

# WHAT'S NEW

## ISSUE 6 – August 2011

In an effort to keep the Labour Relations Community informed on an ongoing basis of happenings at the Labour Relations Board, the Board produces on a monthly basis “What’s New.” The following is Issue 6 for August 2011.

### NEWS AROUND THE BOARD

**Welcome to Janice Smith** – On August 15, 2011, Janice started her new position with the Board as Manager of Administrative Services. Janice brings with her a wealth of experience having been the Board’s Director of Administration from 1990 – 1993, the Manager of Operations with the Appeals Commission for Alberta Workers’ Compensation and most recently having been the Office Manager at Ackroyd LLP. Welcome Janice!

**Our Loss is Their Gain** – Sadly for the Board, Tara Oland has announced she will be leaving the Board to accept a new position as the Manager of Employee Relations and Occupational Health and Safety with the Department of Sustainable Resource Development. Tara worked with the Board for several years as a Board Officer, most recently focusing her time on policy related issues. Congratulations Tara and best wishes in your new job!

**Congratulations!** – Andy Sims is the 2011 recipient of the Bora Laskin Award for Outstanding Contributions to Canadian Labour Law. The award was established by the University of Toronto to honour those who have made an outstanding contribution to labour law in Canada. The award is named after the late Chief Justice Bora Laskin (1912–1984) who, before joining the Supreme Court of Canada, was a pre-eminent labour law scholar and arbitrator.

Previous recipients include Harry Arthurs, Pierre Verge, Paul Weiller, Roy Heenan, Mel Myers, Warren Winkler, Innis Christie and Justice Rosalie Abella.

The award will be presented at Bora Laskin Award Dinner on the evening of October 18, 2011. Details can be found at [www.lancasterhouse.com](http://www.lancasterhouse.com).

**Board Caucus** – A second Board caucus meeting has been scheduled for the 2011 calendar year. It will take place on November 8 and 9, 2011 in Calgary at the Sheraton Cavalier. Further details to follow.

### OTHER HAPPENINGS

Canadian Bar Association – 12<sup>th</sup> Annual National Administrative Law, Labour and Employment Law Conference – November 25 and 26. The Conference will be held in Ottawa. Topics will include:

- The Year in Review in Labour and Employment and Administrative Law

- Fireside Chat with Right Hon. Beverley McLachlin, Chief Justice of Canada
- Experts and Tribunal Expertise
- Workplace Investigations
- Real and Nominal Litigants
- Flavours and Layers of Privilege
- A View from the Bench, with justices from the B.C. Supreme Court, Quebec Court of Appeal, Federal Court of Canada and Supreme Court of Newfoundland and Labrador
- The Changing Supreme Court of Canada

Further information can be found at: [www.cba.org](http://www.cba.org).

Lancaster House – Canadian Labour Board Conference – October 18 and 19, 2011. Topics include a case law and legislative update, a discussion of the S.C.C. recent decision in *Fraser*, and a presentation on essential services. The Bora Laskin award being presented to Andy Sims is being awarded in conjunction with this conference. Further details can be found at: [www.lancasterhouse.com](http://www.lancasterhouse.com)

## **RECENT CASES**

### **Board Decisions Addressing Privacy Issues**

On June 29, 2011, the Board issued a decision denying a request to mask the Complainant’s personal information on all Board correspondence and decisions relating to a duty of fair representation complaint. The Complainant’s concerns related to persons or entities discovering his whereabouts.

Relying on the Board’s Information Bulletin #2 “Processing Applications, Complaints and References”, the Board denied the request. Publishing the Complainant’s name would not disclose the Complainant’s whereabouts given the Board does not publish addresses and frequently receives complaints from parties who reside outside Alberta. The balance between the interests of openness and transparency and the Complainant’s privacy interests favoured denying the application.

Information Bulletin #2 states:

Individuals filing applications, complaints or references are identified by name at various stages of the Board’s processes including in Board decisions, on the Board’s website, and in print and online reporting services that publish the Board’s decisions. An exception to this general practice may be made, at the discretion of the Board, in cases where sensitive personal information will be disclosed. Individuals wishing to have their names masked may apply to the Board by letter setting out the reasons for the request including what sensitive personal information will be disclosed.

Unhappy with this result, the Complainant filed a complaint with the Office of the Information and Privacy Commissioner alleging the Board collected, used or disclosed personal information in violation of the *Freedom of Information and Protection of Privacy Act*.

The Complainant also filed a reconsideration application seeking to overturn the Board's original decision denying the application to mask. In a decision dated August 12, 2001, the reconsideration panel, relying on new evidence, concluded divulging the personal information, including the name of the Complainant, justified marking this information in all proceedings involving the Board.

The complaint with the Privacy Commissioner remains outstanding.