



Resolution Submission Form

Please email to execdir@bcla.bc.ca by April 3rd, 2013.

Please indicate **2013 Resolution – Title (the title of the Resolution!)** in the email subject line.

1. Title of Resolution	Muzzling of government employees
2. Rationale / Purpose for Resolution	Framework for activism to support employees of Library and Archives Canada, employees of other government libraries, and government scientists.
3. Prior History of this Resolution (IF ANY)	N/A (The 2012 Library and Archives Canada resolution is somewhat related).
4. Body of the Resolution (Action Proposed)	<p>Whereas the Canadian federal government is actively muzzling government employees, including librarians, archivists and scientists; and</p> <p>Whereas evidence-based policy making and the practice of democracy require access to the information that these government employees normally make available to the public; and</p> <p>Whereas the expertise of government employees is essential; and</p> <p>Whereas this muzzling has further tarnished the Government of Canada's reputation both at home and abroad; and</p> <p>Whereas BCLA and other library associations strongly support intellectual freedom;</p> <p>Therefore, be it resolved that</p> <p>BCLA affirms the rights and responsibilities of federal scientists and information workers to conduct their work in the manner established through long standing tradition ad practice including the right to present government research to the media and members of the public, and to publish, teach and participate in professional practice; and be it further resolved that</p> <p>BCLA undertakes to support these rights and responsibilities through such means as working with other organizations to advance advocacy, inform members and continue to push for positive change</p>



**British Columbia
Library Association**

5. Initiating Individual, Committee or Interest Group	Information Policy Committee
6. Mover's Name, Telephone and Email	Myron Groover myron.groover@gmail.com
7. Seconder's Name, Telephone and Email	Heather Morrison heatherm@eln.bc.ca
8. BCLA Committees / Interest Groups Consulted (IF ANY)	Information Policy Committee, Intellectual Freedom Committee
9. Endorsement by BCLA Committees / Interest Groups (IF ANY)	Information Policy Committee, Intellectual Freedom Committee
10. Fiscal Implications (IF ANY)	n/a
11. If this resolution necessitates a change in an existing bylaw, state the bylaw and the change. If this resolution proposes a new bylaw, please state the new bylaw. (Review BCLA Bylaws.)*	n/a
12. If this resolution conflicts with an existing bylaw, state provisions for resolving the conflict.	n/a
13. If this resolution proposes a BCLA position statement, indicate the position's relation to libraries and library service.	

* See <http://www.bcla.bc.ca/page/constitution%20and%20by-laws.aspx>



British Columbia Library Association

BCLA Resolution Backgrounder: Muzzling of Government Employees

Seanna Martin | April 1, 2013

Introduction

The Information Policy Committee (IPC) strongly opposes the muzzling of government employees, including librarians, archivists, and scientists working for the federal government of Canada. Recent restrictions placed upon the actions of these federal employees interfere with their personal and intellectual freedoms, and hinder access to information for the broader Canadian public. IPC plans to present a resolution at the BCLA AGM that will provide a framework for activism to support these employees and the democratic principles which they are tasked with upholding.

Why Now?

IPC was moved to issue a resolution at this time due to the recent public unveiling of Library and Archives Canada's (LAC) Code of Conduct, which was to have been developed in keeping with the values and spirit of the broader governmental code of conduct, *Values and Ethics Code for the Public Sector*.

As the national institution tasked with preserving and making accessible Canada's history, LAC plays a central role in safeguarding Canada's national heritage; by association, it should be upholding the tenets of librarianship appropriate to information workers in a democratic nation. Instead the Code of Conduct contains a number of problematic provisions which are in direct opposition to many of these principles. Most glaringly LAC's Code of Conduct prohibits all employees, volunteers, and contractors from teaching at educational institutions and speaking at or attending conferences without permission from management. If those conferences or teaching engagements relate to the mandate of Library and Archives Canada – in other words, if they have anything to do with libraries, archives, and technology – employees are forbidden outright from participating and may not even seek permission to attend. These activities are labeled “high risk” and their prohibition effectively prevents LAC employees from engaging professionally outside of the workplace and infringes upon their personal freedom.

This muzzling is not limited to federal workers in heritage and information organizations. For many years, scientific experts working for the Canadian government have routinely been prevented from speaking to the media about their research—especially when scientific findings run counter to government policies. The Canadian Science Writers' Association has extensively [documented](#) this muzzling of government scientists from 2008 onwards, and concern over the impact of these ‘muzzling’ practices on the ability of journalists to convey scientific information to the Canadian public has become so widespread that recently the Federal Information Commissioner of Canada launched a formal investigation into six departments¹ implicated in the matter.

Policy/Code Implications

As a case in point, LAC's “Code of Conduct” is in direct conflict with two of the most important tenets of librarianship: *intellectual freedom* and *access to information*. According to the Canadian Library Association's (CLA) position statement on intellectual freedom:

All persons in Canada have the fundamental right, as embodied in the nation's Bill of Rights and the Canadian Charter of Rights and Freedoms, to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly. This right to intellectual freedom, under the law, is essential to the health and development of Canadian society.

¹ Environment, Fisheries and Oceans, Natural Resources, National Defence, the Treasury Board Secretariat, National Research Council of Canada and the Canadian Food Inspection Agency



Excessively regulating the personal activities of federal employees is clearly counter to the ideals of a democratic society and raises serious questions about the legitimacy of this level of control. The Supreme Court of Canada has acknowledged that, “[Canada’s] democratic system is deeply rooted in, and thrives on, free and robust public discussion of public issues,” and also that public servants need to be able to speak publicly about societal issues (within reason) and should not be made “silent members of society” (*Fraser v. P.S.S.R.B.*, [1985] 2 S.C.R. 455). LAC’s “Code of Conduct” is excessively regulatory and infringes on the intellectual freedom to which civil servants are entitled.

The muffling of government employees also restricts ‘access to information,’ another fundamental principle of librarianship. CLA’s code of ethics explicitly states that members have a responsibility to “facilitate access to any or all sources of information which may be of assistance to library users” (CLA Code of Ethics, 1976), and LAC’s own mandate proscribes that LAC be a “source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society” (Library and Archives Canada Act, 2004).

By restricting the communications of librarians, archivists, and scientists, the current government effectively controls the flow of information relayed to the public in a manner that seems more dictatorial than democratic. Another provision of the LAC “Code of Conduct” broadly prohibits LAC employees from expressing their professional opinions, even when off-duty; this effectively gives LAC management complete control of the information disseminated from within the organization. The muffling of federal scientists is equally worrisome; Canadians are too often prevented from learning about scientific developments and findings. Scientists must receive approval before interacting with media, are frequently required to use pre-approved lines, and are altogether prohibited from speaking about certain subjects. Such measures place control of information in the hands of a few and prevent librarians, archivists, scientists, and other government workers from sharing taxpayer-funded knowledge and information with citizens. This information should rightly be considered public property.

IPC’s proposed resolution against the muffling of government employees is especially relevant at this time due to the current public interest in LAC’s “Code of Conduct”, but the necessity of such a resolution extends beyond the present. The long term impact of “muzzling” policies on the values and principles of librarianship is both broad and damaging; this needs to be continually addressed, now and in future.