Sincere but Unreasonable Fears Not Grounds for Mental Stress Benefits



A truck driver who also happened to be a licensed blaster alerted supervisors after spotting what he was convinced were highly dangerous work practices inside an area that contained undetonated explosives (a misfire) at a dam site, insisting they evacuate the area immediately. But the work continued and the supervisors reassured him that his concerns were misplaced. The Manitoba WSH inspector who responded to the driver's frantic call reached the same conclusion. All the driver got for his troubles was a 4-day suspension when the video he took to show how dangerous the situation was caught him driving while using an electronic device. The driver claimed retaliation as well as workers comp benefits for the post traumatic stress disorder he said he suffered as a result of the events. But the WCB nixed the claim after finding that the driver didn't experience a "traumatic event" because his intense safety fear, while sincere, weren't objectively reasonable. The Manitoba high court found that this was a reasonable decision and refused to overturn it [*Inkster v The Workers Compensation Board of Manitoba et al*, 2021 MBCA 14 (CanLII), February 22, 2021].