

Workers Comp Doesn't Bar Harassed Worker's Constructive Dismissal Lawsuit



Workers comp bars lawsuits against employers for work-related injuries; in exchange, workers get automatic coverage of work injuries regardless of who's at fault. But does this 'historic tradeoff' also mean that employees who suffer compensable workplace harassment can't sue their employers for constructive dismissal? The Ontario Workplace Safety and Insurance Appeals Tribunal (WSIAT) answered yes to this important question, but the Superior Court said the ruling was unreasonable and reversed it. The workers comp bar covers negligence and other tort lawsuits, rather than claims related to employment and dismissal. And constructive dismissal is essentially employment matter [*Morningstar v. WSIAT*, 2021 ONSC 5576 (CanLII), August 18, 2021].