

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-005 REQUEST TO LIMIT DISCLOSURE

[2026-07-01]

PART 1 - GENERAL

1. PURPOSE

- 1.1. This Practice Directive sets out the process and requirements for requesting that the Tribunal limit disclosure of information filed with the Tribunal in proceedings under the **Employment Standards Act** and/or the **Temporary Foreign Worker Protection Act**, including by withholding information from another party or the public. It also explains how the Tribunal will assess, decide, and communicate those requests in a manner consistent with procedural fairness and applicable privacy principles.

PART 2 – REQUIREMENTS FOR REQUESTS TO LIMIT DISCLOSURE

2. MAKING A REQUEST TO LIMIT DISCLOSURE

- 2.1. A party requesting that the Tribunal limit disclosure of information must:
 - clearly identify the specific information at issue;
 - provide detailed reasons for the request, including any physical, emotional, reputational, or financial harm that may result from disclosure; and
 - file the request at the time the material is submitted, or as soon as reasonably possible thereafter.

PART 3 - TRIBUNAL PROCESS FOR REQUESTS TO LIMIT DISCLOSURE

3. TRIBUNAL CONSIDERATION OF REQUESTS

- 3.1. The Tribunal will consider:
 - whether disclosure could reasonably be expected to cause harm;
 - the relevance of the information to the issues in the proceeding;
 - the interests of procedural fairness for all parties; and
 - the principles set out in the Tribunal's **Privacy and Anonymization Policy**.

- 3.2. In deciding a request to limit disclosure, the Tribunal may:
- request submissions from other parties;
 - require modified disclosure (e.g., partial redaction or anonymization); or
 - impose conditions on disclosure.

4. DECISION AND COMMUNICATION

- 4.1. Filing a request does **not** result in the automatic withholding of information. The Tribunal will determine whether, and to what extent, disclosure will be limited and will communicate its decision and reasoning to the parties.
- 4.2. Parties affected by the decision will be given a reasonable opportunity to respond, unless otherwise permitted by law.

5. PROCEDURAL TIMELINES

- 5.1. The Tribunal may provide administrative timelines for responding to requests to limit disclosure. These timelines do not extend, suspend, or otherwise affect any statutory time limit.

PART 4 – EFFECTIVE DATE AND APPLICATION

6. EFFECTIVE DATE AND TRANSITIONAL APPLICATION

- 6.1. This Practice Directive applies to proceedings commenced on or after July 1, 2026, unless the Tribunal orders otherwise.