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IN THE MATTER OF THE *HUMAN RIGHTS CODE,*
RSBC 1996, c. 210 (as amended)

AND IN THE MATTER of a complaint before
the British Columbia Human Rights Tribunal

BETWEEN:

The Worker

COMPLAINANT

AND:

Beaufort Association for Inclusion in Action, Donna Stuart, and Andrew Murray

RESPONDENTS

REASONS FOR DECISION
APPLICATION TO ADD A RESPONDENT
Rule 25(2)
APPLICATION TO LIMIT PUBLICATION AND RESTRICT PUBLIC ACCESS
Rule 5

Tribunal Member: Kylie Buday

Counsel for the Complainant: Meredith Shaw

Counsel for the Respondents: Aniel Datoo

Counsel for the Proposed Respondent (Community Living British Columbia): Karen Orr

I INTRODUCTION

[1] On April 4, 2021, during the Covid-19 Pandemic, the Worker filed a complaint alleging Beaufort Association for Inclusion in Action [the **Employer**], and two former co-workers, Donna Stuart and Andrew Murray [together the **Respondents**] discriminated against her in the area of employment contrary to s. 13 of the *Human Rights Code.* She says the individually named respondents harassed her, and the Employer subsequently terminated her employment, because her physical and mental disabilities prevent her from wearing masks and visors.

[2] The Worker now applies under Rule 25(2) of the Tribunal's *Rules of Practice and Procedure* [**Rules**] to add Community Living British Columbia [**CLBC**] as a respondent to the complaint outside of the one-year time limit for filing: *Code,* s. 22(1). CLBC opposes the application. The Respondents take no position.

[3] For the reasons below, I deny the application. I am not satisfied it is in the public interest to add CLBC outside of the time limit for filing. I am also not persuaded that adding CLBC would further the just and timely resolution of the complaint.

[4] The Worker also applies for orders under Rule 5 to limit publication of her personal information and restrict public access to the complaint file and proceedings. The Respondents also take no position on this application. As will be evident by my decision to refer to the Complainant as "the Worker," I grant the application to limit publication of her personal information. However, for reasons explained below, I deny the application to limit public access to the complaint beyond that provided for in the Rules.

[5] To make this decision, I have considered all the information filed by the parties. In these reasons, I only refer to what is necessary to explain my decision.

II BACKGROUND

[6] The Worker lives in a small town on Vancouver Island. She says that she has lived with symptoms of claustrophobia since the 1980s, and that she experiences anxiety and panic

attacks when anything covers her face. She attests that, since the beginning of the Covid-19 Pandemic, she has felt particularly vulnerable to harassment and discrimination as a person living with mental health conditions who requires accommodations to mask-wearing requirements.

[7] In the complaint, the Worker alleges that, in January 2021, the Employer's Executive Director [the **ED**] sent her a message asking if she was interested in employment. The Worker replied that she was interested and informed the ED she could not wear a mask for medical reasons. She says the ED told her that would not be a problem because the Employer provides an inclusive workplace. The ED hired the Worker.

[8] Around February 11, 2021, the Worker started work. She says that, within two days, Ms. Stuart and Mr. Murray expressed concerns about working with her because she could not wear a mask or a visor. The Worker alleges they tried to force her to wear a visor, excluded her from parts of the building where they worked, and complained to the ED that they would not work with the Worker if she did not wear a visor. In response, the ED called a meeting with the Employer's Board of Directors, as well as its funder, CLBC, to discuss "what was going on." Following the meeting, the ED informed the Worker that her employment was terminated.

III APPLICATION TO ADD A RESPONDENT – RULE 25(2)

[9] Rule 25(2) sets out the following factors that the Tribunal will consider when deciding whether to add a respondent after the one-year time limit for filing complaints:

a. Whether adding the proposed respondent will further the just and timely resolution of the complaint;

b. Whether facts are alleged that, if proven, could establish a contravention of the *Code* by the proposed respondent; and

c. Whether it is in the public interest to add the proposed respondent to the complaint, and whether no substantial prejudice will result to any person because of the delay.

[10] I first assess whether the complaint alleges facts which, if proven, could amount to discrimination under the *Code* by CLBC.

