

December 19, 2014

Office of the Commissioner of Lobbying of Canada
255 Albert Street
10th Floor
Ottawa, Ontario
K1A 0R5

Dear Commissioner Shepherd,

The Canadian Federation of Independent Business (CFIB) is a non-partisan, not-for-profit advocacy group representing the interests of 109,000 small- and medium-sized enterprises (SMEs) across Canada. We are funded solely through our membership, and receive our policy direction through regular surveys on a variety of issues. We are writing to provide our feedback on the proposed Revised Lobbyists' Code of Conduct currently open for consultation.

At the outset, we do support the intention of the revisions to the code but seek clarity on a few of the measures:

New principle on respect for democratic institutions: A fourth principle was added to call on lobbyists to respect democratic institutions while representing the interests of their clients or employers. When interacting with public office holders, their actions should not diminish public confidence and trust in government.

Will the code provide more guidance regarding the definition of *an act of disrespect*? Also, how would this be enforced and are there penalties for non compliance?

Preferential access: Lobbying a public office holder who is a relative, friend or someone with whom the lobbyist has financial or business dealings creates a conflict of interest between the public office holder's private interest and their public duty. Two new rules have been added to specifically prevent such situations.

This is an area of concern for us as the term "friend or relative" is not defined. How is the decision made on whether a friendship exists? Is this up to the lobbyists or public office holder? For instance, some may feel they have acquaintances who they both lobby and have a professional relationship with. At what point does a relationship with a public office holder become a friendship under these provisions? With regards to a "relative", does this apply to relatives of employees of the organization or solely for lobbyists?

Gifts: A lobbyist shall not provide or promise a gift, hospitality or other benefit that a public office holder is not allowed to accept.

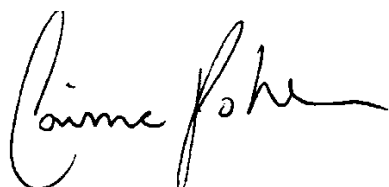
Would this provision include paying for a meal for a public office holder? Also, is it up to the lobbyist to know not to offer a gift or is the public office holder responsible to make the decision on whether what is being offered to them is considered a gift or not under these conditions?

Confidentiality: If lobbyists come in contact with such confidential information, they must neither use nor disclose this information without the appropriate authority to do so. This new rule supports the expectation that lobbyists should avoid acting in a manner that diminishes public confidence in federal institutions. A lobbyist shall neither use nor disclose confidential information received from a public office holder, without the consent of the originating authority.

Who determines whether the information we receive is confidential if it has not been explicitly deemed as such. Again, is this up to the lobbyist or public office holder to define?

As you can see, a few provisions do require further clarity in order for us to understand their impact and intent. We would recommend that further work be done to clarify these provisions before implementing them. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Corinne Pohlmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corinne Pohlmann
Senior Vice-President, National Affairs