CONFLICT OF INTEREST Political Activity

PURPOSE

1. This section explains the rights and responsibilities of employees to participate in elections in Nunavut.

APPLICATION

2. This applies to employees in all departments and public agencies of the Government of Nunavut (GN).

DEFINITIONS

- 3. **Birthright election** means an election for a full-time, paid executive position in a designated Inuit organization as defined in Article 39 of the *Nunavut Land Claims Agreement* (NLCA);
- 4. **Campaign manager** means a campaign manager as defined in the *Nunavut Elections Act* or a person designated as the campaign manager or who acts as principal spokesperson and organizer for a candidate in another election;
- 5. **Candidate** means a candidate as defined in the *Nunavut Elections Act* or the *Canada Elections Act*, or a candidate in a birthright election or a local election, as the context requires;
- 6. **Code** means the Nunavut Public Service Code of Values and Ethics.
- 7. **Federal election** means an election of a member of the House of Commons of Canada:
- 8. **Financial Agent** means a financial agent as defined in the *Nunavut Elections Act* or a person designated as the financial agent or who carries out substantially the same duties and responsibilities for a candidate in a birthright election or a local election;
- 9. **Local election** means an election for a full-time, paid member of a local authority as defined in the *Local Authorities Elections Act*;
- 10. **Official Agent** means an official agent as defined in the *Canada Elections Act* or a person designated as the official agent or who carries out substantially the

Human Resources Manual Section 204: Political Activity



same duties and responsibilities for a candidate in a birthright election or a local election;

- 11. **Political activity** means any work or activity for or against a candidate or political party, and includes:
 - i. campaigning for or against a candidate or a political party or a policy or platform of a candidate or political party;
 - ii. soliciting funds for a candidate or a political party;
 - iii. contributing money to a candidate or a political party;
 - iv. publicly endorsing a candidate or a political party; and
 - v. requesting any other person to support a candidate or a political party or to work for a candidate or political party;
- 12. **Political party** means a political party registered under the *Canada Elections Act*,
- 13. **Registered association** means an electoral district association registered under the *Canada Elections Act*;
- 14. **Restricted employees** are:
 - i. deputy heads;
 - ii. heads of secretariats of the Executive Council:
 - iii. assistant deputy ministers;
 - iv. associate deputy ministers:
 - v. directors;
 - vi. executive directors:
 - vii. employees in a position in a public body substantially equivalent to a position identified in (i) to (vi); and
 - viii. Executive Council staff, other than secretarial staff or clerical staff.
- 15. **Territorial election** means an election of a member of the Legislative Assembly of Nunavut.
- 16. **Unrestricted Employees** are those employees, including teachers, who do not fit into the definition of restricted employees.

PROVISIONS

- 17. Employees are free to participate in political activity as long as the political activity is clearly separate from their GN responsibilities, and meets the requirements of the *Public Service Act*, the Code and this directive.
- 18. A public servant may not engage in a political activity where it could reasonably result in a perception by members of the public that the public

Human Resources Manual Section 204: Political Activity



servant is not carrying out his or her duties impartially or that the public service is not impartial and politically neutral.

- 19. Employees are allowed to:
 - i. attend political meetings;
 - ii. be a member of a political party;
 - iii. contribute money to a candidate or political party; and
 - iv. criticize any GN policy that is unrelated to their duties.
- 20. Employees, who want to be a candidate in a territorial election, must first request a leave of absence from their deputy head using the attached Form A. If the employee is a deputy head, the request must be made to his or her Minister.
- 21. Employees are not allowed to:
 - engage in any political activity while at work, during working hours, or while on duty travel;
 - ii. use the premises, air charters, supplies, equipment or services belonging to or in the possession of the GN or a public body for the purposes of any political activity, unless the premises are residential premises leased to an employee;
 - iii. display or distribute campaign literature or other campaign material of a candidate or political party in an office or premises belonging to or in the possession of the GN or a public body, unless the premises are residential premises leased to an employee;
 - iv. in their public service capacity, publicly endorse a candidate or political party;
 - v. intentionally use or attempt to use their public service position to affect the political activity of any other person; or
 - vi. engage in any political activity that conflicts with the performance of their public service duties and responsibilities.
- 22. **Unrestricted employees** may be permitted to be involved in the following political activity, provided the activity does not conflict with their public service duties, and they notify their Deputy Head using the attached Form B before becoming involved as:



