

No Anonymity For Grievors in Labour Arbitration Awards



The Labour Relations Board has upheld BC Arbitrator Stan Lanyon's decision in *Sunrise Poultry Processors Ltd. v. United Food and Commercial Workers, Local 1518* (discussed previously here) that the names of grievors and witnesses should, as a general rule, be published in labour arbitration awards.

The union argued that British Columbia's *Personal Information Protection Act (PIPA)* prohibits the disclosure of the names of grievors and witnesses in labour arbitration awards without their consent. In the union's view, the increasingly easy public access to arbitration awards because of sophisticated internet search engines and free legal websites like Canlii mean that individuals who participate in grievance arbitration face more significant privacy invasions than in years past.

However, the Board agreed with Arbitrator Lanyon that, like court proceedings, labour arbitration decisions should be 'open' to public scrutiny. Labor arbitration's are not purely private dispute resolution processes and, absent overriding privacy interests, there is a public interest in having access to them. Relevant personally identifying information in the decision should be published.

That said, both Arbitrator Lanyon and the Board acknowledged that some personal information is sufficiently private that it should not be included in published arbitration decisions. Arbitrators will exercise their discretion not to include or to anonymize:

- information which can easily be misused, such as birthdates, social insurance numbers, and residential addresses;
- sensitive personal information, such as health and medical information, marital status, sexual orientation, religion and political beliefs, which is not necessary to explain the decision's reasons; and
- personal information which could identify individuals who have been subject to abuse, or to otherwise protect minors and innocent third parties.

In short, the status quo remains. But, the decision highlights just one of the ways in which, like the Supreme Court of Canada's decision in *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*(discussed previously here), long-standing practices in labour relations can come into conflict with new or evolving privacy rights.

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