



## **Public Service Commission**

# **TONGA POLITICAL NEUTRALITY GUIDELINES**

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## 1. Guidelines for Employees

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This guideline is drawn from the Public Service Act 2002 and other related amendments including the Public Service Regulations and the Public Service Code of Ethics and Conduct with the objective of assisting employees throughout the period leading up to the general election, during election day and post-election periods.

In an effective democracy, citizens may trust that the government they elect will meet its commitments through an impartial and professional public service. This means that the community needs to have confidence that the public service will provide professional and due diligence advice to the government of the day while maintaining the integrity of the service. Moreover, that public service employees - the people providing advice to the Government, administering policies and programs, delivering services to the Tongan people, and spending public funds - are serving the public interest and maintaining the public trust. Similarly, the Government and the Legislative Assembly are entitled to expect the public service to serve the government of the day impartially.

### 1.1 Legislation and Policies

Pursuant to Section 4B of the Public Service Act (the Act), the objectives of the Act are to (in part):

- (a) *“Establish an apolitical public service that is effective and efficient in serving the Government and the public”*

In Section 4C

- (a) *“The Public Service is apolitical, performing its functions in an impartial, professional and competent manner”; and*
- (m) *“Perform duties at all times in a manner that meets and promotes effectiveness, efficiency and transparency in a non political and impartial manner.”*

The words “non-political” and “apolitical” are defined in Section 3 of the Public Service Act as follows:

*“Non-political” or “Apolitical” means employees performing their duties in an impartial, ethical and professional manner without involving in any political activities including not associating with any association that has a political mandate which is or may be contrary to Government policy.”*

Further, under Section 4(f) of the Code of Ethics and Conduct contained within the Act, public servants are to *“refrain from making any public statement or from engaging in political activity...”*

Public service employees need to disclose, and take reasonable steps to avoid, any conflicts of interests (real or apparent) in connection with their employment; to use government resources in a proper manner, and to refrain from making improper use of their position to gain, or seek to gain, a benefit or advantage for themselves or any other person.

### 1.2 Rights as citizens

While a civil servant has the right to be involved in public life, including participation in political parties, as well as the constitutional right to register and vote in elections, the underlying principle is that such participation should not interfere with the officer's ability to perform his duties, and that his position nor government resources should not be used for such purposes.

The principles of balancing personal rights and employment obligations apply to a range of behaviours for public service employees - like handing out voting cards, attending rallies, sharing their opinions on social media platforms or volunteering for community organisations. In all these activities, our personal behaviour can affect public trust in our agencies as well as the public service.

Even attendance in a public service uniform (such as a nurse or customs uniform) can undermine public confidence.

#### **1.4 Public comment**

Public Service employees should refrain from making public comments in their official capacity about the policy commitments of any political party or candidate.

Officers are required to uphold the apolitical nature of the public service, at all times but this is particularly important during the period leading up to the election.

Public Service officers are not authorised to discuss government policies or to give opinions on matters of a publicly political nature. *(Criticising Government policy even if it is clearly not about politics or the election. Just for example, public servants participating in the march against the CEDAW agreement signed by the government in 2015)*

It is inappropriate for public servants to:

- assist in electioneering either in the course of their duties, or in a manner which implies or gives the perception that the public service supports a particular candidate; and
- publish or distribute material promoting a candidate or party, including via departmental email, government vehicles or noticeboards. This includes putting up banners even on personal vehicles that you drive or park at the workplace parking areas.

Civil servants may attend political rallies in their personal capacity. They may ask questions or seek clarification on policy matters being presented by candidates. However, they must not promote, endorse, or show support for any candidate, nor make statements that criticise the Government or appear partisan. Questions should remain neutral and focused on understanding policy positions.

#### **1.5 Use of resources**

Public service officers should not use agency resources or their positions to support particular political parties during the election campaign period.

#### **1.6 Social Media (Refer to the Social Media Guideline 2020)**

Public Service employees have a right to participate in various online platforms, just as they have rights as citizens of Tonga to engage in community life. Public service employees also have special obligations under the Act - which ultimately exists to maintain public trust in the integrity of the public service and its employees and to avoid perception of biasness.

