



CITY OF CORNER BROOK

Policy & Procedure

Index	Human Resources	Section	Employee Conduct		
Title	Employee Participation in Elections	Policy Number	10-05-16	Authority	Council
Approval Date	June 25, 2018	Effective Date	June 25, 2018	Revision Date	

Purpose:

This policy is intended to provide clarification to City of Corner Brook employees, their legislative requirements relating to the campaign as they pertain to participation in political activities. The intention is for these activities to be balanced with the requirement for an impartial and effective public service while ensuring compliance with the Municipal Elections Act, the Elections Act and the Canada Elections Act.

Policy Statement:

This policy will ensure that neutrality of the public service is maintained. The political activity provisions set out restrictions on the use of City resources while engaging in political activity and while at work.

The political activity provision addresses the need for a balance between employees' right to engage in political activity and the requirement for the public service to be politically impartial. The City acknowledges the Human Rights Act, and this policy is considered a good faith requirement in order to protect the greater public interest of the City.

Definitions:

City of Corner Brook Employee: is any individual working for, or receiving compensation from, the City of Corner Brook; including those in part-time, seasonal or contractual positions.

Political Activities: include seeking nomination or being a candidate in an election or participating in any activity which supports or opposes a political candidate and/or political party. Political activity is applicable to municipal, school board, provincial and federal elections.

Politically Restricted Employees – employees who meet one or more of the following conditions:

- City Manager, City Clerk or Director
- City Solicitor
- Returning Officer or Alternate Returning Officer for Municipal elections

- Have access to confidential information related to the development of City policy;
- Have been delegated discretion over, or provide advice regarding, the allocation of department funds, especially grants or provision of services to persons, businesses or other organizations; and
- Employees who routinely provide governance and procedural advice directly to City Council, and/or their Committees.

Politically Non-Restricted Employees – all other employees who are not politically restricted employees as defined above.

Political Party – a registered organization formed in accordance with provincial or federal law for the purpose of contesting an election of members of a legislative assembly.

DETAILED ACTION REQUIRED

Responsibilities:

Mayor, Deputy Mayor, and Council (or its designated committee) will:

- Review, amend, and adopt changes to this policy.

The City Manager will:

- Bring recommended changes of this policy forward to Council for consideration and approval;
- Adhere to this policy as monitored
- Address any breaches of this policy; and
- Ensure disciplinary action is imposed for contraventions of this policy

The Directors will:

- Recommend to the City Manager changes to this policy;
- Adhere to this policy as monitored
- Address any breaches of this policy; and
- Ensure disciplinary action is imposed for contraventions of this policy

Employees Will:

- Ensure they adhere to this policy;
- Ensure their participation in a political activity does not impair their impartiality in the performance of their duties;
- Ensure they do not engage in any form of political activity at the workplace or during work hours, with the exception of voting in an election; and
- Ensure when, prior to engaging in a political activity, employees are uncertain as to whether they are restricted or non-restricted, they are required to seek a determination by the City Manager.

General Provisions Regarding Political Activities

Political activities include a range of activities from being a candidate in an election to engaging in activities to supporting or opposing a political candidate or party. Limitations on employees' participation in political activities are in place to protect the impartiality of the public service. Employees' participation in political activities must not impact their impartial performance, and the perception of the impartial performance, of their duties and responsibilities.

If prior to engaging in any political activity, employees are uncertain as to whether they are restricted or non-restricted, they are required to seek a determination by the City Manager.

EMPLOYEES

All employees are encouraged to vote in all elections. The City will provide employees with the required allotted time off to participate in voting while the polls are open. All employees are required to abide by this policy in conjunction with other City policies including, but not limited to: Code of Ethics, Employee Conduct, Social Media Policy, and Respectful Workplace Policy.

