

Injured Flight Attendant Gets Split Decision on Her Workers? Comp Appeal



An Air Canada flight attendant who worked out of BC but lived in Manitoba suffered a work injury while working an international flight. The Workers' Comp Appeals Tribunal (WCAT) denied her benefits under Sec. 8(1) of the *Workers' Comp Act* which bans coverage of injuries occurring outside the province. But the court overturned the ruling as unreasonable. The Tribunal's reasoning left the attendant out in the cold without taking into account the Act's broader objective of covering workers for injuries; nor did the Section 8(1) analysis hold up given that the Tribunal didn't even consider which airspace the plane was in when the injury occurred. And in the latest round, the BC Court of Appeal rendered a split decision'upholding the court's ruling on Section 8(1) but reversing its ruling on the claim for mental stress under Sec. 5(1), which the WCAT would have to retry [[Air Canada v. British Columbia \(Workers' Compensation Appeal Tribunal\)](#), 2018 BCCA 387 (CanLII), Oct. 19, 2018].