A. Allegations of discrimination by CLBC

[11] To prove CLBC discriminated against her under s. 13 of the *Code*, the Worker would have to establish three things. First, that she has one or more physical and/or mental disabilities. Second, that an act or omission for which CLBC can be held responsible adversely impacted her in her employment. Third, that one or more of her disabilities factored into the adverse impact: *Moore v. British Columbia*, 2012 SCC 61 [***Moore***] at para 33. When the Tribunal is assessing whether facts could establish a contravention of the *Code*, the threshold is low: *Gichuru v. Vancouver Swing Society*, 2021 BCCA 103 at para. 56.

[12] For the purposes of this application, I find, and there appears to be no dispute that, the Worker has alleged sufficient facts that could prove: (1) she has a mental disability for the purposes of the *Code*, (2) her termination was an adverse impact in employment, and (3) she was terminated because of her inability to wear a mask for reasons connected to her mental disability. This part of the application therefore turns on whether the Worker alleges facts that could prove CLBC is responsible for all or some of the alleged discrimination. I find that she has done so.

[13] The Worker alleges CLBC had direct involvement in the development and application of the Employer's Covid-19 mask-wearing policies and guidelines and that CLBC, as the Employer's funder, influenced its decisions. The Worker further alleges the decision to terminate her employment was made in a meeting held with both the Employer and CLBC and submits CLBC was involved in the decision to terminate her employment. She says the Employer and CLBC "acted in concert."

[14] CLBC disputes the allegations against it, particularly certain alleged facts related to its involvement in the Employer's decisions. CLBC also submits it is a separate legal entity from the Employer and had no authority over the Employer's hiring and firing decisions. However, the issue before me is not whether the Worker will prove the facts she alleges, or whether CLBC

will prove its version of events. Rather, it is whether the facts alleged by the Worker, if proven, could result in a finding of discrimination.

[15] I find that the facts alleged regarding CLBC's role in the termination, namely that it took part in, and influenced, the Employer's decision to terminate the Worker, if proven, could amount to discrimination under the *Code*.

[16] Next, I consider whether adding CLBC would further the just and timely resolution of the complaint.

B. Just and Timely Resolution

[17] The Worker says it would further the just and timely resolution of the complaint to add CLBC because the Tribunal adjourned the complaint, which was scheduled for a hearing in September 2023, and has not set new hearing dates. She also says adding CLBC would ensure all relevant parties are part of the hearing.

[18] CLBC disagrees and submits adding it as a respondent at this stage will significantly delay the matter because the existing parties were on the verge of a hearing when it was adjourned. CLBC also notes, and the Tribunal's record confirms, that the existing parties have already gone through the document disclosure process and have had opportunities to bring preliminary applications. It argues that, if CLBC is added, further document disclosure would be required and CLBC could bring preliminary applications, which would have to be dealt with before the Tribunal schedules new hearing dates.

[19] I am not convinced that adding CLBC as a respondent would further the timely resolution of the complaint in these circumstances. I agree with CLBC that, while the Tribunal has not set new hearing dates, this case is far along in the process. In addition to document disclosure, the parties have filed witness lists, remedy sought and response to remedy sought forms, and their document disclosure on remedy forms.

[20] Next, I consider the Worker's submissions on timeliness.

C. Adding CLBC as a respondent outside the time limit

[21] Under s. 22(3) of the *Code*, the Tribunal may accept a complaint filed more than one year after the alleged contravention where it determines that it is in the public interest to do so, and no substantial prejudice would result to any person because of the delay. The same considerations apply to an application to add a respondent outside of the one-year time limit.

[22] In relation to the public interest, the Tribunal will consider a non-exhaustive list of factors, including the length of the delay, reasons for the delay, and the public interest in the complaint itself: *British Columbia (Minister of Public Safety and Solicitor General) v. Mzite*, 2014 BCCA 220 [***Mzite***] at para. 53. These factors are important, but not necessarily determinative: *Goddard v. Dixon,* 2012 BCSC 161 at para. 152. The inquiry is fact and context specific and assessed in accordance with the purposes of the *Code*.

[23] The purpose of the time limit is to ensure that complainants pursue their human rights remedies with some diligence, and that it is in the public interest for them to identify appropriate respondents to a complaint within the time limit: *Buchanan v. Providence Health Care and others,* 2023 BCHRT 50 at para. 33. One reason for this is to allow respondents "the comfort of performing their activities without the possibility of late-filed complaints": *Dr. A v. Health Authority and another (No. 2)*, 2022 BCHRT 26 at para. 22. This is so respondents can take remedial steps if appropriate, and to protect respondents from having to address dated complaints: *School District v. Child (Litigation guardian of)*, 2018 BCCA 136 at para. 79; *Kamloops (City) v. Spina*, 2021 BCSC 723 at para. 80.

