

News

Worker Receiving WSIB Benefits Cannot Claim Monetary Relief under Collective Agreement

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A recent arbitration decision considered the historic trade-off made through the enactment of workers' compensation legislation in Ontario almost 100 years ago, when, in general terms, a worker was barred from suing his or her employer for a workplace accident or occupational disease, in exchange for which the worker would receive benefits from the (now) Workplace Safety and Insurance Board ("WSIB").

The issue in this case related to a worker in receipt of WSIB benefits who claimed that he was entitled to additional relief under his collective agreement. Section 26(2) of the *Workplace Safety and Insurance Act*, which provides for benefits in lieu of "all rights of action" against an employer, had previously stated the benefits were lieu of "all rights and all rights of action." The grievor alleged that the removal of "all rights" from this section meant that he could bring this grievance for remedial relief. The arbitrator disagreed, finding that the amendment was housekeeping in nature and did not change the substantive meaning of the section.

For a detailed discussion of this decision, see our Case in Point blog post "[Receipt of WSIB Benefits Bars Claims for Additional Monetary Damages at Arbitration.](#)"