

Public Servants
Disclosure Protection
Tribunal Canada



Tribunal de la protection
des fonctionnaires
divulgateurs du Canada

Citation: El-Helou v. Courts Administration Service, 2011 PSDPT 11

Tribunal File No. T-2011-01

Date: 20110823

Ottawa, Ontario, August 23, 2011

The Honourable Mr. Justice Martineau, Chairperson

Public Servants Disclosure Protection Tribunal

BETWEEN:

CHARBEL EL-HELOU

Complainant

-and-

COURTS ADMINISTRATION SERVICE

and

DAVID POWER

and

ÉRIC DELAGE

Respondent(s)

PUBLICATION BAN ORDER

UPON MOTION by the Public Sector Integrity Commissioner (the Commissioner), dated June 6, 2011 and filed with the Public Servants Disclosure Protection Tribunal (the Tribunal) on the same day, for a publication ban on any information that could identify both the member of the judiciary and the person or persons suspected of making threats or alleged to have

made threats against the member of the judiciary named in the confidential notice of motion and in documents filed with the Tribunal;

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

CONSIDERING that the herein motion for a publication ban order is made pursuant to 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 on June 10, 2011, the Tribunal ordered an interim ban of publication until the Commissioner's motion is disposed of by the Tribunal or until such time as this Tribunal orders otherwise;

HAVING now considered the motion for a publication ban on its merit and reviewed the draft consent order submitted on August 12, 2011; and

BEING satisfied that the wide dissemination of information through the media or by any other person that could identify the alleged victim of the threats and the person or persons suspected of making the threats could seriously harm these persons' privacy rights and potentially compromise any on-going or future investigation;

THE TRIBUNAL MAKES THE FOLLOWING ORDER:

1. There shall be a ban on the publication, broadcasting, transmission or dissemination to the public through any other electronic means by any person of any information contained in the documents and records before the Tribunal or heard in these proceedings, that could identify both the member of the judiciary and the person or persons suspected of making threats or alleged to have made threats against the member of the judiciary named in the confidential notice of motion and in documents filed with the Tribunal;
2. This order shall remain in effect during the complete proceedings of the Tribunal and after the Tribunal has made a final decision in regard of the complaint, or until such time as this Tribunal orders otherwise; and

3. The Tribunal may rescind, amend or vary this order at any time for cause upon the initiative of the Tribunal or on motion.

“Luc Martineau”

Chairperson