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CONFLICT OF INTEREST Political Activity

PURPOSE


1. The *Public Service Act* contains provisions for political activity. Employees have a duty to abide by these provisions. This section identifies the restrictions placed on Government of Nunavut (GN) employees who may wish to offer their services as an official agent, a candidate, a financial supporter, or an ordinary campaign worker in elections in Nunavut. General provisions for political activity that apply to all employees are also outlined.

APPLICATION

2. These guidelines and procedures apply to all employees of the Government in all departments, boards and agencies.

DEFINITIONS


3. **Restricted Employees** are:
 - (1) deputy ministers;
 - (2) heads of secretariats of the Executive Council;
 - (3) assistant deputy ministers;
 - (4) directors;
 - (5) regional directors;
 - (6) assistant regional directors;
 - (7) chief executive officers and presidents of public agencies, as defined in the *Financial Administration Act*;
 - (8) division directors;
 - (9) executive branch staff, other than secretarial staff, clerical staff, or executive assistants to elected Ministers;
 - (10) staff of the Department of Human Resources, other than secretarial or clerical staff; and
 - (11) superintendents of education.
4. **Unrestricted Employees** are those employees, including teachers, who do not fit into the definition of restricted employees.
5. **Candidate** as defined in Nunavut's *Elections Act* or the *Canada Elections Act* as applicable.

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6. **Official Agent** as defined in Nunavut's *Elections Act* or the *Canada Elections Act* as applicable.
7. **Political Party** is a registered political party or an unregistered political party functioning in Nunavut to achieve political aims.
8. **Territorial Riding Association** is the Nunavut association of a political party.
9. **Policy** means a government commitment to the public to follow an action or a course of action in pursuit of approved objectives.
10. **Financial Agent** means a financial agent as defined in the Nunavut *Elections Act*.
11. **Deputy Head** means the Deputy Minister of a department, or the Chief Executive Officer or President of a board or agency of the Government of Nunavut.

PROVISIONS

12. If engaging in political activities, employees must be able to maintain impartiality in relation to their duties and responsibilities. Within the constraints established in the *Public Service Act*, employees are free to participate in political activities, including belonging to a political party, supporting a candidate for elected office and actively seeking elected office, as long as the political activities are clearly separated from the activities related to employment.
13. In accordance with Section 34 of the *Public Service Act*, **all employees** are prohibited from the following activities:
 - (1) Serving as a campaign manager, financial agent, official agent or an executive officer of a territorial political party, or a territorial riding association;
 - (2) Personally soliciting funds for a territorial political party or candidate;
 - (3) Engaging in any political activity for or on behalf of a territorial or federal political party or candidate during working hours or while on duty travel;

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- (4) Using premises, supplies, equipment or services belonging to the GN for purposes of any political activity unless the premises are leased residential premises;
- (5) Displaying or distributing federal, or territorial campaign literature or other promotional material in any office or premises belonging to the Government unless the premises are leased residential premises;
- (6) Publicly criticizing the policies of the Government of Nunavut when:
 - The employee acquired information on the policies or positions by virtue of the employee's position; or
 - The issue directly relates to the duties of the employee.

unless on an approved leave of absence as defined in Sections 17 and 18 below,


- (7) Being a candidate in a territorial or federal election unless on an approved leave of absence as defined in Sections 17 and 18 below.
- (8) Intentionally using or attempting to use his or her position to affect the political activity of any other person.

14. In addition to the prohibitions outlined above, **restricted employees** are prohibited from the following political activities:

- (1) Speaking in public or expressing views in writing for distribution to the public on any matter that forms part of the platform of a territorial or federal political party, including criticisms of candidates, positions or policies;
- (2) Attending any meeting of a territorial or federal political party as a voting delegate;
- (3) Serving as an executive officer of a federal political party or riding association; and
- (4) Campaigning on behalf or otherwise actively working in support of a territorial or federal political party or candidate.

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15. Employees are not in violation of paragraphs 13 and 14, merely because they attend political meetings, are a member of a political party or contribute money to a political candidate or party.
16. **Unrestricted employees** may engage in the following political activities:
 - (1) Canvass door-to-door and by telephone after working hours in both territorial and federal elections;
 - (2) Work in campaign offices in territorial elections;
 - (3) Speak at public rallies and meetings in a territorial or federal election, as long as the employee respects the limitations imposed by this directive;
 - (4) Endorse or criticize the platform of any federal political party or candidate.
17. The Deputy Minister of Human Resources shall grant an **unrestricted employee** a leave of absence without pay to seek nomination as a candidate and to be a candidate for election upon written application.
18. The Deputy Minister of Human Resources shall grant a **restricted employee** a leave of absence without pay to seek nomination as a candidate and to be a candidate for election if the Deputy Minister of Human Resources is satisfied that the absence will not seriously interfere with the operation of the public service.
19. A leave of absence must be obtained from Deputy Minister of Human Resources before an employee can seek nomination as a candidate in a federal or territorial election. An employee must apply in writing for this leave to his/her Deputy Head.
20. The leave of absence without pay shall begin prior to an employee's declaration of candidacy and end on the day the results of the election are officially declared or an earlier date as may be requested by an employee who has ceased to be a candidate.
21. An employee who is declared elected in a territorial or federal election ceases to be an employee. The elected employee shall resign their employment effective the date of the election.

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22. Following the approval of leave by the Deputy Minister of Human Resources, the Department of Human Resources arranges to publish a notice that the employee was granted a leave of absence in the “*Nunavut Gazette*” and any widely distributed Nunavut newspaper.
23. Employees who seek election and are not elected are entitled to return to the same or similar employment, effective the day after the election.
24. If, as a result of an investigation, the Deputy Minister of Human Resources is convinced that an employee has contravened Section 34 of the *Public Service Act*, the Deputy Minister of Human Resources may take appropriate disciplinary action.

AUTHORITIES AND REFERENCES

25. *Canada Elections Act*
26. *Public Service Act*
Section 34, Political Partisanship
27. Public Service Regulations
28. *Elections Act*

CONTACTS

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

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