



Your Political Rights

For more than 10 years, the only federal public sector workers who faced restrictions on political expression were deputy heads of departments. In 1984, the PSAC had challenged the restrictions on political rights in the Public Service Employment Act (PSEA) and in 1991 the Supreme Court of Canada struck down these restrictions. Changes to the PSEA as a result of the Public Service Modernization Act have now created new restrictions on *all* public service workers.

What are political activities?

The PSEA defines political activities as anything done to support or oppose a political party or a political candidate, either before or during an election period. This broad definition includes any of the examples listed below:

- Signing a candidate's nomination papers.
- Wearing a party or candidate button in public.
- Placing an election sign on your property.
- Giving political opinions in public or elsewhere
- Working as a canvasser for a political party or candidate.
- Working in a campaign office
- Participating in the formation of party or candidate policies
- Taking part in election day activities on behalf of a party or candidate
- Attending peaceful demonstrations on political topics.
- Soliciting funds from the public for political campaigns and parties
- Attending a political convention as a delegate.
- Writing letters to the editor endorsing a candidate or party.

Many more activities are covered by the definition. As has always been the case, none of these activities are to be carried out during your working hours.

There are also separate and special rules that apply if you wish to be a candidate in a federal, territorial, municipal or provincial election.

Which activities am I allowed to participate in?

Unfortunately, this is not clear under the new legislation. The only certain fact is that all public service workers can vote! The guiding principle of the new PSEA is to "*recognize the right of employees to engage in political activities while maintaining the principle of political impartiality in the public service.*" This means that your political activities can not affect your impartiality at your job. All public service workers will have different political restrictions, depending on their duties.

The Act permits the government to make regulations specifying which political activities would impair the ability of an employee or group of employees to perform their duties in a politically impartial manner. When doing so, the government may consider the nature of the political activity and the nature and visibility of employees.

Don't be discouraged by the Public Service Commission

The Public Service Commission has created an automated self-assessment tool on their web site that employees are encouraged to use to determine whether or not they should participate in political activities. This tool seems designed to discourage any public sector worker from doing anything more than casting a vote during an election. No matter how removed you may be from any contact with Ministers, no matter that you have no influence on policy-making, the tool is bound to come up with the answer that you should not be involved.

This flies in the face of the last 14 years of political activity by PSAC members. Since the Supreme Court decision, there have been no restrictions on our members' activities. In all that time, there have been virtually no complaints related to our members' political activities during election campaigns. There is absolutely no justification for the government now to put the big chill on our members' right to participate fully in the democratic process.

Follow some guiding principles

When determining how you want to exercise your democratic rights, keep these guidelines in mind.

- Don't conduct **any** political activity on the job.
- Don't identify yourself as a federal public sector worker when working on a campaign, e.g. canvassing, making phone calls, etc.
- Don't wear your uniform if you are required to wear one at work, or your government identification, at public meetings such as candidates' meetings.
- Don't drive a government identified vehicle when participating in election activities.

What if I participate in a political activity that is not permitted?

You can be subject to discipline.

How do I complain if my political rights are unfairly restricted?

The recourse against a decision of a manager to restrict your political rights is through an application to the Federal Court for judicial review. If this happens, please contact your PSAC regional office.

If you are disciplined in any way for participation in a political activity, this can be grieved. If you are disciplined, contact your Local or your Component for representation and advise the PSAC regional office.

The PSAC wants to protect our members' political rights and will review all cases where political activity is restricted.

Ask the candidates

Will your party revoke the regulations restricting political activity by federal public sector workers, with the exception of deputy heads?



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