[24] The events underlying the Worker's complaint occurred over a two-week period in February 2021, with the most recent allegation occurring on February 25, 2021. The Worker filed the application to add CLBC on October 16, 2023, which is 20 months past the time limit. This is a significant delay that weighs against adding CLBC as a respondent.

[25] Regarding the reason for the delay, the Worker says that she was a self-represented litigant when she filed her complaint. Though that may have been the case in April 2021, the Worker obtained legal counsel on March 14, 2022, less than one month after the one-year filing

deadline elapsed. The Worker does not explain why, after obtaining counsel, it took another 19 months to file the application to add CLBC as a respondent. As CLBC points out, the Worker knew about CLBC's potential involvement in the termination when she filed the complaint in April 2021. CLBC also says there is no information in the Worker's application to add it as a respondent that was not available to her in April 2021. While the principle of discoverability does not extend the time limit, it is also relevant to the determination of public interest: *Fullerton v. Rogers Foods*, 2015 BCHRT 49 at para. 24.

[26] Considering the Worker was represented by legal counsel by March 2022 and was aware of CLBC's alleged involvement in her termination when she filed the complaint, I find the reasons for the delay do not weigh in favour of accepting the late-filed application.

[27] In determining whether accepting a late-filed complaint is in the public interest, the Tribunal also considers the public interest in the complaint itself. To assess this factor, the Tribunal has considered whether there is anything particularly unique, novel, or unusual about the complaint that has not been addressed in other complaints: *Hau v. SFU Student Services and others,* 2014 BCHRT 10 at para. 22; *Bains v. Advanced Air Supply and others,* 2013 BCHRT 74 at para. 22; *Mathieu v. Victoria Shipyards and others,* 2010 BHRT 224 at para. 60. The Tribunal has also considered gaps in its jurisprudence, on the one hand, and the existence of good precedents, on the other hand: *Mzite* at para. 67.

[28] The Worker submits there is considerable public interest in permitting CLBC to be added as a respondent because the allegations against CLBC raise novel issues. Specifically, the Worker says, "the responsibility of overseeing bodies for the implementation of Covid-19 policies is novel." The Worker also submits the complaint will create precedent for other decisions that deal with issues pertaining to Covid-19 and masking requirements.

[29] I am not persuaded that by alleging CLBC had an oversight role over the Employee, which included implementation of Covid-19 policies, the complaint is one that raises a unique or novel issue. As the Worker points out in her submissions, this Tribunal has considered the oversight roles of different bodies and organization in prior decisions, such as *Johnson v. B.C.*

(Ministry of Health) and others, 2009 BCHRT 48. In my view, the alleged unique issue in this case appears to be the subject matter of the policy itself, Covid-19, not the issue of oversight liability. As I explain next, the fact that the complaint concerns Covid-19 and mask-wearing does not in my view weigh in favour of adding CLBC as a respondent for public interest reasons.

[30] Regarding the submission that the complaint is novel because it is a mask-wearing complaint, I am not persuaded that the reasons for the termination – inability to wear a mask – make this complaint particularly unique or novel. The Tribunal regularly adjudicates employment discrimination complaints involving allegations of disability-related adverse impacts and an employer's failure to accommodate. There may have been a gap in the case law regarding mask-wearing complaints during the early days of the pandemic. In particular, there may have been confusion over employer and service provider obligations under Covid-19 mask-wearing policies and protocols. However, the Tribunal has since made it clear that Covid-19 policies, though they may have been adopted in good faith and for a legitimate purpose, do not trump employer and service provider obligations to reasonably accommodate: *Customer v. Fabricland (Nanaimo),* 2023 BCHRT 34 at para. 19; *Baptie v. Memory Express,* 2023 BCHRT 222 at paras. 20-21. Finally, declining to add CLBC as a respondent does not deprive the Worker of the opportunity to make arguments on mask-wearing complaints in the area of employment, or the Tribunal the opportunity to consider them.

[31] Finally, the Worker also says it is in the public interest for complaints to be fully adjudicated on their merits. It is also in the public interest to protect access to the Tribunal's processes. On these points, the Worker submits that she could be significantly prejudiced if the application is not allowed. She argues the Employer acted in concert with CLBC and that, if the Tribunal found that CLBC bore the responsibility, rather than the Employer, she would be left without a remedy, which would be contrary to the purposes of the *Code*. In support of this argument, she cites *Kerrigan v. Northern Health Authority,* 2023 BCHRT 73 [***Kerrigan***] at para. 45.

