

Mechanic Could Sue Employer for Injuries Under Workers' Compensation Exception



A mechanic was assigned to repair a construction company's truck, which was placed on blocks. While he was working on it, it rolled off the blocks and crushed his lower body, causing grievous injuries. The mechanic sued the company, relying on an exception under the workers' comp law for injuries caused by 'use of a motor vehicle.' The Commission ruled that this exception didn't apply because repair and maintenance don't constitute 'use' and so the lawsuit was barred. On appeal, the court overturned this decision, ruling that it was unreasonable. Numerous cases have held in the context of workers' comp and insurance law that the term 'use' includes activities that are normally related to the motor vehicle's purpose, such as repair and maintenance. Thus, the court found that because the mechanic's injury arose as a result of 'an accident involving the use of a motor vehicle' in the course of his employment, he was entitled to pursue his lawsuit against the employer by virtue of the exemption [[Warford v. Weir's Construction Ltd.](#), [2016] CanLII 52444 (NL SCTD), Aug. 15, 2016].