

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Muggah v. Nova Scotia (Workers' Compensation Appeals Tribunal)*,  
2015 NSCA 63

**Date:** 20150623  
**Docket:** CA 432292  
**Registry:** Halifax

**Between:**

Deborah Lee Muggah

Appellant

v.

Nova Scotia Workers' Compensation Appeals Tribunal,  
the Workers' Compensation Board of Nova Scotia, the Attorney General  
for the Province of Nova Scotia and Marid Industries Limited

Respondents

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**Judge:** The Honourable Justice Joel E. Fichaud

**Appeal Heard:** June 9, 2015, in Halifax, Nova Scotia

**Subject:** *Charter of Rights and Freedoms*, s. 15(1) – workers' compensation

**Summary:** Ms. Muggah was divorced and in receipt of spousal support under her Corollary Relief Judgment. Then her former spouse died from a workplace accident. Ms. Muggah claimed a survivor's benefit under s. 60 of the *Workers' Compensation Act*, S.N.S. 1994-95, c. 10. The Workers' Compensation Board's hearing officer, and then the Workers' Compensation Appeals Tribunal, denied her claim. The reason was that the *Act* provided a survivor's benefit only to persons who, at the time of the worker's death, were either married or in a common law relationship with the worker. Ms. Muggah claimed that the *Act* discriminated against former spouses, that this was distinction based on "marital status", an analogous ground under s. 15(1) of the *Charter of Rights*, and

that the provisions of the *Workers' Compensation Act* offended the *Charter*. The Workers' Compensation Appeals Tribunal held that there was no infringement of s. 15(1). Ms. Muggah appealed.

**Issues:** Do the provisions of the *Workers' Compensation Act* governing a survivor's benefit offend s. 15(1) of the *Charter* by discriminating on the basis of marital status?

**Result:** The Court of Appeal dismissed the appeal. The provisions of the *Act* did not draw a distinction based on the analogous ground of marital status, as that ground has been defined in the authorities. Neither did the provisions discriminate, or offend the principles of substantive equality, by exacerbating or perpetuating a disadvantage to former spouses, or to Ms. Muggah because she was a former spouse.

*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 21 pages.*