

# Delays from Botched Investigation Don't Justify Dismissing OHS Charges



According to the Canadian Supreme Court, the maximum delay between an OHS charge and the start of trial is 18 months. Delays longer than that deprive defendants of a fair trial. So after a series of missteps by Dept. of Labour investigators resulted in a delay of 32 months, a construction company asked the court to dismiss all charges. But the court refused. The company's lawyers consented to a big chunk of the delay; and the balance of the delay was due to exceptional circumstances. Subtract these resulting delays from the equation and the trial began just under the 18-month deadline, the court reasoned [[\*R v. Aecon Construction Group Inc.\*](#), 2017 NSPC 61 (CanLII), Nov. 14, 2017].