Winter Weather and Workers' Comp: When Are Travel-Related Injuries Compensable?

Practices

Workers' Compensation

Related Attorneys

Salvatore Popolillo III

By Salvatore Popolillo III on January 10, 2025

Winter weather presents several hazards for business owners, including slippery roads.

Under the North Carolina Workers' Compensation Act ("Act"), the 'coming and going' rule generally states that an employee's injury while traveling to or from work is not compensable. However, there are multiple exceptions to the 'coming and going' rule which may allow an injury that occurs during the travel to be compensable, including the traveling employee exception, special errand exception or when the employer provides transportation.

Subject to the 'coming and going' rule:

A desk worker who is required to come to an office and is injured in a car accident while traveling to the office on a snowy morning would be subject to the coming and going rule because the worker was just traveling to the office and their employment does not contemplate travel. Thus, the desk worker's injuries from the car accident would not be compensable under the Act.

Exceptions to the 'coming and going' rule:

A truck driver, who regularly travels as part of his job, and is injured during a car accident while traveling to their first delivery of the day would not be subject to the coming and going rule, as, unlike the desk worker, his travel would fall under the traveling employee exception and therefore be compensable. If he was driving the employer's provided transportation at the time of the accident, his claim may also fall under the transportation exception.

Another exception to the coming and going rule is when an employee is traveling for work on a 'special errand.' Say an employer rewards his employees for coming into the office on a snowy day by ordering lunch for the office. The employer asks an employee to pick up the lunch order, and while driving to pick up the order, the employee is injured after sliding on black ice and driving off the road. This incident will likely not be subject to the coming and going rule as the employee was engaging in a special errand as part of their employment, and the employee's injury could be compensable.

Employers should exercise extra caution during inclement weather for both customers and employees – especially employees who engage in travel.

Hedrick Gardner has nearly 70 years of experience litigating workplace injuries and defending employers where their employees are injured during travel. If you have any questions about this topic, please reach out to Salvatore Popolillo.

©2026 Hedrick Gardner. All Rights Reserved