- i. a candidate in a federal election, birthright election or local election; or
- ii. a campaign manager, financial agent or official agent for a candidate or political party in a federal election, birthright election or local election.
- 23. **Restricted employees** must be on leave of absence before:
 - i. becoming a candidate in a federal election;
 - ii. soliciting funds for a candidate or political party;
 - being a campaign manager or otherwise actively campaigning in support of a candidate or political party in a territorial election or a federal election;
 - iv. commenting publicly on matters that are directly related to their work with the government and are addressed in the positions or policies of a candidate or political party. An exception may be made if the comments fall within the scope of the employee's normal government work; or
 - speaking in public or expressing views in writing for distribution to the public on any matter that forms part of the platform of a candidate or political party, including any criticism of candidates, positions or policies.
- 24. **Restricted employees** may, with the approval of their deputy head or Minister:
 - i. be a candidate in a local election or a birthright election;
 - ii. serve as a financial agent or official agent for a candidate in a territorial election or a federal election;
 - iii. serve as a campaign manager, a financial agent, or an official agent, for a candidate in a birthright election or a local election; or
 - iv. serve as an executive officer of a political party or registered association.
- 25. The written notice required in Section 22 of this directive, must be made to the employee's supervisor and deputy head and must include a description

Human Resources Manual Section 204: Political Activity



of the activity that will be undertaken and the dates of the political activity. The written notice must be given before the start of the political activity using the attached Form B.

- 26. Where approval is required under Section 24 of this directive, restricted employees must apply in writing and include a description of the activity and the dates of the political activity using the attached Form A. The written request must be given at least two weeks before the anticipated start of the political activity.
- 27. Where a deputy head or Minister receives a request for approval to participate in political activity, they must approve the request unless the political activity will impair the employee's ability to perform his or her public service duties effectively and impartially.
- 28. Employees must use the attached Form A to apply for a leave of absence. Applications for leave should be submitted at least two weeks before the anticipated start of the political activity. Verification of leave credits must be obtained before the form is submitted to the deputy head or Minister.
- 29. Employees can use their accumulated or banked leave, including annual and lieu-time, or leave without pay for the period of political activity. Employees cannot use special leave for their political activity.
- 30. Where a deputy head or Minister receives an application for leave to participate in political activity, the leave must be approved unless the absence will seriously interfere with operational requirements.
- 31. The leave of absence will begin on the day the employee begins the political activity and will end on the day the results of the election are officially declared, or an earlier date requested by an employee who ceases to be a candidate, or no longer works for a campaign or political party.
- 32. Names of employees receiving leaves of absence for being a candidate in a territorial election will be published in the *Nunavut Gazette*.
- 33. An employee will cease to be a GN employee once sworn in as:
 - i. a member of the Legislative Assembly;
 - ii. a member of the House of Commons:
 - iii. a full-time executive officer with a birthright organization; or
 - iv. a full-time member of a local authority.



34. If the Minister responsible for the *Public Service Act* determines that an employee has contravened Part 5 of the *Public Service Act*, disciplinary action may be taken.

AUTHORITIES AND REFERENCES

- 35. Canada Elections Act
- 36. <u>Public Service Act</u>
 Part 5, Political Activity
- 37. <u>Public Service Regulations</u>
- 38. Code of Values and Ethics
- 39. Nunavut Elections Act

CONTACTS

40. For clarification or more information on this topic contact:

Director, Employee Relations and Job Evaluation Department of Finance Iqaluit, Nunavut (867) 975-6211