City’s Conviction for OHS Violations Overturned & New Trial Ordered



During a highway inspection, three employees were hit by an out-of-control vehicle. One was killed; the other two were injured. The Department of Transportation and Works and the city of St. John’s were convicted of seven OHS violations. They appealed. The appeals court overturned the conviction and ordered a new trial. The appeals court found that it was an error of law for the trial judge to conclude that, without more, the car’s striking the employees in the course of their road inspection was *prima facie* proof of any of the offences charged and this error was magnified when the same reasoning was applied to seven different offences, each with its own different elements, but which elements weren’t identified by the trial judge [*R. v. St. John’s (City)*, [2016] CanLII 28455 (NL SCTD), May 16, 2016].