



Office of the Commissioner
of Lobbying of Canada

Commissariat au lobbying
du Canada

Renewing the Lobbyists' Code of Conduct

Updated standards for ethical and transparent lobbying

Submitted to the Standing Committee on Access to Information, Privacy and Ethics

November 2022

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Catalogue No. Lo5-8/2022E-PDF
ISBN 978-0-660-46213-4

Aussi offert en français sous le titre :
*Renouvellement du Code de déontologie des lobbyistes :
les normes mises à jour pour un lobbying éthique et transparent*

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free and open access to government is important

transparent and ethical lobbying is a legitimate activity

knowing who is engaged in lobbying is desirable

registration should not impede access to government

Introduction

from the Commissioner of Lobbying

Since 1997, individuals who lobby the federal government and its officials have had to comply with the *Lobbyists' Code of Conduct*. Like any code of conduct, its purpose is to define ethical standards of behaviour.

As Commissioner of Lobbying, it is my duty under the *Lobbying Act* to maintain the Code and ensure compliance with it.

The Code has been updated once, by my predecessor in 2015. That update introduced important standards for lobbyists regarding shared relationships, political activities and gifts.

Since becoming Commissioner in 2017, my experience administering the current Code has highlighted challenges in applying the rules and providing guidance to lobbyists.

In November 2020, I initiated consultations with interested stakeholders to help inform an update of the Code.

Objectives that have guided the development of the third edition of the Code:

- using clear and accessible language to support understanding and compliance with the rules
- focusing on the actions of lobbyists without reference to the various ethical regimes that apply to officials
- making it clear that the Code applies to both direct communications with officials and grassroots appeals to persuade the public to communicate with officials
- integrating key definitions and examples, rather than relying on separate guidance documents

Just over 90 stakeholders made submissions on how the Code can be improved – at times with very different perspectives.

Every viewpoint shared with me has been considered in developing the third edition of the Code. These views have helped me arrive at what I believe to be a fair and balanced code of conduct that will serve to foster the transparent and ethical lobbying of federal officials.

In updating the Code, I aimed to use plain, direct and accessible language to help guide lobbyists. I was also inspired by the values of transparency, fairness, clarity and efficiency, which I have previously relied on when making [preliminary recommendations](#) to improve the *Lobbying Act*.

I recognize that it is not possible to anticipate or fully address all ethical scenarios that may arise.

That said, I firmly believe that the enhancements made to the Code will serve the public interest by setting appropriate and workable ethical standards for lobbyists that support free and open access to government.

I am extremely proud of this Code and will make myself available to the Standing Committee on Access to Information, Privacy and Ethics should members have any questions or wish to provide comments. Any comments will be considered before I finalize the Code and publish it in the *Canada Gazette*.

I wish to thank everyone who made submissions over the three rounds of consultation, the media who covered the process, and the many members of my team who supported me in renewing the Code.

Nancy Bélanger
Commissioner of Lobbying of Canada

Background

Since 1989, federal legislation has required that regulated lobbying on behalf of clients or employers be reported in the Registry of Lobbyists.

In 1996, legislative amendments to the federal lobbying regime required the creation of a code of conduct for registered lobbyists. The first *Lobbyists' Code of Conduct* was established in 1997.

The Code complements the *Lobbying Act's* registration requirements and fosters transparent and ethical lobbying of federal officials.

It defines standards of ethical behaviour that lobbyists must comply with. Any individual who must be identified as a lobbyist in the Registry of Lobbyists is required to comply with the Code.

The first edition of the Code took effect in March 1997 (Annex A). It had three overarching principles and eight rules that addressed transparency, confidentiality and conflicts of interest. By many accounts, it was the first of its kind in the world.

The second edition took effect in December 2015 (Annex B). Developed by the first Commissioner of Lobbying, it introduced a fourth principle – respect for democratic institutions – and reformulated many of the rules.

Both the first and second editions required separate guidance to assist lobbyists in understanding and applying the rules.

When developing the Code, the legislation requires the Commissioner to consult with stakeholders and refer it to parliamentary committee. The Code must then be published in the *Canada Gazette* before coming into effect.

The Commissioner must also ensure compliance with the Code. An investigation must be initiated when the Commissioner has reason to believe it is necessary to ensure compliance with the Code. After completing an investigation, a report setting out the Commissioner's findings and conclusions is submitted to Parliament.

In accordance with the *Lobbying Act*, there are no penal consequences or fines when the Commissioner finds a lobbyist has not complied with the Code.

Consultation and referral to parliamentary committee

Three rounds of online consultation were held in developing the third edition of the Code. In all, just over 90 stakeholders provided submissions.

The first consultation was held in late 2020 to obtain the views and perspectives of stakeholders in relation to the 2015 Code. [Comments received](#) in 2020 and experience in administering the Code helped inform the initial draft update to the Code.

Between December 2021 and February 2022, stakeholders were invited to comment on the initial draft update. Forty-nine stakeholders either provided or supported [29 distinct submissions](#), which in turn informed later revisions.

A final round of consultation took place in May and June 2022 on a revised draft update prepared following the prior consultation. During this consultation, 63 stakeholders either provided or supported [8 distinct submissions](#).

All submissions were published on lobbycanada.gc.ca and will be archived online once the updated Code comes into effect.

The Commissioner referred the third edition of the Code (Annex C) to parliamentary committee in November 2022.

Any comments from the Standing Committee on Access to Information, Privacy and Ethics will be considered before the Commissioner finalizes the Code and publishes it in the *Canada Gazette*.

The renewed Code

The third edition of the Code is designed with easy-to-understand rules that work to enhance transparent and ethical lobbying while contributing to public confidence in government institutions and officials.

The updates respond to gaps in application and enforcement issues that have come to light as the Commissioner has administered the current Code (2015 edition), as well as issues raised during consultation with stakeholders.

In the renewed Code, clear and plain language is used to describe the expectations and the rules.

As well, key terms are defined in order to provide details and explain technical or legal meaning. For certain definitions, examples are offered to give a clear sense of what each term is meant to cover.

This approach allows the rules to be more focused and succinct, with the goal of making them easier to understand and apply. It eliminates the need to provide separate guidance and allows the renewed Code to serve as a comprehensive document.

The updated rules largely follow the same sequence as previous editions.

[The full text of the third edition of the Code is found at Annex C.](#)

Objectives

Earlier editions of the Code did not include an objectives section within the Code itself. When developing the third edition, it was decided that it was valuable to include clear objectives that explain the purpose and context of the Code's expectations and rules.

The renewed Code's primary objective is to foster transparent and ethical lobbying of federal officials.

The objectives also include a summary of the *Lobbying Act's* preamble and explain that compliance with the Code:

- strengthens the ethical culture of lobbying
- avoids placing officials in real or apparent conflict of interest situations
- contributes to public confidence in the integrity of federal government institutions and decision making

Application

Previous editions of the Code have not identified who must comply with it. The Code applies only to an individual who must be identified as a lobbyist in the Registry of Lobbyists. The Commissioner identified this as an issue in [preliminary recommendations](#) for improving the *Lobbying Act* (February 2021).

An application section has been added to the Code, including an explanation of its scope and the implications of non-compliance.

Any individual who lobbies on a registerable subject matter for a client or employer and who must be identified as a lobbyist in the Registry of Lobbyists is required to comply with the *Lobbyists' Code of Conduct*.

This includes:

- every consultant lobbyist
 - meaning an individual who lobbies, which includes arranging a meeting, on behalf of a client for money or anything of value
- all registered in-house lobbyists
 - meaning employees who lobby for their employer and who must be identified by their employer in the Registry of Lobbyists

An employer must register in-house lobbyists once the collective lobbying activities of its employees reach the significant part of duties registration threshold. When registering, an organization must identify all employees who lobby, while a corporation must identify its senior officers who lobby as well other employees who lobby as a significant part of their individual work duties.

For related information, a [brief overview](#) of lobbying at the federal level is available online.

Expectations

Previous editions of the Code contained principles designed to guide lobbyists in complying with the Code's rules.

The 1997 edition included principles of openness, integrity and honesty and professionalism. The 2015 edition added the principle of respect for democratic institutions.

Without changing the fundamental nature of the values that underpin the principles, the third edition of the Code sets out three expectations that are intended to guide lobbyists in complying with the Code's rules of conduct.

Transparency

The principle of openness from the previous edition corresponds to the expectation of transparency:

Ethical lobbying requires a commitment to openness. Conducting transparent lobbying ensures that officials understand the purpose of the lobbying and on whose behalf it is carried out.

