work comp.

[The U.S. Department of Labors and the Bureau of Labor Statistics](#) describes horseplay as occurring, "when an individual lacks focus on their current task and starts goofing around." This playful manner usually disregards safety precautions. Employers discussing the series risks of horseplay help reduce jobsite injuries and fatalities.

[The Workers' Compensation Board of](#) Indiana's horseplay doctrine states, "A worker injured while participating in horseplay is not entitled to workers' compensation, unless he is an innocent victim of another person's horseplay. However, if the employer allows the horseplay to proceed without intervening, the injury maybe compensable." The America Bar Association found this to be a routine practice throughout the U.S.

Many companies ban horseplay though, so why does work comp cover these injuries? [Workforce Management Magazine](#) recently reported that the Virginia State High Court, in Simms vs. Ruby Tuesday, believed, "Joking actions of co-workers are a risk of employment because humans are playful and from time to time engage in pranks, which can be dangerous." Simms suffered a dislocated shoulder when he lifted his arm to block pieces of ice thrown by a co-worker. The court concluded that an injury falls within work comp law "if there is a casual connection between the employee's injury and the condition under which the employer requires the work to be done." Interpretations like this make it difficult for employers to deny work comp.

Professor Larson's Workers' Compensation Law is the premier source of analysis for work comp law and is used by all state commissioners. The Virginia State High Court used Larson's four-point test to determine if the horseplay injury fell under work comp. The four points are as follows:

- 1. The extent and seriousness of the horseplay**
- 2. The completeness of the deviation (how far outside of the usual course of work did the horseplay extend)**
- 3. The extent to which horseplay was a regular part of the work**
- 4. The extent to which horseplay is expected in the work environment**

[Excerpt from Workers' Comp Insider](#)

The criteria used to award work comp can be one of the above points or all four. Employers observing the work environment can gauge the risk of horseplay by referring to Larson's four points.

Horseplay occurs naturally and spontaneously and is inevitable just like gossip. Employers should communicate the risks associated with horseplay and lead by example. Injuries occurring from horseplay need to be reported to the Occupational Safety and Health Administration (OSHA). OSHA requires these injuries be reported under injury sustained, as a horseplay category does not exist. To learn more about record keeping review the [Indiana Department of Labor and the Indiana's Worker Safety Initiatives'](#) OSHA record keeping basics.

#### **References**

Workforce Management Magazine, Virginia State ruling,

<http://www.workforce.com/section/news/article/virginia-court-says-horseplay-doctrine-entitles-worker-to.php>

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The Guide to Indiana's Worker's Compensation, Horseplay Doctrine

[www.in.gov/wcb/files.HANDBK2007.doc](http://www.in.gov/wcb/files.HANDBK2007.doc)

[The Indiana Department of Labor & Indiana's Worker Safety Initiative, OSHA record keeping basics,](#)

[http://www.in.gov/dol/files/300\\_Log\\_Presentation.pdf](http://www.in.gov/dol/files/300_Log_Presentation.pdf)