Rolls-Royce Canada Ltd. and Labelle: When the use of AirTags is not protected by freedom of association and expression

June 13, 2023

In the midst of a labour dispute between Rolls-Royce Canada and its union, a recent arbitration decision provides insight regarding privacy protection as well as freedom of association and expression, following the undivulged use of an AirTag geolocation device.

Background

In an attempt to obtain the address of one of the managers sitting at the bargaining table and organize secondary picketing in front of his residence, the local union president of Rolls-Royce Canada, Frédéric Labelle, installed an AirTag geolocation device under the manager's car to track his geolocation on several occasions. The identity of the local union president was discovered thanks to a Norwich-type injunction procedure that revealed the Apple ID linked to the AirTag found under the manager's vehicle.

Rolls-Royce Canada terminated the employment of the local union president for gross misconduct; the union filed a grievance contesting the dismissal.

Details of the arbitration decision

The president of the union had always denied having any connection whatsoever with the AirTag, let alone being the person who had installed it under the manager's vehicle, until a few weeks before the arbitration. Given this turn of events, namely, the complainant's admission, the only issue before the arbitrator was whether having purchased, activated and installed an AirTag (and consulted its notifications) to monitor the geolocation of an employer representative on several occasions, in order to organize picketing in front of his residence, merited the dismissal of the president of the union.

This arbitration case pitted the union's freedom of expression and freedom of association (as well as the rules governing the relative immunity of union

representatives) against the manager's right to privacy, particularly during a labour dispute.

The arbitrator sided with the employer, ruling that neither the pressure felt by the grievor, as president of the union, on the progress of the collective bargaining file, nor the state of labour relations in the company and the bitterness of the labour dispute, could excuse such an invasion of privacy.

The fact that the employee only belatedly acknowledged that he had committed the act and that it was premeditated made the act unacceptable in the eyes of the arbitrator, who upheld the dismissal.

Key takeaways

The *Rolls-Royce Canada Ltée* and *Labelle* decision is one of the first to rule on the use of an AirTag-type device in such a context, now that geolocation has become a much more accessible technology than it used to be.

This arbitration decision provides an excellent demonstration of how freedom of association and freedom of expression are not without limits, and how even the escalation of a labour dispute does not give a union, nor its members, *carte blanche* in the means chosen to increase pressure on the employer.

Contact us

If you have any questions regarding your labour relations or the management of a labour dispute, please do not hesitate to reach out to our contact below, or any member of our Labour and Employment Group.

By

Justine B. Laurier, Samuel Roy

Expertise

Labour & Employment

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.