



Memorandum

Re: Model Clause on Openness and Transparency

Date: September 15, 2020

To: CAUT Council

From: David Robinson, Executive Director

A revised *Model Clause on Openness and Transparency* was submitted to Council for consideration at the November 2019 Council Meeting. After discussion and questions from Council, there was a motion to refer the model clause back to the originating committee to look into the question of the model clause being legal in all provinces. At the meeting, I informed Council that I would refer the question to CAUT legal staff.

At its meeting held February 7-8, 2020, the Executive Committee received the legal staff's review and recommended that the revised version of the model clause be sent to Council for consideration.

Below is a summary of the proposed revisions:

Clause 3 (Information Disclosure), has been updated to better reflect the position that employment information and certain demographic data should be shared with the union, as a matter of course. This information helps the union in its representative and equity advocacy capacities.

The specific changes are:

- Amended clause 3 (a): Modified to restrict the clause to information that has been found not to be private information about individuals and/or found to be necessary for a union to effectively represent its membership.
- New clause 3 (b): was added to separate out information that has been or would be found to be private information, and likely subject to privacy legislation, but for the aggregate and anonymized elements indicated.
- New clause 3 (c): was added to create a method for gathering wage and hiring data on a regular basis; by making the disclosure of this information more regular, it is hoped to separate the information from the individuals involved at any given time. It is also hoped

that creating this process with a fixed date will result in fewer instances of unions asking repeatedly for this information.

- Renumbering subsequent clauses through Article 3.
- Clause 3(e) revised to replicate changes made above, but for CAS.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to motions@caut.ca by November 13.