

Ask The Expert – Access to Personnel Files



Employers are often asked whether employees have the right to access documents contained in their personnel file, including performance evaluations.

The answer depends on the jurisdiction, the type of employer, and whether any workplace policies, collective agreements, or legal proceedings apply.

QUESTION

Is an employer required to provide performance review documents to an employee from their personnel file?

ANSWER

Whether an employer is required to provide performance review documents from an employee's personnel file depends on the jurisdiction and the type of employer. In federally regulated workplaces and in provinces such as British Columbia and Alberta, privacy legislation generally gives employees the right to access their personal information, which can include performance reviews, subject to limited exceptions. In unionized workplaces, collective agreements often contain provisions allowing employees to review or obtain copies of documents in their personnel file.

EXPLANATION

Personnel files often contain sensitive personal information, including performance evaluations, disciplinary records, attendance documentation, and investigation materials. In federally regulated workplaces, employees generally have access rights under the *Personal Information Protection and Electronic Documents Act* (PIPEDA), while provinces such as British Columbia and Alberta have substantially similar privacy legislation that may also provide employees with access to personal information held by their employer. However, employers may still be permitted to withhold portions of records where disclosure would reveal confidential business information, solicitor-client privileged material, or personal information relating to another employee.

In Ontario's private sector, there is currently no broad statutory right for employees to inspect or obtain copies of their personnel file outside of specific circumstances. Despite this, employers may still be required to disclose performance-related documents during legal proceedings, human rights complaints, wrongful dismissal actions, or grievance arbitrations. From a best practice perspective, many

employers choose to provide employees with copies of performance reviews to promote transparency, accountability, and consistency in performance management. Employers should ensure their policies regarding personnel files and employee access are clearly documented and consistently applied.