

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY G.P. SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 17th JANUARY 2006

Question

In relation to R.C. 18/2005 of the former Policy and Resources Committee - States Employees Engaging in Political Activities: draft proposals, presented to the States on 22nd March 2005, would the Chief Minister, inform members –

- (a) whether he will, as the former Policy and Resources Committee had stated, bring forward a report to the States for further consideration on the issue of States' employees engaging in political activities and, if so, when?
- (b) whether the response following consultation to the proposals contained in R.C.18/2005 has been broadly positive and supportive?
- (c) whether a legal opinion has been received on whether the limitation under Article 17 of the Civil Service Administration (General) (Jersey) Rules 1949 '*No officer shall take a public part in any political manner*' is a disproportionate limitation of the right to freedom of expression contained in Article 10.1 of the Convention on Human Rights and, if so what this states; if not, why has no legal opinion been sought?
- (d) whether consideration is being given to suspending Article 17 and similar Regulations applying to other public sector workers as outlined in Schedule 1 of R.C.18/2005, pending States consideration of a new set of rules that are compliant with Human Rights legislation?

Answer

- (a) Yes. Following a recent meeting of the States Employment Board, and subject to the approval of the Council of Ministers, it is my intention to bring forward a Report and Proposition to the States on these matters as soon as possible.
- (b) Yes.
- (c) The former Human Resources Sub-Committee has discussed this question with the Attorney General and others. The view of the former Sub-Committee was that imposing restrictions on political activities of public servants will not violate the European Convention on Human Rights so long as the restrictions are prescribed by law, pursue a legitimate aim and are proportionate to the objective to be achieved. The former Sub-Committee recognised that some might take the view that the current overall ban, for example in respect of civil servants, might be considered disproportionate. The issue is therefore where to draw the line in future. This is what the States Employment Board's Report to the States on these matters will be seeking to identify. In presenting proposals, the States Employment Board will take all relevant human rights considerations into account.
- (d) As noted in my answer to question (a), this issue is being actively progressed, and a report and proposition will shortly be presented to the States for their consideration. It is important that agreement should be reached on the right way forward, and it would be inappropriate to introduce temporary measures in advance of the report and proposition.