

NOVA SCOTIA COURT OF APPEAL

Citation: *Legere v. Nova Scotia (Workers' Compensation Appeals Tribunal)*,
2016 NSCA 5

Date: 20160204
Docket: CA 439252
Registry: Halifax

Between:

Alfred Legere

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 the Attorney General of Canada

Respondent

Judge: The Honourable Justice Duncan R. Beveridge

Application Heard: December 9, 2015, in Halifax, Nova Scotia

Subject: *Workers' Compensation Act*. Restrictions on appeals to the
Court of Appeal.

Summary: The Board denied the appellant's claim for compensation caused by stress. He appealed to a Hearing Officer who denied his appeal. WCAT was scheduled to hear the worker's appeal. The parties asked WCAT to decide what legal test would be applied at the hearing. WCAT issued a preliminary decision. It concluded that the Board's policy 1.3.6, permitting claims for gradual onset stress for Federal government employees, was invalid as being inconsistent with the Act, and the appellant's claim would be adjudicated under Board policy 1.3.9, which defined the criteria for traumatic stress.

Issues: Was WCAT’s decision a “final” decision within the meaning of s. 256 of the *Act*?

Result: A participant can only seek leave to appeal from “final orders, rulings or decisions” of WCAT. The appellant insisted that even if his claim was adjudicated under policy 1.3.9, he met the criteria for compensation. The preliminary decision by WCAT did not in any way dispose of his claim for compensation under the *Act*. It was therefore not a “final decision” within the meaning of s. 256 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 19 pages.