

Company Loses Bid to Appeal Denial of Workers' Comp for Contract Worker



Two days into his 2-week contract term, an asphalt plant worker fell off a ladder and got hurt. While the injury was clearly work-related, the WCB ruled that the victim was an independent contractor and not a 'worker' under workers' comp. After initially deciding not to appeal, the plant tried to reopen the case 3 years later based on new evidence but the WCB refused. The plant appealed the refusal but the Appeal Tribunal wouldn't budge. Finally, 6 years after it began, the case landed in the PEI Court of Appeal. Ruling: Appeal dismissed. The various decisions to deny the appeal were reasonable, fair and consistent with the 'new evidence' policy, the high court reasoned [*M&M Resources v Prince Edward Island (Workers Compensation Board)*, 2018 PECA 9 (CanLII), May 23, 2018].