

General Election 2011: Questions and Answers for State Servants

Purpose

These questions and answers complement the State Services Commission's comprehensive guidance for the 2011 election period. They focus on the issues that are most important for individual State servants. The comprehensive guidance can be found at www.ssc.govt.nz/election-guidance.

What is "political neutrality"?

Political neutrality is about State servants doing their jobs professionally and without favouring one political party over another. State servants must be able to work with both current and future governments. This is important for the maintenance of trust in the institutions of government, and it allows government business to continue regardless of which party is in power. The political neutrality principle does not mean you can't take a personal interest in politics. It does mean that you must "keep your job out of politics and politics out of your job".

Why is political neutrality so important during an election?

State servants need to take particular care how they behave in the lead-up to, during, and immediately after, an election. During this time, there may be more media interest and more public scrutiny of the behaviour and actions of State servants than at other times. Normally acceptable activities and working relationships could be perceived as inappropriate because of the heightened political environment around election time. Adhering to the principles of political neutrality also protects State servants from any inappropriate political pressure that could be placed on them at work.

Can I be politically active in my community?

In general, State servants have the same political rights and freedoms as other members of the public. Outside work, you are free to take an active interest in political matters. In the great majority of cases, it is acceptable for you to belong to, and to play an active role in, a political party. This includes helping with activities like fundraising or leaflet drops. You need to remember, however, to leave your politics at the door when you come to work, and you must never do anything that will bring your agency, or the State services, into disrepute.

The more senior your position, the more care you need to take. In general, senior State servants and those who have direct contact with Ministers should avoid active involvement in political activity if it could be seen as conflicting with their political neutrality obligations. These State servants should generally not take on very public roles (e.g being a party spokesperson) within a political party.

If in doubt, talk to someone in your agency. This is likely to be your manager or head office HR staff, or you may need to go to the chief executive or board chairperson, depending on your position.

Can I express my political views at work?

Although State servants have the same rights of political expression outside the workplace as ordinary members of the public, they need to be politically neutral at work. This means you need to be careful about when and how you express any political views, and you must not do so in a way that could be taken as a comment about your job. If your work

involves speaking publicly, you must avoid showing any political bias for or against particular political parties or their policies. You must not campaign for a party or a candidate at work.

Can I use work premises or resources for party political purposes?

No, this is not appropriate. For example, material that promotes a political party or lobbies for or against issues likely to feature in the election, must not be displayed on agency premises, vehicles, or websites. This also means you cannot allow your local MP or another election candidate to use your work premises for meetings¹.

The representational activities of unions on work premises are acceptable. The content, however, must not be political party advertising under the banner of the union. It is quite appropriate for unions to share with their members the approach they are taking to party policies but any related material must not be displayed in an area that is accessible to the public.

State servants should not provide their work contact details to political organisations. If you are sent a party political email, delete it or refer it to your manager, but do not respond or forward it on. You must not use your work email to communicate about political issues or use the work photocopier or printer for party political material. You must not put up political party posters at work or on an agency vehicle, or wear political badges at work.

For more discussion on these issues, see www.ssc.govt.nz/election-guidance.

What if an MP or political party requests information, or wants to visit our premises during the election period?

As always, the Official Information Act applies and requests should be handled in the same way and within the same timeframes as at other times. State servants have a duty to release all information unless there is good reason to withhold under the terms of legislative criteria in the Act. However, in an election year an MP may have the dual role of advocating for constituents and campaigning for re-election and this can create a difficult situation from what might otherwise be routine contact between an MP and a local office.

If you receive an information request from an MP, a candidate or a political party (including party research units) during an election period, you should refer the request to your manager. Managers should make their chief executive aware of the request, and he or she, in turn, may then wish to consult the relevant Minister.

As at other times, any requests by MPs or parliamentary candidates to visit agency premises should be granted only after your agency has obtained approval from your Minister.

For more discussion see www.ssc.govt.nz/election-guidance.

What if the media contact me at work about an election issue?

You must follow your agency's media policy. If you are contacted by the media, you must refer the request to your manager or your agency's spokesperson. If you are the

¹ An exception may be made for premises that are effectively public venues, and for which normal commercial terms are imposed. There is also provision in the Electoral Act for political parties to use State schools for election meetings for the public (Electoral Act 1993, s. 154).

spokesperson, as always, stick to **explaining** policy – it is not your role to **defend** or **criticise** it.

What if I want to stand as a candidate in the election?

State servants are entitled to stand for election to Parliament. You must let your manager, chief executive or board chair know as soon as you decide to be a candidate.

The Electoral Act 1993 sets out rules for State servants who work in certain agencies (Public service departments, the Police, the NZSIS, most members of the Defence Force, and the Education Service) and who want to stand for Parliament. If you work in one of these agencies you will need to take leave from your position from Nomination day (at the latest) until the first working day after Polling Day². If you are elected, you are considered to have vacated your agency position. If you are unsuccessful you may go back to work on the first working day after Polling Day. Rare circumstances may arise where it is appropriate for your agency to assign you different duties after you return to work following an unsuccessful election bid.

Other State servants, not covered by the Electoral Act provisions, should carefully consider the impact their candidacies may have on Ministerial and public confidence in the political neutrality of the State sector. Your employer might want to consider whether the same processes around taking leave, as outlined in the Electoral Act, should be followed to preserve political neutrality. If you are in this situation, talk to your manager as soon as possible to determine the best way to deal with your candidacy.

For more discussion see www.ssc.govt.nz/election-guidance.

How involved can I be on election day?

State servants are strongly encouraged to vote and to participate in the administration of the election. However, you should be careful about involvement in other political activity on the day. As a guideline, you must avoid any situations that could be a source of embarrassment to your agency, or misunderstandings by people who know you work for a government agency. State servants are not precluded from carrying out the tasks of a scrutineer on election day but if doing so, you should not visibly identify yourself with a political party.

If you hold a senior position, or have a high profile in your community as a State servant, you should avoid being visibly associated with a political party on election day. This means avoiding activities like driving electors to polling booths on behalf of a political party or supporting candidates at a post-election party.

Further information

For more detailed election guidance see www.ssc.govt.nz/election-guidance. If in doubt, you should seek advice, in the first instance, from your senior managers. The State Services Commission also provides further guidance and support. Please email election@ssc.govt.nz, or telephone (04) 495 6600.

² The conditions are set out in the Electoral Act 1993, sections 52 and 53.