

Injured Sailing Instructor Could Sue over Injuries



An assistant sailing instructor was loading a sailboat onto a trailer when the mast contacted overhead power lines. He suffered severe electrical burns that ultimately resulted in the amputation of his right hand. He sued the sailing club association and others for his injuries. The defendants argued that his lawsuit was barred by workers' comp law. The Board agreed, ruling that he didn't fall within an exception for sports instructors because he wasn't employed by a professional organization. But the court disagreed. The law didn't require sports instructors to belong to a professional organization for the exclusion to apply—the Board imposed that requirement in a policy. And restricting this exclusion through a policy was unreasonable and exceeded the Board's powers. So the court ruled that the exclusion *did* apply and thus the instructor's lawsuit wasn't barred by workers' comp [*Campbell v. Workers' Compensation Board*, [2012] S.J. No. 318, May 22, 2012].