Economic and Social Council

The right of civil servants to express personal beliefs in the exercise of their duties

Research Report

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"Out of this world"

Forum: Economic and Social Council

Issue: The right of civil servants to express personal beliefs in the exercise of their duties

Position: Chair

Introduction

It is widely understood that civil servants should carry out their functions to the best of their abilities and strive to meet the highest professional standards at all times. They should be mindful of their position of public trust and set a good example for others. As such, civil servants should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. Above all, they should treat citizens with respect. Nations can take various measures to ensure that these duties are complying with. However, discussions arise whether these measures infringe the personal human rights of civil servants, such as the freedom of speech. In addition, if such measures include a ban on expressions of belief or views, could such measures be interpreted as discrimination in respect of employment and occupation as meant under the Fundamental Principles and Rights at Work as set by the ILO?

Definition of Key Terms

Whistleblower:
An individual who reports or exposes wrongdoing, typically within an organisation, involving illegal or unethical behaviour.[1]

Civil servant:
An employee of a government or public sector organisation who is responsible for implementing policies and providing services to the public.[2]

Universal Declaration of Human Rights (UDHR):
The Universal Declaration of Human Rights is a document that protects the rights of every individual, everywhere. It consists of 30 articles that outline fundamental human rights, including the freedom of thought and expression and the prohibition of discrimination.[3]

International Labour Organisation (ILO):
'The International Labour Organisation formulates international labour standards in the form of conventions and recommendations setting minimum standards of basic labour rights.'[4]

General Overview

Most of the time, civil servants are expected to carry out tasks with objectivity. This is because they are representatives of governmental institutions. And as a consequence, in several countries, laws exist to limit the expression of beliefs in public service. These regulations are aimed at preventing conflicts and maintaining the integrity and impartiality of government institutions.

But in practice, this means that civil servants are often restricted in their ability to publicly express their opinions or engage in political activities. in particular, those who might be perceived as interfering with their job. For example, many public sector organisations have codes of conduct that clearly define acceptable behaviours and set limits on personal expression at work. These codes are designed to ensure

[1] (The National Whistleblower Center, 2021)
[2] (*International Civil Service Commission (ICSC)*, n.d.)
[3] (OHCHR, n.d.)
[4] (Ministerie van Sociale Zaken en Werkgelegenheid, 2024)

that civil servants maintain their professionalism and the public's trust in government institutions. However, the UDHR asserts that every individual has the right to freedom of speech and expression. Article 19 of the UDHR emphasises that everyone has the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. This basic right creates a conflict between the personal rights of civil servants and the expectations of their jobs.

Religious expression

One of these tensions involves religious expression. There are instances where civil servants are required to express their beliefs through their appearance. Think of Muslim women, for example. When wearing the hijab or other religious attire, they often face challenges in the public sector due to strict regulations around gender neutrality.[5] In some countries, wearing a religious symbol such as the hijab is considered an expression of personal belief and is seen as incompatible with the neutral stance required of civil servants. This has been criticised for disproportionately affecting Muslim women, essentially barring them from civil service roles unless they remove their religious attire. Many people argue that these policies violate basic freedoms of expression and lead to the problem of exclusion and discrimination. While the intent behind the regulations is to keep the integrity of public service, it could inadvertently create an environment where the presence of certain viewpoints or marginalised or minority groups is stifled.

Social Media

But social media adds another dimension to the debate. Civil servants, just like anyone else, can easily share their views with the public. An issue arises when public servants use social media to voice opinions on current civil debates. Viewers could mistake civil servants' opinions for the organisation's stance, undermining the perception of impartiality. Even in their private lives, public servants' social media posts can cause confusion by obfuscating the distinction between their personal and official opinions. Because of this, most civil organisations have policies for expressing beliefs. As a result, there have been numerous instances where civil servants faced disciplinary actions or were even terminated due to their social media activities. This not only conflicts with the UDHR but also the right to political participation. A law that ensures that individuals retain a basic right to participate in public affairs.

