



government communications

Department:
Government Communication & Information System
REPUBLIC OF SOUTH AFRICA

GUIDELINES ON GOVERNMENT COMMUNICATION DURING AN ELECTION PERIOD 2016

1. PURPOSE

To guide government communicators on their conduct during an election period – 2016.

2. BACKGROUND

President Jacob Zuma announced that the fifth Local Government Elections on Wednesday, 3 August 2016.

The date falls within the Constitutionally-mandated period between the 18 May 2016 and 16 August 2016 to host municipal elections.

The Minister for Cooperative Governance and Traditional Affairs will officially proclaim the municipal elections.

The proclamation by the Minister triggers the election timetable and a range of legislated events such as the official closure of the voters' roll for the elections.

3. INTRODUCTION

It is normal practice in most democracies that during an election period, particular attention is paid to ensuring that government communication does not advantage or disadvantage any political party or individual who is a candidate in an election contest.

The guidelines remain relevant and are meant to assist government communicators and other relevant public servants in determining the specific parameters within which they should conduct their work in the election period.

An election period is a time of robust debate and political contest, and a heightened political environment which has its own challenges.

On 31 March 1999, the South African Cabinet agreed that a framework be formulated to guide the dissemination of government information during an election period. The guidelines were adopted during the local government elections of 2000, and the national and provincial elections of 2004.

The guidelines have been decided on at the initiative of government. The Independent Electoral Commission (IEC) may independently take whatever relevant steps it deems necessary on this matter.

4. SCOPE OF APPLICATION

These guidelines apply to all government communicators, government communication structures and other related public servants/officials.

In so far as Ministers and other political representatives, contractual workers and employees in role-playing posts are concerned, the parameters of their political work in government are regulated by the Ministerial Handbook and they are not the subject of these Guidelines.

5. AN ELECTION PERIOD

According to the IEC, an election period is the period during which the IEC's Code of Conduct and Independent Broadcasting Authority regulations apply.

The election period will start with the proclamation by the Minister for Cooperative Governance and Traditional Affairs and will end when election results are announced and certified.

6. LEGISLATIVE AND CONSTITUTIONAL RIGHTS, AND OBLIGATIONS

During an election period, the prescripts in the Constitution of the Republic of South Africa, 1996, read with the Act and the Regulations, apply to all employees.

Furthermore, the Public Service Act, 1994 (Act 103 of 1994), as amended in 2007, provides government communicators and other relevant public servants with specific parameters within which they should conduct their work during an election period.

During an election period, these and other provisions of the Act continue to apply to all public servants. As a result, government communicators have to exercise special care to ensure that their media products, statements and public events for which they are responsible, do not promote or prejudice any political party or persons standing as candidates but only promote the work of government.

7. THE WORK OF GOVERNMENT CONTINUES

Office bearers have full authority to exercise their responsibilities until the day of the election.

Government communication messages during an election period should:

- be relevant to government responsibilities
- be objective and explanatory
- not be liable to misrepresentation
- not be party political.

Government communicators and their departments/ municipalities should continue meeting the obligation of government to provide information to the people.

Government communications should continue exercising its responsibility to promote and defend the policies, programmes and actions of government – guided by these guidelines.

Public consultations/Communication activities

The programme of taking government to the people should continue. However, it must not compete with political rallies and gatherings.

Departments and Municipalities can continue to launch projects and activities that were already planned.

Public consultations cannot be used for party-political objectives.

Additional care should therefore be taken to ensure that these communication activities are non-partisan.

Handling of requests for information

There should be even handedness in meeting information requests from the public or organisations like the media.

Where it is clear that a candidate's request is done through the Freedom of Information Act, 2000 (Act 2 of 2000) – then it should be handled as per rules and regulations. The Act requires public authorities to respond to requests promptly and within a specified time frame.

Media

Communicators should continue engaging and responding to media queries on the

work of government including local government guided by these guidelines and exercising care not to advantage or disadvantage any political party.

Government spokespersons are the public face of the government institution they represent, therefore should be careful not to be seen to be promoting the work of any political party.

Social Media

Social Media has become a reliable platform for all levels of government to communicate with South Africans.

All levels of government will continue communicating its work through this channel guided by these guidelines.

Government social media accounts should not be used for party-political purposes.

Government communicators should not, acting in their official capacity, be seen to be promoting the work of a political organisations.

Presentations

Government communication presentations can continue during an election period, including those of a technical nature by specialised professionals such as engineers, planners and architects, which will ensure service delivery. Communicators can also present government programmes across platforms for communication purposes.

Participation in meetings/Speeches by government personnel

While government personnel are urged to continue their normal activities and contacts with the public and organisations with which they are routinely involved, communicators/public servants:

- cannot stand on a political platform and deliver speeches or public statements on the work of government.
- should continue actively participating in public conferences/stakeholder meetings regarding government work during this period.
- must avoid public statements at such conferences/meetings that can disadvantage or advantage any political party.

Exhibitions

Displays and exhibitions promoting the work of government should continue.

Signs, posters and billboards

Signs, posters, billboards and other channels are restricted to the work of government to ensure that the public is informed.

