

AB Commission Rules Worker's Suicide Is Result of Workplace Injury



Most workers' comp claims are fairly straightforward. For example, a worker on the job falls and breaks his leg or contacts a chemical and develops a rash. The fracture and rash are clearly work-related and so covered by the workers' comp system.

But sometimes workers or their families file claims that are more attenuated and less clearly tied to their jobs. A recent case from Alberta is an interesting example.

A worker fell off a ladder on the job, hitting his head on concrete. He was diagnosed with a concussion. He began having headaches, experiencing sensitivity to sound and light, and undergoing dramatic personality changes.

For example, the worker had been described as 'happy-go-lucky' before the incident. But after his fall, he was very irritable and short with his wife and children. He also suffered a seizure.

Six days after the fall, the worker committed suicide by hanging himself in the family garage. His wife filed a workers' comp claim, arguing that the head injury he suffered in the fall contributed to his suicide.

The WCB denied the claim so the family appealed.

The Appeals Commission ruled that but for the worker's fall off the ladder he wouldn't have committed suicide. The Commission explained that under the workers' comp law, an accident is compensable when the worker's employment has contributed to his death.

In this case, the actual injuries the worker sustained in his workplace fall and their consequences created a direct link to his having committed suicide. And because there was a direct connection between the workplace incident and his suicide, the family was entitled to compensation [*Decision No. 2013-0242*, [2013] CanLII 46480 (AB WCAC), July 29, 2013].

Note that there are situations in which employers may be held liable for worker suicides. For example, if an employer is aware that a worker is being bullied on the job and doesn't take steps to address the bullying, it could be held liable if the victim subsequently kills himself.