



**Nova Scotia  
House of Assembly  
Management Commission**

# **Political Activity and Impartiality Policy**

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## **1. Policy Statement**

The staff of the House of Assembly provide services to and in support of the elected members of the House. To maintain the trust of the members and their caucus offices, it is critical that House of Assembly staff be, and be perceived to be, non-partisan and politically impartial. This policy addresses the need to balance the necessity for the House of Assembly and its employees to be, and to be perceived as being, politically neutral and the right of those employees as citizens to engage in political activity.

The maintenance by the employees of the House of Assembly of a very high degree of political impartiality is essential to the successful exercise and discharge of the House of Assembly's constitutional powers and duties.

## **2. Authority**

*House of Assembly Management Commission Act*, S.N.S. 2010, c. 5, s. 11(1)(b) and (4)(a)(ii).

### 3. Definitions and Interpretation

#### **“ASSEMBLY OFFICES”**

Assembly offices means Assembly offices as defined in the *House of Assembly Management Commission Act*.<sup>1</sup>

#### **“CANDIDATE”**

Candidate means a candidate in a federal, provincial, territorial or municipal election in Canada and includes a candidate for election to a school board in Canada.

#### **“EMPLOYEE”**

Employee means an individual employed in the Assembly offices and, for greater certainty, includes officers of the House of Assembly and part-time, temporary and casual employees).

#### **“LEGISLATIVE PRECINCT”**

Legislative precinct means

- Province House and the grounds adjacent to it bounded by George Street in the North, Hollis Street in the East, Prince Street in the South and Granville Street in the West; and
- any other premises or areas used for meetings of committees of the House or designated by the Speaker to be used for another purpose of the House.

#### **“LEGISLATOR”**

Legislator means

- a member of the Parliament of Canada, the legislature of a province or territory of Canada, the council of a municipality in Canada or a school board in Canada; or
- a member of the federal Cabinet (a committee of the King’s Privy Council for Canada) or the executive council of a province or territory.

#### **“POLITICAL ACTIVITY”**

Political activity includes any of the following:

- engaging in any activity within a political party or in support of or in opposition to a political party, candidate or legislator, including

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<sup>1</sup> The expression “Assembly offices” is defined to mean “the offices established to support the functioning of the House of Assembly, its committees and its members, but does not include the Office of the Auditor General, caucus offices or constituency offices”.

- attending a meeting of a political party or a meeting or other event in support of or opposition to a political party, candidate or legislator;
- distributing literature on behalf of or in opposition to a political party, candidate or legislator;
- canvassing on behalf of or in opposition to, or otherwise actively working in support of or in opposition to, a political party, candidate or legislator;
- publicly displaying a badge or sign on one's person or property in support of or opposition to a political party, candidate or legislator;
- associating one's position at the House of Assembly with a political party, candidate or legislator other than, where appropriate, the Office of Speaker;
- attempting to become or becoming a candidate;
- expressing, by any mode of communication, to one or more members of the general public, to a candidate or legislator or to anyone working in support of a candidate, legislator or political party, a view that can reasonably be construed as praising or criticizing a political party, candidate or legislator, or a position publicly taken by any of them, if the praise or criticism would lead a reasonable person to question the non-partisanship and impartiality of the individual expressing the view;
- making a financial contribution to or soliciting or managing funds for or in opposition to a political party, candidate or legislator;
- being employed by a person, or being a member of or participating in a corporation or other organization, that is required to submit a return to the Registrar under the *Lobbyists' Registration Act*.

**“POLITICAL PARTY”**

Political party means a registered party as defined in the *Elections Act* or the *Canada Elections Act* or a political party having comparable status under the laws of another province or territory of Canada.

**“RESTRICTED EMPLOYEE”**

Restricted employee means an employee who is appointed to or employed in any of the following roles within the Assembly offices, whether on a permanent or acting basis:

- the Chief Clerk, Assistant Clerks and Legislative Assistant to the Chief Clerk;
- the Chief Legislative Counsel and Legislative Counsel;
- the Sergeant-at-Arms;
- the Director of Operations and Administration and all staff of the Office of the Speaker whose duties require direct contact with members of the House of

Assembly or staff of the caucus offices, including the Legislative Assistant to the Speaker;

- the staff of the Legislative Committees Office;
- the Legislative Librarian and all reference and research librarians whose duties require direct contact with members of the House of Assembly or staff of the caucus offices;
- the Manager and Coordinator of House of Assembly Operations;
- the Manager/Editor of Debates of Hansard Reporting Services;
- the Manager of Legislative Television Broadcast and Recording Services.

