

Docket No.: CA 161537
Date: 20001229

NOVA SCOTIA COURT OF APPEAL

[Cite as: Stowe v. Nova Scotia (Workers' Compensation Board), 2000 NSCA 151]

Bateman, Flinn and Oland, JJ.A.

BETWEEN:

MARY ELIZABETH CLANCY STOWE

Appellant

- and -

NOVA SCOTIA WORKERS' COMPENSATION APPEALS TRIBUNAL;
NOVA SCOTIA WORKERS' ADVISORS [sic] PROGRAM; and
WORKERS' COMPENSATION BOARD OF NOVA SCOTIA

Respondents

REASONS FOR JUDGMENT

Counsel: Appellant in person
Sarah Bradfield for the respondent, Workers'
Compensation Appeals Tribunal of Nova Scotia
Janet E. Curry and Madeleine Hearn for the respondent
Workers' Compensation Board of Nova Scotia
Anne S. Clark and Gary Levine for the respondent,
Workers' Advisers Program

Appeal Heard: November 17, 2000

Judgment Delivered: December 29, 2000

THE COURT: The application for leave to appeal is dismissed per reasons
for judgment of Oland, J.A.; Bateman and Flinn, JJ.A.
concurring.

OLAND, J.A.:

[1] The appellant applied for leave to appeal a decision of the Nova Scotia Workers' Compensation Appeals Tribunal (the "Tribunal") dated December 30, 1999. She had claimed that she had become ill due to her exposure to her workplace environment while an employee of the federal government. The Tribunal found that she had not been caused personal injury by an accident arising out of and in the course of employment as required under S. 4(1) of the Government Employees Compensation Act, R.S.C. 1985, c. G-8 ("GECA"). It denied her claim for compensation.

[2] The appellant applied for leave to appeal to the Court of Appeal pursuant to s. 256(1) of the **Workers' Compensation Act**, Stats. N.S., 1994-95, c. 10 as amended (the "**Act**"). Her notice set out several proposed grounds of appeal, including alleged errors of law and jurisdiction arising from the Tribunal's interpretation of s. 4(1) of GECA, alleged contraventions by the employer of occupational health and safety requirements, and alleged wrongdoing by her workers' adviser.

[3] The application for leave was heard on November 17, 2000. The appellant, the Workers' Compensation Board of Nova Scotia (the "Board"), and the Workers' Advisers Program (the "Program") had filed facta and books of authority. The appellant and counsel for the Board made oral submissions. None were required of counsel for the Program.

[4] The court reserved its decision on the leave application. In doing so, it indicated that the issue of whether appeals lay to this court under s. 256(1) of the **Act** for federal government employees making claims pursuant to GECA had arisen in a previous proceeding and that the decision in that matter was on reserve. The court stated that as the determination of that jurisdictional question could impact on this application, its decision here would follow the release of that other decision.

[5] The decision of this court in *Haifa Salloum v. The Nova Scotia Workers' Compensation Appeals Tribunal and the Workers' Compensation Board of Nova Scotia*, 2000 NSCA #148 was handed down on December 28, 2000. In this case the court decided that GECA confers no jurisdiction

on this court to review decisions, by way of s. 256(1) of the **Act**, of the Board, officers or authority to which it has referred claims for compensation. The right of appeal under s. 256(1) of the **Act** is an additional right which the federal parliament has not provided for in GECA.

[6] For these reasons the appellant's application for leave to appeal the Tribunal's decision to this court is dismissed.

Oland, J.A.

Concurred in:

Bateman, J.A.

Flinn, J.A.