

NOVA SCOTIA COURT OF APPEAL

Citation: *Skinner v. Nova Scotia (Workers' Compensation Appeals Tribunal)*,
2018 NSCA 23

Date: 20180309

Docket: CA 449275

Registry: Halifax

Between:

Wayne Skinner

Appellant

v.

Workers' Compensation Appeals Tribunal, the
Workers' Compensation Board of Nova Scotia, and
Attorney General of Nova Scotia

Respondents

Judge:

The Honourable Justice David P.S. Farrar

Appeal Heard:

November 27, 2017, in Halifax, Nova Scotia

Subject:

Workers' Compensation Law. Interpretation of *Workers' Compensation Act*, S.N.S. 1994-95, c. 10. Whether Board Policy is inconsistent with the *Act*. Medical Marijuana as Medical Aid.

Summary:

Mr. Skinner suffered a work-related accident. He was authorized to use medical marijuana for medical purposes and requested approval from the Workers' Compensation Board for medical aid in the form of medical marijuana. His request was denied by the Board relying on Board Policy 2.3.1R which required medical aid to be consistent with standards of health care practices in Canada. The Board found that the provision of medical marijuana was not. Mr. Skinner appealed to WCAT. WCAT dismissed the appeal also relying on Policy 2.3.1R.

Mr. Skinner sought leave to appeal and was granted leave to appeal to this Court.

Issues:

- (1) Is Policy 2.3.1R inconsistent with the *Workers' Compensation Act*?
- (2) Did Policy 2.3.1R unlawfully fetter the discretion of the Board in considering the merits of the worker's claim to medical aid for medical marijuana?

Result:

Policy 2.3.1R is not inconsistent with the *Act*. It is, in context and objective, consistent with the WCB statutory authority.

Further, as it was found that the Policy was consistent with the *Act*, it did not unlawfully fetter the WCB's discretion.

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 14 pages.