

Welcome to the XSCOMP© Communiqué July 2007 Issue

The purpose of this Communiqué is for self-insured employers and Parapet to share information and experiences. Parapet has accumulated 12 years of data related to “excess” workers’ compensation accidents and occupational diseases.

CAUTION!!

A former UK warehouse employee, who claimed that a work-related accident had triggered his infidelity and wrecked his marriage, was awarded over \$7 million in damages by a London Court. The 29 year old worker claimed that a work-place accident left him with an overactive libido and a disinhibited personality disorder that caused him to seek out prostitutes. The employer has accepted liability but argued that the severity of the alleged injuries was exaggerated.

(Decision of Mr. Justice Michael Harris, The High Court of Justice, reported in *Business Insurance* on January 1, 2007).

Can you guess what type of accident would cause such an injury? Submit your estimates to Sabrina@parapet.ca and the answer, along with the most interesting responses, will be revealed in the next issue.



DID YOU KNOW ...?

According to a decision of the Nova Scotia WC Appeals Tribunal, a wrongful dismissal or the stress emanating from an unexpected dismissal is not an accident / injury for workers' compensation purposes. (*Logan vs. Nova Scotia*, July 2006).



The Ontario Government is seeking to adopt a new regulation to identify eight types of cancer as automatically presumed to be work related when contracted by full-time fire fighters. In addition to the cancers, heart attacks suffered by firefighters within 24 hours of battling a blaze will also be presumed to be work related. For more information on this topic, visit: <http://www.labour.gov.on.ca/english/news/2007/07-58.html>

INTERESTING CASE ...

Disease vs. Accident

According to the Ontario Court of Appeal, being bitten by a mosquito carrying the West Nile Virus constitutes an unforeseen, unexpected event caused by an external source (the mosquito) and which therefore falls under the definition of accident. R. Kolbuc was bitten by a mosquito and contracted the virus in 2002, rendering him a paraplegic. At the time, Mr. Kolbuc was insured under a group accident policy issued to his union by ACE INA Insurance, which argued that insurance law in Canada recognized a distinction between an accident and a disease. The insurer claimed that since Mr. Kolbuc's disability was caused by a disease rather than an accident, he was not entitled to coverage. (Decision of May 2007).



Quick Fact...

Amongst our own claims, the average age of the injured worker is 49.93 years.

Quiz Time

We have listed below – in order of frequency – the most common claims we see. Can you guess the percentage of their frequency?

- A. Trip or slip and fall _____%
- B. Lifting _____%
- C. Repetitive Strain _____%
- D. Other _____%
- E. Occupational disease _____%
- F. Violence by a student _____%
- G. Motor vehicle accident _____%

Mail, fax or email your answers, to the attention of Sabrina (see below) for the chance to win a prize. We will be giving away two prizes [sterling silver bracelets with semi-precious stones] selected randomly from among the responses. We will publish the answers and the names of the winners in the next issue.

...oooOooo...

If you have a worker's compensation story that you wish to share with us, we would be happy to hear from you. Please do not reveal the worker's name. If we publish your story, we will also omit your name and the name of your employer.

Sincerely,
The Parapet Team



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