

Civil Service Conciliation and Arbitration Scheme

General Council Report 1461

(Meeting/s of 29 June 2005, 28 September 2005, 30 November 2005)

That the current restrictions on political activity by Civil Servants be relaxed.

1. The current regulations governing political activity by civil servants are as follows:

- Civil servants are not permitted to seek a nomination or to stand for election to either House of the Oireachtas or to the European Parliament (Electoral Act 1992, section 41h; European Parliament Elections Act 1997, section 11(2); Circular 23/25, para. 1, 3; *Civil Service Code of Standards and Behaviour*, para. 5.2a – hereafter cited as 'Code').

Disqualification from membership of the Dáil applies to "A person who...is a civil servant and who is not by the terms of his employment expressly permitted to be a member of the Dáil" [Electoral Act 1992, Section 41(h)].

"A person to be eligible for membership of Seanad Éireann must be eligible to become a member of Dáil Éireann"
(Bunreacht na hÉireann, Art. 18.2)

- Civil servants in the industrial and manual grades are free to engage in political activity and to stand for election to local authorities (Circular 7/99, para. 1(i); Code, 5.2b)
- Clerical Officers and equivalent grades (i.e. those in similar salary ranges as COs) are, with the permission of the Department/Office, free to engage in political activity and to stand for election to local authorities (Circular 7/99, para. 1(ii); Code, para. 5.2c). Where there is no risk of conflict of interest, this permission is generally given.
- Civil servants above clerical officer level are debarred from political activity (Circular 7/99, para. 1(iii); Code, para. 5.2d).
- The Government Press Secretary, Assistant Government Press Secretary, and all Ministerial and Attorney General private office staff holding temporary unestablished positions and whose tenure is coterminous with

that of the relevant Minister/Attorney General (e.g. special advisors, personal assistants, civilian drivers of Ministers of State), are exempt from the general rules governing civil servants and politics (Circular 7/99, para. 2; Government Decision of 26 July 2002; Letter to Personnel Officers of 12 August 2002; Code, para. 5.4).

2. The Staff Side said that there was a strong demand from members of grades who were debarred from all forms of political activity for a relaxation of the current restrictions. Members considered that they were being discriminated against and being denied basic Civil Rights which should be open to every citizen in a democracy. These sentiments were a continuing refrain in Motions to Union Conferences and were a reflection of a deep sense of grievance on the issue amongst members.

3. While, ideally, all restrictions should be removed, the Staff Side considered that, at the very least, serious consideration should be given to a relaxation of the rules set out in Circular 7/99 in terms of the grade levels permitted to participate in elections to Local Authorities.

4. The Official Side said that they wished to reiterate the current rules on political activity by civil servants because their relaxation would not be conducive to the public good. It was vital that civil servants would be able to offer impartial advice to all Governments and that this impartiality of the civil service was an important part of our democratic system. The rules regarding civil servants and politics had, over the years, served our country, and particularly democracy in our country, very well.

5. This report, recording disagreement, was adopted on 30 November 2005.

Agreed report, recording disagreement.

This report was adopted on 30 November 2005