Third edition

This expectation builds on the *Lobbying Act's* objective that officials and the public be able to know who is lobbying the federal government and about what subject.

Respect for government institutions

The principle of respect for democratic institutions from the previous edition corresponds to the expectation of respect for government institutions:

Canada's parliamentary democracy and its institutions serve Canadians. Understanding and respecting that officials have a duty to serve the public interest over private interests is vital to ethical lobbying. It is therefore essential that lobbyists avoid placing officials in real or apparent conflict of interest situations, including where officials could reasonably be seen to have a sense of obligation towards a lobbyist.

Third edition

This expectation recognizes that officials have a duty to put the public interest first and establishes the importance of lobbyists not acting in ways that diminish public confidence in government.

Integrity, honesty and professionalism

The principle of professionalism and the principle of integrity and honesty from the previous edition are combined into a single expectation of integrity, honesty and professionalism:

Ethical lobbying is conducted with integrity, honesty and professionalism. Being trustworthy and respectful supports informed decision making by officials and, in turn, public confidence in federal government institutions. It is therefore essential that lobbyists uphold the letter and spirit of the *Lobbying Act*, its regulations and this Code.

Third edition

This expectation reinforces that it is not enough for lobbyists to simply respect the technical requirements of the lobbying regime. Lobbyists must respect the ethical outcomes that the regime seeks to achieve.

Rules: disclosure

Identifying interests and the purpose of lobbying

Since 1997, lobbyists have been required to identify their client or employer and the reasons for the communication when they lobby federal officials.

The updated edition preserves this rule (rule 1 of the 2015 edition), using more direct language and making it clear that it also applies to grassroots lobbying appeals. The reformulated rule ensures that those who are lobbied know that lobbying is occurring, the interests being represented and the objective of the communication.

1.1

When you lobby – including when making grassroots appeals to persuade the public to communicate with officials – identify your client or employer and the purpose of your communication.

Third edition

Enhancing transparency and awareness of obligations

Since 1997, lobbyists have also been required to inform their clients or employers of their obligations under the *Lobbying Act* and the Code.

The 2015 edition frames this obligation as a duty to disclose (rules 2 and 3 of the 2015 edition), with consultant lobbyists required to inform each client of their obligations and with the registrant for an employer (the most senior paid employee) required to ensure that employees who lobby are aware of their obligations.

The third edition preserves the intent of these rules with slight adjustments.

Rule specific to consultant lobbyists

The updated rule for consultants (which corresponds to rule 3 of the 2015 edition) now recognizes that there are also obligations under the *Lobbying Act's* regulations that must be respected.

It also adds that consultant lobbyists must inform their clients that the client may also have obligations under the federal lobbying regime. This was added to raise awareness in situations where, in addition to engaging a consultant lobbyist, the client's own employees are involved in lobbying communications. It remains the client's responsibility to ensure it is meeting its own obligations to comply with the federal lobbying regime.

1.2

When you lobby on behalf of a client, inform your client that you have, and that they may have, obligations under the *Lobbying Act*, its regulations and this Code.

Third edition

Rules specific to in-house lobbyists

The third edition introduces a specific rule for in-house lobbyists who lobby on behalf of their employer. It requires them to inform the registrant for the employer (the most senior paid employee) of their respective lobbying communications. This was added because employees who lobby as part of their employment generally do not themselves file information in the Registry of Lobbyists; instead, this obligation falls on the registrant. This new rule will ensure registrants are aware of all employees' lobbying activities, which will in turn support accurate registration and reporting in the Registry of Lobbyists.

1.3

When you lobby as part of your employment, inform your employer (as represented by the registrant) about your lobbying activities in order to support accurate registration and reporting in the Registry of Lobbyists.

Third edition

A similar rule to the one above is not required for consultant lobbyists because the *Lobbying Act* makes every consultant lobbyist directly responsible for reporting their own lobbying activities.

The updated rule for the registrant for an employer (which corresponds to rule 4 of the 2015 edition) requires the registrant to inform employees who lobby for the employer about their obligations under the Code.

1.4

If you are the registrant for an employer, inform employees who lobby for the employer about their obligations under this Code.

Third edition

This rule applies to any registrant that must be identified as an in-house lobbyist in the Registry of Lobbyists.

Rules: trustworthiness

Acting in good faith and not misleading

The accurate information rule (rule 2 of the 2015 edition) has been adjusted to explicitly apply to all techniques used to lobby officials – including grassroots appeals to the public.

The updated rule requires lobbyists to act in good faith when they lobby.

In addition, the updated rule prevents information that has not been reasonably vetted from being used when lobbying. Taking reasonable steps to not mislead may include doing things like verifying the source and reliability of information before using it in a lobbying communication. The rule is not intended to limit the expression of views or opinions.

2.1

When lobbying – including when making grassroots appeals to persuade the public to communicate with officials – act in good faith and take reasonable steps to not mislead with any information you share.

Third edition

Sharing of information obtained from an official in confidence

The 2015 rule regarding use of information (rule 5 of the 2015 edition) requires that a lobbyist only use information received from an official in a manner consistent with the purpose for which it was shared and that a lobbyist not use or disclose any government document they should not have.

This rule has been revised to clarify that lobbyists must not use or share information obtained from an official in confidence unless consent is obtained. This is to ensure confidential information is not inadvertently or inappropriately used or shared by a lobbyist.

2.2

Do not use or share information obtained from an official in confidence, except if you have the official's informed consent.

Third edition

Rules: gifts and hospitality

The third edition reformulates the previous rule on gifts (rule 10 of the 2015 edition) into separate rules for gifts and hospitality.

The 2015 gift rule prevents a lobbyist from providing gifts, favours, or other benefits to an official that the official is not allowed to accept. Because the question of whether an official may accept a gift is governed by ethical regimes overseen by other federal authorities, there have been challenges with administering and ensuring compliance with the rule.

Effectively, the 2015 rule requires lobbyists and the Commissioner to defer to other federal authorities to determine whether lobbyists can offer gifts or hospitality to officials.

During consultation, stakeholders provided considerable feedback about how gifts and hospitality should be addressed in the Code. A sample of feedback is provided below.

With respect to gifts:

- some believed the best solution is to ban all gifts from a lobbyist to an official, or otherwise to only allow one low-value gift per year
- one felt that providing a clearly-defined value limit for gifts supports accountability and keeps both lobbyists and officials on the same page
- others believed that what a lobbyist can offer an official should be linked to what the official can accept, while also acknowledging that a lobbyist should be prohibited from offering any gift that could reasonably be seen to influence the actions of the official
- no comments were received with respect to what a dollar value limit for gifts should be

For hospitality:

- some believed that a lobbyist should ideally be banned from offering any hospitality to an official or limited to providing one low-value instance of hospitality per year
- others argued that imposing a low-value limit on hospitality that a lobbyist can offer the same official would effectively end receptions held for parliamentarians in Ottawa, thereby undermining democratic discourse with officials
- some were opposed to limiting the value of hospitality that can be offered to an official, while others maintained that the standard for receptions should be set as “reasonable” hospitality
- others had concerns about their ability to meet and have discussions with officials at receptions or coffee meetings if all hospitality were limited to \$30 per official within a year (which was the low-value limit defined in the revised draft updated Code shared with stakeholders in May 2022)
- only three respondents provided dollar amounts of what would be a workable limit for reasonable hospitality, ranging from \$40 to between \$50 and \$80 per official per reception or instance of hospitality

Gifts

The new rule prevents a lobbyist from offering a gift to an official that they lobby – except under limited conditions – without reference to the various ethical regimes that apply to officials:

3

Never offer – directly or indirectly – any gift to an official that you lobby or expect to lobby, other than a low-value gift that is a token of appreciation or promotional item. The combined value of tokens of appreciation and promotional items you offer to the same official within a calendar year cannot exceed the annual limit for gifts.

Third edition

The low-value limit is \$40 in 2023 dollars. The annual limit for all allowed gifts is \$80 in 2023 dollars.

The limits are established in the definitions section of the Code and can be adjusted by the Commissioner to reflect inflation. Additional definitions include:

- the meaning of indirectly
- the meaning of gift, with examples
- the meanings of token of appreciation and promotional item

While these definitions are new to the Code, some of the concepts are inspired by guidance related to gifts that the Commissioner issued in 2019.

Hospitality

While the 2015 edition's gift rule does not use the word hospitality, related guidance issued by the current Commissioner as well as the first Commissioner has instructed lobbyists to apply the 2015 gift rule to hospitality.

Because the 2015 rule depends on whether an official can accept a gift under their own respective ethical regime, the guidance does not set a specific dollar value limit on hospitality but advises that such hospitality should be reasonable.