#### **INTERPRETATION OF EXPRESSING A VIEW TO CERTAIN INDIVIDUALS**

For the purpose of the definition of political activity in this policy, a view is expressed to one or more members of the general public, to a candidate or legislator or to anyone working in support of a candidate, legislator or political party if that view is expressed to any of those persons directly or if the view is expressed in a manner in which it is accessible to or observable by any of those persons.

#### **4. Application**

This policy applies to every employee of the Assembly offices and to every Commissionaire and member of the cleaning staff who works within the legislative precinct.

Where there is a conflict between this policy and the terms of a collective agreement applicable to an individual to whom this policy applies, the terms of the collective agreement prevail and apply to that individual.

This policy applies in substitution for Sections 36 to 41 of the *Civil Service Act*.

#### **5. Political activity prohibited**

A restricted employee shall not engage in any political activity.

An employee who is not a restricted employee shall not engage in any political activity except during an approved leave of absence granted to the employee for the purpose of being a candidate.

A Commissionaire or member of the cleaning staff shall not engage in any political activity while working within the legislative precinct.

## **6. Exception**

An employee is permitted to communicate directly with a candidate or legislator, or a representative of either of them, for the purpose of asking questions to the candidate or legislator about, or expressing the employee's view of, a position taken by the candidate or legislator on a matter of general policy or on an issue affecting the employee. The question or view must be asked or expressed, as the case may be, privately, in a respectful manner and without displaying any favouritism for or prejudice against any candidate, legislator or political party. For greater certainty, an employee who communicates in the manner prescribed in this paragraph is deemed to be in compliance with this policy.

## **7. Leave of absence for candidates**

An employee who is not a restricted employee and who proposes to become a candidate may apply to the Chief Clerk for a leave of absence without pay. Subject to the approval of the Speaker, the Chief Clerk may grant a leave of absence for this purpose commencing not later than the day on which the employee becomes a candidate or otherwise begins engaging in political activities related to the employee's proposed candidature. On granting an employee a leave of absence for the purpose of becoming a candidate, the Chief Clerk shall provide written notice of the leave and the name and position of the employee to each caucus office and each independent member of the House.

Unless a different date is agreed upon by the Chief Clerk, the employee and the employee's manager, the leave of absence ends on the earlier of

- where the employee withdraws from being a candidate or proposed candidate and delivers notice of the withdrawal to the Chief Clerk, on the first regular working day to occur not fewer than seven days after the day on which the Chief Clerk receives the notice; and
- where no notice of withdrawal is delivered, on the first regular working day to occur not fewer than seven days after the day on which a candidate is declared elected to the position for which the employee was a candidate.

Where an individual who is an employee is the successful candidate in an election, the individual is deemed to resign as an employee on the day the individual is declared elected.

During an employee's leave of absence to be a candidate, the employee shall not be paid but the employee, on application to the Chief Clerk at any time before the leave of

absence begins, is entitled to pension credit for service as if the employee were not on a leave of absence and to medical and health benefits, long-term disability coverage and life insurance coverage, or any one or more of them, if the employee pays both the employee's and the employer's share of the cost.

The service of an employee before and after a leave of absence is deemed to be continuous service for all purposes.

**8. Consequences of breach**

An employee who engages in political activity in contravention of this policy may be subject to disciplinary action up to and including dismissal. The extent of the disciplinary action will depend on the nature of the contravention and the position held by the employee. The consequences of a contravention will generally be greater for restricted employees and employees whose work brings them into close proximity to members of the House and the staff of the caucus offices.

A Commissionaire or member of the cleaning staff who engages in political activity while working in the legislative precinct may be subject to disciplinary action up to and including reassignment to another location outside the legislative precinct.

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