

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

CARNWATH, WHALEN AND MACDOUGALL JJ.

B E T W E E N:)
)
MINISTER OF HEALTH AND LONG) *Sara Blake*, for the Applicant
TERM CARE)
)
Applicant)
)
- and -)
)
)
)
)
TOM MITCHINSON, Assistant) *Freya Kristjanson* and *Rema J. Imseis*, for
Information and Privacy Commissioner,) the Respondent, Tom Mitchinson, Assistant
JOHN DOE, Requester, and ONTARIO) Information and Privacy Commissioner
MEDICAL ASSOCIATION)
)
Respondents) *Robert L. Lee*, for the Respondent, Ontario
Medical Association)
)
)
) **HEARD:** December 5, 2002

CARNWATH J. (Orally):

[1] The appeal is dismissed. The Commissioner found that the "labour relations" in s. 65(6)3 of the *Freedom of Information and Protection of Privacy Act*, is properly defined as the collective relationship between an employer and its employees. We agree.

[2] The Commissioner found that the work of the Physician Services Committee and its records is not an employee-related matter for the purposes of s. 65(6)3. We agree.

[3] To accept the Ministry's submission would mean giving a different meaning to the words "labour relations" in s. 17(d) of the Act and s. 65(6)3. We find the words "labour relations" in the section refer to relations between employer and employee. It is conceded the members of the Ontario Medical Association are not employees of the Ministry of Health.

[4] No order as to costs.

CARNWATH J.
WHALEN J.
MacDOUGALL J.

Date of Reasons for Judgment: December 5, 2002
Date of Release: December 9, 2002

COURT FILE NO.: 784/99

DATE: December 5, 2002

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**CARNWATH, WHALEN AND
MACDOUGALL JJ.**

B E T W E E N:

MINISTER OF HEALTH AND LONG TERM
CARE

Applicant

- and -

TOM MITCHINSON, Assistant Information and
Privacy Commissioner, JOHN DOE, Requester, and
ONTARIO MEDICAL ASSOCIATION

Respondents

ORAL REASONS FOR JUDGMENT

CARNWATH J.

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