To provide clarity for lobbyists regarding food and beverage and recognizing that in some instances providing sustenance to officials while they are being lobbied is appropriate, a specific hospitality rule has been created.

Similar in nature to the new rule for gifts, it prevents a lobbyist from offering hospitality to an official that they lobby – except under limited conditions – without reference to the various ethical regimes that apply to officials:

4

Never offer – directly or indirectly – hospitality to an official that you lobby or expect to lobby, other than low-value food or beverage for consumption during an in-person meeting, lobby day, event or reception. The combined value of hospitality you offer to the same official within a calendar year cannot exceed the annual limit for hospitality.

Third edition

The low-value limit is \$40 in 2023 dollars. The annual limit for all allowed hospitality is \$80 in 2023 dollars.

These are the same limits as for gifts. They are established in the definitions section of the Code and can be adjusted by the Commissioner to reflect inflation. A definition of hospitality has also been included.

Purpose of the limits

The purpose of the limits on gifts and hospitality is to:

- support equitable access to government regardless of resources
- avoid creating a sense of obligation on the part of officials and prevent placing them in conflict of interest situations
- reinforce the *Lobbying Act's* objective of assuring free and open access to government

The \$40 low-value limit was arrived at by considering federal hospitality standards appropriate for working meetings and receptions, recent average meal costs in restaurants, and the impact of inflation on many prices over the past two years.

Exemptions

The third edition of the Code provides that a lobbyist can ask the Commissioner for exemptions to the gift and hospitality rules. These exemptions acknowledge that there may be circumstances where factors – such as regional prices, protocol, or special dietary requirements – could warrant an adjustment to the low-value and/or annual limits set for gifts and hospitality.

When not contrary to the objectives or expectations of the Code, the Commissioner may grant an exemption taking into account any circumstances that the Commissioner considers relevant.

Rules: close relationships, political work, and sense of obligation

The final three rules prevent lobbying in circumstances where an official could reasonably be seen to have a sense of obligation towards a lobbyist.

Close relationships

The 2015 edition has two rules regarding preferential access in circumstances where a lobbyist shares a relationship with an official that could reasonably be seen to create a sense of obligation. The first rule prevents a lobbyist from arranging a meeting with the official for another person (rule 7 of the 2015 edition) and the second rule prevents a lobbyist from lobbying the official (rule 8 of the 2015 edition).

To clarify the requirement, the updated rule focuses on close relationships rather than preferential access:

5

Never lobby an official where the official could reasonably be seen to have a sense of obligation towards you because you have a close relationship with the official.

Third edition

The two previous rules were combined into one because the Code incorporates a definition of lobbying that includes the arranging of meetings by consultant lobbyists.

The updated rule is supported with a definition of close relationship, including examples such as:

- close family relationships
- close professional relationships
- close working relationships
- close business relationships
- close financial relationships

While the definition and examples are new to the Code, some of the concepts are inspired by guidance related to close relationships that the Commissioner issued in 2019.

Political work

The 2015 edition prevents lobbyists from lobbying an official (or the staff of elected officials) if they have undertaken political activities on behalf of the official which could reasonably be seen to create a sense of obligation (rule 9 of the 2015 edition).

The new rule continues to prevent the lobbying of an official where previous political engagement could reasonably be seen to create a sense of obligation towards the lobbyist:

6

Never lobby an official or their associates where the official could reasonably be seen to have a sense of obligation towards you because of political work – paid or unpaid – you have done for the benefit of the official, unless the cooling-off period has expired.

Third edition

The updated rule now uses the more precise term political work and clearly covers both paid and unpaid work.

Through related definitions, it also expands those who cannot be lobbied to include not only staff but also other related parliamentary associates, such as a minister's parliamentary secretary.

Currently, if a lobbyist undertakes political activities on behalf of an official, the 2015 rule provides that the lobbyist not lobby the official for a “specified period”. This period is not defined in the Code, but is set as a “full election cycle” for “higher risk” political activities in guidance.

During consultation, several stakeholders submitted concerns that keeping a rule related to political engagement in the Code could infringe a lobbyist’s *Charter* rights related to participating in the democratic process. Other stakeholders contended that lobbyists who have done political work should be prohibited from lobbying the official who benefited for a period of at least 10 years.

The new political work rule, meant to restrict lobbying where an official could reasonably be seen to have a sense of obligation towards a lobbyist, is carefully crafted to respect *Charter*-protected rights and freedoms:

Rule 6 does not prohibit a lobbyist from engaging in any form of political work, but rather precludes them from lobbying an official – and associates of the official as narrowly defined – who has benefited from such political work for a cooling off period of 12 or 24 months, depending on the significance of the work and the level of interaction the lobbyist had with the official in carrying it out.

Rule 6 also grants the Commissioner the discretion to reduce the applicable cooling-off period taking relevant circumstances into account, including but not limited to the importance, prominence, frequency, extent and duration of the political work.

In addition, the definition of political work excludes other forms of political participation, which means that the rule does not apply to these forms of participation, including:

- attending fundraising or campaign events
- personally displaying election signs
- being a member of a political party
- expressing personal political views
- making personal political donations

New categories of political work and definitions

The new political work rule is supported with definitions, including:

- the meaning of political work
- the duration of the cooling-off period of either 24 or 12 months, depending on the circumstances
- the meaning of associate in relation to parliamentarians

The definition of political work explicitly excludes various forms of political participation, including attending fundraising or campaign events, personally displaying election signs, being a member of a political party, expressing personal political views and making personal political donations.

Supported by examples, political work is defined as paid or unpaid work of a political or partisan nature for a candidate, official or political party during or between election periods, including:

- 1) strategic, high-profile or important work for a candidate, official or political party
- 2) other political work
 - a) involving frequent and/or extensive interaction with a candidate or official, or
 - b) performed on a full-time or near-full-time basis for a candidate, official or political party

The cooling-off period is 24 months for the first category and 12 months for the second category, calculated from the day after the political work ended.

The adjusted cooling-off period of 24 or 12 months in the new rule ensures the political work rule is minimally impairing and proportionate to the Code's objective of limiting lobbying in situations where an official could reasonably be seen to have a sense of obligation toward a lobbyist.

The term associate is defined as the staff of any member of the Senate or House of Commons and any parliamentary secretary in performing their function of assisting a minister, as well as the staff of any such parliamentary secretary.

Taken together, these definitions work to provide a lobbyist with a clear and precise sense of how the rule applies to their circumstances.

Requests for a reduction to the cooling-off period

The third edition of the Code provides that a lobbyist can ask the Commissioner for a reduction to their cooling-off period. This acknowledges that there may be circumstances where factors – such as the importance, prominence, frequency, extent or duration of the political work performed – could warrant a reduction to the duration of a lobbyist's cooling-off period.

When not contrary to the objectives or expectations of the Code, the Commissioner may grant a reduction taking into account any circumstances that the Commissioner considers relevant.

Sense of obligation

This rule reformulates the Code's previous conflict of interest rule (rule 6 of the 2015 edition), which prevents a lobbyist from proposing or doing anything that could place an official in a real or apparent conflict of interest situation.

The 2015 rule requires an analysis of whether the lobbyist's action result in a real or apparent conflict of interest on the part of the official in question. This requires the Commissioner to make findings and conclusions that implicate the conduct of officials subject to their own separate ethical regimes, which the Commissioner does not administer.

The new sense of obligation rule shifts the focus onto the conduct of the lobbyist in question, and assesses on an objective standard whether the official could have a sense of obligation towards the lobbyist:

7

Never lobby an official where the official could reasonably be seen to have a sense of obligation towards you in circumstances beyond the scope of other rules.

Third edition

The updated rule is designed to address situations or circumstances beyond the scope of the Code's other rules.

The Code defines a sense of obligation as follows:

sense of obligation

Means a feeling of owing something (or feeling beholden) to another person.

Examples may include situations where the lobbyist or the lobbyist's client or employer:

- employed an official before they became an official
- employed or continues to employ a close family member of the official
- provided gifts or hospitality that exceeded the annual limits set in this Code to the official before they became an official

Third edition

Next steps

As required by the *Lobbying Act*, the Commissioner referred the third edition of the Code (Annex C) to parliamentary committee in November 2022.

Any comments received from the Standing Committee on Access to Information, Privacy and Ethics will be considered before the Commissioner finalizes the Code and publishes it in the *Canada Gazette*, which could impact the target dates identified below.

Publication in the *Canada Gazette*

The third edition of the Code will be published in the *Canada Gazette* – currently targeted for December 2022 – and subsequently come into force (take effect) on the date indicated in the *Gazette*.

