

Supreme Court Reaffirms Workers Compensation Exclusivity

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Workers compensation has been described as a bargain in which an employee who has suffered a workplace injury relinquishes potentially large common-law tort damages in exchange for relatively quick and certain compensation provided by workers compensation insurance. This principle is known as the exclusivity rule. In the recent case of [Velecela v. All Habitat Services, LLC](#), 322 Conn. 335, decided on August 9, 2016, the Connecticut Supreme Court reaffirmed a broad interpretation of the exclusivity rule.

The tort claim in [Velecela](#) was for bystander emotional distress, which allows damages for emotional distress occurring when a family member witnesses the injury or death of a loved one due to the negligence of another. The tragic circumstances of [Velecela](#) were that the plaintiff's husband, an auto mechanic, was killed when struck by a vehicle which fell from a repair shop lift, and the plaintiff herself, coming to the workplace to deliver her husband's lunch, discovered the body. The plaintiff received funeral expenses and survivors benefits under the workers compensation policy, but sued for additional damages for emotional distress.

The Supreme Court held that the bystander emotional distress claim arose out of the death of an employee in the course of employment, and was therefore subject to the exclusivity rule. The Court affirmed a grant of summary judgment by the trial court in favor of the employer. The Court held that the "sweeping language" of the workers compensation exclusivity provision barred derivative actions brought by the dependents of the employee.

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