

Stupidity Didn't Mean Worker's Injury Shouldn't Be Covered



A worker was loading materials on a trailer. Instead of using the ladder to get down, he jumped from the trailer and injured his back. At a toolbox talk that morning, workers had been told to use the ladder. The employer argued that workers' comp shouldn't cover his injury because it was caused by 'serious and wilful misconduct.' The Appeals Commission acknowledged that the worker knew he should use the ladder and didn't. But every violation of a safety rule doesn't involve serious and wilful misconduct. Here, the worker's actions weren't carefully thought out and reflected a momentary lapse in judgment. And 'stupidity is not a reason to deny compensation to a worker,' concluded the Commission [2015-0201 (Re), [2015] CanLII 17225 (AB WCAC), April 9, 2015].