Workers? Comp Costs for Broken Leg Split Evenly Between Companies



A worker employed by a vacuum truck company was hurt when a length of drill pipe flipped sideways, pinning his legs between the drill stem and the ground. The WCB accepted his workers' comp claim for fractures to his right leg and transferred the claim costs from the vacuum truck company's experience record to that of the pipeline construction company, which appealed. The Appeals Commission ruled that the claims costs should be charged equally to the experience records of both companies because the degree of negligence for each couldn't be reasonably determined. The vacuum truck company was negligent for not conducting a hazard assessment and ensuring that its workers were aware of hazards. The pipeline construction company was negligent for not ensuring that the vacuum truck company was in compliance with the *OHS Code* and had informed its employees of any hazards [*2015-0321 (Re)*, [2015] CanLII 78704 (AB WCAC), Nov. 20, 2015].