



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 260-2025

Ministry of Labour Relations and Workplace Safety

July 16, 2026

Summary:

The Applicant submitted an access to information request under *The Freedom of Information and Protection of Privacy Act (FOIP)* to the Ministry of Labour Relations and Workplace Safety (LRWS). The request was for information related to an Occupational Health and Safety Inspection report for JJJ Storage & Logistics Ltd. and a complaint filed by the Applicant. Upon fulfillment of the request, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The review addresses the exemptions LRWS applied to withhold portions of the record.

The Commissioner found that:

- (1) The decision of LRWS to withhold portions of pages 1 to 6 and 15 to 18 of the responsive record constitutes an absurd result;
- (2) LRWS properly applied section 15(1)(c) of *FOIP* (information with respect to a lawful investigation) to pages 7 to 13 of the responsive record, in full.

The Commissioner recommended that:

- (1) LRWS release to the Applicant pages 1 to 6 and 15 to 18 in their entirety within 30 days of the issuance of this Report.
- (2) LRWS continue to withhold pages 7 to 13 of the responsive record in full under section 15(1)(c) of *FOIP*.

I BACKGROUND

- [1] On August 18, 2025, the Applicant submitted the following access to information request under *The Freedom of Information and Protection of Privacy Act (FOIP)*¹ to the Ministry of Labour Relations and Workplace Safety (LRWS):

Under The Freedom of Information and Protection of Privacy Act (Saskatchewan), I am requesting a copy of the full Occupational Health & Safety inspection report for JJJ Storage & Logistics Ltd. and all related records connected to my complaint filed on Aug. 5, 2025.

- [2] On August 26, 2025, LRWS provided a section 7 decision letter informing the Applicant that it withheld the responsive record in full under sections 15(1)(c) and 19(1)(b) of *FOIP*. As a result of further correspondence with the Applicant, LRWS provided the Applicant with a release of records on October 7, 2025. The records released had information withheld pursuant to the exemptions in sections 15(1)(c), 19(1)(b) and 29(1) of *FOIP* in full or in part.
- [3] On October 8, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) of the exemptions applied by LRWS to withhold information in full and in part.
- [4] On March 20, 2026, OIPC notified LRWS, the Applicant, and two third parties that a review would commence of the above-noted considerations. The two third parties included JJJ Storage & Logistics Ltd. (JJJ) and Pratt's Wholesale Food Service Ltd. (Pratt's).
- [5] On March 20, 2026, the Applicant provided a submission.
- [6] On April 20, 2026, LRWS provided OIPC with its index of records (index) and the unredacted records. On April 24, 2026, LRWS confirmed its index could be shared with the Applicant. The Applicant viewed the index and still believed that it did not address their concerns. The review proceeded.

¹ [*The Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c. F-22.01, as amended.

[7] On May 14, 2026, JIL provided a submission. On May 29, 2026, LRWS provided a submission, which it did not consent to sharing with the Applicant. Pratt's did not provide a submission.

[8] On April 4, 2026, the Applicant informed this office that the application of the mandatory exemption in section 29(1) of *FOIP* was no longer an issue in the review.

II RECORDS AT ISSUE

[9] The responsive record comprises 43 pages, of which LRWS withheld 36 pages in full or in part under sections 15(1)(c), 19(1)(b), and 29(1) of *FOIP*. Given that the mandatory application of the exemption in section 29(1) of *FOIP* is no longer an issue, only 17 pages remain for consideration in this Report.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[10] LRWS is a "government institution" as defined by section 2(1)(d)(i) of *FOIP*. Therefore, OIPC has jurisdiction to conduct a review of this matter under PART VII of *FOIP*.

2. The "absurd result" principle

[11] When analyzing the application of exemptions and considering the grounds to withhold information under *FOIP*, government institutions must consider whether a strict application of the exemption would give rise to an absurd result. This is based on a well-established principle in Canadian law that instructs that statutory interpretation of legislation should not result in absurd consequences. The presumption against absurd results was described by the Supreme Court of Canada as follows:²

² [*Rizzo & Rizzo Shoes Ltd. \(Re\)*](#), [1998] 1 SCR 27 at paragraph [27]. ["Rizzo"]

