

Waiver of Workers? Comp Protections Violated Public Policy



A race director was injured in a go-kart race at the track where he worked. He sued multiple parties for his injuries. The court dismissed the case, ruling that the director was a paid volunteer who'd signed a waiver of liability. The director appealed. The appeals court ruled that letting employers and employees contract out of workers' comp provisions, such as by workers' signing a release or waiver of liability for personal injuries, would violate public policy. So the court reinstated the case and ordered it to go to trial [*Fleming v. Massey*, [2016] ONCA 70 (CanLII), Jan. 26, 2016].