

MET's SOCIAL MEDIA POLICY and GUIDELINES 2020

Policy Statement

As members of the Tongan community and employees of Tonga's Public Service Commission (PSC), we have a right to participate in public and political discussions. However, it is very important to note that this **right is not unlimited**.

Under the PSC's Act 2010, **PART IV - CODE OF CONDUCT, DISPUTE AND DISCIPLINARY PROCEDURE Section 19 Code of Ethics and Conduct** and **Section 19A Serious Breach of Code (Revised Act of 2016)**, and **THE PUBLIC SERVICE ACT 2010 (Section 19) CODE OF ETHICS AND CONDUCT FOR THE PUBLIC SERVICE 2010 (see Annex1)**, in some cases, these responsibilities **limit the ability of public servants to participate fully in public discussions, including that on Social Media**.

Specifically, Tonga's PSC Act of 2010 Code of Ethics Section 4 Clause (f) - Obligations to Government, state that all employees shall –

(f) refrain from making any public statement or from engaging in political activity contrary to the (Amendment) Act 2010 without the prior approval of the Chief Executive Officer;

Clearly this clause applies to comments made both online as well as elsewhere, but caution must be exercised when employees participate in online discussions, including Social Media participation. The cautionary note should be taken seriously because the *'speed and reach of online communication means that material posted online is available immediately to a wide audience. It can be difficult to delete and may be replicated endlessly. It may be sent to or seen by people the author never intended or expected would see it'*.¹

MET's SOCIAL MEDIA GUIDELINES (as adapted from the Australian Public Service Guidelines)

This simple guide will help you consider your own actions about whether you are at risk of breaching the Government's as well as the PSC's Code of Ethics—and, if so, how seriously—by making public comments.

Risk Factors

Several factors can affect a decision about whether material you have posted or published is in breach of the Code of Conduct. Here are a few to consider.

1. Does your comment criticise the work of the Ministry?

Criticising the work or the administration of the Ministry is **almost always** a breach of the Code of Ethics. The closer your criticism is to your area of work, the more likely this will have the capacity to affect the Ministry's reputation. In other words, your comment is putting the Ministry in disrepute.

¹ <https://www.apsc.gov.au/making-public-comment-social-media-guide-employees>

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If you have serious concerns about the way in which the Ministry is operating, there are proper ways of reporting these, posting on social media is **not** the answer.

2. Does your comment criticise the Hon Minister of the Ministry?

Criticising the Hon Minister is equally as risky as criticising the Ministry. In fact, criticising any politicians, regardless of their political affiliations, is likely to raise concerns about your impartiality as a public servant. It means that by criticising your Hon Minister, you are undermining the integrity and reputation of the Government, the Ministry and the Public Service Commission.

3. Confidential or sensitive information

Any confidential or sensitive information held by the Ministry must not be disclosed publicly without prior authorisation from the Hon Minister.

4. Personal criticism, or policy debate?

As public servants, you may from time to time participate in public debates about important public issues, but always subject to the restrictions placed on your obligations to the Tongan Government.

If you make personal comments about the character or ability of other people, including members of the Parliament, it is highly likely that you have breached the Code of Ethics as well as allowing others to take legal action against you.

References

The Australian Government's Australian Public Service Commission. 'Making Public comment on Social Media' <https://www.apsc.gov.au/making-public-comment-social-media-guide-employees>

THE TONGA PUBLIC SERVICE ACT, CHAPTER 04.36 2016 REVISED EDITION
https://psc.gov.to/tonga/uploads/2019/07/PublicServiceAct_2.pdf

THE TONGA GOVERNMENT'S PUBLIC SERVICE ACT 2010 (SECTION 19) Code of ethics and conduct for the public service 2010 (see Annex1).

Social Media Guidelines, Nov 2014, University of South Australia
<https://i.unisa.edu.au/siteassets/policies-and-procedures/docs/unisasocialmediaguidelines.pdf>

ANNEX1: THE PUBLIC SERVICE ACT 2010 (Section 19) CODE OF ETHICS AND CONDUCT FOR THE PUBLIC SERVICE 2010

IN EXERCISE of the powers conferred by section 19 of the Public Service Act 2002 (as amended) the Public Service Commission issues the following Code of Ethics and Conduct.

