

CASE NO.

VOL. NO.

PAGE

MICHELIN NORTH
AMERICA (CANADA) INC.

- and -

RICHARD ROSS, THE NOVA
SCOTIA WORKERS'
COMPENSATION APPEALS
TRIBUNAL, and THE
WORKERS'
COMPENSATION BOARD
OF NOVA SCOTIA

(Appellant)

(Respondents)

CA 177445

Halifax, N.S.

Freeman, J.A. (Orally)

[Cite as: *Michelin North America (Canada) Inc. v. Nova Scotia (Workers' Compensation Board)*, 2002 NSCA 87]

APPEAL HEARD:

June 17, 2002

JUDGMENT DELIVERED:

June 17, 2002

WRITTEN RELEASE OF ORAL:

June 19, 2002

SUBJECT: **Application for Leave to Appeal — s. 256 Workers
Compensation Act, S.N.S. 1994-95, c. 10 — Shiftwork
Maladaptation Syndrome**

SUMMARY: The appellant employer sought leave pursuant to s. 256 of the *Workers' Compensation Act* to appeal a decision by the Workers' Compensation Appeals Tribunal awarding compensation to the respondent employee, a shiftworker, who complained of symptoms related to shiftwork maladaptation syndrome. The appellant argued that the Tribunal had misinterpreted and misapplied *Metropolitan Entertainment Group v. Durnford* (2000), 188 N.S.R. (2d) 318 (C.A.) and s. 187 of the *Act*.

ISSUE: Did the appellant's application for leave raise an arguable issue?

RESULT: Leave to appeal was granted on two grounds, that the Tribunal exceeded its jurisdiction and committed an error of law in its interpretation and application of the *Metropolitan Entertainment Group v. Durnford (supra)* case, and that the Tribunal committed an error of law in its interpretation and application of s. 187 of the *Act*.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 1 page.