

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Lawrence v. British Columbia (Workers' Compensation Appeal Tribunal)*,  
2025 BCCA 343

Date: 20251006  
Docket: CA49420

Between:

**Jamie Lawrence**

Appellant  
(Petitioner)

And

**Workers' Compensation Appeal Tribunal and  
the Corporation of the City of Nelson**

Respondents  
(Respondents)

Before: The Honourable Mr. Justice Groberman  
The Honourable Justice Fleming  
The Honourable Justice Riley

On appeal from: An order of the Supreme Court of British Columbia, dated  
September 28, 2023 (*Lawrence v. Workers' Compensation Appeal Tribunal*,  
2023 BCSC 1695, Nelson Docket 22398)

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Place and Date of Hearing:

Vancouver, British Columbia  
November 5, 2024

Written Submissions Received:

November 26, 2024;  
January 3, 2025; and  
March 11, 2025

Place and Date of Judgment:

Vancouver, British Columbia  
October 6, 2025

**Written Reasons by:**

The Honourable Mr. Justice Groberman

**Concurred in by:**

The Honourable Justice Fleming

The Honourable Justice Riley

**Summary:**

*The appellant worked as a powerline technician. He had disputes with co-workers over safety issues, and relations between him and other employees deteriorated. Eventually, he was suspended and then terminated by the employer. He made a prohibited action complaint to the Workers' Compensation Board ("WCB"), alleging that the employers' actions were connected to his complaints about safety and about bullying. He achieved partial success on that complaint.*

*The appellant filed a second claim with the WCB, alleging that bullying and harassment at work had caused him to develop a mental disorder. That claim was rejected by the WCB, and the result was upheld by the Workers' Compensation Appeal Tribunal ("WCAT"). It found that the appellant's mental disorder was not caused by either a "traumatic event" or by a "significant workplace stressor". The appellant was advised of his right to seek judicial review and of his separate right to seek reconsideration by the WCAT. He did not, at that time, file an application for judicial review. He did seek reconsideration by the WCAT, though his grounds fell outside the narrow reconsideration jurisdiction of the WCAT.*

*The appellant eventually sought judicial review. His petition was filed about three months late insofar as it challenged the reconsideration decision, but about three years late insofar as it challenged the original WCAT decision. He advised the court that his challenge was limited to the reconsideration decision. The judicial review petition was dismissed, and the appellant appealed.*

*Held: Appeal dismissed. The judicial review application challenged only the reconsideration decision, and it is not open to the appellant to use it as a vehicle for challenging the original WCAT decision. In any event, the grounds of appeal are not meritorious.*

**Reasons for Judgment of the Honourable Mr. Justice Groberman:**

[1] This is an appeal from the dismissal of a petition for judicial review brought in respect of a decision by the Workers' Compensation Appeal Tribunal (the "WCAT"). The issue before the WCAT was whether a diagnosed mental disorder suffered by the appellant was compensable. The WCAT found that it was not.

[2] The appellant did not seek judicial review of the decision within the time set out in the *Administrative Tribunals Act*, S.B.C. 2004, c. 45. After the time limit for judicial review had expired, however, he sought a reconsideration by the WCAT, which has limited statutory authority to reconsider or reopen its decisions. The WCAT found that the matter did not fall within the criteria for reconsideration or reopening.

[3] The appellant sought judicial review and was unsuccessful. He appeals to this Court.

**Background to the Case**

[4] The appellant, Mr. Lawrence, was employed as a powerline technician by the City of Nelson (the "City"), beginning in October 2015. His first few months on the job were satisfactory. In February 2016, the supervisor of Mr. Lawrence's crew ceased working for the City. For a time, there was no permanent supervisor, but after a few months, a new supervisor took over. Beginning in about June 2016, Mr. Lawrence started experiencing problems at work. For the most part, the problems stemmed from Mr. Lawrence's perception that electrical safety protocols were not being respected, but it appears that personality differences were also a factor.