Prohibited Activities

All employees are prohibited from the following activities:

- Engaging in any form of political activity at the workplace or during work hours, with the exception of voting in an election;
- Wearing or displaying at the workplace anything that supports or opposes a candidate or party, this includes, but is not limited to clothing, buttons, signs, banners, etc.;
- Engaging in any political activity while wearing a City uniform;
- Using City premises, supplies, equipment, email or services for the purposes of any political activity;
- Soliciting funds for a party or candidate; and
- Sharing confidential City information or information gained through their employment with the City;
- Using their title or position within the City in such a manner as would lead a member of the public to infer that the City is endorsing a candidate or a political party;
- Publicly criticizing (including use of social media) the City of Corner Brook, employees, and/or Mayor & Council; and
- Participating in other political activities that are deemed inappropriate by the City Manager.

Politically Non-Restricted Employees

Politically non-restricted employees may participate in the following activities, provided that they maintain impartiality in the performance of their duties, do not publicly criticize the policy decisions and directions of the employer and do not perform political activities at the workplace:

- Belonging to a political party;
- Signing nomination papers;
- Performing administrative tasks for a party or candidate (such as stuffing envelopes or answering or receiving telephone calls);
- Making a financial contribution to a party;
- Displaying a sign at their personal residence;

- Serving as a campaign manager;
- Attending political conventions as a delegate or observer;
- Serving as an executive with a political party;
- Attending or speaking at public rallies and meetings;
- Canvassing door to door;
- Writing speeches or promotional materials;
- Publishing or publicly broadcasting partisan statements (including newspaper, radio, television, and media comments);
- Using blogs, social networking sites (for example, Twitter and Facebook), video sharing (for example, YouTube) and websites to express personal views in support of or in opposition to a political party or candidate;
- Wearing or displaying, outside of the workplace, signs, buttons, etc. that support or oppose a candidate or party.

City employees that are deemed non-restricted employees who are uncertain of whether intended political activity may impair or be perceived to impair their ability to perform their duties in a politically impartial manner, are required to disclose such political activity and seek guidance from their immediate supervisor, manager, human resources, and/or City Manager.

Running as a Candidate in an Election

Politically non-restricted employees who choose to run as candidates in a provincial or federal election must apply to the City Manager for a period of leave without pay. This leave of absence will be granted unless the absence is considered to have an unreasonable impact on the program or service in which the person is employed and an accommodation cannot reasonably be made in the time available. The period of leave without pay should commence upon an employee's public announcement to seek the nomination or the day he/she files the necessary nomination documentation with a political party, whichever date is the earliest, or an earlier date that may be agreed upon by the employee and the City Manager.

- Employees requesting a leave of absence for such purpose as running in a provincial or federal election are entitled to be paid out any vacation pay or overtime pay owing during the period of the unpaid leave of absence.
- If the City employee who takes a leave of absence is not elected, the leave will not be counted in determining the length of their service for any purpose and the service before and after the leave shall be deemed to be continuous for all purposes.

If a City employee is elected to provincial or federal office, they shall be deemed to have resigned from employment with the City.

A politically non-restricted employee is eligible to be a candidate for and to be elected as a member of any municipal council and/or school board outside of the City of Corner Brook. This is providing they maintain impartiality in the performance of their municipal public service employment duties, do not publicly criticize the policy decisions and directions of the employer, and do not perform political activities at the workplace. To become a candidate, a City employee may take an unpaid leave of absence. If the employee intends to take unpaid leave, they must provide written notice to request an unpaid leave.

If a City employee is elected to another municipal council or school board, the employee is not required to resign, but is subject to the *Code of Ethics* policy, and other applicable employment policies and performance expectations.

Should occasions arise in their municipal work that place them in a conflict because of their role with the employer, the employee would be expected to remove themselves from such discussions and decisions.

All City employees who are on an approved leave of absence while seeking election to any elected office cannot use any City resources during that time or act in a manner that could reasonably give rise to a presumption that they are using City resources during the leave period. All access to City resources, including security, parking, voice-mail, computers, mobile devices, etc. will be temporarily disabled during that employee's leave.

