

Traffic Accident While Driving Workers Home Wasn't in Course of Employment



The general manager of an egg farm asked his granddaughter, who also worked there, to drive 14 workers back to the shelter. The workers were injured when the pick-up truck went off the road and rolled down an embankment. The injured workers sued the granddaughter, who asked to have the lawsuit dismissed because she was acting in the course of her employment at the time of the accident and so the case was barred by workers' comp law. The WCAT ruled that the granddaughter wasn't acting in the course of her employment at that time. So she appealed. The court ruled that whether the granddaughter was acting in the course of her employment was clearly within the WCAT's expertise and its decision was entitled to deference. The court was satisfied that there was a basis in the evidence for its decision, which wasn't patently unreasonable. For example, the granddaughter wasn't paid to drive the truck and considered doing so a favour for her grandfather [*Browne v. Workers' Compensation Appeal Tribunal*, [2013] B.C.J. No. 2520, Nov. 8, 2013].