[32] I am not so persuaded. The risk of being left without a remedy that existed in *Kerrigan* does not appear to exist in the Worker's case. *Kerrigan* concerned a Haida Elder who filed a

complaint against the Northern Health Authority based on discriminatory treatment by hospital staff and a doctor. Northen Health Authority applied to add the doctor who treated Ms. Kerrigan as a respondent, and the Tribunal accepted the application. In reaching its decision to do so, the Tribunal found that the reasons for the delay and the public interest in the complaint itself outweighed the length of the delay, which was 14 months. The Tribunal agreed with the Health Authority that there is significant public interest in a complaint involving allegations of medical racism as a form of discrimination against Indigenous people. Further, in that case, the Tribunal noted that it would have to determine whether the Health Authority could be held responsible for the alleged discriminatory conduct of the doctor, who contracted to work at the hospital. If the Tribunal determined the Health Authority could not be held responsible, and the doctor was not added as a respondent, there was a real risk that Ms. Kerrigan would be left without a remedy, even if she established that any of the doctor's conduct was discrimination.

[33] The Worker's case is distinguishable from *Kerrigan*. There is no dispute that the Employer employed the Worker at the time of the alleged discrimination and, on the alleged facts before me, I am not persuaded that this is a case where the Worker could succeed in a case against CLBC, but not the Employer, thus depriving her of a remedy if CLBC is not a respondent. There is also no evidence before me that the Worker's access to the Tribunal's processes has been impeded. In sum, I am not persuaded it is in the public interest to add CLBC as a respondent outside of the time limit. Having determined this, I do not consider whether no substantial prejudice would result to any person because of the delay.

[34] For the foregoing reasons, I deny the application to add CLBC as a respondent. Next, I consider the application to limit publication and restrict public access to the complaint.

IV APPLICATION TO LIMIT PUBLICATION OF PERSONAL INFORMATION

[35] The Worker applies to limit publication of her personal information. Specifically, the Worker asks to be anonymized and for the Tribunal to restrict the publication of any "identifying characteristics." As noted earlier, the Respondents do not oppose this application. Below, I set out the principles that guide the Tribunal in considering requests to limit

publication of personal information. I then explain the factors I considered in reaching my decision to grant this application and set out my order.

[36] Complaints at the Tribunal are presumptively public: *Mother A obo Child B v. School District C*, 2015 BCHRT 64 at para. 7. This openness serves four main goals: maintaining an effective evidentiary process, ensuring that Tribunal members act fairly, promoting public confidence in the Tribunal, and educating the public about the Tribunal's process and development of the law*: Edmonton Journal v. Alberta (Attorney General)*, 1989 CanLII 20 (SCC), [1989] 2 SCR 1326 at para. 61; *JY v. Various Waxing Salons,* 2019 BCHRT 106 [***JY***] at para. 25. These goals align with the purposes of the *Code*, which include fostering a more equitable society and identifying and eliminating persistent patterns of inequality: *Code*, s. 3. The main way that the Tribunal furthers these purposes is through its public decisions: *A. v. Famous Players Inc.*, 2005 BCHRT 432 at para. 14.

[37] The Tribunal has discretion to limit publication of identifying information where a person can show their privacy interests outweigh the public interest in full access to the Tribunal's proceedings: Tribunal *Rules of Practice and Procedure*, Rule 5(6); *Stein v. British Columbia (Human Rights Tribunal),* [***Stein***] 2020 BCSC 70 at para. 64(a). The Tribunal may consider factors like the stage of the proceedings, the nature of the allegations, private detail in the complaint, harm to reputation, or any other potential harm: *JY* at para. 30. It may also consider whether the proposed limitation relates to only a "sliver" of information that minimally impairs the openness of the proceeding: *CS v. British Columbia (Workers' Compensation Appeal Tribunal),* 2019 BCCA 406 at para. 37. It is not enough to just assert that a person's reputation may be tarnished: *Stein* at para. 64(c).

[38] The Worker brings her application on the basis of her privacy interest in her personal medical information, her concerns about potential damage to her employment prospects, and concerns about potential stigmatization she may face within the small community where she lives if her personal information is made public.

