

OK to Use Surveillance Tape to Prove Worker Faked Her Injuries



An avionics installation worker got fired for faking the injuries she supposedly suffered as a result of slipping on black ice in the company parking lot. Exhibit A was the surveillance video showing the worker engaging in physical activity that a person with her reported injuries wouldn't be capable of doing. The union claimed that the tape was inadmissible and the punishment was too harsh, but the Québec arbitrator disagreed. The worker's long absence, costly workers comp claims and apparent inconsistencies in her story were compelling reasons to perform the surveillance; and the employer was justified in concluding that faking a serious injury irreparably breached the trust on which the employment relationship is based [*Unifor, Local 62 c Bombardier Inc. (Laurent Beaudoin Finishing Center)*, 2022 CanLII 78224 (QC SAT), August 16, 2022].

Action Point: Find out how privacy laws affect workplace safety