

Workers' Comp Law Bars Negligence Lawsuit in Death of Fishermen



Two brothers from NL died when their fishing vessel capsized on the way back from a fishing trip. Their widows and dependents got compensation under the workers' comp system. They then sued various parties for negligence relating to the incident. The defendants asked the court to dismiss the lawsuit, arguing it was barred by workers' comp law. The WHSCC ruled that workers' comp law did bar the lawsuit and the Supreme Court of Canada agreed. The fishermen died in the course of their employment and so the workers' comp law applied. And the bar against workers suing employers applied to *all* employers who contribute to the workers' comp system, not just those in a direct employment relationship with these particular workers. Lastly, the Court found that the Commission's ruling was reasonable and didn't conflict with federal maritime law [[Marine Services International Ltd. v. Ryan Estate](#), [2013] SCC 44 (CanLII), Aug. 2, 2013].