[39] Weighing in favour of the application is the Worker's privacy interest in her desire to keep the details of her mental disability private: *JY* at para. 30. The Worker notes that, in connection with those allegations, she has disclosed private details concerning her mental health and wellbeing, including information about her claustrophobia. I also accept that her interest in her medical privacy weighs in favour of granting the application in light of the stigma that can attach to people with known mental health conditions: *CFO v. The Organization and others*, 2020 BCHRT 126 at para. 28.

[40] Turning to the potential harm to her employment prospects, I also find that this weighs in favour of the application. Risks to reputation harm alone is generally not enough to outweigh the public interest. However, in the Worker's case, the risk to reputation harm is heightened considering the risk of stigmatization for mental health related reasons, coupled with the undisputed fact that she lives in a small community and works in a relatively small industry. The Tribunal has recognized that privacy interests are further heightened when parties live in close-knit communities: *Mr. C. v. Vancouver Coastal Health Authority and another,* 2021 BCHRT 22 at para. 32. This is particularly so in cases involving mental disability: *The Worker v. The Society and others,* 2020 BCHRT 98 at para. 4. The Worker attests that she knows of only three organizations in her area that do work in her field. I accept that publication of her name could impact her ability to gain employment in a small town where job opportunities available to her are limited.

[41] Finally, I note that an order limiting publication of the Worker's name minimally impairs the openness of this proceeding: *CS v. British Columbia (Workers Compensation Appeal Tribunal)*, 2019 BCCA 406 at para. 37.

[42] In sum, I am satisfied that the above factors weigh in favour of limiting publication of the Worker's name in these proceedings. The public's interest can be adequately satisfied by publishing reasons, with sufficient information on the facts and law to guide the public in understanding the issues of the complaint, and the Tribunal's decision on those issues, without identifying the Worker.

[43] Accordingly, I order:

1. In any documents which it makes available to the public, the Tribunal will refer to the complainant as "the Worker."

2. No person may publish information which could identify the Worker in connection with this complaint.

V APPLICATION TO LIMIT PUBLIC ACCESS TO FILE

[44] For similar reasons to those outlined in the application to limit the publication of personal information, the Worker also applies to restrict public access to documents in the Complaint File identified in Rule 5(10)(a)-(e).

[45] I deny this application. I am not persuaded the Worker's privacy interests outweigh the public interest in access to the complaint file. I reach this conclusion because I am satisfied the order limiting the publication of the Worker's personal information achieves a fair balance between the Worker's privacy interests and the public interest in access to the Tribunal's proceedings. I am not satisfied her privacy interest weighs in favour of a more restrictive order.

[46] The Worker's name is anonymized. This in and of itself protects her privacy interests significantly because, in the event a member of the public requests access to the complaint file, the Worker's name will be redacted, along with other private information, including addresses and phone numbers, that could identify her. I also note that, regarding the publication of private information in preliminary and other decisions, as a general practice, the Tribunal limits the amount of private information, including details on medical conditions, it includes in its decisions.

VI APPLICATION TO RESTRICT PUBLIC ACCESS TO THE HEARING

[47] The Worker applies to restrict public access to the hearing and to restrict public access to exhibits tendered at the hearing. I begin by explaining my reasons for denying the application to limit public access to exhibits.

[48] Under paragraph 2.2 of the Tribunal's Public Access & Media Policy, "Access to Exhibits," requests for access to exhibits tendered at the hearing are at the discretion of the Tribunal member hearing the case. As such, in the event a member of the public attends the hearing, and requests access to exhibits, the Worker may raise her concerns about access to exhibits to the Tribunal member hearing the case. I am not prepared to make such an order at this preliminary stage.

[49] In the event the Worker is seeking an order restricting public access to exhibits as part of the public record after the hearing, I also deny such a request. In my view it is premature to make such an application at this stage of the proceeding. A hearing has not taken place. I am not prepared to make an order restricting access to documents that are not yet marked as exhibits and, therefore, do not form part of the record of a hearing. It is also an overly broad request such that I cannot meaningfully assess and weigh the Worker's privacy interest in restricting access to all exhibits tendered at the hearing against the public's interest in access to those exhibits. I do not know which documents might become exhibits. I also do not know the contents of those documents. Some documents that are marked as exhibits might not raise a privacy concern but would nevertheless be captured by the order being sought.

