

the question of active political participation is inevitably a sensitive issue. Employment in the public service does not preclude political activity in certain circumstances and under prescribed procedures, but the non-partisan role of the Public Service is of fundamental importance, and all employees have a vested interest in keeping it so.

Although the *Public Service Employment Act* (Section 33, Sub-Sections (1)(a) and (b)) stipulates that no employee shall engage in work for, on behalf of or against a candidate for election as a member political party. The Federal Court of Appeal, in its decision of July 15, 1988 (upheld by the Supreme Court on June 6, 1991) struck down these paragraphs. Employees are free, therefore, to work for or against a candidate or a political party, to attend political meetings and to contribute funds to candidates or the political party of their choice.

The Court, however, acknowledged that convention of neutrality for the federal public service and pointed out that in the interest of an impartial public service, loyalty on the part of public servants to the Government of Canada, as opposed to a political party, is required. Employees, therefore, in their capacity of public servants should not criticize government policy publicly. The responsibility for the orientation of policy resides with the government of the day and once it has been adopted, employees must be prepared to carry it out without personal public comment and to the best of their ability.

2.9.1 Candidature in Federal, Provincial or Territorial elections. The *Public Service Employment Act* allows an employee to stand for election to the House of Commons, a provincial legislature or a territorial council, provided his candidacy does not impinge on his responsibilities as a public servant. In the circumstances, the Public Service Commission may grant leave of absence without pay for a period until the election results are officially announced, or an earlier date, should the employee cease to be a candidate and request a return to his/her department. At the same time, any successful candidate ceases to be an employee upon election.

Any employee wishing to seek nomination as a candidate in a federal, provincial or territorial election should apply in writing for leave of absence without pay through his Director General of Personnel.

2.9.2 Candidature in Municipal Elections. It is unlikely that personnel abroad would wish to be candidates for municipal or civic election office of a part-time nature. Should the municipal or civic office involve full-time responsibility, an employee obviously must apply for leave of absence without pay for the duration of his term. Permission to contest such an election and for leave without pay, if appropriate, should also be sought through the Director General of Personnel of his department.

2.10 Acceptance of Gifts, Transportation, Invitations, etc.

2.10.1 Principles. It is of vital importance that Canadian public servants not only have, but be seen to have, no connections or obligations that might influence the objective performance of their duty. Accordingly, no employees may accept money, gifts, goods, presentations, or any other form of reward for services provided or to be provided by virtue of their official position.

This restriction does not, however, preclude the acceptance of small personal gifts which may be a normal expression of courtesy or hospitality and are not such as to bring suspicion upon the employee's objectivity. It is recognized that while abroad, local customs may dictate the occasional exchange of gifts of more than nominal value. Where there is no opportunity to dissuade the donors or return such gifts, the Office of the Chief of Protocol at Headquarters should be consulted regarding their disposition.

Some employees or their dependants may be offered the opportunity of free or shared transportation or expenses as part of inaugural flights, promotions, or even for official functions if the employee is to be the guest of some other agency. Since the event for which the employee is being offered free or shared transportation or expenses is often in the line of official or representational duties, it may be difficult to