Solicitor-Client Privilege Doesn’t Make Entire Investigation Record Off-Limits



An energy company refused to give OHS officials any materials from its internal investigation of a worker’s death claiming that they were privileged since the investigation was made by a lawyer in contemplation of litigation. After nearly 3 years of ping-ponging around in judge’s chambers, the Alberta high Court ruled in the government’s favour. Although the solicitor-client privilege did apply, not *all of the material* related to the investigation was necessarily privileged. Each document and bundle of materials had to be assessed individually to determine if it was shielded by the privilege [*Alberta v Suncor Inc*, 2017 ABCA 221 (CanLII), July 4, 2017].