

#MeToo: The Nexus of Rights and Disclosure.

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Disclosure – The Human Experience

- Difficult to actually do; vexatious is rare
- Typically a strong desire to remain anonymous
- Often motivated by prevention of future incidents
- Can feel unqualified to report or understand issue
- Impacted by socialization, culture, faith etc.
-**and above all else fear of retaliation.**

Safe Disclosure

- Confidential
- Neutral
- Triage/Referral
- Provision of Resources

Disclosure – Growing Scope & Accountabilities

- Provincial / Federal disclosure legislation
- Health and safety legislation
- Policies and procedures

Disclosure - Emerging Practice

- Anonymous reporting
- Online/app based reporting
- Creation of internal disclosure functions
- 3rd party disclosure and *assessment* functions
(beyond 1-800)

Disclosures – Outside the System

- Always used to some extent,
- Meets “consumer demand” for anonymity
- No gatekeeper; no process
- Many avenues
- Media role
- Relationship to resolution processes

Workplace Rights

- Evolving understanding of the reasonable person test
- Evolving expectations of what behaviours are permissible
- Evolving case law
- Recently added protected grounds
- Tends to focus on individuals, not systems or cultures.

The Challenge

- Create and maintain spaces free of wrongdoing
- Encourage safe disclosures
- Apply fair process to concerns raised

The Result of Failing to Meet that Challenge

The image shows the word mark for the hashtag #MeToo. The text is white and set against a solid black rectangular background. The characters are in a clean, sans-serif typeface. The '#' symbol is positioned to the left of the word 'MeToo', which is written in title case. The overall composition is centered and minimalist.

Image Description: Word mark of the hash tag me too

#METOO

- Impact on workplace rights
- Relationship to resolution processes
- Impact on disclosure cultures and practices
- Unintended Impact

Access & Privacy Considerations

- Cultures of access/privacy and disclosure are compatible and complementary
- Access seen as a risk for retaliation when disclosing
- Access as a tool for complaints/investigation
- Interactive Discussion Time!