Employees of the City of Corner Brook are not eligible to be nominated to be a candidate in the City of Corner Brook according to the *Municipal Elections Act*. An employee of the City of Corner Brook must first resign from their position prior to being nominated for the Corner Brook City Council, or publically announcing their intention to seek a position on the Corner Brook City Council.

Post Elections

Politically non-restricted employees who are successful candidates in a federal or provincial election must resign their positions when the election results are finalized.

Politically non-restricted employees who have taken who have taken a leave of absence without pay and are unsuccessful in either the nomination or the election are entitled to resume their position at a date agreed upon by the City Manager. In order to facilitate this process, their former positions will not be advertised on a permanent basis until the election results are finalized.

Politically Restricted Employees

Due to the nature of their current duties and responsibilities, some employees are considered to be politically restricted. As such, these employees will have limitations on the political activity in which they may engage.

To determine whether employees are deemed politically restricted, an analysis of their current duties and responsibilities should be completed. The analysis would include consideration of the employees':

- Role in influencing decisions;
- Involvement in policy, program and strategy development;
- Nature of their contract with City Council;
- Access to confidential information related to the development of government policy;
- Delegated discretion over, or provision of advice regarding, the allocation of departmental funds, especially grants to persons, businesses or other organizations;
- Delegated discretion in regard to the provision of services to persons, businesses or other organizations; and
- Contact with the media.

In addition to the activities for which all employees are prohibited, politically restricted employees are also prohibited from participating in the following political activities:

- Belonging to a political party;
- Signing nominations papers;
- Performing administrative tasks for a party or candidate (such as stuffing envelopes or answering or receiving telephone calls);
- Making a financial contribution to a party;
- Displaying a sign at their personal residence;
- Serving as a campaign manager;
- Serving as an executive with a political party;
- Attending or speaking at public rallies and meetings;
- Canvassing door to door;
- Writing speeches or promotional materials;
- Publishing or publicly broadcasting partisan statements (including newspaper, radio, television, and media comments);
- Using blogs, social networking sites (for example, Twitter and Facebook), video sharing (for example, YouTube) and websites to express personal views in support of or in opposition to a political party or candidate;
- Attending political conventions a delegate or observer;
- Wearing or displaying, outside of the workplace, signs, buttons, etc. that support or oppose a candidate or party;
- Publicly criticizing the policy decisions and directions of the employer.

The City Manager, City Directors, City Solicitor, City Clerk and Elections staff may not engage in political activity in any election.

Running as a Candidate in an Election

Politically restricted employees who choose to engage in political activity, including candidacy for elected office, are required to resign prior to carrying out such political activity.

Politically restricted employees should resign when they publicly announce that they are seeking the nomination or on the day he/she files the necessary nomination documentation with a political party, whichever date is the earliest, or on an earlier date that may be agreed upon by the employee and the City Manager.

Post Elections

Politically restricted employees who resign their positions but fail to gain nomination or be elected and those for whom partisan political activities have ended may subsequently apply to the City Manager for reinstatement to their former positions. There is no guarantee that reinstatement will be approved. In order to facilitate this process, their former positions will not be advertised on a permanent basis until the election results are finalized.

Seeking Guidance and Advice

If a City employee is unsure about the appropriateness of their participation in political activity, they should consult with their immediate supervisor/manager or the Human Resources division.

Consequences of Improper Political Activities

A City employee, who fails to comply with the political activity provisions as outline above, may be subject to disciplinary action, up to and including dismissal.

Appeal

A City employee who does not agree with a decision made under this policy may appeal the decision to the City Manager. The appeal must be in writing, and outline the specific points that are being appealed, and the requested redress.

Related Policy:

City of Corner Brook Policy on Code of Ethics (adopted by City Council June 27, 2001)

Employee Conduct Policy

Social Media Policy

Respectful Workplace Policy

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.


MAYOR
CITY CLERK