This means, for example, that if an employee posts something highly critical of a policy they advise on, it would be reasonable to question their ability to provide impartial advice when they are at work—and, in extreme cases, to wonder if they might deliberately undermine the Government's policy objectives. And if all employees behaved this way online, it would be reasonable to infer that the public service as a whole could not be trusted to administer the policies of an elected government.

#### **1.7 Liking, following, friending, tagging, and live videos**

'Liking' someone else's post carries similar risks to posting the material yourself. This is because you can reasonably be perceived to endorse the content - even if this is not your intention. For example, if you 'like' your friend's highly politicised post about small business regulation to show your support for their café, a reasonable member of the community is likely to think you endorse the political statement.

Following someone on social media, or adding them as a 'friend' or connection, is a low-risk activity in itself. It is reasonable, for example, to follow Members of Legislative Assembly across the political spectrum in the interests of staying well-informed or because you support their particular party, or to be Facebook friends with someone you know personally and who expresses strong political opinions online. Risks will only arise to the extent that you engage with the content they post.

Being tagged in a post may carry some risk. While you may be less likely to be seen to endorse a post you're tagged in than one you 'like', if you've been tagged in a post that may pose a risk to public confidence through your association with it, it's prudent to untag yourself as soon as it comes to your attention. You may also ask the person who tagged you not to do so in any subsequent posts of a similar nature.

Our obligations as public service employees apply at all times - including in our online activities. lives.

But on social media in particular, our private actions can have far wider-reaching effects than we intend—or, often, can control. Our online footprint is effectively permanent, and what we post can find its way to people we never imagined would see it.

### **1.8 Candidacy for Legislative Assembly, town officer or district officer**

A Chief Executive Officer or employee in the Public Service shall resign upon registering as a candidate for election to the Legislative Assembly, the office of town officer or district officer. This is in accordance with Section 20 of the Public Service Act.

Further details on resignation procedures can be found under the Public Service Policy Instruction.

### **1.9 Special Leave for Voting and Polling Duties**

Pursuant to section 2B.22.6 of the Public Service Policy Instruction, it states that:

- (1) Employees who have been summoned and approved by the Public Service Commission for polling duties need not take leave as this is part of their civic duties.
- (2) For voting purposes, employees other than teachers and health workers in critical service are allowed 2 hours to half a working day depending on the placement of the public servant. Employees who provide essential services such as teachers and health workers in critical care are to be released as appropriate to enable them to vote. This leave should be managed by CEOs according to their Ministry needs so that the Ministry services are not affected.

### **1.10 Ramifications**

Civil servants are reminded that maintaining political neutrality is a core obligation under the Code of Ethics and Conduct and the principles of an impartial public service as mentioned in section 1.1 above.

Any breach or report of breach will be treated seriously. Such actions not only undermine public trust but pursuant to Section 8 of the Code of Ethics and Conducts, it constitutes as a breach of the Code which will deem a breach of discipline pursuant to the Public Service (Disciplinary Procedures) Regulations as amended. Disciplinary measures include formal warnings, suspension, or termination of employment.

All civil servants are therefore expected to exercise caution and uphold the highest standards of neutrality, especially during the pre-election period, election day and post-election period.

### **1.11 Guidance and Support**

Should employees have any questions or require clarification regarding the policies on political neutrality, they are encouraged to contact their respective Human Resources (HR) units or the Office of the Public Service Commission. These offices are available to provide guidance and support to ensure that all staff understand their obligations and conduct themselves in accordance with the Public Service Act, Code of Ethics and Conduct and relevant policy instructions.

## 2. Guidelines for Ministries, Departments or Agencies

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### 2.1 Purpose

This guideline is drawn from the Public Service Act 2002 and other related amendments including the Public Service Regulations and the Public Service Code of Ethics and Conduct with the objective to assist Chief Executive Officers (CEO) and its Ministry throughout the period leading up to the general election, during election day and post-election periods.