[5] Mr. Lawrence described several situations in which co-workers treated him with a lack of respect. Overall, the situations he mentions appear to have been relatively minor, but they are indicative of persistent interpersonal conflicts at work.

[6] Mr. Lawrence also describes four “incidents” in his narrative, which were concerned with workplace safety.

[7] The first incident occurred on June 2, 2016. Mr. Lawrence says that a co-worker (identified as “Y”) began work without installing proper grounding. He says that co-worker cut two ungrounded wires, which fell close to Mr. Lawrence. Mr. Lawrence advised his manager of the issue a few days later, and the manager asked him to raise the issue at the weekly meeting. It appears that Mr. Lawrence and the other worker raised concerns about each other’s conduct at the meeting. There were heated exchanges between them. In the end, the employer brought in an outside expert to provide training on proper grounding procedures.

[8] The second incident described by Mr. Lawrence occurred on October 19, 2016. It also involved Y. According to Mr. Lawrence, Y began work without checking whether a power line was live and without using grounding chains. When Mr. Lawrence raised the issue, the other two workers on his crew remained silent and did not acknowledge the error.

[9] The third incident raised by Mr. Lawrence occurred on March 9, 2017, when his crew was involved in setting a three-phase pole. It appears that Mr. Lawrence did not participate in the job because of concerns about proper use of grounding chains. Another worker was present in his stead.

[10] The fourth, and most serious, incident occurred on March 16, 2017. Mr. Lawrence was assigned the role of “safety watch” on a job. He believed that the City’s trucks were not set up in the correct positions to perform the task. Mr. Lawrence raised the issue with his co-workers but was rebuffed. As work progressed, he observed that Y was in a position that was too close to a live power line. Mr. Lawrence says that he refrained from alerting him because he was afraid that if he spoke up it would be “a fatal distraction”.

[11] The WCAT observed that Mr. Lawrence's manager had taken contemporaneous notes to the effect that Mr. Lawrence told him he had not spoken up because Y "would not listen to him". The WCAT accepted that both explanations probably contributed to Mr. Lawrence's inaction.

[12] Following the fourth incident, Mr. Lawrence took a few days off work because he was beginning to have nightmares.

[13] Mr. Lawrence met with the City's general manager, but was told that his concerns should be raised, first, with his direct supervisor. He then had a meeting with his supervisor, which appears to have given Mr. Lawrence some confidence, albeit only for a short period.

[14] In the succeeding days, Mr. Lawrence felt that his co-workers and supervisor were treating him disrespectfully. He made a complaint to the City's Human Resources department alleging bullying. A meeting with the department was set up, in which Mr. Lawrence and Y were present. Mr. Lawrence described his perspective on the problem, and Y was then given an opportunity to speak. When Y spoke, he announced, abruptly, that he was quitting his employment, and then left the meeting.

[15] The following day, there was some discussion between Mr. Lawrence and his supervisor, who was upset about the situation. The supervisor noted that Mr. Lawrence was not wearing his safety glasses and raised that issue with him. Mr. Lawrence responded that his supervisor should "write him up". Thereafter, Mr. Lawrence was suspended by the general manager for insubordination. The general manager wrote a letter in the following terms:

The current workplace situation is untenable from a productivity, moral and safety perspective. The common element in this multitude of workplace tensions with several people is your communication pattern including lack of appropriate communication which has led to several safety concerns.

[16] As a result of his suspension, Mr. Lawrence commenced a "prohibited action complaint" on April 24, 2017, alleging that he had been suspended for raising safety and bullying concerns. A representative of the Workers' Compensation Board

(the "WCB") arranged for a meeting between Mr. Lawrence and his employer with a view to resolving the situation. The meeting took place on May 11, 2017. During the meeting, Mr. Lawrence became upset, began shaking uncontrollably, and left. The employer was concerned enough to contact the local police and ask them to do a wellness check on Mr. Lawrence. Mr. Lawrence did not return to work, and on May 19, the employer terminated him on the basis that he had abandoned his employment.