Coming into force

The date when lobbyists will need to start complying with the third edition of the Code is currently targeted for January 2023.

Until the renewed Code comes into force, lobbyists will continue to be subject to and held to the standards of the 2015 edition.

Awareness and education

The Office of the Commissioner of Lobbying will offer educational materials and information sessions about the renewed Code to lobbyists, registrants and other stakeholders.

This content will address the transition to the third edition of the Code and will support lobbyists in complying with the updated rules.

Lobbyists' Code of Conduct (1997)

Preamble

The *Lobbyists' Code of Conduct* is founded on four concepts stated in the Lobbying Act:

- Free and open access to government is an important matter of public interest;
- Lobbying public office holders is a legitimate activity;
- It is desirable that public office holders and the public be able to know who is engaged in lobbying activities; and,
- A system for the registration of paid lobbyists should not impede free and open access to government.

The *Lobbyists' Code of Conduct* is an important initiative for promoting public trust in the integrity of government decision-making. The trust that Canadians place in public office holders to make decisions in the public interest is vital to a free and democratic society.

To this end, public office holders, when they deal with the public and with lobbyists, are required to honour the standards set out for them in their own codes of conduct. For their part, lobbyists communicating with public office holders must also abide by standards of conduct, which are set out below.

Together, these codes play an important role in safeguarding the public interest in the integrity of government decision-making.

Code de déontologie des lobbyistes (1997)

Préambule

Le *Code de déontologie des lobbyistes* s'appuie sur quatre notions énoncées dans la *Loi sur le lobbying* :

- L'intérêt public présenté par la liberté d'accès aux institutions de l'État;
- La légitimité du lobbyisme auprès des titulaires d'une charge publique;
- L'opportunité d'accorder aux titulaires d'une charge publique et au public la possibilité de savoir qui se livre à des activités de lobbyisme;
- L'enregistrement des lobbyistes rémunérés ne doit pas faire obstacle à cette liberté d'accès.

Le *Code de déontologie des lobbyistes* est un moyen important d'accroître la confiance du public en l'intégrité du processus décisionnel de l'État. La confiance que les Canadiennes et les Canadiens accordent aux titulaires d'une charge publique afin qu'ils prennent des décisions favorables à l'intérêt public est indispensable à toute société libre et démocratique.

À cette fin, les titulaires d'une charge publique sont tenus, dans les rapports qu'ils entretiennent avec le public et les lobbyistes, d'observer les normes qui les concernent dans leurs codes de déontologie respectifs. Quant aux lobbyistes qui communiquent avec des titulaires d'une charge publique, ils doivent aussi respecter les normes déontologiques ci-après.

Ces codes remplissent conjointement une fonction importante visant à protéger l'intérêt public, du point de vue de l'intégrité de la prise des décisions au sein du Gouvernement.

Principles

Integrity and honesty

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

Openness

Lobbyists should, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

Professionalism

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with not only the letter but the spirit of the *Lobbyists' Code of Conduct* as well as all the relevant laws, including the *Lobbying Act* and its regulations.

Rules

Transparency

1. Identity and purpose

Lobbyists shall, when making a representation to a public office holder, disclose the identity of the person or organization on whose behalf the representation is made, as well as the reasons for the approach.

2. Accurate information

Lobbyists shall provide information that is accurate and factual to public office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

3. Disclosure of obligations

Lobbyists shall indicate to their client, employer or organization their obligations under the *Lobbying Act*, and their obligation to adhere to the *Lobbyists' Code of Conduct*.

Principes

Intégrité et honnêteté

Les lobbyistes devraient faire preuve d'intégrité et d'honnêteté dans toutes leurs relations avec les titulaires d'une charge publique, les clients, les employeurs, le public et les autres lobbyistes.

Franchise

En tout temps, les lobbyistes devraient faire preuve de transparence et de franchise au sujet de leurs activités de lobbyisme, et ce, tout en respectant la confidentialité.

Professionnalisme

Les lobbyistes devraient observer les normes professionnelles et déontologiques les plus strictes. Plus particulièrement, ils sont tenus de se conformer sans réserve tant à la lettre qu'à l'esprit du *Code de déontologie des lobbyistes*, de même qu'à toutes les lois pertinentes, dont la *Loi sur le lobbying* et son règlement d'application.

Règles

Transparence

1. Identité et objet

Lorsqu'ils font des démarches auprès d'un titulaire d'une charge publique, les lobbyistes doivent révéler l'identité de la personne ou de l'organisation pour laquelle ils font ces démarches ainsi que l'objet de ces dernières.

2. Renseignements exacts

Les lobbyistes doivent fournir des renseignements qui sont exacts et concrets aux titulaires d'une charge publique. En outre, ils ne doivent pas induire sciemment en erreur qui que ce soit, et ils doivent veiller à ne pas le faire par inadvertance.

3. Divulcation des obligations

Les lobbyistes doivent informer leur client, employeur ou organisation des obligations auxquelles ils sont soumis en vertu de la *Loi sur le lobbying*, et du fait qu'il leur faut se conformer au *Code de déontologie des lobbyistes*.

Confidentiality

4. Confidential information

Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

5. Insider information

Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

Conflict of interest

6. Competing interests

Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

7. Disclosure

Consultant lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest, and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

8. Improper influence

Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.

Confidentialité

4. Renseignements confidentiels

Les lobbyistes ne doivent pas divulguer de renseignements confidentiels, à moins d'avoir obtenu le consentement éclairé de leur client, de leur employeur ou de leur organisation, ou que la loi ne l'exige.

5. Renseignements d'initiés

Les lobbyistes ne doivent pas se servir des renseignements confidentiels ou d'initiés obtenus dans le cadre de leurs activités de lobbying au désavantage de leur client, de leur employeur ou de leur organisation.

Conflits d'intérêts

6. Intérêts concurrentiels

Les lobbyistes ne doivent pas représenter des intérêts conflictuels ou concurrentiels sans le consentement éclairé des personnes dont les intérêts sont en cause.

7. Divulgateion

Les lobbyistes-conseils doivent informer les titulaires d'une charge publique qu'ils ont avisé leurs clients de tout conflit d'intérêts réel, possible ou apparent et ont obtenu le consentement éclairé de chaque client concerné avant d'entreprendre ou de poursuivre l'activité en cause.

8. Influence répréhensible

Les lobbyistes doivent éviter de placer les titulaires d'une charge publique en situation de conflit d'intérêts en proposant ou en prenant toute action qui constituerait une influence répréhensible sur ces titulaires.

Lobbyists' Code of Conduct (2015)

Preamble

The *Lobbying Act* is based on four principles:

- Free and open access to government is an important matter of public interest;
- Lobbying public office holders is a legitimate activity;
- It is desirable that public office holders and the public be able to know who is engaged in lobbying activities; and
- A system for the registration of paid lobbyists should not impede free and open access to government.

The *Lobbying Act* provides the Commissioner with the authority to develop and administer a code of conduct for lobbyists. The Commissioner has done so, with these four principles in mind. The *Lobbyists' Code of Conduct* is an important instrument for promoting public trust in the integrity of government decision making. The trust that Canadians place in public office holders to make decisions in the public interest is vital to a free and democratic society.

Public office holders, when they deal with the public and with lobbyists, are required to adhere to the standards set out for them in their own codes of conduct. For their part, lobbyists communicating with public office holders must also abide by standards of conduct, which are set out below.

These codes complement one another and together contribute to public confidence in the integrity of government decision-making.

Code de déontologie des lobbyistes (2015)

Préambule

La *Loi sur le lobbying* repose sur quatre principes :

- L'intérêt public présenté par la liberté d'accès aux institutions de l'État;
- La légitimité du lobbyisme auprès des titulaires d'une charge publique;
- L'opportunité d'accorder aux titulaires d'une charge publique et au public la possibilité de savoir qui se livre à des activités de lobbyisme;
- L'enregistrement des lobbyistes rémunérés ne doit pas faire obstacle à cette liberté d'accès.

La *Loi sur le lobbying* confère à la commissaire le pouvoir d'élaborer et d'administrer un code de déontologie des lobbyistes. C'est ce qu'a fait la commissaire, en gardant à l'esprit ces quatre principes. Le *Code de déontologie des lobbyistes* est un instrument important pour accroître la confiance du public en l'intégrité du processus décisionnel de l'État. La confiance que les Canadiennes et les Canadiens accordent aux titulaires d'une charge publique pour ce qui est de prendre des décisions favorables à l'intérêt public est indispensable à toute société libre et démocratique.