### 2.2 CEO Impartiality

Chief Executives should be aware that they fall under the definition of “employees” within the Public Service Act. Being seen with a Minister during an election period, especially when the Minister is making political comment can be interpreted as not being impartial.

Appearing in public gatherings, that are not the course of ordinary duties, should be avoided where possible during the lead up to the election.

Chief Executives are responsible for the supervision and monitoring of the integrity and conduct of his staff and maintaining the ministry’s political neutrality over the pre-election period, election day and post-election period. This includes ensuring that public complaints pertaining to your employees is dealt with in a timely and effective manner.

### 2.3 Normal Government business

The normal business of government should continue but Ministries should avoid partisanship and ensure the impartiality of the public service. Materials concerning the day-to-day business of Ministries should be supplied to Ministers in the usual way.

It is your duty as the CEO to ensure that your staff remain committed to delivering services without disruption and providing full and professional support to Ministers, regardless of any changes in their position or portfolio. Civil servants must uphold their responsibilities impartially and consistently, ensuring that the government runs smoothly at all times.

### 2.4 Employee Rights and Restrictions

Civil servants have constitutional rights to register and vote. However, they must not engage in public campaigning, political endorsements, or wear campaign material while on duty or in official capacity.

Pursuant to the Section 20 of the Public Service Act, an employee may choose to run for Parliament, however he shall resign from the civil service upon registering as a candidate for election. The procedure for resignation is detailed under the Public Service Policy instruction.

Pursuant to section 2B.22.6 of the Public Service Policy Instruction, Special Leave for Voting and Polling Duties states that:

- (1) Employees who have been summoned and approved by the Public Service Commission for polling duties need not take leave as this is part of their civic duties.
- (2) For voting purposes, employees other than teachers and health workers in critical service are allowed 2 hours to half a working day depending on the placement of the public servant. Employees who provide essential services such as teachers and health workers in critical care are to be released as appropriate to enable them to vote. This leave should be managed by CEOs according to their Ministry needs so that the Ministry services are not affected.

## **2.5 Social Media**

In general, the use and administration of social media by agencies should observe similar practices, as set out above for public service employees and specified under the Social Media Guideline 2020. Third-party engagement tools (e.g. Facebook, Instagram and LinkedIn etc) are harder to control than websites. For example, an agency may have a Facebook page which allows minimal moderation of the content that is posted to it, or a Tiktok account which may be sent publicly-viewable messages, containing political content.

It may not be possible to completely prevent political material from being posted or directed by the public to Ministry accounts operated on third-party services such as Facebook, Instagram and TikTok etc. Ministries should review the functions and settings of each externally-hosted engagement tool during the pre-election period to identify ways to minimise political content associated with their presence (even if not directly attributable to the agency). Actions to achieve this may include:

- not posting new content to the account for the duration of the election period;
- disabling or opting for pre-moderation of comment sections if possible, and closer monitoring of public contributions if not;
- posting a notice that the Ministry will not respond to political content.

## **2.6 Use of resources**

Chief Executive Officers should issue internal directives to all civil servants warning them against the use of Ministerial resources or their positions to support particular political parties during the election campaign.

Ministerial Resources include, but are not limited to:

- Vehicles
- Printers
- Photocopiers
- Telephones
- Emails
- Internet Connections
- Computer equipment
- Government equipment

## **2.7 Guidance and Support**

This Guideline should address concerns from both employees and the Ministry. However, as first responders, the Ministry's Human Resources (HR) units should ensure that they are well versed and up to date on the Code and applicable policies in order to provide relevant information and respond to questions and clarifications request from employees and to help them understand their obligations and conduct. It is strongly advised that regular reminders be sent out to maintain the integrity of the public service and prevent any perception of bias.

The HR units can also enquire with the Office of the Public Service Commission for further guidance and support if needed.

## **2.8 Breach of Code**

The Ministry should ensure that any issue or concerns are addressed on a timely manner. CEO has the authority under the Public Service (Disciplinary Procedures) Regulations to ensure that any breach of the Code of Ethics and Conduct is addressed.