

# Delay in Reporting Work Injury Nearly Costs Worker His Workers Comp Benefits



On Sept. 4, a truck driver in a stone quarry twists his knee while climbing out of the vehicle. Not wanting to miss any work, he takes anti-inflammatory drugs and soldiers on. With the pain and swelling getting steadily worse, he tells his foreman about the injury on Sept. 16. But the foreman doesn't relay the message to management until Sept 27. Three days after that, the worker is diagnosed with a torn medial meniscus. The employer contends that the injury isn't work-related and contests the workers comp claim. After CNESST denies the claim, the driver appeals. Result: Ruling reversed. The medical evidence and convincing testimony of the driver persuade the appeals tribunal that the injury occurred on Sept. 4. And while the employer got the message late, it couldn't blame the driver for its lack of communication with the foreman [*Leblanc and DPS Transport inc.*, 2020 QCTAT 4669 (CanLII), December 9, 2020].