Les titulaires d'une charge publique sont tenus, dans les rapports qu'ils entretiennent avec le public et les lobbyistes, d'observer les normes qui les concernent dans leurs codes de déontologie respectifs. Quant aux lobbyistes qui communiquent avec des titulaires d'une charge publique, ils doivent aussi respecter les normes déontologiques ci-après.

Ces codes se complètent l'un et l'autre et, ensemble, contribuent à la confiance du public en l'intégrité du processus décisionnel du gouvernement.

Principles

Respect for democratic institutions

Lobbyists should act in a manner that demonstrates respect for democratic institutions, including the duty of public office holders to serve the public interest.

Integrity and honesty

Lobbyists should conduct with integrity and honesty all relations with public office holders.

Openness

Lobbyists should be open and frank about their lobbying activities.

Professionalism

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with the letter and the spirit of the *Lobbyists' Code of Conduct* as well as with all relevant laws, including the *Lobbying Act* and its regulations.

Rules

Transparency

Identity and purpose

1. A lobbyist shall, when communicating with a public office holder, disclose the identity of the person, organization or corporation on whose behalf the communication is made and the nature of their relationship with that person, organization or corporation, as well as the reasons for the approach.

Accurate information

2. A lobbyist shall avoid misleading public office holders by taking all reasonable measures to provide them with information that is accurate and factual.

Principes

Respect envers les institutions démocratiques

Les lobbyistes devraient agir d'une manière qui témoigne d'un respect pour les institutions démocratiques, y compris le devoir des titulaires d'une charge publique de servir l'intérêt public.

Intégrité et honnêteté

Les lobbyistes devraient faire preuve d'intégrité et d'honnêteté dans toutes leurs relations avec les titulaires d'une charge publique.

Franchise

Les lobbyistes devraient faire preuve de transparence et de franchise au sujet de leurs activités de lobbying.

Professionnalisme

Les lobbyistes devraient observer les normes professionnelles et déontologiques les plus strictes. Plus particulièrement, ils sont tenus de se conformer sans réserve à la lettre qu'à l'esprit du *Code de déontologie des lobbyistes*, de même qu'à toutes les lois pertinentes, dont la *Loi sur le lobbying* et son règlement d'application.

Règles

Transparence

Identité et objet

1. Lorsqu'il communique avec un titulaire d'une charge publique, un lobbyiste doit révéler l'identité de la personne, de l'organisation ou de l'entreprise pour le compte de qui la communication est faite ainsi que la nature de sa relation avec cette personne, organisation ou entreprise et l'objet de ces démarches.

Renseignements exacts

2. Un lobbyiste doit éviter d'induire en erreur les titulaires d'une charge publique en prenant toutes les mesures raisonnables pour leur fournir des renseignements qui sont exacts et factuels.

Duty to disclose

3. A consultant lobbyist shall inform each client of their obligations as a lobbyist under the *Lobbying Act* and the *Lobbyists' Code of Conduct*.
4. The responsible officer (the most senior paid employee) of an organization or corporation shall ensure that employees who lobby on the organization's or corporation's behalf are informed of their obligations under the *Lobbying Act* and the *Lobbyists' Code of Conduct*.

Use of information

5. A lobbyist shall use and disclose information received from a public office holder only in the manner consistent with the purpose for which it was shared. If a lobbyist obtains a government document they should not have, they shall neither use nor disclose it.

Conflict of interest

6. A lobbyist shall not propose or undertake any action that would place a public office holder in a real or apparent conflict of interest.

In particular:

Preferential access

7. A lobbyist shall not arrange for another person a meeting with a public office holder when the lobbyist and public office holder share a relationship that could reasonably be seen to create a sense of obligation.
8. A lobbyist shall not lobby a public office holder with whom they share a relationship that could reasonably be seen to create a sense of obligation.

Devoir de divulgation

3. Un lobbyiste-conseil doit informer chaque client de ses obligations à titre de lobbyiste en vertu de la Loi sur le lobbying et du *Code de déontologie des lobbyistes*.
4. L'agent responsable (l'employé rémunéré qui exerce les fonctions les plus élevées) au sein d'une organisation ou d'une entreprise doit s'assurer que les employés qui exercent des activités de lobbying pour le compte de l'organisation ou de l'entreprise sont informés de leurs obligations en vertu de la *Loi sur le lobbying* et du *Code de déontologie des lobbyistes*.

Utilisation de l'information

5. Un lobbyiste ne doit utiliser et divulguer des renseignements reçus d'un titulaire d'une charge publique que de façon conforme à l'objectif pour lequel ils ont été partagés. Si un lobbyiste obtient un document du gouvernement qu'il ne devrait pas avoir en sa possession, il ne doit ni l'utiliser ni le divulguer.

Conflit d'intérêts

6. Un lobbyiste ne doit proposer ni entreprendre aucune action qui placerait un titulaire d'une charge publique en situation de conflit d'intérêts réel ou apparent.

Plus particulièrement :

Accès préférentiel

7. Un lobbyiste ne doit pas organiser pour une autre personne une rencontre avec un titulaire d'une charge publique lorsque le lobbyiste et le titulaire d'une charge publique entretiennent une relation qui pourrait vraisemblablement faire croire à la création d'un sentiment d'obligation.
8. Un lobbyiste ne doit pas faire de lobbying auprès d'un titulaire d'une charge publique avec lequel il entretient une relation qui pourrait vraisemblablement faire croire à la création d'un sentiment d'obligation.

Political activities

9. When a lobbyist undertakes political activities on behalf of a person which could reasonably be seen to create a sense of obligation, they may not lobby that person for a specified period if that person is or becomes a public office holder. If that person is an elected official, the lobbyist shall also not lobby staff in their office(s).

Gifts

10. To avoid the creation of a sense of obligation, a lobbyist shall not provide or promise a gift, favour, or other benefit to a public office holder, whom they are lobbying or will lobby, which the public office holder is not allowed to accept.

Activités politiques

9. Si un lobbyiste entreprend des activités politiques pour le compte d'une personne qui pourraient vraisemblablement faire croire à la création d'un sentiment d'obligation, il ne peut pas faire de lobbying auprès de cette personne pour une période déterminée si cette personne est ou devient un titulaire d'une charge publique. Si cette personne est un élu, le lobbyiste ne doit pas non plus faire de lobbying auprès du personnel du bureau dudit titulaire.

Cadeaux

9. Afin d'éviter la création d'un sentiment d'obligation, un lobbyiste ne doit pas offrir ou promettre un cadeau, une faveur ou un autre avantage à un titulaire d'une charge publique, auprès duquel il fait ou fera du lobbying, que le titulaire d'une charge publique n'est pas autorisé à accepter.

Lobbyists' Code of Conduct (third edition)

Standards for transparent and ethical lobbying

Objectives

The objective of this Code is to foster transparent and ethical lobbying of federal officials.

This Code is required by and complements the *Lobbying Act*, which recognizes that free and open access to government is in the public interest, that transparent and ethical lobbying is a legitimate activity, that officials and the public should be able to know who is carrying out lobbying activities, and that lobbying registration should not impede access to government.

By complying with the rules of this Code, lobbyists:

- strengthen the ethical culture of lobbying
- avoid placing officials in real or apparent conflict of interest situations
- contribute to public confidence in the integrity of federal government institutions and decision making

Application

An individual must comply with this Code if the *Lobbying Act* requires them to do so. In this Code, such individuals are referred to as lobbyists.

This code of conduct was published in the *Canada Gazette* and came into force on [Month D, YYYY].

Scope

This Code applies to lobbying activities and the interactions lobbyists have with officials that they lobby or expect to lobby.

Code de déontologie des lobbyistes (troisième édition)

Normes pour assurer un lobbying
transparent et éthique

Objectifs

Ce Code vise à favoriser un lobbying transparent et éthique auprès des fonctionnaires fédéraux.

Ce Code est prévu en vertu de la *Loi sur le lobbying* et il vient compléter cette Loi, qui reconnaît l'intérêt public présenté par la liberté d'accès aux institutions de l'État, que le lobbying transparent et éthique constitue une activité légitime, que le public et les fonctionnaires doivent avoir la possibilité de savoir qui se livre à des activités de lobbying et que l'enregistrement du lobbying ne doit pas faire obstacle à l'accès au gouvernement.

En respectant les règles de ce Code, les lobbyistes :

- enforcent la culture éthique du lobbying
- évitent de placer les fonctionnaires dans des situations de conflit d'intérêts ou d'apparence de conflit d'intérêts
- contribuent à la confiance du public dans l'intégrité des institutions gouvernementales fédérales et du processus décisionnel

Application

Une personne doit respecter ce Code si la *Loi sur le lobbying* l'y oblige. Dans ce Code, ces personnes sont appelées lobbyistes.

