



Public Service Commission
of Canada

Commission de la fonction publique
du Canada

POLITICAL ACTIVITIES AND NON-PARTISANSHIP DIRECTORATE

2014



Guidance Document for Participating in Non-Candidacy Political Activities

Canada

The Public Service Commission (PSC) provides guidance to help federal public service employees (employees) assess their specific circumstances and make an informed decision regarding their participation in political activities other than seeking nomination or being a candidate in an election (hereafter referred to as non-candidacy political activities) as defined in the *Public Service Employment Act* (PSEA). This information

is to be used as a guide and is part of a suite of tools developed to raise employees' awareness of their legal rights and responsibilities related to political activities.

The Guidance Document should be used for the following types of non-candidacy related political activities as defined in the political activities provisions (Part 7) of the *Public Service Employment Act* (PSEA), specifically:

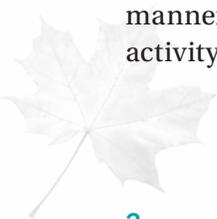
- i) any activity in support of, within, or in opposition to, a political party; and
- ii) any activity in support of, or in opposition to, a candidate before or during an election period.

Employees' involvement in political activities

The *Canadian Charter of Rights and Freedoms* provides all Canadians with "freedom of thought, belief, opinion and expression" and "freedom of association" and states that any restriction should be "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Employees' right to engage in political activities at the federal, provincial, territorial or municipal level is recognized in the PSEA. The Act states, "an employee may engage in any political activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner." Therefore, engaging in a political activity must be examined on a case by case

Employees that are considering seeking nomination or being a candidate in a federal, provincial, territorial or municipal election, must first obtain permission from the PSC, and, if applicable, a leave without pay from the PSC. Please note that seeking nomination or being a candidate in elections for Indian bands and school boards does not fall under the political activities provisions of the PSEA and should be considered in light of the Values and Ethics Code for the Public Sector and the code of conduct of employees' organizations.



basis and must be balanced with maintaining the principle of a politically impartial federal public service.

Employees do not need permission from the PSC to engage in non-candidacy political activities. However, they are responsible for ensuring that engaging in such activities does not impair, or is not perceived as impairing, their ability to perform their duties in a politically impartial manner. Deputy heads cannot engage in any political activities other than voting in an election. Upholding the non-partisan nature of the public service is the responsibility of all employees, whatever their level and whatever the nature of their duties.

Employees subject to the political activities provisions of the PSEA

The following groups are subject to the political activities provisions:

1. Employees working in organizations to which the PSC has the authority to make appointments. The political activities provisions of the PSEA apply to all employees, including students, whether appointed indeterminately, for a specified period or on a part-time basis, but do not apply to casual and part-time workers (working less than one-third of the normal scheduled hours of work), contractors and external consultants. However, casual and part-time workers remain subject to the *Values and Ethics Code for the Public Sector* and to the code of conduct of their organization; and
2. Employees of the following organizations whose enabling legislation stipulates that they are subject to the political activities provisions of the PSEA: the Canadian Institutes of Health Research, the Financial Transactions and Reports Analysis Centre of Canada, the Canada Revenue Agency, the Parks Canada

Agency, and the National Film Board. It includes students working in these organizations only if the organization considers that they are employees.

Definition of a non-candidacy political activity

The PSEA defines a non-candidacy “political activity” as:

- Any activity in support of, within or in opposition to, a political party; or
- Any activity in support of, or in opposition to, a candidate before or during an election period.

Activities that do not fall under the definition of a political activity in the PSEA, such as speaking out in the media supporting an advocacy group, should be considered in light of the *Values and Ethics Code for the Public Sector* and the code of conduct of employees’ organizations.

Examples of non-candidacy political activities

In addition to voting in a federal, provincial, territorial or municipal election, the following are other examples of non-candidacy political activities:

- Volunteering or fundraising for a candidate or a political party;
- Supporting or opposing a candidate or a political party by displaying political material such as a picture, sticker, badge or button, or placing a sign on the lawn;
- Attending events, meetings, conventions, rallies, or other political gatherings in support of, or in opposition to, a candidate or a political party;
- Developing promotional material such as writing campaign speeches, slogans and pamphlets for a candidate or a political party;



- ▶ Using blogs, social networking sites, a personal Web site or video sharing to express personal views in support of, or in opposition to, a candidate or a political party.

