Ask The Expert: Do OHS Inspectors Need a Search Warrant?



QUESTION

Do we have to let an OHS inspectors into our plant if they don't have a search warrant' We're in Ontario.

ANSWER

100% yes!

EXPLANATION

The rule is the same in all parts of Canada: OHS inspectors don't need a search warrant to carry out an inspection, which includes entering the facility, interviewing company personnel, taking samples, etc. So, refusing to allow them to do their job because they don't have a warrant is a form of obstruction that can you into deep trouble.

Exception: The one time where inspectors do need a search warrant is when they they're carrying out a criminal investigation rather than an OHS inspection. The problem is

that it’s difficult to recognize when an inspection crosses the line into an investigation. That’s why it’s so important to have trained legal counsel represent you during the process.