



**MAUREEN  
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CAMERON**

## **SUING AFTER A WORKPLACE ACCIDENT - 5 THINGS TO KNOW**

- 1. In Alberta, many employers are governed by the Workers' Compensation Act (WCA) scheme. A list of industries which are exempt from the WCA scheme is provided here: <https://rm.wcb.ab.ca/wcb.ratemannual.webserver/ExemptActivities>**
- 2. If you are injured at work, and you work in an industry which is governed by the WCA scheme, you are not entitled to sue your employer in Court; however, you are eligible for no fault treatment benefits provided by the Workers' Compensation Board (WCB), which benefits are designed to return you to work as soon as possible.**
- 3. If you are driving an automobile in the course and scope of your employment, and you are in an accident caused by another driver who was also driving in the course and scope of his/her employment, then the WCA scheme applies, WCB benefits are available, and no lawsuit may be brought.**
- 4. If a workplace injury was caused by something other than the negligence of your employer or a fellow employee (for example, faulty equipment, or a vehicle being driven by someone who was not working at the time of the accident), then you may have a right to sue. However, any lawsuit arising from the accident is governed by the WCA and controlled by the WCB. If you are unsure as to whether you have a right to sue, you should contact a lawyer, or the WCB.**
- 5. If the WCB decides that a lawsuit may be brought, the WCB will appoint a lawyer for you. If you have already found a lawyer who is willing to represent you, the WCB must approve this lawyer. The lawsuit which is filed will include both your claims (for pain and suffering, loss of income, and out of pocket expenses), and the WCB's claims for reimbursement of the benefit amounts it has paid to you in connection with the accident.**