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The Superior Court Overturns the Decision of the Commission des lésions professionnelles: the Reduction of the Income Replacement Indemnity at Age 65 is not Discriminatory

September 1, 2011

On March 18, 2010, the Commission des lésions professionnelles (“CLP”), in the case of *Côté et Traverse Rivière-du-Loup*, declared invalid section 56 of *An Act respecting industrial accidents and occupational diseases* (the “AIAOD”). It found that the section was discriminatory because it contravenes with section 10 of the *Charter of human rights and freedoms* and section 15 of the *Canadian Charter of Rights and Freedoms*.

Section 56 AIAOD provides for a reduction of the income replacement indemnity on the worker’s 65th birthday or beginning in the second year following the date of the start of the disability where the em¬ployment injury occurs when the worker is 64 years of age or older.

The decision of the CLP was reversed by the Superior Court (2011 QCCS 610) in a judgment concluding that section 56 of the AIAOD does not contravene the Canadian and Quebec Charters.

The proposed bulletin reviews the reasons for this judgment, which is now appealed before the Supreme Court.

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