[17] Meanwhile, on April 27, 2017, Mr. Lawrence had filed a second claim with the WCB, seeking compensation for a mental disorder under what is now s. 135 of the *Workers Compensation Act*, R.S.B.C. 2019, c. 1:

135 (1) ... [A] worker is entitled to compensation for a mental disorder, payable as if the mental disorder were a personal injury arising out of and in the course of a worker's employment, if that mental disorder does not result from an injury for which the worker is otherwise entitled to compensation under this Part, and only if all of the following apply:

- (a) the mental disorder is either
  - (i) a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or
  - (ii) predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment;
- (b) the mental disorder is diagnosed by a psychiatrist or psychologist as a mental or physical condition that is described, at the time of diagnosis, in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;
- (c) the mental disorder is not caused by a decision of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment.

[18] The claim was denied by a WCB case manager on June 5, 2017. She noted that, at that time, the mental disorder had not been diagnosed as required by s. 135(1)(b). She also considered that the evidence disclosed neither a "traumatic event" nor "significant work-related stressors".

[19] Mr. Lawrence sought review of the decision by the Review Division, which rejected the claim on December 12, 2017.

[20] Mr. Lawrence appealed the decision to the WCAT. The WCAT panel (consisting of a single Vice Chair) held an oral hearing on September 5, 2018. At that hearing, it accepted new evidence and heard several witnesses. After the hearing, the Vice Chair received extensive submissions from the parties. On March 25, 2019, she provided her decision, rejecting the appeal.

[21] The Vice Chair accepted, based on the report of a psychologist, that a medical diagnosis was in place, and that Mr. Lawrence suffered from a mental disorder connected to his difficulties at work. After referring extensively to Mr. Lawrence's own evidence, she concluded that none of the events he described had been "emotionally traumatic", though she accepted that he found them troubling and frustrating. She concluded that the claim would stand or fall on the question of whether there had been "significant workplace stressors". In doing so, she concentrated her analysis on the allegations of harassment and bullying that Mr. Lawrence had raised.

[22] The Vice Chair concluded that the statutory requirements for a harassment complaint had not been made out. While she accepted that there had been workplace difficulties and interpersonal conflict, she rejected the proposition that those stressors exceeded the normal pressures and tensions of a workplace.

[23] The Vice Chair also addressed the question of whether Mr. Lawrence's dismissal from employment constituted a "significant workplace stressor". She concluded that a mental disorder claim could not be based on the termination because termination from employment was excluded as a basis for a mental disorder claim under s. 135(1)(c) of the *Workers Compensation Act*.

[24] The WCAT has limited powers to reconsider its decisions, though the grounds for such reconsideration are limited to "narrow jurisdictional errors", as described in *Fraser Health Authority v. Workers' Compensation Appeal Tribunal*,

2014 BCCA 499, appeal on this issue dismissed 2016 SCC 25. Mr. Lawrence applied for reconsideration on November 18, 2019. In accordance with usual practice, the reconsideration was undertaken by the same Vice Chair who had written the original decision. She correctly described the scope of reconsideration as follows:

[19] There are two jurisdictional errors that the WCAT has the power to cure (fix). These are described in item 20.2.2 of the WCAT's *Manual of Rules of Practice and Procedure* (MRPP). The first is a breach of the duty of procedural fairness. As a tribunal, the WCAT has a duty of procedural fairness which has four elements:

- The right to be heard.
- The right to a decision from an unbiased decision-maker.
- The right to a decision from the person who heard the case.
- The right to reasons for the decision.

[20] A failure to provide any of these constitutes a breach of the duty of fairness owed by the tribunal to those who come before it.

[21] The second is a jurisdictional defect, sometimes referred to as a narrow jurisdictional error. This occurs where the tribunal decides a matter that it had no power to decide or fails to decide a matter that it was required to decide.

