

Company Owner Must Go to Trial on Criminal Negligence Charges



A truck driver was operating a tractor-trailer on his company's behalf when he was involved in a collision that killed the other driver. The Crown charged the driver and the company's owner with criminal negligence causing death. It claimed the driver fell asleep at the wheel because he was fatigued due to violating regulations on rest periods. The Crown accused the owner of encouraging and facilitating his violations with willful blindness to the consequences. The owner asked the court to dismiss the charges against him. The court refused, ruling that there was evidence on which a reasonable jury could convict the owner. He was the company's 'directing mind' and thus responsible for the operation of its vehicles and drivers. There was evidence the driver was tired and had fallen asleep, causing the accident. And there was evidence the owner had paid the driver for entire trips made in violation of regulations and that he had a suspicion the driver was too tired [*R. v. Fummerton*, [2016] O.J. No. 925, Feb. 18, 2016].