Videotaping of Safety Violations at Construction Site Upheld



After getting an anonymous call, CSST inspectors went to a construction site and filmed the workers. The employer was later convicted of safety violations. It appealed, arguing that by videotaping the site, the inspectors engaged in a criminal investigation. The appeals court ruled that whether the inspectors were actively searching for evidence for criminal purposes was a question of fact, which had to be left to the trial judge. And even if the employer was right, it wouldn't have affected the case's outcome. When workers are on a construction site, they can be seen by anyone passing through the neighborhood. And even if the video evidence was excluded, the investigators would still be able to testify about the violations they'd seen. So the appeals court found that there wasn't an error of law in the trial court's decision [*Construction Canadienne 2000 inc. c. Commission de la santé et de la sécurité du travail*, [2012] QCCA 333 (CanLII), Feb. 15, 2012].