All levels of government can have all existing signage that promotes government policies, programmes or activities even during the election period.

Brochures and publications

The brochures and publications already "in place" and available to the public may continue to be available in the usual way.

However, new publications to be published during an election period should strictly be guided by these guidelines.

Advertising

Government adverts should be geared towards showing progress made regarding key government programmes under implementation.

The adverts should promote government or local government programmes or services to ensure the health and safety of the public.

News releases

News releases from government should continue and concern only matters of vital importance relating to the work of government.

8. UNLAWFUL USAGE OF STATE RESOURCES IS PROHIBITED DURING AN ELECTION PERIOD

Government communications cannot use public funds for electioneering or to benefit one candidate over another or a particular political party.

Ordinary business has to continue despite the election, which includes ongoing communication with the public.

State-financed media

During an election period: government communicators should exercise special care by ensuring that state-financed media is not used for the purpose of promoting or prejudicing the interests of any political party.

What is state-financed media? 'State-financed media' means any newspaper, book, periodical, pamphlet, poster and media release or other printed matter or statement or any audio and video material or any information in electronic format such as CD-ROM, Internet or e-mail which is produced and disseminated to the public and which is financed by, and directly under the control of, government.

Promotional giveaways

Distribution of promotional giveaways should be discontinued during an election period.

9. GENERAL PRINCIPLES FOR PUBLIC SERVANTS

The basic principle is that public servants should not undertake any activity which could call into question their political impartiality or could give rise to the criticism that public resources are being used for party- political purposes.

It is important that public servants take particular care during the election period to ensure that they conduct themselves in accordance with the Public Service Act of 1994.

10. CONDUCT OF PUBLIC SERVANTS

Regarding the conduct of government employees, the Public Service Code of Conduct stipulates, among other things, that an employee (including an employee who is a candidate during an election:).

- may not abuse his/her position in the Public Service to promote or prejudice the interest of any political party.
- must refrain from party political activities in the workplace.
- may not abuse his/her position in the Public Service to promote or prejudice the interest of any political party or interest group.
- recognises the public's right of access to information, excluding information that is specifically protected by law.
- may not unfairly discriminate against any member of the public on account of political persuasion.
- loyally executes the policies of the government of the day in the performance of his/her official duties as contained in all statutory and other prescripts.
- may not undertake any activity which could call into question their political impartiality.
- must ensure that public resources are not used for party- political purposes.

- must exercise particular care in relation to the announcement of sensitive decisions and entering political debates and discussion, and in relation to paid publicity campaigns.
- should be even-handedness in meeting information requests.
- should take special care in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party-political purposes.

11. FREEDOM OF ASSOCIATION IN RELATION TO EMPLOYEES

Like all other citizens, government communicators have the freedom of association to belong to any political party of their choice.

Subject to provisions of the Public Service Act of 1994 quoted above, any political activities that individual public servants, including communicators, may wish to undertake in their own private time, is their own private matter.

A public servant may be a candidate for elections subject to the Public Service Code of Conduct and any other limits prescribed in regulations by the Minister of Public Service and Administration.

Government communicators should take leave when they want to attend political meetings. Official working hours cannot be used for party-political purposes.

Public servants accompanying office bearers on political activities during office hours must refrain from prejudicing any political party as stipulated in the guidelines. (They should accompany the office bearer not as party officials but to provide relevant responsibilities linked to their actual job).

Informing municipality of candidacy and leave during an election period:

The regulations provide that an employee:

- must, not later than the next working day after he/she is issued with a certificate in terms of section 31(3) of the Electoral Act of 1998, inform his/her department in writing that he/she is a candidate for election.
- must furnish a copy of the certificate to the municipality.
- is deemed to be on annual leave (and unpaid leave, if he/she has insufficient annual leave) from the date the certificate is issued until the election results are finalised (Regulation 2/D.2 and D.3 of the Regulations).

Employees elected as full or part-time candidates:

- If an employee is elected and assumes office, he/she is deemed as having resigned from the Public Service with effect from the date immediately before the date he/she assumes office as a member of the National Assembly, provincial legislature or full-time municipal councillor (section 36 of the Act).
- An employee appointed as a permanent delegate of the National Council of Provinces is deemed to have resigned from the Public Service with effect from the date immediately before the date he/she assumes office as such delegate.
- An employee elected as a part-time municipal councillor may continue as an employee, but must seek approval in terms of section 30(1) of the Act from his/her executive authority to receive remuneration as a councillor (Regulation 2/C5.5).

12. PROCESSES

These guidelines shall be distributed to all Mayors and office bearers in local government.

In addition, the guidelines will also be sent to all local government communication officers as well as other public servants whose work may relate to the matters raised herein.

The responsibility for this will lie with the office bearers and heads of communication.

For further advice, contact:

Ms Nebo Legoabe
DDG – Intergovernmental Coordination and Stakeholder Management
Mobile: 082 453 2874
Email: nebo@gcis.gov.za

Mr Harold Maloka
DDG – Content Processing and Dissemination Mobile: 082 847 9799

Email: Harold@gcis.gov.za

ISSUED BY GOVERNMENT COMMUNICATIONS (GCIS)