

Confidentiality

Please be advised that confidentiality clauses in arbitration awards, minutes of settlement and memorandum of agreements, must be adhered to and that there can be penalties for breaches of confidentiality.

Specifically, a breach of confidentiality may result in the grievor forfeiting any benefits gained in the settlement.

This was the outcome of a recent grievance, and an order by Arbitrator Brian Keller, whereby the grievor violated the confidentiality of the terms of minutes of settlement, and had forfeited 2/3 of their monetary settlement. Both the Union and the Employer were ordered to advise their respective staff that confidentiality clauses must be respected and that there can be penalties for breaches of confidentiality. The Union also agreed that it will not oppose the inclusion of the express term being added to future minutes of settlement between the parties that states that consequences may flow from any breach of confidentiality including relieving the City from its obligations further to the minutes.