

POLITICAL ACTIVITY (Birthright Election) Frequently Asked Questions

How does the *Public Service Act* affect political activity?

The *Public Service Act* clarifies and reduces the restrictions on public servants who want to be involved in political activity. The changes reflect the *Canadian Charter of Rights and Freedoms* and standards of practice in other Canadian provinces and territories.

Can I engage in political activity related to a birthright election?

Yes, 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 of Values and Ethics and the Human Resources Manual Directive 204, Political Activity.

Can I be a candidate in a birthright election?

Yes, employees may participate in birthright elections as candidates.

Restricted employees: If you are a restricted employee (see list below) you must first apply for and obtain approval from your Deputy Head (or Minister if you are a Deputy Head) before becoming a candidate. For restricted employees written requests must be provided at least two weeks before the anticipated start of the political activity.

Unrestricted employees: If you are an unrestricted employee you must notify your deputy head of your intent to run for candidacy before the start of the political activity.

As a restricted employee, what if my request to be a candidate is denied?

If your request to be approved as a candidate in a birthright election is denied you can request to take a leave of absence from your GN position to be a candidate. However, your request for leave can also be denied if your deputy head or Minister determines, in accordance with directives concerning political activity, that your absence will seriously interfere with the operation of the department or public body concerned.

Can I solicit funds for a candidate when I am not at work?

Yes, if you are an unrestricted employee. If you are a restricted employee, you must first apply for and obtain approved leave. An employee cannot solicit funds for a candidate or political party while at work or while on duty travel.

Can I be a campaign manager, financial agent or official agent?

If you are a restricted employee you must apply for approval from your deputy head and/ or be on approved leave to do so. If you are an unrestricted employee you must first notify your deputy head of your intention.

Can I comment publically or criticize government policy that is unrelated to my work?

Yes, however, if you are a restricted employee, you must apply for and obtain approved leave before doing so.

Can I publically speak or write in support or criticism of a candidate, political party, positions or policies?

Yes, unless you are a restricted employee in which case you must be on approved leave to do so.

Can I attend political meetings?

Yes

Can I contribute money to a candidate?

Yes.

While at work, can I engage in political activity, display/distribute campaign literature, wear a button or use GN equipment for political activity?

No, an employee cannot engage in any of these activities while at work or while on duty travel.

Can I engage in political activity such as putting up campaign signs in my home even though my housing is owned by the GN?

Yes.

How do I give notice to my Deputy Head?

You must give your supervisor and deputy head notice in writing with a description of the activity and dates, notice must be given before the start of the activity. You will find the written notice form in Appendix B of HRM directive 204 Political Activity.

How can I apply for a leave of absence to engage in political activity?

You will find the leave of absence form in Appendix A of HRM directive 204 *Political Activity*. You must have your leave credits verified before submitting the leave form to your supervisor/deputy head. The leave form must be submitted at least two weeks prior to the start date of the political activity.

What type of leave can I use for political activity?

You may use your accumulated or banked leave. This includes annual and lieu-time or you may use leave without pay. You may not use special leave during political activity. The leave of absence will start on first day the political activity starts and end on the day the results of the election are officially declared.

These Frequently Asked Questions are intended as a guide only and are not intended to alter the effect of existing legislation. If you have any questions about allowable activities for GN employees during a territorial election, please contact: Employee Relations, Department of Finance, 867-975-6211. Reference documents include: the Human Resource Manual Directive 204, Chapter 6 of the Code of Values and Ethics, Sections 30-37 of the *Public Service Act*.

Restricted employees are:

1. deputy heads;
2. heads of secretariats of the Executive Council;
3. assistant deputy ministers;
4. associate deputy ministers;
5. directors;
6. executive directors;
7. a position in a public body substantially equivalent to a position identified in (i) to (vi); and
8. Executive Council staff, other than secretarial staff or clerical staff.

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