

## Car Accidents While at Work

In situations where you have been involved in a car accident while you were in the course of your employment, you may have a choice as to whether to elect WSIB benefits, or to commence a legal action through the courts. The election would depend on the circumstances of the collision.

As long as the other driver was not in the course of his or her employment, there is no concern about the right to sue. You would have the option to choose between suing the other driver, or pursuing your claim through the Workplace Safety and Insurance Board. However, things get complicated if the other driver was also in the course of his/her employment.

If both you and the other driver, were in the course of employment, and employed by a company that falls under Schedule 1 of the WSIA, the right to sue no longer applies, and you will have no choice but to pursue your claim through the WSIB.

However, if and the other driver were in the course of employment, and you were employed by a company that falls under Schedule 1, and the other driver employed by a company that falls under Schedule 2 (or vice versa), you may elect whether or not you wish to initiate a claim against that driver, or to pursue your claim through the WSIB.

It is important to understand the different benefits that are available to you through WSIB, as well as through the Statutory Accident Benefits Schedule. These systems differ in the level of benefits and compensation that may be available to you.

In such circumstances, it is always best to seek independent legal advice before making any elections, as it is difficult to reverse an election once one has been made.

If you have been involved in a car accident while at work, contact us today for a consultation regarding your legal rights and options.