

# Worker Can't Sue Employer, Co-Worker over Denied Workers' Comp Claim



A worker filed a workers' comp claim for mental stress she said she suffered due to a co-worker's conduct. The claim was denied. So she sued her employer and the co-worker for breach of a common law duty. The defendants argued that the workers' comp law bars such lawsuits. And the court agreed, ruling that it would undermine the core policy of the workers' comp scheme to have employers exposed to lawsuits based on the scope of compensable claims under the law. To allow such lawsuits would result in uncertainty and a patchwork system of compensation as well as a 'proliferation of litigation' to determine what is and isn't covered by workers' comp, the court explained [*Downs Construction Ltd. v. BC (Workers' Compensation Appeals Tribunal)*], [2012] B.C.J. No. 2035, Oct. 4, 2012].