Political activities must not be conducted during working hours. Employees should also remember to make an informed decision about engaging in political activities, as defined in the PSEA, when such activities are outside of their scheduled working hours or while they are on approved leave, including a leave of absence without pay for other reasons than for candidacy. This will help ensure that the non-partisan nature of the public service is upheld.

Social media and online activities

Social media and online activities provide new challenges for employees in ensuring that their ability to perform their duties in a politically impartial manner is not impaired or perceived to be impaired. Social media has expanded the methods available for employees to exercise their right to engage in political activities. Employees should consider that social media with its broad reach, immediacy and permanence, can blur the distinction between their professional and private lives. When engaging in such political activities, employees may wish to consult the Treasury Board of Canada Secretariat's **Guideline on Acceptable Network and Device Use**.

Factors to consider before engaging in non-candidacy political activities

To make an informed decision about whether to engage in a specific non-candidacy political activity, employees should consider factors such as the following and how they interact with each other in light of their specific circumstances:

Nature of the political activity

- ▶ The level of the political activity (federal, provincial, territorial or municipal);

- ▶ The degree of visibility, duration and frequency of the political activity (the extent to which the activity will draw attention to employees and their public service duties); and
- ▶ The degree of association the political activity has with a candidate or a political party.

Nature of employees' public service duties

- ▶ The mandate of their organization and the visibility of their position;
- ▶ The type of decision-making authority they have (recommendations, approval or monitoring of contracts for goods and services, subsidies, grants or contributions, involvement in policy development, managerial or supervisory responsibilities);
- ▶ The nature and the extent of their contact with elected officials, residents, businesses or the media located within their municipality or electoral district;
- ▶ Their influence or direct interaction with Ministers and/or their staff.

Level and visibility of employees' current public service position

- ▶ Their level in the hierarchy, as a higher level position could potentially denote more influence on decision-making within the organization; therefore engaging in political activities could impair or be perceived as impairing their ability to perform their public service duties in a politically impartial manner;
- ▶ The visibility of their current position, e.g. wearing a uniform or other forms of government identification, using an identified government-owned vehicle, giving work-related media interviews etc., particularly if there are interactions with the public, may result in others associating the person with the position occupied;

- ▶ Their visibility within the community, as employees should keep in mind that outside of a large metropolitan area, they may be more visible, regardless of the group and level of the position they occupy;

Personal visibility

- ▶ Their personal or professional visibility in the community combined with participating in non-candidacy political activities could affect or be perceived as affecting their ability to perform their public service duties in a politically impartial manner.

In and of itself, engaging in a political activity may or may not affect or be perceived as affecting employees' ability to perform their public service duties in a politically impartial manner. It is the interplay of all the factors above, including the visibility, duration and frequency of the political activities in which employees wish to engage, that could affect this ability.

For example, volunteering for a political party may not affect or be perceived as affecting employees' ability to perform their public service duties in a politically impartial manner if they have no face-to-face contact with the public, have no signing authority, do not supervise anyone and the work they do for the political party is behind the scenes. However, it could affect or be perceived as affecting this ability if employees have front line exposure to the public, are well known in their small community or the work done for the political party involves media interviews. Members of the public may feel that they are not being served, or will not be served, in a politically impartial manner.

Recommended steps to follow:

1. **Get informed:** Employees should complete the anonymous *Political Activities Self-Assessment Tool* which takes into consideration a specific non-candidacy political activity and provides a rating based on the interplay of the factors listed above.

2. **Consult available resources:** Employees may wish to have a discussion about specific circumstances and/or the results from the *Political Activities Self-Assessment Tool* with management, the organization's Designated Political Activities Representatives or the PSC.

3. **Make an informed decision:** Employees need to determine whether engaging in a non-candidacy political activity could impair, or be perceived as impairing, their ability to perform their public service duties in a politically impartial manner.

Allegations of improper political activities

Anyone may make an allegation of improper political activity against an employee. The PSC may investigate any allegation that an employee may have engaged in an improper political activity. If the investigation establishes that there was an improper political activity, the PSC may take any corrective action deemed appropriate.

For more information, employees may visit the Investigations Web page which includes the Framework for Investigations of Improper Political Activities.



Information Sources:

[Political Activities Provisions of the PSEA](#)

[Canadian Charter of Rights and Freedoms](#)

[Values and Ethics Code for the Public Sector](#)

[Guideline on Acceptable Network and Device Use](#)

[PSC Political Activities Web page](#)

[List of organizations subject to the political activities provisions of the PSEA](#)

[Designated Political Activities Representatives](#)

[Political Activities Self-Assessment Tool](#)

[PSC Investigations Web page](#)

