

A closer look at your political rights

The following is intended to provide general information only and should not be relied on as legal advice. If you require specific advice regarding labour relations and/or employment related issues, please contact your CAPE Labour Relations Officer.

The ability of citizens to participate freely and actively in determining who they elect to govern and make decisions on their behalf is a pillar of democracy. We want to encourage all our members to exercise their democratic rights, while respecting their professional obligations and the limitations imposed by the employer.

Your freedom of thought, belief, opinion and expression is protected under the Canadian Charter of Rights and Freedoms, as are your other civil and political rights.

While freedom of expression is protected under the Canadian Charter of Rights and Freedoms, public service employees also have a duty of loyalty to their employer, which may limit what can and should be expressed in many contexts.

Considerations

- There is no one standard that will apply to all CAPE members, as the level of involvement that employees can have in public protest and expression outside of the workplace.
- In 1991, the Supreme Court of Canada upheld a Federal Court decision which confirmed that restrictions on political activity should not apply to the vast majority of federal workers. This decision is referenced in the employer's paper on the [Duty of Loyalty](#).¹
- Employees whose roles are highly visible, involve a high level of decision-making authority, and/or whose work is directly connected to matters being protested, even attendance at a public protest may attract disciplinary consequences.
- Employees who are not highly visible and/or whose work is not directly connected to the matters being protested can likely attend protests.
- The Supreme Court recognized that employees may engage in more active, sustained criticism of the government "if its policies jeopardized the life, health or safety of the public servant or others"², but employees should be cautious since the statements need to be factual.³ The criticisms would also

¹ Osborne v. Canada (Treasury Board), 1991 CanLII 60 (SCC)

² Haydon 2001, supra at paras 99, 113-114

³ Labadie, supra at paras 224-225; Therrien, supra at paras 130-136; Haydon 2001, supra at paras 104-107; Haydon 2005, supra at paras 40, 48

need to be limited to matters directly related to the life, health, and safety threat posed by government policies or actions.

Avoid

- conducting any political activity on the job i.e. in the workplace and/or during work hours;
- identifying yourself as a federal public sector worker when working on a campaign, e.g. canvassing, making phone calls, etc.;
- speaking with the media and/or taking on a public role, such as speaking, at a protest;
- using employer email, computer systems, Microsoft Teams, bulletin boards, equipment, and so on while engaging in political activity;
- identifying yourself as a federal public sector worker when communicating opinions about election issues, political parties and politicians through blogs, Facebook, Twitter or other social media;
- wearing your uniform or government identification at public meetings such as candidates' meetings; or
- driving a government identified vehicle when participating in election or other political events and activities.

Political Activity can Include

- Wearing a party or candidate button in public
- Placing an election sign on your property
- Giving political opinions in public or elsewhere
- Attending peaceful demonstrations on political topics
- Writing letters to the editor endorsing a candidate or party
- Attending a political convention as a delegate
- Working as a canvasser for a political party or candidate

None of the activities listed above should 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.

Several options are available to CAPE members to engage in activism and advocacy and exercise their freedom of expression; however, there are limitations and restrictions. The risk of discipline for

members will most likely depend on contextual factors. Members should assess the best advocacy options and resources available with consideration to individual circumstances, goals, and risk tolerance.

The employer should not provide a blanket prohibition of certain activities. If this is occurring, or if you have any questions relating to your political rights and the workplace, please contact your local CAPE representatives or the CAPE National Office.