- [27] In my opinion, the consequences or effects which result from the Court of Appeal’s interpretation of sections 40 and 40a of the *ESA* are incompatible with both the object of the Act and with the object of the termination and severance pay provisions themselves. It is a well established principle of statutory interpretation that the legislature does not intend to produce absurd consequence. According to Côté, *supra*³, an interpretation can be considered absurd if it leads to ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object of the legislative enactment (at pp. 378-80). Sullivan echoes these comments noting that a label of absurdity can be attached to some interpretations which defeat the purpose of a statute or render some aspect of it pointless or futile (Sullivan, *Construction of Statutes* *supra* at p. 88).
- [12] In *Rizzo*, former employees of a bankrupt employer appealed an order from the Ontario Court of Appeal disallowing their claims for vacation, termination and severance pay upon the bankruptcy of their employer Rizzo Shoes Ltd. The Court of Appeal applied a strict interpretation of the sections of the Ontario *Employment Standards Act (ESA)*⁴ which resulted in the disallowance of the termination, vacation and severance pay that was due to the employees upon bankruptcy. The appellate court found that the bankruptcy of an employer does not technically constitute “dismissal from employment” – resulting in no entitlement to severance, termination or vacation pay. The Supreme Court of Canada overturned this strict and inequitable application of the law. The Supreme Court of Canada noted that the *ESA* was primarily enacted by the Ontario government to protect the rights and interests of employees and to require employers to comply with certain minimum standards of employment. The Supreme Court of Canada re-instated the ruling of the trial judge who had awarded over \$2M in pay to the employees. The Ontario Court of Appeal failed to pay sufficient attention to the scheme of the *ESA* and the intention of the legislation. In so doing, the Ontario Court of Appeal had unwittingly produced an absurd result.
- [13] This office must be guided by the instruction of the Supreme Court of Canada in *Rizzo*. An “absurd result” occurs when a public body applies an exemption to withhold records that

³ Pierre-Andre Côté, *The Interpretation of Legislation in Canada*, 2nd ed. 1991.

⁴ *Employment Standards Act*, R.S.O. 1980, c. 137. (“*ESA*”)

conflicts with the purpose of the legislation. It would be an “absurd result” to withhold information from an application that they already have access to by legitimate means.⁵ To do otherwise would be incompatible with the principle of access to information which is the underlying foundation of this province’s *FOIP* legislation.

- [14] LRWS withheld portions of page 1, a call log that replicates the Applicant’s access to information request, under section 15(1)(c) of *FOIP*. In correspondence with LRWS on June 24, 2026, LRWS confirmed that this call log, “is a duplicate of the complaint filed by the Applicant.” This information clearly is within the Applicant’s realm of knowledge and should be released to them without severance.
- [15] LRWS withheld portions of pages 2 to 6, which are part of the *Officer’s Report* – a formal report regarding an occupational health and safety (OH&S) complaint. LRWS withheld these pages under sections 15(1)(c) and 19(1)(b) of *FOIP*. On December 18, 2025, the Applicant emailed a scanned duplicate of the same officer’s report to this office. The Applicant explained that they viewed and subsequently duplicated the officer’s report at the time the employer posted it publicly in the workplace. By demonstrating a legitimate possession of the document to which access was denied, the Applicant verifies that withholding the report constitutes an absurd result.
- [16] LRWS withheld portions of pages 15 to 18 pursuant to the exemptions under section 15(1)(c) and 19(1)(b) of *FOIP*. The redacted content is an email sent by the Applicant to LRWS to initiate OH&S inspections. It was the Applicant who sent the email to LRWS. The Applicant has direct knowledge of the content of the email because they drafted it. It constitutes an absurdity to withhold these pages from the Applicant.

⁵ Office of the Ontario Information and Privacy Commissioner [*Reconsideration Order MO-1868-R*](#), 2004, CanLII 56170 (ON IPC).

3. The application of section 15(1)(c) of *FOIP*

[17] Pages 7 to 13 of the responsive record is another report that is the sole issue for consideration at this phase of the analysis. This report is not the *Officer's Report* that we alluded to in paragraph [15] of this Report. The pages of this report were withheld by LRWS in full under section 15(1)(c) of *FOIP*, which states:

Law enforcement and investigations

15(1) A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation

[18] OIPC applies the following two-part test to determine whether a government institution properly applied this exemption:⁶

1. Does the government institution's activity qualify as a "lawful investigation"?
2. Does one of the following exist?
 - a. Could the release of the information interfere with a lawful investigation?
 - b. Could the release disclose information with respect to a lawful investigation?

