

Willcox v. Ladco Company Ltd. o/a Lakewood Agencies

[COMPLETE DECISION PDF](#)

SUMMARY

The respondent made an application to the Adjudicator pursuant to subsection 36(2) of *The Human Rights Code* that its name not be disclosed in the Notice of Hearing which must be published in the Manitoba Gazette and the Winnipeg Free Press, concerning a complaint against it alleging a failure to accommodate under section 14 of *The Human Rights Code*.

The respondent argued that there is a stigma associated with being alleged to have breached a provision of *The Human Rights Code* which does not apply to other civil proceedings. It took the position that it deals with a broad cross-section of the public in connection with accommodation and that it would be prejudicial to have published the allegation that it had breached *The Human Rights Code* and in addition, none of the allegations have yet been proven.

The Commission opposed the application on the basis that the wording of subsection 36(2) specifically requires that the parties to an adjudication be named in the public Notice, unless the adjudicator "decides that it would be unduly prejudicial in the circumstances to disclose the names of some or all of the parties prior to the hearing". It argued the term "unduly prejudicial" should be interpreted to mean more than mere prejudice that might arise in an administrative proceeding, and rather, sufficient prejudice to outweigh the public interest protected by *The Human Rights Code*.

The Adjudicator found that the intention of the legislation is for the hearings to be public and that the public have meaningful access to its hearings, unless to do so would cause undue prejudice to one of the parties. She referred to case authority that requires consideration of the rights of the parties and the efficacy of the administration of justice and determined that the respondent's privacy interests did not outweigh the public's right to access information about the adjudication proceeding.

The Adjudicator denied the respondent's request to remove its name from the public Notice of Hearing.