An example of this occurred in 2013. Michaela Banerji worked for the Department of Immigration and Border Protection and was dismissed after she criticised government policies on asylum seekers on Twitter from her personal account. The department deemed her tweets a breach of their code of conduct, which required employees to maintain professionalism and avoid public criticism of government policies. She argued this with the employee's right to free speech. But in the end, Australia's high court ruled public servants could be sacked for political social media posts.[6]

Whistleblowing

A related issue to this is whistleblowing. Whistleblowing is a critical issue for civil servants, as it involves revealing illegal or unethical behaviour within their institutions. But, while whistleblowing helps ensure government accountability, it can come into conflict with an employee's loyalty to their workplace. Civil servants are usually expected to be loyal to their employers and keep information confidential. Their main duty is to serve the public fairly, regardless of their personal beliefs or connections. Staying neutral helps ensure that government institutions function fairly and earn the trust of everyone. If civil servants express personal views while they are working, it can create the appearance of bias, potentially undermining public trust. In a global study, 68% of citizens of democratic countries were less likely to trust government institutions if they perceived public servants as biassed or partisan.[7] Only 55% thought applications for government benefits or services were treated fairly, and 43% thought civil servants would take a bribe.[8] These percentages need to decrease because trust is essential

[5](Masmaliyeva, 2020)
[6] (Karp, 2019)
[7] (*Overview: New Trends, Persistent Patterns and Necessary Changes*, 2024)
[8] (*Trust in Day-to-day Interactions With Public Institutions*, 2024)

for good governance. When citizens believe that their government is fair and unbiased, they are more likely to cooperate with policies, utilise state services, and support the stability of democratic processes.[9] And besides staying neutral, civil servants face challenges beyond social media and appearance. Issues of mental health and workplace culture also play significant roles. Many civil servants report feeling pressured to conform to a certain image or to suppress their beliefs out of fear of professional repercussions. This culture of silence can lead to burnout and dissatisfaction among employees, ultimately impacting their ability to serve the public effectively.[10]

Key measures

To address these challenges, it is crucial to implement several key measures recommended by the ILO:

1. Establish mechanisms for social dialogue. This includes creating platforms where civil servants can discuss concerns about corruption and crime. By talking about these things, a zero-tolerance approach toward unethical behaviour in the public service sector is ensured.
2. Develop a clear policy framework aimed at preventing corruption and irregularities. This should include safeguards for whistleblowers and all public service workers against retaliation, violence, and harassment. An effective system for investigating complaints should be established, along with initiatives to educate public servants about their rights and the legal protections available to them.
3. Create a work environment that supports the well-being of public service workers. By ensuring job security and decent working conditions, governments can foster a sense of trust and commitment among employees.
4. Design and implement strategies that promote equality and prevent discrimination, especially for individuals in vulnerable situations. This way, all public service workers have equal access to protection mechanisms.
5. And lastly, recognise that simply having legal provisions is not enough. Develop comprehensive training programs and awareness campaigns that inform public servants about their rights and the protections afforded to them under the law. Additionally, establish effective sanctions and remedies to reinforce compliance with these laws, ensuring that sufficient resources and investigative skills are available for follow-up actions.

Major Parties Involved

International Labour Organisation (ILO) The International Labour Organisation is a specialised agency of the United Nations that focuses on labour issues. It works with governments, employers, and workers to set labour standards, develop policies, and create programs that foster social justice.
In regards to civil servants, the ILO has established numerous frameworks to protect public sector workers and continues to create a better workplace culture, combat corruption, and guarantee that civil servants can perform their duties without fear of retaliation for expressing their opinions or reporting misconduct.[11]

Transparency International (TI)

Transparency International is a global non-governmental organisation dedicated to combating corruption and promoting transparency and accountability in government and business.
In the context of civil service and public sector integrity, Transparency International actively works to raise awareness about the importance of ethical behaviour among civil servants. The organisation provides resources, conducts research, and engages in advocacy efforts to support whistleblower protections and foster a culture of accountability in public institutions.[12]