[22] A reconsideration decision is not a rehearing or re-deciding of the matter that was under appeal in the original decision. In other words, in a reconsideration decision the panel cannot entertain arguments that the original decision was wrong because the panel weighed the evidence improperly or reached the wrong conclusion on the basis of the evidence that was before the panel and which resulted in the decision.

WCAT Decision No. A2000239, issued April 22, 2022.

[25] Mr. Lawrence did not have genuine grounds for reconsideration. He alleged a breach of procedural fairness, arguing that the Vice Chair was biased, but solely on the basis that the Vice Chair had not agreed with his arguments. The argument was rejected.

[26] In addition to the ability to reconsider a decision for jurisdictional error, the WCAT has the power to reconsider based on new evidence of a substantial nature that was not reasonably available at the time of the original hearing. Mr. Lawrence sought reconsideration on that ground, as well, but the Vice Chair was

not satisfied that the evidence tendered by Mr. Lawrence met the requirements for fresh evidence.

[27] Mr. Lawrence's original complaint, the "prohibited action complaint," was accepted as valid by the WCB on March 6, 2018. While it found that Mr. Lawrence's complaints of bullying and safety violations did not play a role in his suspension, it found that his termination on the basis that he "abandoned his employment" was influenced, to some extent, by the fact that he had raised concerns about safety and bullying. Ultimately, the prohibited action complaint reached the WCAT. It upheld the findings of WCB, and also found that Mr. Lawrence's dismissal had given rise to mental health consequences, for which it awarded compensation. Because the prohibited action complaint was not the subject of Mr. Lawrence's petition for judicial review that is now under appeal, nothing more needs to be said about it.

### **The Scope of the Judicial Review Application**

[28] Unfortunately, the manner in which this appeal comes before this Court leaves a great deal to be desired and limits the proper scope of the appeal. The appellant represented himself in the court below. It is apparent that he did not appreciate the limits of the court's jurisdiction in judicial review and did not give much consideration to the basis upon which he was seeking relief.

[29] The appellant is now represented by counsel, and wishes, on this appeal, to raise issues that might properly have been raised before the WCAT or on the judicial review, but were not. In my view, the Court must respectfully decline to engage in the sort of review that the appellant seeks. This Court will not ordinarily entertain new arguments on appeal or allow a party to resurrect matters on appeal that have been abandoned in the court below. The orderly functioning of the judicial system demands, except in extraordinary circumstances, that matters be raised properly before administrative tribunals and in the court below.

[30] This is particularly the case in judicial review proceedings. Judicial review is a limited remedy, engaging the supervisory authority of the Superior Courts over the work of administrative officials and tribunals. It is not a free-standing mechanism by

which the courts take it upon themselves to administer complex administrative schemes.

[31] To this end, the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241 sets out the powers of the Supreme Court in judicial review proceedings, and the requirements for a judicial review petition.

[32] Section 2(2) of the statute sets out the types of relief available on judicial review:

**2 ...**

- (2) On an application for judicial review, the court may grant any relief that the applicant would be entitled to in any one or more of the proceedings for:
  - (a) relief in the nature of mandamus, prohibition or certiorari;
  - (b) a declaration or injunction, or both, in relation to the exercise, refusal to exercise, or proposed or purported exercise, of a statutory power.

[33] Section 14 of the *Judicial Review Procedure Act* requires an application for judicial review to set out “the ground upon which relief is sought and the nature of the relief sought”.

[34] The petition set out a long list of relief being sought by the appellant, almost none of which fell within the scope of s. 2(2) of the *Judicial Review Procedure Act*. Indeed, even taking a generous approach to the petition, the only relief claimed that was available by way of judicial review was “an order setting aside all WCAT decisions based on a fundamental abuse of their jurisdictional authority by knowingly making findings based on manufactured evidence”.

[35] The appellant’s pursuit of that relief was doomed to fail, as there was no basis for the suggestion that the WCAT had acted in bad faith or made findings based on “manufactured evidence”.

