

**VICTIM IMPACT STATEMENT – OCCUPATIONAL HEALTH & SAFETY ACT
GUIDELINES**

Revised May 31, 2018

Preparation of a Victim Impact Statement is completely voluntary.

When submitted by a victim, the Statement is to be written in their own words.

A Victim Impact Statement gives you the chance, at the time of the accused’s sentencing hearing, to tell the Court about how the offence has affected your life. If a Victim Impact Statement is filed with the Court, it is one of the factors which will be considered by the Judge in deciding on the sentencing hearing. Your comments should be directed to the Judge, not the accused. Information about admissible and inadmissible content is included on the form.

The Victim Impact Statement should only include information about the harm done to you, or the loss suffered by you as a victim of the offence(s) for which the accused was convicted. The Victim Impact Statement should not include facts about the case, comments/criticisms about the accused’s character or expressions of vengeance. Opinions on the sentence to be given should not be provided, except with the Court’s approval. If the statement contains information other than the impact of the offence on a victim writing the statement, some or all of the statement may not be considered by the Court. Inadmissible parts of the statement, as determined by the Judge, may be removed and not read into the court record.

The person completing the Victim Impact Statement may be called upon to testify in Court and be asked questions about the statement. If the Victim Impact Statement is written before the accused has been convicted, the statement and any notes made in writing it, may be asked for as evidence in the Court proceedings.

The Victim Impact Statement is not confidential. The accused and/or their lawyer will receive a copy of the statement. Once the Victim Impact Statement has been given to the Court, it becomes a public document. The Court may give a copy to the general public upon request.

Upon request, a person may be permitted to read the statement in Court, or from behind a screen, or outside of the Courtroom, to have a support person close by, or to present the statement in any other manner that the Court considers appropriate. When the statement is presented by a victim or someone acting on the victim’s behalf, that individual may be able to have with them a photograph of the victim taken before the offence occurred, if the Judge decides the hearing would not be disrupted. It is recommended that the Court be advised well in advance of the sentencing hearing date about these requests. Please be aware that these types of requests are not specified rights or guaranteed provisions, as Occupational Health & Safety violations are not Criminal Code offences, so the acceptance of Victim Impact Statements, the opportunity to read Victim Impact Statements or any other requests in these cases will be the decision of the Judge. If you would like to read your statement, you should check the box on the form indicating “I would like to present this statement in court”.

The following definition of victim may be considered relevant in relation to Victim Impact Statements as determined by the presiding Judge: “victim” means a person against whom an offence has been committed, or is alleged to have been committed, who has suffered, or is alleged to have suffered, physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of the offence and may include a person who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of an offence against any other person.

At the discretion of the presiding Judge, any of the following individuals may act on the victim’s behalf if the victim is dead or incapable of acting on their own behalf: (a) the victim’s spouse, or if the victim is dead, their spouse at the time of death; (b) the victim’s common-law partner, or if the victim is dead, their common-law partner at the time of death; (c) a relative or dependant of the victim; (d) an individual who has in law or fact custody, or is responsible for the care or support, of the victim; and (e) an individual who has in law or fact custody, or is responsible for the care or support, of a dependant of the victim.

The Victim Impact Statement should be written on the Victim Impact Statement Form developed in relation to Occupational Health & Safety Act offences and returned to your local Victim Services office. It must be signed and dated. If you are writing and signing the form on the behalf of a victim, then your first and last name and your relationship to the victim and/or crime should be printed clearly in the space provided on the form and it must be signed and dated twice. The Victim Services office will file the statement with the Court. Once it has been filed with the Court, it cannot be taken back. If you write your statement before the accused is convicted and/or there is a long period between filing the Victim Impact Statement with the Court and the accused’s sentencing hearing, please consult with the Victim Services office if you want to ask about updating your statement.