

HARRIS V. BRITISH COLUMBIA (WORKERS' COMPENSATION APPEAL TRIBUNAL)

Decision Summary

Court	B.C. Supreme Court
Citation	2004 BCSC 1618
Result	Judicial Review Dismissed
Judge	Madam Justice Boyd
Date of Judgment	December 6, 2004
WCAT Decision(s) Reviewed	WCAT-2004-01785

Keywords:

Section 257 of the Workers' Compensation Act - Policy No. 20:30:40 of the Assessment Policy Manual - Determination of worker status when employed by extra-provincial employer – Standard of review – Patent unreasonableness

In this judicial review the Court considered whether the Workers' Compensation Appeal Tribunal (WCAT) exceeded its jurisdiction in finding the Petitioner, who was injured while on a business trip in British Columbia, to be a worker within the meaning of the *Workers' Compensation Act* (Act).

The Petitioner, an Ontario resident, suffered an injury while on a business trip in British Columbia. He was on his way to a breakfast meeting when he injured himself while stepping into an elevator. The Petitioner commenced an action for damages due to injuries arising from the accident. The respondents pled the statutory bar under section 10 of the Act and applied under section 257 of the Act for a determination that the Petitioner was a worker within the meaning of the Act and that his injuries arose out of and in the course of the employment. WCAT found, applying Policy No. 20:30:40 of the *Assessment Policy Manual*, that the Petitioner was a worker and his injuries arose out of and in the course of his employment.

The Court dismissed the Petitioner's application for judicial review, finding that the standard of review was patent unreasonableness. The Court concluded that it was not patently unreasonable for WCAT to find that the work performed by the Petitioner in this province was sufficient to meet the requirements of the policy and bring the employer and consequently, those of its employees who work in this province, within the scope of the Act.