

Workers Comp: Does Workers Comp Bar Lawsuit by US Workers Injured on Canadian Soil?



As required by industry regulations, 5 U.S. residents employed by Delta Air Lines stayed overnight in a local hotel during a layover in Vancouver. Delta paid the hotel bill and arrangement for them to be driven back to the airport for their outbound flight the next morning. Their cab got into a traffic accident. They then sued Delta for their resulting injuries. Delta claimed the lawsuits were barred by workers comp but the BC Workers Comp Appeals Tribunal (WCAT) disagreed, finding that the crew members weren't 'workers' under the law. The BC Court of Appeal found the WCAT's interpretation of the workers comp laws to be 'thoroughly reasoned and defensible' and tossed Delta's appeal [*Brown Bros. Motor Lease Canada Ltd. v. Workers' Compensation Appeal Tribunal*, 2022 BCCA 20 (CanLII), January 20, 2022].