Firefighter’s Lawsuit over Eye Injury Barred by Workers’ Comp Law



A fire department reopened a training tower that had been closed for the winter. It found that the tower had been inhabited by various animals and was unsanitary. Several firefighters were assigned to clean the tower. One of them subsequently developed an eye infection that impaired his sight in one eye. His workers’ comp claim was accepted. The firefighter then sued the fire department and other parties for his injury. The Appeals Tribunal found that the firefighter’s injuries were caused as a result of the cleaning of the tower. Although he argued that cleaning animal feces wasn’t a part of his job duties, firefighters were expected to clean their equipment, vehicles and the training tower. Because the firefighter’s claim arises ‘out of the acts or defaults of the employer or of the employer’s employees while engaged in, about or in connection with the industry or employment in which the employer or worker of such employer causing the injury is engaged,’ he’s barred by application of Sec. 12 of the *Workers’ Compensation Act* from suing for those injuries [*20168166 (Re)*, [2017] CanLII 2979 (NB WCAT), Jan. 6, 2017].