

Request for Particulars in Electrocution Case Denied



After a worker was electrocuted, his employer was charged with two OHS violations, including a violation of the general duty clause and failing to ensure an electrical installation was serviced, repaired or dismantled in accordance with the latest version of CSA C22.1. The employer asked the court to order the Crown to provide particulars of the offences so it would know what reasonable precautions the Crown claims it should've taken. The court refused. An order for particulars will unreasonably restrict the Crown's prosecution. The court said it failed to see how the employer didn't know the case it's facing. The legal issues and the evidentiary basis of the Crown's case aren't "obscure, complex, confusing or vague." The employer will be able to defend itself on the basis of the information it has in hand without particulars and thus its fair trial rights aren't in jeopardy, concluded the court [*R. v. R.D. Longard Services Ltd.*, [2014] NSPC 100 (CanLII), Dec. 4, 2014].