

Public Servants  
Disclosure Protection  
Tribunal Canada



Tribunal de la protection  
des fonctionnaires  
divulgateurs du Canada

**Citation: Charbel El-Helou v. Courts Administration Service, Power, Delage 2011 PSDPT 7**

**Tribunal File No. T-2011-01**

**Date: 20110610**

**Ottawa, Ontario, June 10, 2011**

**The Honourable Mr. Justice Martineau, Chairperson  
Public Servants Disclosure Protection Tribunal**

**BETWEEN:**

**CHARBEL EL-HELOU**  
Complainant

**-and-**

**COURT ADMINISTRATION SERVICE**  
and  
**DAVID POWER**  
and  
**ÉRIC DELAGE**  
Respondent(s)

**ORDER GRANTING INTERESTED PARTY STATUS IN RESPECT OF A MOTION  
FOR A CONFIDENTIALITY ORDER**

**UPON MOTION** of Laurent Francoeur, Francine Côté and Eric Cloutier (the interested parties) dated June 1<sup>st</sup>, 2011 and filed with the Public Servants Disclosure Protection Tribunal

(the Tribunal) on the same day, for the granting of “interested party” status in respect of the motion of the Public Sector Integrity Commissioner of Canada (the Commissioner) dated May 13<sup>th</sup>, 2011 for an order of confidentiality in regard to certain materials filed with the Tribunal;

**CONSIDERING** that an application has been made by the Commissioner pursuant to subsection 20.4(1) of the *Public Servants Disclosure Protection Act*, SC 2005, c 46 (the Act) to the Tribunal for a determination of whether or not a reprisal was taken against the complainant;

**CONSIDERING** that on an urgent basis, the Commissioner has requested that Appendices A and B be kept sealed and separate from the public records and not be disclosed to anyone other than the Members and Staff of the Tribunal and the parties and their counsel, until the Commissioner’s motion can be disposed of by the Tribunal or until such time as the Tribunal orders otherwise;

**CONSIDERING** that Appendix A and Appendix B contain numerous references to a security investigation conducted by the Courts Administration Service (CAS) in relation to threats made against a member of the judiciary;

**CONSIDERING** that the herein motion for the granting of “interested party” status is made pursuant to Rule 12 and Rules 13 and following of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, published in the *Canada Gazette Part I* on May 21, 2011 (the interim Rules);

**CONSIDERING** that the interested parties’ motion is based on distinct and personal grounds from the Commissioner’s motion for a confidentiality order;

**CONSIDERING** that Appendix A and Appendix B contain references to alleged incidents of wrong-doing by the interested parties which have not been retained by the Commissioner;

**CONSIDERING** that the interested parties intend to argue that the release of this information to the public may be a violation of their privacy rights;

**HAVING** heard the oral submissions of the counsels representing the Commissioner, the complainant, the respondents and the interested parties, and reviewed the draft consent interim order submitted by them;

**THE TRIBUNAL ORDERS that:**

1. Laurent Francoeur, Francine Côté and Eric Cloutier are hereby added as interested parties in respect of the motion of the Commissioner dated May 13th, 2011, for an order of confidentiality in regard to certain materials filed with the Tribunal;
2. The interested parties may not participate in other matters unless seeking leave and obtaining the permission of the Tribunal.

Luc Martineau  

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Chairperson