1. Short title and Commencement

- (1) This Code of Ethics and Conduct may be cited as the Public Service Code of Ethics and Conduct 2010 (hereinafter referred to as the "Code").
- (2) This Code shall come into effect on the date of gazetting.
- (3) This Code replaces the Code of Conduct 2004.

2. Purpose of the Code

The purpose of this Code is to provide –

- (a) guidance to employees on the standards of behaviour required of them; and
- (b) a basis for more detailed codes that may be required to meet the circumstances of individual Ministries.

3. Principles

This Code is based on the following principles which encompass standards of integrity and conduct expected of all public servants. Public servants shall –

- (a) fulfil their lawful obligations to the Government with professionalism and
- (b) integrity;
- (c) perform their official duties honestly, faithfully and efficiently, respecting the
- (d) rights of the public;
- (e) contribute to a consultative and harmonious work environment and
- (f) relationships to their colleagues; and
- (g) not bring the Public Service into disrepute through their private activities.

4. Obligations to Government

All employees shall –

- (a) perform their functions in an impartial, competent and transparent manner;
- (b) comply with all applicable laws, regulations, policies, instructions and procedures;
- (c) act with appropriate discretion;
- (d) maintain confidentiality about dealings with any Minister or other employees;
- (e) use official information for official purposes only;
- (f) refrain from making any public statement or from engaging in political activity contrary to the (Amendment) Act 2010 without the prior approval of the Chief Executive Officer;**
- (g) not engage in any paid employment outside the Public Service without authorisation from Cabinet or the Commission for short term consultancy;
- (h) use public resources or funds in a lawful and proper manner; and
- (i) if on duty overseas, behave in a way that upholds the good reputation of Tonga.

5. Relationship with the Public

All employees shall –

- (a) adhere to and uphold the values of the Public Service;

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- (b) be accountable for their actions;
- (c) ensure equality of opportunity in employment;
- (d) ensure employment decisions are based on merit;
- (e) deliver services fairly, effectively, impartially and courteously to the public and to visitors to Tonga;
- (f) treat everyone with respect and courtesy, and without harassment of any kind;
- (g) disclose and take all reasonable steps to avoid any conflict of interest (real or apparent) in connection with their employment; and
- (h) not ask for or accept a gift from any person concerned with any matter connected with the employee's official duties.

6. Workplace relationships

All employees shall –

- (a) establish co-operative workplace relations based on consultation and communication;
- (b) ensure the workplace is free from discrimination and recognises the diverse background of employees;
- (c) comply with all lawful and reasonable directions given by someone who has authority to give the directions; and
- (d) not use their duty, status, power or authority in order to gain or seek to gain a benefit or advantage for themselves or for any other person.

7. Personal behaviour

All employees shall –

- (a) avoid any activity, whether connected with their official duties or otherwise, which might bring their Ministry and the Public Service into disrepute;
- (b) avoid any activity which might jeopardise relationships with Ministers, clients or the general public;
- (c) avoid behaviour which might endanger or cause distress to their colleagues, or otherwise contribute to disruption of the workplace;
- (d) refrain from allowing workplace relationships to adversely affect the performance of official duties;
- (e) respect the privacy of individuals when dealing with personal information;
- (f) behave honestly and with integrity;
- (g) act with care and diligence;
- (h) not knowingly provide false or misleading information in response to a request for information;
- (i) not knowingly disclose to an unauthorised person, either orally or in writing, any information they have acquired through their official duties unless they have received official permission from the Chief Executive Officer or as provided by law;
- (j) not use illicit drugs;
- (k) not use alcohol in a way that adversely affects the performance of their duties or the performance of the duties of other employees;
- (l) not consume alcohol or smoke on Government work premises or property;
- (m) not consume kava on Government work premises or property except for special circumstances and with the authorization of the relevant Chief Executive Officer;

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- (n) not be absent from their official duties during working hours unless they have permission or obtained official leave; and
- (o) wear work attire appropriate for their work environment.

8. Breach of Code

A breach of this Code will be deemed a breach of discipline pursuant to the Public Service (Disciplinary Procedures) Regulations as amended.