

LRO COMMENTS

INTRODUCTION

The database is used to report day-to-day activities on a process file and to report progress in implementing the dispute resolution strategy. The officer assigned to a process file is responsible for recording descriptive comments in this section. At any time, Board staff can view the comments in this section for the current status of a process file.

Periodic and regular database reports are generated to give the status of any case before the Board. The comments recorded in this section are used to check file progress, assess workload and spot any problems or opportunities for settlement.

CONTENT

The purpose of LRO comments are to record activity on a file, generally as it relates to implementing the file's dispute resolution strategy. For example, the (**abbreviated**) dispute resolution strategy on a union successorship might be:

Application from Union to merge Locals 1 & 2.

Review all supporting documentation and constitutional documents by Day 7 and issue a report on the merger by Day 21. This will entail reviewing all current bargaining relationships and look to update all certificates. New zones may be needed so as to not expand union's jurisdictional rights. Send copies to all parties.

If any objections by Day 35, take to a hearing, otherwise have the application taken before an administrative panel to declare the successorship.

The related LRO comments might include:

Date 1

Left message for Union Rep asking him to provide us with contact information for all their employers and asking him to serve them notice of the application. Union Rep is on vacation until next week so I won't hear from him until then.

Date 2

Spoke with Union Rep and asked for list of employers and territorial jurisdiction of the two unions. He said that he would contact the office and get copies of the letters forwarded to me. Received a package of information from the union.

Date 3

Completed review of documentation and draft of report following comments from other officers. Merger process looks okay. Created new Zone (XX) to ensure reissued Local 1 certificates don't inadvertently capture employees working outside Local 1's former jurisdiction.

Left message for Union Rep (returns Monday) that I have a number of questions, including:

- the status of 6 employers that appear to be no longer operating (corporate registries, internet and yellow pages searches yield nothing);
- whether b/u description of three shop certificates need to be updated; and
- nailing down some BRs that aren't on our database (VRs?).

One of the six ERs that I suspect is out of business (Employer) also is party to Cert. xx-xxxx with other Union. If Employer is out of business, I will recommend the Board open a file on its own motion to revoke Cert. xx-xxxx.

Date 4

The officer's report was sent to parties. Seven employer packages were returned as the employer has moved. I called the Union this morning to acquire any addresses they have and spoke with Union Receptionist. I subsequently faxed her the list of companies and expect her response next week. Three of the 7 companies are likely out of business so I am not hopeful we will receive a new address.

The deadline for objections is Month XX. So far none have been received. As per the resolution strategy, if there are no objections I will take this to an admin panel within a week. If there are objections, I will schedule a hearing, alert the parties and try to work the objections out. No need to update the resolution strategy at this point.

Date 5

Spoke with Union Rep re: whether they could provide addresses for seven employers whose packages were returned and whether they would be filing objections. Union Rep provided new addresses for four (package sent immediately), confirmed two companies don't exist and will look into getting one more address.

Union Rep also indicated that they would file objections to the recommendation that their certificates with Employer be revoked. Also indicated that some of Local 2's certs had been created when Local 2's jurisdiction had been south of the province, not province-wide. This should be easily remedied with a supplementary officer's report (sent to just those employer who will be affected) indicating a change to the recommendations before I take the matter to a panel to hear Union's objections on Employer. When I get the objections in writing, I'll update the resolution strategy.

FOIPP AND LRO COMMENTS

Although there has never been a formal decision by the Information and Privacy Commission about whether or not LRO comments are protected by Section 15 of the [Freedom of Information and Protection of Privacy Act](#), experience to date suggests LRO comments do not have blanket protection. Some of the information in the comments may be protected by Section 16 but this would need to be determined on a case-by-case basis. See: [[Access to Information Under FOIPP, Chapter 5\(b\)](#)]; [[Protection of Privacy Under FOIPP, Chapter 5\(c\)](#)].

In light of the potential availability of LRO Comments to the public, officers should be judicious in their choice of language in their LRO comments. Although sensitive information (e.g., information revealing petition support) may be excised prior to release, flippant comments or colourful descriptions cannot.