

WCB Denial of Psychological Injury Claim Bars Discrimination Suit on Same Issue



A test lab worker claiming he was racially harassed at work brought 2 cases—one with the WCB for psychological injury and the other with the Human Rights Tribunal for mental illness and racial discrimination. After WCB dismissed the workers' comp claim, the employer argued that allowing the discrimination claim would be like beating a dead horse. The Tribunal agreed. Although, technically, the WCB ruling didn't address whether the worker had a mental illness, there was enough overlap to justify dismissal and avoid prolonging a case that had essentially been decided already [[Kebede v SGS Canada Inc.](#), 2019 AHRC 3 (CanLII), Feb. 4, 2019].