

**Operational
Policy**Section
ComplianceSubject
Surveillance

Policy

The WSIB has a duty to hear, examine, and decide issues under the *Workplace Safety and Insurance Act, 1997 (WSIA)* or the *Workers' Compensation Act, 1990 (the Act/WCA)*, and may use surveillance to gather evidence for this purpose.

A director in [Regulatory Stakeholder Compliance Services](#) must approve the use of surveillance in every case.

Purpose

[The purpose of this policy is to outline the meaning of surveillance, when the WSIB may use surveillance and when access to surveillance may be granted.](#)

Guidelines

Surveillance involves discreetly observing one or more subjects. It may also involve the use of audiotape, video, film, and/or photographs. For information about which WSIB staff may view or listen to surveillance recordings, [refer to see 11-01-08, Audio/Visual Recordings](#).

If a surveillance recording is made, that recording is transcribed and the transcript is added to the claim or employer file.

When there is an issue in dispute, the parties have full access to the surveillance recording and/or the transcript. However, if an inquiry by the operating area, or the [Regulatory Stakeholder Compliance Services/ Legal Services](#) investigation is underway, access will not be granted until the inquiry or investigation is completed. ~~(See Refer to 21-02-012, Access to Claim File Information—Disclosure of Claim File Information (Issue in Dispute).)~~

Application date

This policy applies to all decisions made to use surveillance on or after ~~September 1, 1997~~ [December 5, 2024](#), for all accidents.

Document History

This document replaces [22-01-09](#) dated ~~April 6, 2001~~ [October 12, 2004](#).

[This policy was previously published as: 11-02-06 dated April 6, 2001.](#)

References

Legislative Authority

Workplace Safety and Insurance Act, 1997, ~~as amended~~

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Section 131

Workers' Compensation Act, ~~R.S.O.~~ [Revised Statutes of Ontario](#) 1990, ~~as amended~~
Section 72

Minute Approval

Board of Directors
#5, May 8, 1997, Page 5972

~~Administrative~~
~~#6, June 18, 2004, Page 372~~