



# COURSE DESCRIPTION - FACULTY OF LAW

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**COURSE NUMBER:** LAW 599:B09    **COURSE NAME:** Theory and Practice of Workers' Compensation

**PREREQUISITE COURSES:** Administrative Law (Insurance Law is also recommended)

**PREREQUISITE FOR:**        None

**CREDITS:** 3    **HOURS PER TERM:** 3    **TERM:** 2nd        **MAXIMUM ENROLLMENT:** 20

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**PROFESSORS:** Douglas Mah / William Ostapek

**METHOD OF PRESENTATION:**    LECTURE X            SEMINAR            OTHER

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## METHOD OF EVALUATION:

Final Examination: 100%

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## COURSE DESCRIPTION:

The broad objectives of the course are to provide an illustration of the principles of administrative law in action, and to provide a working model that contrasts the advantages and disadvantages of a no-fault versus a fault-based compensation system.

Workers' compensation is often referred to as the "historic compromise" between workers and employers in Canada. It exists as a separate branch of law, provides an alternative no-fault system of injury compensation and operates on an administrative tribunal model. Its statute, regulations and policies represent the most comprehensive "policy of insurance" ever devised in Canada. Today, workers compensation is an essential and undeniable fact of economic life. More individuals and businesses in Canada are affected by workers' compensation than by tort. The objectives of this course are to provide both a theoretical understanding of the principles of workers' compensation and practical insight into how to advise and represent clients in this often complex but critical legal system. Topics to be covered in the course include:

- history and theory of workers' compensation in Canada;
- workers' compensation as an alternate remedy and the WCB's exclusive jurisdiction;
- the concepts of statutory immunity, work-relatedness, causation and subrogation;
- the claims process: adjudication, review and appeal;
- legal obligations relating to financing of the workers' compensation system;
- judicial review and judicial appeal in workers' compensation; and
- acting for workers, employers and other interested parties to an appeal, how to analyze a workers' compensation file, preparation of the written brief and appearing before the appeal tribunal.

Within the workers' compensation context, this course provides a hands-on introduction to the practicalities of an administrative law practice and the workings of an administrative tribunal, as well as real life insight into judicial review of administrative action.

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## \*SPECIAL COMMENTS:

EVENING CLASS:  
SPECIAL ATTENDANCE:  
OTHER:

**REQUIRED TEXTS (IF ANY):** Cases and Materials on Workers' Compensation (CD distributed by the instructors at no cost to students)