

## **BILL C-45**

### **PARLIAMENT PASSES BILL C-45: STRONGER LAWS AFFECTING THE CRIMINAL LIABILITY OF ORGANIZATIONS**

**OTTAWA, October 31, 2003** - The Honourable Martin Cauchon, Minister of Justice and Attorney General of Canada, today welcomed the passage of Bill C-45. This legislation, which helps ensure organizations are held accountable when they commit criminal offences, has passed both the House of Commons and the Senate and is expected to receive Royal Assent in the near future.

"We have taken a major step toward ensuring employers will be held responsible for criminally negligent acts in the workplace," said Minister Cauchon. "This legislation sends a strong message that all employees deserve such vital protection under the law."

The provisions of Bill C-45 were first outlined in the Government's November 2002 response to the 15<sup>th</sup> Report of the House of Commons Standing Committee on Justice and Human Rights on workplace safety and corporate liability, a review prompted by the Westray mine disaster in Nova Scotia.

The legislation would make organizations criminally liable:

- As a result of the actions of senior officers who oversee day-to-day operations but who may not be directors or executives;
- When officers with executive or operational authority intentionally commit, or direct employees to commit, crimes to benefit the organization;
- When officers with executive or operational authority become aware of offences being committed by other employees but do not take action to stop them; and
- When the actions of those with authority and other employees, taken as a whole, demonstrate a lack of care that constitutes criminal negligence.

The legislation also imposes a legal duty on all those who direct work, including employers, to take reasonable measures to protect employee and public safety. Wanton or reckless disregard of this duty causing death or bodily harm would result in a charge of criminal negligence.

Bill C-45 modernizes the law on the criminal liability of organizations to reflect the increasing complexity of today's corporate structures. The term "organization" refers to a variety of group structures, including a public body, a company or partnership.

A Plain Language Guide to Bill C-45 is available on the Department of Justice Web site at: <http://canada.justice.gc.ca/en/dept/pub/c45/index.html>.

**NOTE: "Industry News", this excerpt was copied from the Department of Justice "News Room" site, for further information click on the above address.**