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[9] (Sapienza et al., 2021)
[10](Rupert McNeil, Government Chief People Officer, Civil Service Human Resources, Cabinet Office, 2018)
[11](Ministerie van Sociale Zaken en Werkgelegenheid, 2024b)
[12](Transparency International, 2024)

The International Civil Service Commission (ICSC)

The ICSC is an independent body established by the General Assembly. The ICSC strives to strengthen and maintain high standards in the international civil service while balancing the concerns and needs of its stakeholders. It was established to regulate and coordinate the conditions of service for the international civil service.[13]

National Governments

National governments are pivotal in establishing policies and regulations governing the conduct of civil servants. They are responsible for enacting laws that dictate the rights and responsibilities of public sector workers. Each nation has specific laws and frameworks addressing the expression of beliefs by civil servants, and these all differ from each other. For example, in France, the UK, China, and Japan, all civil servants are prohibited from expressing personal political opinions that could affect impartiality.[14] But, in Germany, civil servants are allowed to be part of political parties.[15] And in India, civil servants are only allowed to express political opinions in private.[16]

[13] (*ICSC in Brief | ICSC*, n.d.)
[14](Breaugh & Hammerschmid, 2021)
[15] (*UnescoPhysicalDocument*, n.d.)
[16] (Putnam, 1973)

Timeline of Events

[1948] [Universal Declaration of Human Rights Adopted]
The United Nations General Assembly adopts the UDHR, affirming the right to freedom of expression as a fundamental human right.[17]

[1966] [International Covenant on Civil and Political Rights]
This covenant reinforces the right to free expression and the importance of personal opinions.[18]

[1978] [International Labour Organisation (ILO) Convention No. 151]
This convention specifically addresses the protection of the right to organise and procedures for determining conditions of employment in the public service, indirectly supporting the expression of personal beliefs.[19]

[2006] [UNESCO's Recommendation on the Status of Teachers]
UNESCO calls for respect for teachers' rights to express personal beliefs, impacting civil servants in the education sector globally.[20]

[2008] [ICC guidelines on whistleblowing]
The International Chamber of Commerce (ICC) published guidelines aimed at promoting ethical business practices and protecting whistleblowers who report misconduct within organisations. These guidelines emphasised the importance of creating safe reporting mechanisms.[21]

[2016] [UN] [Special Rapporteur on Freedom of Expression]
The report emphasises the importance of protecting civil servants' rights to express their views without fear of retaliation, highlighting global challenges.[22]

[2022] [ILO] [The protection of whistle-blowers in the public service sector]
The International Labour Organisation issues guidelines emphasising the protection of civil servants who disclose unethical practices while balancing their right to expression.[23]

Possible Solutions

1. Implement a framework that clearly defines boundaries on social media.

By developing a specific framework that clearly defines the boundaries of personal expression for civil servants, acceptable forms of personal expression would be outlined. This way, it would be clear to all employees what is permissible to post on a public social media.

2. Establish a whistleblower support system.

By implementing a confidential support system for civil servants who wish to report unethical

[17] (United Nations, n.d.)
[18] (OHCHR, n.d.)
[19] (INTERNATIONAL LABOUR CONFERENCE, 1978)
[20] (*UnescoPhysicalDocument*, n.d.)
[21] (International Chamber of Commerce et al., n.d.)
[22] (Kaye & Secretariat, 2016)
[23] (*The Protection of Whistle-blowers in the Public Service Sector*, 2024)

behaviour or policies without fear of retaliation, organisations can encourage transparency.

3. Public service performance metrics

Develop performance metrics that prioritise compliance with government policies and regulations over individual expression. This strategy aims to uphold the integrity and accountability of the public service, ensuring that civil servants act in alignment with established guidelines.

4. Open dialogue forums

Establish open dialogue forums where civil servants can discuss their views and concerns in a safe and structured environment. These forums would promote respectful discussions on sensitive topics, helping to foster understanding and reduce tensions between personal beliefs and professional responsibilities.

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