[50] I now turn the application to limit public access to the hearing under Rule 5(2). On the materials before me, I am not satisfied the Worker has met the high burden of demonstrating her reasons for requesting a closed hearing outweigh the public interest in access to the hearing. I therefore deny this part of the application.

[51] I have the power to order that evidence in this matter be received in private: *Human Rights Code,* s. 27.2(4). In deciding whether to do so, I must consider the important public policy reasons for the usual rule that a hearing is open to the public. This presumption is based

on the “open court principle,” which essentially holds that full, uninhibited, access to court and tribunal proceedings is required to ensure the justice system is transparent, accountable, and accessible. As the Tribunal observed in *A v University and others*, 2014 BCHRT 235 at para. 5, “there is a strong public interest in the Tribunal maintaining open and public processes in order to promote awareness of the *Code*, education about its application, and access to its processes”. I must also consider what process best serves the interests of delivering the parties a fair and timely resolution of the Worker’s complaint.

[52] The Worker says her interests are best served by a closed hearing because of her claustrophobia and anxiety. In support of her application, the Worker relies on her sworn statement about why it is important for her to retain control over who she discloses her medical information to and how it would trigger her if members of the public had access to the hearing, where they would hear personal details about her diagnoses. She explains it would be unnecessarily retraumatizing and anxiety-producing to know that the public could watch the hearing and she fears it would interfere with her ability to fully share her experiences. The Worker also submitted two medical documents in support of the request for a closed hearing.

[53] The Worker argues an open hearing in her case would not be in keeping with the purposes of the *Code* and the Tribunal’s commitment to fostering a trauma-informed approach to its processes. She also submits the Tribunal has recognized that ,when fears of an open hearing are related to a protect ground, that may weigh in favour of excluding the public, citing *A Customer v. A Restaurant and the Manager,* [***A Customer***] 2018 BCHRT 138 at paras. 4 and 11 in support.

[54] *A Customer* involved a one-day long closed hearing on a complaint of discrimination in services based on mental disability. The Customer had several concurrent chronic and persistent mental illnesses and, according to his doctor, required a therapy dog at all times. He lived in a small city in the interior of the province and brought a complaint against a restaurant when the restaurant denied him entry with his service/companion dog. Prior to the hearing, the Tribunal ordered that the hearing would be closed to the public because the Customer was afraid that an open hearing would expose him and his dog to danger. The Tribunal was satisfied

that those fears were related to his mental illness and warranted accommodation. The Tribunal noted: “by assuaging the Customer’s fears somewhat, he was better able to represent himself in the hearing”: *A Customer* at para. 4.

[55] Acknowledging the Worker’s attestation on the potential anxiety-producing impacts she fears if the hearing were open to the public, I am not persuaded that her privacy and fairness interests outweigh the public interest in the open court principle to such a degree as to warrant an order for a closed hearing. Contrary to the Worker’s assertion otherwise, the request is not supported by the medical documents before me. For instance, the medical documents do not address the potential impacts of an open hearing on the Worker for reasons related to her mental health. The medical notes also do not speak to the Worker’s concerns about sharing information about her mental health conditions. Rather, the medical documents are brief notes related to the allegations in the complaint, specifically that she cannot wear a mask or face visor. Therefore, the evidence does not provide helpful information to assist me in considering the request for a closed hearing.

[56] Regarding the submission that the Worker’s circumstances are analogous to those in *A Customer*, I cannot agree for the simple reason that I do not know what evidence was before the Tribunal when it reached its decision to close the hearing in that case. I am not prepared to rely on *A Customer* as a precedent on the facts in the present case.

[57] Though the materials were insufficient to persuade me to order a closed hearing in this application, the worker may bring another application on better materials before the hearing is rescheduled. She may also seek modifications to the hearing process to address her concerns through pre-hearing case management.

VII CONCLUSION

[58] I dismiss the application under Rule 25(2) to add CLBC as a respondent.

[59] I allow the application under Rule 5 to limit publication of the Worker’s name and other identifying characteristics as follows:

1. In any documents which it makes available to the public, the Tribunal will refer to the complainant as “the Worker.”

2. No person may publish information which could identify the Worker in connection with this complaint.

[60] I dismiss the application to restrict public access to documents in the Complaint File identified in Rule 5(10)(a)-(e).

[61] I dismiss the application to restrict public access to the hearing under Rule 5(2) and to restrict public access to exhibits tendered at the hearing.

Kylie Buday
Tribunal Member