



Political Neutrality Guidance

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Introduction

Political neutrality

Persons working in the State Services (State servants) are required to act in the course of their duties in a politically neutral manner. This includes the requirement to act impartially and to implement the Government's policies.

The requirement that State servants must be apolitical when carrying out their duties, functions and powers is an established constitutional convention in New Zealand. It is a principle that underpins the continuing employment status of State servants and enables State servants to provide consistent services (including policy development) for the government of the day.

What this means for State servants

This means, essentially, that State servants must keep their jobs out of their politics and their politics out of their jobs.

Scope of this guidance

Decisions, actions, and advice in regard to political neutrality can be difficult for all concerned – for chief executives and managers responsible for providing advice to staff, and also for individual State servants who may hold personal political opinions together with an equally strong commitment to the professionalism of a politically neutral State Services.

It is not feasible for guidance of this kind to cover every possible case, as the circumstances of each case will be different. This document provides guidance only – a set of operating principles – not a set of rules.

General principles

Freedom of expression

State servants have the same rights of political expression outside the workplace as ordinary members of the public.

Outside of work will usually include when on lunch and other breaks and for those with flexible working arrangements, at times when they are able to choose to be absent from work.

State servants, like any other employees, should not act in such a way that would bring their employers into disrepute.

Freedom of association

As a consequence of the statutory right of State servants to join and be active in organisations (including trade unions) and as members of trade unions, it is likely that there will sometimes be, within fairly narrowly defined limits, an expression of political views inside the workplace.

State servants have the same rights of association as other members of the public. Political expression and participation must be undertaken in the individual's own time.

To the extent that union activity leads to political expression within the workplace, this should be carried out at times and in places dedicated for union activity. In no case should such activities be visible to the general public.

Balancing rights and political neutrality

At all times there must be a proper balance between respect for State servants' freedoms of expression and association, and the public interest in having a politically neutral and effective State Services.

Senior staff and those engaged in direct contact with Ministers

The rights of political expression and association must be balanced against the well-established convention that senior State servants who have regular direct contact with Ministers ought not to publicly express any view either for or against the policies of the Government of the day. This may mean for staff actively engaged in providing advice to Ministers on a particular issue, that it is not appropriate to participate in public protest and political activity centred on that issue.

Free, frank and apolitical advice to Ministers

Ministers are unlikely to be troubled by such things as the participation of State servants in the kind of expression (including reasonable protest activity) that is normal in a democracy. The expression of political views by individual State servants does not in itself undermine the ability of their agencies to continue to provide free, frank and apolitical advice and support to Ministers.

Political rights

For most State servants, participation in party politics is not likely to affect the confidence that the Government has in State servants and is not likely to undermine their ability to work with future governments. However, State servants must ensure that they do not confuse their political rights with their employment responsibilities.

Management of issues

State servants should feel free to discuss any concerns they have with their managers, but of course are not required to do so. To avoid any misconceptions or misunderstanding, staff might choose to advise their managers when they are engaging in an activity that could be construed as conflicting with their obligations of political neutrality.

Resolving differences

If differences arise between managers and staff about particular political activities, the matter is best addressed by the agency's chief executive in the first instance. The State Services Commissioner will always be available to assist chief executives in working through such issues.

For further information see:

- *Cabinet Manual*. www.dpmc.govt.nz/cabinet/manual
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

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