Government of Bermuda

Ministry of Economy and Labour

OFFICE OF THE MINISTER

Tracking Reference Number: 0001LRS2022

Sam Strangeways
The Royal Gazette
2 Par-La-Ville Road
Hamilton HM08

4 November 2022

Dear Ms. Strangeways,

Re: Public Access to Information Act 2010 – Internal Review Decision

Thank you for your request dated 29 September 2022, for an internal review of the authority’s decision of refusal, on the basis that “I was seeking non-anonymised decisions, not the anonymised ones online already.” Further to your request, the head of authority has conducted an Internal Review pursuant to s.41 PATI and has provided its findings herein.

Subsequent to the authority providing its decision to deny the request, we have been advised of the correct application of the legislation.

In accordance with s.44F (2) of the Employment Act 2000 (“EA 200”) the Tribunal is required to notify the Minister of concluded decisions. In turn, the Minister is required to, no later than 90 days after the conclusion of the hearing, to cause the award to be made public.

Prior to the Minister publishing the awards, and pursuant to s.44F(3), if the parties wish to conceal any matters in the decision (including if they were a party), they must inform the Tribunal and the Tribunal will in turn give directions as to the action that shall be taken to conceal these matters in the publication.

Since 1 June 2021, when the publication of decisions became effective, parties had not been advised by the Tribunal that their decisions will be published nor provided with the opportunity by the Tribunal to conceal information.

As such, all parties involved in Tribunal decisions since 1 June 2021, have now been provided the opportunity to be advised of the publication and have confirmed what information they wish to conceal, in accordance with the legislation. Accordingly, the decisions have now been republished to the Government portal to take into account the requests of the parties involved.
The Labour Relations Section and the Employment Tribunal have also ensured that s.44F(3) is incorporated into their internal processes to ensure that the legislation is complied with.

Providing unredacted decisions to any member of the public after information has been concealed as per s.44F would be contrary to s.44F(2) and as such, these unredacted decisions would be considered exempted records pursuant to s.37(1) PATI in addition to s.41(a) PATI.

It should also be noted that as per s.44F(3)(b), the Tribunal may also direct that if after concealment, it considers the decision will likely to reveal the matter, such decisions may be made available to the public at a later date, not exceeding one year from the date of the hearing.

All public decisions have been republished to the Government portal, and are free of charge and easily accessible to the public and available here:

https://www.gov.bm/employment-and-labour-relations-tribunal

Under s.44 of the PATI Act, you have the right to apply in writing to the Commissioner for a review of any decision made by the head of a public authority with respect to a request or any failure to take action required under the Act including a decision to grant or refuse access to a record.

Do not hesitate to contact me if you have any queries about this letter. Please ensure that you quote the reference number above in any future correspondence.

Yours sincerely,

Mrs. Pandora Glasford
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