

Court to OHS Prosecutor: Your Charge Is Too Vague



A vehicle rental company claimed that the OHS charge against it was so vague that it didn't even know what it was accused of. The exact wording:

On or about July 11, 2014, at or near Calgary, Alberta, being an employer, did fail to ensure, as far as it was reasonably practicable to do so, the health and safety of Phillip Chapman, a worker engaged in the work of that employer, contrary to Section 2(1)(a)(1) of the Occupational Health and Safety Act, R.S.A. 2000, Chapter 0-2, as amended.

The court agreed that the wording was hopelessly vague and ordered the Crown to furnish the particulars about the 'specific act or omission' so the company would know what it was charged with and prepare its defence [*R v The Driving Force Inc.*, 2017 ABPC 265 (CanLII), Nov. 8, 2017].