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Memo puts a chill on public servants' use of social media: unions

Kathryn May, Ottawa Citizen, August 17, 2015

Memos such as one recently sent to Justice department employees will put a chill on public servants' use of personal social media accounts to engage in political activities during the federal campaign, union leaders say.

They say the tone of the memo in question – sent on behalf of Bruno Thériault, director general of Justice Canada's workplace branch – is heavy-handed, intimidating and sends the message that public servants should avoid using social media altogether during the election.

“Recent memos being sent to federal public service workers go too far and seem designed to discourage our members from exercising their legitimate rights,” said Robyn Benson, president of the Public Service Alliance of Canada (PSAC).

→ The union is preparing its own memo telling members how they can legitimately use social media during the writ period. The Association of Justice Counsel, which represents Justice department lawyers, said it also will raise concerns at its next meeting with management.

“There is no question in our minds that the department is targeting political activities,” said Sandra Guttman, the association's general counsel.

“Any public servant reading it would certainly be reticent to use any form of social media whatsoever at the risk of being investigated and disciplined. One might also infer from the message that the department may be monitoring computers in the workplace and online activities of its employees.”

For the first time, the government has publicly released the manual for the “caretaker convention,” which includes guidelines to govern the conduct of ministers, political staff and public servants during elections and, for the first time, flags the use of social media.

It says departments' websites and social media channels can only be used for government business and “government resources should not be used to support personal or partisan social media accounts.”

The Thériault memo reminds public servants of the guidelines, as well as the values-and-ethics code that governs behaviour during an election. What irks the unions is a list of warnings about their “duty of loyalty” to the government when using social media in their personal lives.

The note says “you are a public servant 24/7,” warns that the information shared is public, says there is no privacy regardless of privacy settings, and notes there are ways for employees to be identified as public servants.

“You cannot control the actions of others and what they do, or how they comment, on the information you share, which may place you at risk,” says the memo. It cautions that even a disclaimer on social media accounts doesn’t “absolve you of your public servant responsibilities.”

In an email, Justice officials said the memo from Thériault was sent to “complement” the other rules and guidelines.

“Given the growing use and evolving nature of social media, the current election campaign presented an opportunity to highlight existing guidelines with regards to the use of social media by public servants, as well as resources available to assist Department of Justice employees with questions,” wrote Justice spokesperson Ian McLeod.

Debi Daviau, president of the Professional Institute for the Public Service of Canada (PIPSC), said other departments have sent similar memos but the Justice message is the most intimidating.

“What’s most offensive is the notion that I am a public servant 24/7. No, I am not. When I go to the polls, it is as a Canadian and when my family or friends come for a barbecue, it is as a Canadian, not a public servant. It is offensive to suggest that when we get home at 5 p.m. we don’t have the democratic rights of other Canadians because we hold a public service position.”

Daviau said public servants’ duty of loyalty ensures they don’t criticize the policies or programs of the departments they work for but this doesn’t extend to “blind loyalty to the Harper government.”

PSAC’s Benson said the union also tells its members not to use government equipment or devices or access their social media accounts on government time.