[36] The judge on judicial review commented on the deficiencies in the petition:

[68] It is difficult to identify and succinctly state the grounds upon which Mr. Lawrence submits that the Reconsideration Decision should be judicially reviewed. In part, this is because, in his petition for judicial review, Mr. Lawrence was seeking to judicially review all of WCAT's decisions. Further, he sought a wide range of orders, most of which are not legally open to this court to order on a judicial review...

...

[70] The task of identifying the grounds for judicial review is also rendered challenging by the manner in which Mr. Lawrence addressed his submissions in his "petition factum" and in his oral submissions to the court. Mr. Lawrence is self-represented, and he continues to experience mental health challenges. He says, and I accept, that this made it difficult for him to frame his submissions.

[71] At the hearing of this judicial review, Mr. Lawrence clarified that he was only seeking judicial review of the Reconsideration Decision...

...

[78] Considering Mr. Lawrence's petition, his petition factum, and his oral submissions against this statutory framework, I would attempt to summarize the grounds upon which he seeks judicial review of the Reconsideration Decision as follows:

[79] [

- ] WCAT's Reconsideration Decision was inconsistent with its decision accepting the Prohibited Action Complaint and therefore patently unreasonable;
- WCAT's decision that Mr. Lawrence's mental disorder was not caused by a traumatic event or significant work-related stressors within the meaning of s. 135(1)(a)(i) or (ii) of the *Act* was patently unreasonable;
- WCAT's reliance on Mr. Lawrence's "general characteristics" was patently unreasonable as the characteristics relied upon were irrelevant;
- WCAT's decision to "overrule" Dr. Martzke's medical report with respect to causation was patently unreasonable;
- WCAT interpreted the management exclusion clause in s. 135(1)(c) of the *Act* in a manner that was patently unreasonable;
- WCAT breached the duty of procedural fairness in that both WCAT, as an institution, and the Vice Chair, were biased against Mr. Lawrence due to their relationship with the City's legal counsel's law firm;
- The assignment of the same Vice Chair who had decided the Original Decision to decide the reconsideration application gave rise to a reasonable apprehension of bias;

- WCAT's failure to consider the City's alleged "perjury" breached procedural fairness or resulted in a patently unreasonable decision; and
- WCAT breached procedural fairness or otherwise erred in dealing with Mr. Lawrence's application to adduce new evidence.

[37] It is difficult to interpret the petition as having actually raised those various grounds of judicial review, though the judge addressed each of them in her reasons. To the extent that those issues concern the WCAT's reconsideration decision, I accept that we ought to proceed on the basis that they are properly before the Court on appeal.

[38] I would not, however, accede to the suggestion that by addressing each of those issues in her judgment, the judge effectively gave the appellant the right to challenge, in addition to the WCAT's reconsideration of April 22, 2022, the original decision released on March 25, 2019.

[39] Section 57 of the *Administrative Tribunals Act*, which is applicable to the WCAT, sets out the time limit for the commencement of a judicial review proceeding:

- 57** (1) Unless this Act or the tribunal's enabling Act provides otherwise, an application for judicial review of a final decision of the tribunal must be commenced within 60 days of the date the decision is issued.
- (2) Despite subsection (1), either before or after expiration of the time, the court may extend the time for making the application on terms the court considers proper, if it is satisfied that there are serious grounds for relief, there is a reasonable explanation for the delay and no substantial prejudice or hardship will result to a person affected by the delay.

[40] The petition in this matter was filed on September 16, 2022, less than three months beyond the limitation period for judicial review of the reconsideration decision. That date, however, was over three years after the expiry of the limitation period for judicial review of the original decision.

