

PUBLIC COMMENT

PURPOSE

1. This directive outlines the types of public comments that public servants may and may not make in an unofficial capacity concerning the Government of Nunavut (GN).

APPLICATION

2. This directive applies to all GN employees.

DEFINITIONS

- 3. Code of Values and Ethics (Code) is the Nunavut Public Service Code of Values and Ethics.
- 4. **Confidential Information** refers to information that comes to a public servant's knowledge by reason of employment in the public service.
- 5. **Duty of Loyalty** is a fundamental value and obligation of the public service and is an essential principle of democracy; public servants provide open, honest and impartial advice to democratically elected representatives, and then must loyally implement the decisions made.
- 6. **Internal Reporting** refers to the steps to be taken within the GN to report evidence of illegal, unhealthy and unsafe acts and or situations; these steps include reporting to an 1) immediate supervisor; 2) senior manager; 3) deputy head; and 4) the Deputy Minister responsible for the *Public Service Act*.
- 7. **Public Comments** means any oral or written comments made on social media or other public forum.
- 8. **Senior Manager,** in this directive, means a GN employee who occupies a position that involves management of significant financial resources, programs and personnel and who is paid pursuant to the senior manager's pay grid.
- 9. **Social Media** refers to a website, Facebook page, Twitter account or other electronic means of, or forum for, sharing information on the internet.

PROVISIONS

10. The Code sets out the duty of loyalty public servants have to the GN. All GN employees must comply with the Code as a condition of their employment.



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Human Resources Manual Directive 207: Public Comment

- 11. A public servant must ensure that their public comments are appropriate to the position they hold and
 - a. do not reveal confidential information;
 - b. are not purposely stated to cause mistrust in the GN; or
 - c. are not purposely stated to cause doubt about the ability of the public servant or the public service as a whole to be impartial or effective.
- 12. Public criticism of the GN by a public servant may be justified where:
 - a. The criticism has no impact on the public servant's ability to perform his or her duties impartially and effectively or on the public perception of that ability; or
 - b. Having exhausted all internal reporting steps without a satisfactory outcome and having verified the facts, the public servant reports illegal acts or situations where life, health and safety are jeopardized.
- 13. It is not appropriate for a public servant to make a public comment that is, or could reasonably be perceived to:
 - a. be made on behalf of the GN;
 - b. compromise the public servant's capacity to fulfill their duties in an unbiased manner especially when the public comments are concerning the public servant's department; or
 - c. be a personal attack that might reasonably be perceived to be connected to employment.
- 14. Senior Managers should be particularly careful when making unofficial public comments due to their influence with stakeholders and because they are likely to advise on or lead the implementation of policies and programs.
- 15. If a public servant has a concern about a policy or program of the GN and he or she is unsure whether they should make a public comment, they should seek the advice of their immediate supervisor and/or deputy head (follow internal reporting).
- 16. Nothing in this directive prevents public servants from participating in outside activities after following the reporting procedure outlined in the Human Resources Manual directive 203 Outside Activity.



Human Resources Manual Directive 207: Public Comment

17. If a public servant fails to comply with this directive and/or the Code, he or she may be subject to disciplinary action up to and including termination of employment, in accordance with the *Public Service Act* and Human Resources Manual directives.

AUTHORITIES

- 18. Public Service Act S.Nu 2013, c. 26
- 19. Nunavut Public Service Code of Values and Ethics
- 20. Human Resources Manual

CONTACTS:

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