

CASE NO. VOLUME PAGE  
Cite as: Imperial Oil Ltd. v. Parsons, 1998 NSCA 173

IMPERIAL OIL LIMITED DONALD PARSONS  
(Appellant) - and - (Respondent)  
C.A. No. 146677 Halifax, N.S. Freeman, J.A.

APPEAL HEARD: September 22, 1998

JUDGMENT DELIVERED: October 14, 1998

SUBJECT: **Workers Compensation Act, S.N.S. 1994-95, c. 10; Appeals Tribunal; jurisdiction; barred actions; standard of review.**

SUMMARY:: The respondent was awarded workers' compensation benefits for a work accident and claimed additional coverage from the insurer under a plan sponsored by the employer. He sued the insurer when it denied his disability was covered under the policy. He amended his pleadings to include the employer, claiming he would have been covered under the program described in the employer's information booklet. He asserted that if the employer did not bind the insurer it assumed an obligation as principal. In the alternative he pleaded negligent misrepresentation. The employer applied to the Workers' Compensation Appeals Tribunal for an order that the worker's claim was barred under **s. 28** of the **Workers' Compensation Act**, S.N.S. 1994-95, c. 10. The Tribunal found that the action was not barred, and the employer appealed to this court.

ISSUES: Was the Tribunal's decision patently unreasonable?

RESULT: The appeal was dismissed. The **Act** gives the Tribunal the exclusive right to decide which actions by employees against employers are barred by **s. 28**, and protects that right with a specific privative clause. The Tribunal's decision was on a matter within its core jurisdiction under the relevant provisions, and it was not patently unreasonable.

This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 7 pages.