[41] In his submissions, Mr. Lawrence notes that the existence of a right to have a tribunal reconsider its decision does not preclude judicial review of the original decision in respect of matters falling outside the tribunal's reconsideration powers. I agree with that proposition. As this Court noted in *Beaudoin v. British Columbia (Attorney General)*, 2022 BCCA 427 (citing *Yellow Cab Company Ltd. v. Passenger Transportation Board*, 2014 BCCA 329), in such cases the right to reconsideration is not construed as an adequate alternative remedy to judicial review. A party will have both a right to reconsideration of some aspects of a decision, and a right to seek judicial review of other aspects of it.

[42] I agree, however, with the reasoning of Justice Bruce in *Vause v. Spectra Energy Midstream Corporation*, 2009 BCSC 916, that the limitation period for judicial review is not extended simply because a litigant makes a request that a tribunal reopen or reconsider its decision:

[53] Section 57 of the Act provides that a judicial review application in respect of a "final decision" of a tribunal must be commenced within 60 days of the date of that decision. ... I am satisfied that a "final decision" is not restricted to a decision that has been the subject of an application for reconsideration and a further order of the Board under s. 26(2) of the *Petroleum and Natural Gas Act*. A "final decision" includes any decision of the Board that is not an interim order or an order that is otherwise subject to confirmation by some subsequent act or step taken by the Board.

[54] Accordingly, it is the date the original decision is issued that triggers the statutory limitation period for judicial review rather than an application for an internal review or reconsideration of that decision. While a review decision may be the subject of a judicial review proceeding, I agree with Spectra's submission that neither the issuance of such a decision, nor the filing of an application for reconsideration, resurrects the time limits applicable to the original order of the Board.

[55] It was not the intention of the Legislature to create a never ending opportunity for judicial review of administrative decisions. By restricting the time limit to 60 days, s. 57 clearly directs the court to ensure litigants proceed promptly with their judicial review applications. As Huddart J.A. says in *Speckling* [*Speckling v. British Columbia (Labour Relations Board)*, 2008 BCCA 155] at para. 16:

The rationale for requiring timely applications for judicial review rests on the need to balance the justice of an individual applicant's complaint about an exercise of statutory power of decision with the need to preserve the integrity of the administrative scheme, make efficient use of judicial resources, avoid a multiplicity of proceedings, and avoid prejudice to any other person.

[43] In the case before us, the Supreme Court judge considered that she should extend the limitation period for judicial review of the reconsideration decision, on the basis that the brief delay was explained and that the respondent was not prejudiced by it. Nothing in her reasons would justify the lengthier delay from the pronouncement date of the original decision.

[44] In contrast to the situation of the reconsideration decision, the delay in seeking review of the original decision is largely unexplained. Further, unlike the reconsideration decision, which was based on written submissions, the original decision was taken after an oral hearing, which took place in September of 2018, and on an assessment of the evidence of witnesses. It would be effectively impossible, at this stage, to reconvene a hearing into the matters decided in the original decision. Witnesses' memories will have faded, and remedies that might have been available to the tribunal in 2019 (such as reinstatement of the appellant to his employment) are much less practical given the long delay. In my view, the prejudice in allowing the judicial review to address the original decision precludes an extension of the limitation period.

[45] In reaching this conclusion, I have considered whether Mr. Lawrence's status as a self-represented litigant could serve as a reasonable explanation for the delay in bringing a judicial review application, such that the Court might extend the time limit under s. 57(2) of the *Administrative Tribunals Act*. In that regard, I note that material provided to Mr. Lawrence with the original decision comprehensively set out his right to judicially review the decision and his separate right to seek reconsideration. In clear language, it described the limitation period and explained that seeking reconsideration did not extend the time for judicially reviewing the original decision. Mr. Lawrence's decision not to seek judicial review of the original decision was made with full knowledge of the limitation period, and of the limited scope of the WCAT's jurisdiction to reconsider its decisions.

[46] Counsel for Mr. Lawrence argues that Mr. Lawrence's statement to the trial judge that he was only challenging the reconsideration decision was ambiguous, and should not be taken to preclude a challenge, at this stage, to the original decision. After considering his supplementary submissions concerning the exchange between the chambers judge and Mr. Lawrence during the hearing of his petition, I do not agree that there was any ambiguity in Mr. Lawrence's position.