Ce Code de déontologie a été publié dans la *Gazette du Canada* et est entré en vigueur le [J mois AAAA].

Portée

Ce Code s'applique aux activités de lobbying et aux interactions que les lobbyistes entretiennent avec les fonctionnaires auprès de qui les lobbyistes font ou envisagent de faire du lobbying.

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Third edition – 2023 (as referred to Committee)

Compliance

Non-compliance with any rule in this Code may result in an investigation by the Commissioner of Lobbying. This can lead to a public investigation report to Parliament.

Expectations

These expectations are intended to guide lobbyists in complying with the rules in this Code.

Transparency

Ethical lobbying requires a commitment to openness. Conducting transparent lobbying ensures that officials understand the purpose of the lobbying and on whose behalf it is carried out.

Respect for government institutions

Canada's parliamentary democracy and its institutions serve Canadians. Understanding and respecting that officials have a duty to serve the public interest over private interests is vital to ethical lobbying. It is therefore essential that lobbyists avoid placing officials in real or apparent conflict of interest situations, including where officials could reasonably be seen to have a sense of obligation towards a lobbyist.

Integrity, honesty and professionalism

Ethical lobbying is conducted with integrity, honesty and professionalism. Being trustworthy and respectful supports informed decision making by officials and, in turn, public confidence in federal government institutions. It is therefore essential that lobbyists uphold the letter and spirit of the *Lobbying Act*, its regulations and this Code.

Conformité

La non-conformité par rapport à toute règle dans ce Code peut donner lieu à une enquête du commissaire au lobbying. Cela peut conduire à un rapport d'enquête public présenté au Parlement.

Attentes

Ces attentes sont destinées à guider les lobbyistes dans le respect des règles de ce Code.

Transparence

Le lobbying éthique requiert un engagement d'ouverture. Mener un lobbying transparent garantit que les fonctionnaires comprennent le but du lobbying et au nom de qui il est fait.

Respect des institutions gouvernementales

La démocratie parlementaire du Canada et ses institutions sont au service de la population canadienne. Comprendre et respecter que les fonctionnaires ont le devoir de servir l'intérêt public plutôt que les intérêts privés est vital pour le lobbying éthique. Par conséquent, les lobbyistes doivent éviter de placer les fonctionnaires dans des situations de conflit d'intérêts ou d'apparence de conflit d'intérêts, y compris lorsque les fonctionnaires pourraient raisonnablement être considérés comme ayant un sentiment d'obligation envers un lobbyiste.

Intégrité, honnêteté et professionnalisme

Le lobbying éthique est mené avec intégrité, honnêteté et professionnalisme. Le fait d'être digne de confiance et respectueux favorise la prise de décisions éclairées par les fonctionnaires et, par conséquent, la confiance du public dans les institutions du gouvernement fédéral. Il est donc essentiel que les lobbyistes respectent la lettre et l'esprit de la *Loi sur le lobbying*, de ses règlements et du présent Code.

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Rules

If the *Lobbying Act* requires you to comply with this Code, you must follow these rules:

Disclosure

- 1.1** When you lobby – including when making grassroots appeals to persuade the public to communicate with officials – identify your client or employer and the purpose of your communication.
- 1.2** When you lobby on behalf of a client, inform your client that you have, and that they may have, obligations under the *Lobbying Act*, its regulations and this Code.
- 1.3** When you lobby as part of your employment, inform your employer (as represented by the registrant) about your lobbying activities in order to support accurate registration and reporting in the Registry of Lobbyists.
- 1.4** If you are the registrant for an employer, inform employees who lobby for the employer about their obligations under this Code.

Trustworthiness

- 2.1** When lobbying – including when making grassroots appeals to persuade the public to communicate with officials – act in good faith and take reasonable steps to not mislead with any information you share.
- 2.2** Do not use or share information obtained from an official in confidence, except if you have the official's informed consent.

Règles

Si la *Loi sur le lobbying* exige que vous vous conformiez à ce Code, vous devez suivre ces règles :

Divulgation

- 1.1** Lorsque vous faites du lobbying – y compris lorsque vous lancez des appels au grand public pour persuader le public de communiquer avec des fonctionnaires – identifiez votre client ou employeur ainsi que l'objet de votre communication.
- 1.2** Lorsque vous faites du lobbying au nom d'un client, informez votre client que vous avez des obligations en vertu de la *Loi sur le lobbying*, de ses règlements et du présent Code, et que le client pourrait aussi en avoir.
- 1.3** Lorsque vous faites du lobbying dans le cadre de votre emploi, informez votre employeur (tel que représenté par le déclarant) de vos activités de lobbying afin de soutenir un enregistrement et une déclaration exacts dans le Registre des lobbyistes.
- 1.4** Si vous êtes le déclarant pour un employeur, informez les employés qui font du lobbying au nom de l'employeur de leurs obligations en vertu de ce Code.

Fiabilité

- 2.1** Lorsque vous faites du lobbying – y compris lorsque vous lancez des appels au grand public pour persuader le public de communiquer avec des fonctionnaires – agissez de bonne foi et prenez des mesures raisonnables pour éviter que les renseignements que vous partagez induisent en erreur.
- 2.2** N'utilisez ou ne partagez pas l'information qu'un fonctionnaire vous fournit à titre confidentiel, sauf si vous avez le consentement éclairé de ce dernier.

Gifts

- 3** Never offer – directly or indirectly – any gift to an official that you lobby or expect to lobby, other than a low-value gift that is a token of appreciation or promotional item. The combined value of tokens of appreciation and promotional items you offer to the same official within a calendar year cannot exceed the annual limit for gifts.

Exemption:

When not contrary to the objectives or expectations of this Code, the Commissioner may grant an exemption – and may adjust the low-value and/or annual limit amounts – taking into account any circumstances that the Commissioner considers relevant, including:

- by how much the gift exceeds the low-value limit
- local market prices
- if the gift is a customary expression of courtesy or protocol
- the combined value of allowed gifts that have and will be offered to the official within the same calendar year

Hospitality

- 4** Never offer – directly or indirectly – hospitality to an official that you lobby or expect to lobby, other than low-value food or beverage for consumption during an in-person meeting, lobby day, event or reception. The combined value of hospitality you offer to the same official within a calendar year cannot exceed the annual limit for hospitality.

Cadeaux

- 3** N'offrez jamais – directement ou indirectement – un cadeau à un fonctionnaire auprès de qui vous faites ou envisagez de faire du lobbying, autre qu'un cadeau de faible valeur d'article en guise d'appréciation ou promotionnel. La valeur combinée des articles en guise d'appréciation et promotionnels que vous offrez au même fonctionnaire au cours d'une année civile ne doit pas dépasser la limite annuelle pour les cadeaux.

Exemption :

Lorsque cela ne va pas à l'encontre des objectifs ou des attentes du Code, le commissaire peut accorder une exemption – et peut ajuster les montants de la faible valeur et/ou de la limite annuelle – en tenant compte des circonstances que le commissaire juge pertinentes, dont notamment :

- de combien le montant du cadeau dépasse la limite de faible valeur
- les prix du marché local
- si le cadeau constitue une marque normale de courtoisie ou de protocole
- la valeur combinée des cadeaux autorisés qui ont été et seront offerts au fonctionnaire au cours de la même année civile

Marques d'hospitalité

- 4** N'offrez jamais – directement ou indirectement – de marque d'hospitalité à un fonctionnaire auprès de qui vous faites ou envisagez de faire du lobbying, à l'exception d'aliments ou de boissons de faible valeur à consommer lors d'une réunion, d'une journée de lobbying, d'un événement ou d'une réception en personne. La valeur totale des marques d'hospitalité que vous offrez au même fonctionnaire au cours d'une année civile ne doit pas dépasser la limite annuelle pour les marques d'hospitalité.

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Exemption:

When not contrary to the objectives or expectations of this Code, the Commissioner may grant an exemption – and may adjust the low-value and/or annual limit amounts – taking into account any circumstances that the Commissioner considers relevant, including:

- by how much the hospitality exceeds the low-value limit
- local market prices
- dietary requirements or restrictions
- the combined value of allowed hospitality that has and will be offered to the official within the same calendar year

Close relationships

- 5 Never lobby an official where the official could reasonably be seen to have a sense of obligation towards you because you have a close relationship with the official.

