

# Worker Injured Violating Safety Rule Still Covered by Workers' Comp



A worker entered a 'No Go Zone' and was injured. He later tested positive for cocaine. He filed a workers' comp claim for his injuries, which the employer challenged on the grounds that he'd engaged in 'serious and wilful misconduct.' The Appeals Commission said that although the worker's actions may have been ill-advised and in violation of proper procedure, there wasn't sufficient evidence that his actions constituted serious and wilful misconduct to remove him from workers' comp coverage. In addition, there was no evidence that the worker, who admitted using cocaine over the weekend, was impaired at the time of the incident [*Decision No: 2012-1135*, [2013] CanLII 1214 (AB WCAC), Jan. 18, 2013].