[47] Counsel for Mr. Lawrence also refers to *Rahman v. Windermere Valley Property Management Ltd.*, 2022 BCCA 258, and suggests that the judge ought to have rejected Mr. Lawrence's assertion that he intended to judicially review only the reconsideration decision. The difficulty is that Mr. Lawrence's materials were seriously defective, and he was well out of time to judicially review the initial decision. The judge was not undermining his position by allowing him to challenge the reconsideration decision; rather she was granting him an indulgence.

### **Stated Grounds of Appeal**

[48] Mr. Lawrence raises four grounds of appeal, which he expresses as follows:

- a) WCAT failed to address a fundamental issue before it — whether the Safety Concerns were significant stressors — and thus breached its duty of procedural fairness.
- b) In the alternative, it was patently unreasonable for WCAT to conclude that the Safety Concerns were not significant stressors in light of its own findings and the accepted evidence.
- c) Further and in the alternative, contrary to the jurisprudence, WCAT applied an objective test in determining whether there were significant stressors, which is patently unreasonable.
- d) Further and in the alternative, it was patently unreasonable for WCAT to find that the illegal termination of Lawrence's employment, which resulted from his raising of safety concerns, was shielded by the "labour relations exclusion".

[49] I am not persuaded that any of these grounds arise out of the reconsideration decision. Rather, each of them seeks to challenge the Vice Chair's original decision, which was not in any way modified by her subsequent decision, which merely found that there were no grounds to reconsider the matter.

[50] In the result, I agree with the City's contention that these arguments cannot properly form part of this appeal.

[51] I would comment, further, that grounds "a" and "b" were not raised in the initial complaint to the WCB. While the complaint mentions safety issues, it does not suggest that those issues, in and of themselves, constituted either traumatic events or significant workplace stressors. Rather, the allegations were that co-workers' reactions to Mr. Lawrence's complaints were responsible for his mental disorder.

[52] With respect to ground "c", in her original decision the Vice Chair expressly considered cases such as *Plesner v. British Columbia Hydro and Power Authority*, 2009 BCCA 188 and *Cima v. Workers Compensation Appeal Tribunal*, 2016 BCSC 931. While *Atkins v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2018 BCSC 1178, which is relied on by Mr. Lawrence on this appeal, was not cited to the Vice Chair, I am satisfied that her analysis was consistent with it. In finding that the interpersonal difficulties between Mr. Lawrence and his co-workers did not rise to the level of being "significant workplace stressors", the Vice Chair carefully considered the evidence of Mr. Lawrence as well as objective factors. The evaluation of that evidence was a matter for the tribunal. Its conclusions do not appear to be patently unreasonable.

[53] The final ground of appeal, dealing with the labour relations exception is, in my view, more complex. The issue has not been fully explored in the jurisprudence and has not been a major focus of this appeal. Given that I have concluded that the matter is unrelated to the reconsideration decision, it is my view that it would be unwise to comment on it further in this case.

### **Conclusion**

[54] The chambers judge properly accepted Mr. Lawrence's agreement that the judicial review application was confined to issues arising out of the reconsideration decision. Mr. Lawrence raised a number of issues in respect of it, none of which had any substance.

[55] On this appeal, Mr. Lawrence is represented by counsel, and, understandably, they wish to put his case as strongly as they can. Unfortunately, there is simply no sustainable ground of appeal arising out of the reconsideration decision. In the result, they have cast through the original decision in search of arguable issues. In my view, it is far too late to make arguments about the original WCAT decision (including arguments not even raised before the Vice Chair).

[56] In the result, I would dismiss the appeal.

“The Honourable Mr. Justice Groberman”

I AGREE:

“The Honourable Justice Fleming”

I AGREE:

“The Honourable Justice Riley”