[19] The term "lawful investigation" is an investigation that is authorized or required and permitted by law.⁷ The government institution must identify the legislation that authorizes the investigation.

⁶ OIPC [Review Report 211-2025](#) at paragraph [48].

⁷ *Ibid*, at paragraph [50].

[20] LRWS asserted in its submission that the record relates to an inspection conducted in compliance with section 3-63 of *The Saskatchewan Employment Act*⁸ (*SEA*) and *The Occupational Health and Safety Regulations, 2020*.⁹ LRWS reported that the inspection occurred as a result of an OH&S complaint lodged on August 6, 2025.¹⁰

[21] Based on a review of the record, it is apparent that the substance of the withheld information does indeed relate to an investigation undertaken by LRWS employees in response to the complaint. This office has held in past reports that an investigation commenced under section 3-63 of *SEA* qualifies as a lawful investigation for the purposes of section 15(1)(c) of *FOIP*.¹¹ We agree that the withheld information constitutes a lawful investigation on the part of LRWS with respect to the complaint that was filed in this matter. As such, the first part of the test is met.

[22] The next step is to consider whether release of the withheld information *could* interfere with a lawful investigation *or could* disclose information with respect to a lawful investigation.

[23] The Applicant asserted:

The Ministry has applied section 15(1)(c) broadly across the records. However:

- An inspection has already taken place
- A report has already been issued
- The outcome has already been communicated

Given these facts, it is unclear how disclosure of the underlying information could reasonably be expected to interfere with an investigation.

⁸ [*The Saskatchewan Employment Act*](#), SS 2013, c S-15.1, as amended. (“*SEA*”)

⁹ [*Occupational Health and Safety Regulations*](#), 2020, RRS c S-15.1 Reg 10, as amended (effective April 1, 2021).

¹⁰ OIPC notes that, based on a review of email correspondence provided to this office, the Applicant appears to have lodged their complaint on August 5, 2025.

¹¹ OIPC [Review Report 155-2022](#) at paragraphs [37] to [39].

- [24] LRWS confirmed that the investigation has concluded. LRWS indicated that this exemption applies whether the investigation is active or concluded. LRWS cited *Leo v. Global Transportation Hub Authority* as guidance that section 15(1)(c) of *FOIP* is not limited to active or ongoing investigations.¹² We agree that this instruction from the then Queen's Bench of Saskatchewan indicates that section 15(1)(c) may apply to investigations that have concluded.
- [25] The next phase of the analysis is whether the release of the record could disclose information with respect to an investigation. We note that the threshold for "could" is somewhat lower than a reasonable expectation but well beyond mere speculation. It is the view of this office that, for the threshold "could" to be met, there does not need to be a likelihood of a happening, but just a possibility, based on the facts.¹³ The phrase "with respect to" are words of the widest possible scope, or the widest expression intended to convey a connection between two related subject matters.¹⁴
- [26] Pages 7 to 13 comprise an Occupational Health and Safety officer's summary of an inspection they carried out. These pages are responsive to the time frame requested by the Applicant. LRWS confirmed that this summary represents an investigation conducted in compliance with statutory requirements in this province. Our review revealed that this is the case and to disclose this report could disclose information with respect to a lawful investigation. This is sufficient for this exemption to apply.
- [27] Given that section 15(1)(c) of *FOIP* applies, OIPC need not consider the application of section 19(1)(b) of *FOIP* to the same information. LRWS may continue to withhold pages 7 to 13 under section 15(1)(c) of *FOIP*.

¹² [*Leo v. Global Transportation Hub Authority*](#), 2019, SKQB 150 at paragraph [24].

¹³ OIPC [Review Report 210-2025](#) at paragraph [32].

¹⁴ OIPC [Review Report 259-2025](#) at paragraph [18].

IV FINDINGS

- [28] OIPC has jurisdiction under PART VII of *FOIP* to undertake this review.
- [29] The decision by LRWS to withhold portions of pages 1 to 6 and 15 to 18 of the responsive record constitutes an absurd result.
- [30] LRWS properly applied section 15(1)(c) of *FOIP* to pages 7 to 13 of the responsive record, in full.

V RECOMMENDATIONS

- [31] I recommend that LRWS release to the Applicant pages 1 to 6 and 15 to 18 in their entirety within 30 days of the issuance of this Report.
- [32] I recommend that LRWS continue to withhold pages 7 to 13 of the responsive record in full pursuant to section 15(1)(c) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 16th day of July, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner