News

HRTO finds applicant breached confidentiality provision of settlement

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The Human Rights Tribunal of Ontario recently found that an applicant breached the confidentiality provisions of her human rights settlement when she posted information about the settlement on Facebook.

When the respondent learned of the breach, it refused to pay the monies owing under the settlement, and the applicant brought an application before the Tribunal for its enforcement. The Tribunal found that not only had the applicant breached the confidentiality provisions of the settlement, but that the respondent was also in breach due to its refusal to pay. The amount owing to the applicant was reduced by $1000, but the applicant's claim for further damages was dismissed (although she was awarded interest on the unpaid amount from the original settlement). The significance of this reduction is difficult to gauge as the original amount owing under the settlement was not disclosed. However, this decision is good news for employers: confidentiality is often of concern to employers and it demonstrates that the Tribunal will provide a remedy in the case of a confidentiality breach. For a more fulsome discussion of this case, see our Case in Point blog post "What Happens When an Employee Breaches a Confidentiality Provision of a Human Rights Settlement?"