Political work

- 6 Never lobby an official or their associates where the official could reasonably be seen to have a sense of obligation towards you because of political work – paid or unpaid – you have done for the benefit of the official, unless the cooling-off period has expired.

Reduction to the cooling-off period:

When not contrary to the objectives or expectations of this Code, the Commissioner may reduce the cooling-off period, taking into account any circumstances that the Commissioner considers relevant, including:

- the importance or prominence of the political work
- the frequency, extent or duration of the political work

Sense of obligation

- 7 Never lobby an official where the official could reasonably be seen to have a sense of obligation towards you in circumstances beyond the scope of other rules.

Exemption :

Lorsque cela ne va pas à l'encontre des objectifs ou des attentes du Code, le commissaire peut accorder une exemption – et peut ajuster les montants de la faible valeur et/ou de la limite annuelle – en tenant compte des circonstances que le commissaire juge pertinentes, dont notamment :

- de combien le montant des marques d'hospitalité dépasse la limite de faible valeur
- les prix du marché local
- les besoins ou les restrictions alimentaires
- la valeur combinée des marques d'hospitalité autorisées qui ont été et seront offertes au fonctionnaire au cours de la même année civile

Relations étroites

- 5 Ne faites jamais de lobbying auprès d'un fonctionnaire lorsqu'on pourrait raisonnablement penser que ce fonctionnaire a un sentiment d'obligation envers vous parce que vous entretenez une relation étroite avec ce fonctionnaire.

Travail politique

- 6 Ne faites jamais de lobbying auprès d'un fonctionnaire ou de ses associés lorsqu'on pourrait raisonnablement penser que ce fonctionnaire a un sentiment d'obligation envers vous parce que vous avez accompli un travail politique – rémunéré ou non – pour le bénéfice du fonctionnaire, sauf si la période de restriction a expiré.

Réduction de la période de restriction :

Lorsque cela ne va pas à l'encontre des objectifs ou des attentes du Code, le commissaire peut réduire la période de restriction en tenant compte des circonstances que le commissaire juge pertinentes, dont notamment :

- l'importance ou la forte visibilité du travail politique
- la fréquence, l'étendue ou la durée du travail politique

Sentiment d'obligation

- 7 Ne faites jamais de lobbying auprès d'un fonctionnaire lorsqu'on pourrait raisonnablement penser que ce fonctionnaire a un sentiment d'obligation envers vous en raison de circonstances qui dépassent la portée des autres règles.

Appendix: Definitions

Terms referred to in the rules are defined as follows:

General

client

Any person, group, corporation or organization that pays or promises to pay money or anything of value to a consultant lobbyist to lobby.

employer

A corporation or organization that employs one or more individuals who lobby on its behalf (i.e., in-house lobbyists).

grassroots appeal

A communication technique by which lobbying described in paragraphs 5(1)(a) and 7(1)(a) of the *Lobbying Act* can be conducted. This technique is defined in paragraph 5(2)(j) and referred to in paragraph 7(3)(k).

lobby or lobbying

Communicating as described in paragraphs 5(1)(a) or 7(1)(a) of the *Lobbying Act* or arranging a meeting as described in paragraph 5(1)(b).

official

Any 'public office holder' as defined in subsection 2(1) of the *Lobbying Act*.

registrant for an employer

The employee holding the most senior paid office of a corporation or organization who is responsible for registering lobbying carried out by employees – defined in subsection 7(6) of the *Lobbying Act* as the 'officer responsible for filing returns'.

Annexe : définitions

Les termes utilisés dans les règles sont définis comme suit :

Termes généraux

client

Toute personne, personne morale ou organisation ou tout groupe qui paie ou promet de payer de l'argent ou tout autre objet de valeur à un lobbyiste-conseil pour faire du lobbying.

employeur

La personne morale ou l'organisation qui emploie une ou plusieurs personnes qui font du lobbying en son nom d'employeur (lobbyistes salariés).

appels au grand public

Une technique de communication par laquelle le lobbying décrit aux alinéas 5(1)(a) et 7(1)(a) de la *Loi sur le lobbying* peut être effectué. Cette technique est définie à l'alinéa 5(2)(j) et visée à l'alinéa 7(3)(k).

lobbying

Communiquer tel que décrit aux alinéas 5(1)(a) ou 7(1)(a) de la *Loi sur le lobbying* ou organiser une réunion décrite à l'alinéa 5(1)(b).

fonctionnaire

Tout « titulaire d'une charge publique », tel que défini au paragraphe 2(1) de la *Loi sur le lobbying*.

déclarant pour un employeur

L'employé occupant le poste rémunéré le plus élevé d'une personne morale ou d'une organisation qui est chargé d'enregistrer les activités de lobbying effectuées par les employés - défini au paragraphe 7(6) de la *Loi sur le lobbying* comme le « déclarant ».

Annex C

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Gifts and hospitality

annual limit

The maximum combined value of low-value gifts or low-value hospitality that can be offered to the same official within a calendar year.

The annual limit for all allowed **gifts**, combined, is set at **\$80** in 2023 dollars*, before taxes.

The annual limit for all allowed **hospitality**, combined, is set at **\$80** in 2023 dollars*, before taxes.

indirectly

Where:

- a person or entity offers a gift or hospitality to an official at the lobbyist's request
- the lobbyist offers a gift or hospitality to an official on behalf of another person or entity

gift

Anything of value offered for free, without charge, at a reduced rate, or at less than market value, with no obligation to repay. The term 'gift' does not include hospitality as defined in this Code.

Examples:

- door prize
- entertainment activity
- food or beverage
- gift certificate, voucher
- money, loan, credit
- parking
- product
- promotional item
- property or use of property
- service
- ticket, pass or access to an event
- token of appreciation
- travel, excursion, transportation

hospitality

Food or beverage offered for consumption during an in-person meeting, lobby day, event or reception.

Cadeaux et marques d'hospitalité

limite annuelle

La valeur maximale combinée des cadeaux de faible valeur ou des marques d'hospitalité de faible valeur qui peuvent être offerts au même fonctionnaire au cours d'une année civile.

La limite annuelle pour tous les **cadeaux** autorisés, combinés, est fixée à **80 \$** en dollars de 2023*, avant les taxes.

La limite annuelle pour toutes les **marques d'hospitalité** autorisées, combinées, est fixée à **80 \$** en dollars de 2023*, avant les taxes.

indirectement

Lorsque :

- une personne ou entité offre un cadeau ou une marque d'hospitalité à un fonctionnaire à la demande du lobbyiste
- le lobbyiste offre un cadeau ou une marque d'hospitalité à un fonctionnaire au nom d'une autre personne ou entité

cadeau

Toute chose de valeur offerte gratuitement, sans frais, à un taux réduit ou à un montant inférieur à la valeur du marché, et qui n'a pas besoin d'être remboursée. Le terme « cadeau » n'inclut pas les marques d'hospitalité telles que définies dans ce Code.

Exemples :

- activité de divertissement
- aliments ou boissons
- argent, prêt, crédit
- article en guise d'appréciation
- article promotionnel
- billets, laissez-passer ou accès à des événements
- certificat-cadeau, bon d'achat
- prix de présence
- produit
- propriété ou l'utilisation de propriété
- service
- stationnement
- voyage, excursion, transport

marques d'hospitalité

Il s'agit d'aliments ou de boissons fournis pour être consommés lors d'une réunion, d'un événement, d'une journée de lobbying ou d'une réception en personne.

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low-value

Means the market price before taxes – without discount for anything that has been donated or subsidized – of a gift or of an instance of hospitality that can be offered to an official.

Low-value for a permitted **gift** is set at **\$40** in 2023 dollars*, before taxes.

Low-value for a permitted instance of **hospitality** is set at **\$40** in 2023 dollars*, before taxes, gratuities and catering, and rental or service charges. This amount is determined by dividing the total cost of food and beverage by the number of individuals reasonably expected to attend the meeting, lobby day, event or reception.

Hospitality costs must reflect standard rates and cannot be allocated to venue rental fees, facility fees, catering or service charges, event management expenses, or similar items, as a way to avoid exceeding the low-value amount.

promotional item

A gift that typically has corporate branding or messaging used in the marketing of a product, service or entity.

token of appreciation

A gift offered as an expression of gratitude to an official for serving in an official capacity such as a speaker, presenter, panelist, moderator or for performing a ceremonial role at an event or function.

* Note about the low-value and annual limit amounts:

On a yearly basis, the Commissioner can take inflation into account in adjusting the low-value and annual limit amounts set below. In doing so, the amounts will be calculated relative to 2023 prices based on the consumer price index data maintained by Statistics Canada.

faible valeur

Signifie la valeur marchande avant les taxes – sans réduction pour tout ce qui a été donné ou subventionné – d'un cadeau ou d'une marque d'hospitalité qui peuvent être offerts à un fonctionnaire.

