

## CANADIAN BROADCASTING CORPORATION V. LUO

### Decision Summary

Court	B.C. Court of Appeal
Citation	2009 BCCA 318
Result	Application Dismissed
Judge	<b>Saunders</b> , Frankel, Tysoe
Date of Judgment	June 29, 2009
WCAT Decision(s) Reviewed	WCAT 2005-01542

#### **Keywords:**

*Jurisdiction of Workers' Compensation Board to determine employee status – Sections 2 and 4(2) Government Employees Compensation Act*

In this judicial review the Court of Appeal considered whether the Workers' Compensation Board, operating as WorkSafeBC (Board) has jurisdiction to determine whether or not an individual claimant is an "employee" for the purpose of the federal *Government Employees Compensation Act* (GECA).

The Workers' Compensation Appeal Tribunal (WCAT) concluded that the Board had jurisdiction to determine whether a person is an employee under GECA. The B.C. Supreme Court found that WCAT was correct in its finding that the Board has jurisdiction to determine employee status under GECA (2007 BCSC 971). The matter was appealed. The Court of Appeal dismissed the appeal, concluding that section 4 of GECA contemplates the provincial body (the Board) making all determinations necessary to the claim, including whether the individual is an employee as required by section 4(1) of GECA, an issue that engages the definition of employee in section 2 of GECA.