

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
Workers' Compensation Board (N.S.) Appellants	- and -	Glen Bowles Respondent
CA 182562	Halifax	ROSCOE, J.A.

Cite as: *Nova Scotia (Workers' Compensation Board) v. Bowles*, 2002 NSCA160

Appeal Heard: November 26, 2002

Judgment Delivered: December 10, 2002

Subject: Practice, Civil Procedure Rule 14.25, Workers' Compensation Act, s. 167, action by worker against Workers' Compensation Board

Summary: The respondent was injured in a workplace accident and received workers' compensation. He sued the Workers' Compensation Board alleging that he suffered further injury and damages as a result of following the directions of his case worker to participate in work hardening and physiotherapy. He claims that the employee was negligent and acted in bad faith and that as a result of her conduct it was necessary for him to have additional surgery. It is alleged that the Board's employee was "acting in the scope of her employment". The Board brought an application to strike the statement of claim which was dismissed by the chambers judge.

Issues: Whether the action is barred by statute and thus discloses no reasonable cause of action.

Result: Appeal allowed. As a result of s.167 of the **Act**, no action against the Board or its employee is allowed when acting within its jurisdiction. The pleadings therefore disclose no reasonable cause of action and should have been struck out.