La faible valeur d'un **cadeau** autorisé est fixée à **40 \$** en dollars de 2023*, avant les taxes.

La faible valeur d'une **marque d'hospitalité** autorisée est fixée à **40 \$** en dollars de 2023*, avant les taxes, les pourboires et frais de traiteur, et les frais de location ou de service. Ce montant est déterminé en divisant le coût total des aliments et des boissons par le nombre de personnes dont on peut raisonnablement penser d'assister à la réunion, à la journée de lobbying, à l'événement ou à la réception.

Les coûts des marques d'hospitalité doivent refléter les taux standards et ils ne peuvent pas être affectés aux frais de location du lieu, aux frais d'installation, aux frais de traiteur ou de service, aux dépenses liées à la gestion de l'événement ou à des services semblables afin d'éviter de dépasser la limite de faible valeur.

article promotionnel

Un cadeau qui est habituellement doté d'une image de marque ou d'un message corporatif et qui est utilisé dans la commercialisation d'un produit, d'un service ou d'une entité.

article en guise d'appréciation

Un cadeau offert à un fonctionnaire comme marque de gratitude pour avoir servi à titre officiel tel qu'un conférencier, présentateur, panéliste, modérateur ou pour avoir joué un rôle cérémoniel lors d'un événement ou d'une fonction.

* Remarque sur les montants de faible valeur et de limite annuelle :

Chaque année, le commissaire peut tenir compte de l'inflation pour ajuster les montants de faible valeur et des limites annuelles fixés ci-dessous. Ce faisant, les montants seront calculés par rapport aux prix de 2023 en fonction des données de l'indice des prix à la consommation conservées par Statistique Canada.

Close relationships

close relationship

A close bond – based on personal affection, on mutual trust or loyalty, or on professional, business or financial interdependence – that extends beyond simply being acquainted.

Examples:

- *close family relationships*, such as close family by blood, birth, marriage, adoption, or common law, any relative or other person permanently residing in the same household
- *close personal relationships*, such as close or best friends, intimate or romantic partners (excludes people known only through broad social circles or networks)
- *close working relationships*, such as prominent or longstanding professional relationship developed by working closely together (working for the same entity, employer or client does not, on its own, qualify as having a close relationship; close working relationships typically do not include strictly professional relationships between individuals not connected to the same entity, employer or client)
- *close business relationships*, such as owning or closely collaborating in a business or in a consortium of businesses
- *close financial relationships*, such as sharing ownership in property, co-managing shared investments

Relations étroites

relation étroite

Des liens étroits – fondés sur une affection personnelle, sur une confiance ou une loyauté mutuelle, ou sur une interdépendance professionnelle, commerciale ou financière – qui va au-delà d'être une simple connaissance.

Exemples :

- *relations familiales étroites*, comme la famille proche par le sang, par naissance, par alliance, par adoption, ou par union de fait, tout membre de la parenté ou toute autre personne qui habite de façon permanente dans le même foyer
- *relations personnelles étroites*, comme des amis proches ou des meilleurs amis, ou des partenaires intimes ou romantiques (à l'exclusion des personnes que l'on a connues uniquement dans des cercles sociaux élargis ou des réseaux)
- *relations de travail étroites*, comme des relations professionnelles importantes ou de longue date tissées dans le cadre d'une étroite collaboration au travail (travailler pour la même entité, le même employeur ou le même client ne signifie pas en soi avoir une relation étroite; généralement, les relations de travail étroites ne comprennent pas les relations de travail strictement professionnelles entre des personnes qui ne sont pas liées à la même entité, au même employeur ou au même client)
- *relations d'affaires étroites*, comme détenir ensemble une entreprise ou un consortium d'entreprises ou collaborer étroitement au sein de cette entreprise ou de ce consortium d'entreprises
- *relations financières étroites*, comme le fait de se partager la propriété d'un bien, de gérer conjointement des investissements partagés

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Political work

associate

In relation to ministers (including ministers of state), includes:

- their staff
- any parliamentary secretary in performing their function of assisting that minister, as well as the staff of any such parliamentary secretary

In relation to members of the House of Commons or the Senate:

- includes their staff but excludes their fellow parliamentarians

cooling-off period

When political work – paid or unpaid – has been done for the benefit of an official, the amount of time that must pass before lobbying that official or their associates. This period is calculated from the day after the political work ended.

There is a **24-month** cooling-off period for having done strategic, high-profile or important political work for a candidate, official or political party.

There is a **12-month** cooling-off period for other political work either involving frequent and/or extensive interaction with a candidate or official, or performed on a full-time or near-full-time basis for a candidate, official or political party.

See definition of ‘political work’ for examples.

political work

Paid or unpaid work of a political or partisan nature for a candidate, official or political party during or between election periods.

Travail politique

associé

En lien avec les ministres (y compris les ministres d’État), englobe :

- les membres de leur personnel
- les secrétaires parlementaires dans l’exercice de leur fonction d’aide au ministre, ainsi que le personnel de ces secrétaires parlementaires

En lien avec les membres de la Chambre des communes ou du Sénat :

- englobe les membres de leur personnel, mais exclut leurs collègues parlementaires

période de restriction

Lorsque du travail politique – rémunéré ou non – a été réalisé pour le bénéfice d’un fonctionnaire, la période qui doit s’écouler avant de faire du lobbying auprès de ce fonctionnaire ou de ses associés. La période est calculée à partir du lendemain de la fin du travail politique.

Il existe une période de restriction de **24 mois** pour avoir accompli des travaux stratégiques, d’une forte visibilité ou importants pour un candidat, un fonctionnaire ou un parti politique.

Il existe une période de restriction de **12 mois** pour avoir accompli tout autre travail politique soit qui implique des interactions fréquentes ou étendues avec un candidat ou un fonctionnaire, ou qui est réalisé à temps plein ou presque à temps plein pour un candidat, un fonctionnaire ou un parti politique.

Voir des exemples connexes dans la définition de « travail politique ».

travail politique

Du travail de nature politique ou partisane – rémunéré ou non – pour le bénéfice d’un candidat, d’un fonctionnaire ou d’un parti politique pendant ou entre des périodes électorales.

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Political work includes:

- 1) strategic, high-profile or important work for a candidate, official or political party

Examples:

- serving as a designated spokesperson
- serving as a campaign manager
- serving in a senior position in a leadership or election campaign
- serving on the executive of an electoral district association
- preparing a candidate or official for an appearance, including speeches and debates
- organizing political fundraising
- organizing political or campaign events
- directing or coordinating political research or data analysis
- developing or coordinating political messaging or advertising

Political work of this nature requires a cooling-off period of **24 months**.

- 2) other political work
 - a) involving frequent and/or extensive interaction with a candidate or official, or
 - b) performed on a full-time or near-full-time basis for a candidate, official or political party

Examples:

- canvassing
- soliciting or gathering donations
- distributing or disseminating campaign materials
- coordinating campaign office logistics
- performing political research or data analytics tasks
- carrying out political or campaign event logistics

Political work of this nature requires a cooling-off period of **12 months**.

Le travail politique comprend les activités suivantes :

- 1) des travaux stratégiques, d'une forte visibilité ou importants pour un candidat, un fonctionnaire ou un parti politique

Exemples :

- servir à titre de porte-parole désigné
- servir à titre de chef de campagne
- servir dans un poste d'échelon supérieur dans une course à la chefferie ou campagne électorale
- faire partie de la direction d'une association de circonscription
- préparer un candidat ou un fonctionnaire en vue d'une présentation, dont les discours et les débats
- organiser des activités de financement politique
- organiser des événements politiques ou les événements d'une campagne
- diriger ou coordonner des recherches politiques ou des analyses de données
- mettre sur pied ou en coordonnant des messages politiques ou des campagnes publicitaires

Du travail politique de cette nature nécessite une période de restriction de **24 mois**.

- 2) autre travail politique
 - a) impliquant des interactions fréquentes ou étendues avec un candidat ou un fonctionnaire, ou
 - b) réalisé à temps plein ou presque à temps plein pour un candidat, un fonctionnaire ou un parti politique

Exemples :

- faire du porte-à-porte
- solliciter ou recueillir des dons
- distribuer ou diffuser du matériel pour des campagnes
- coordonner la logistique pour le bureau de campagne
- effectuer des recherches politiques ou des tâches liées aux analyses de données
- s'occuper de la logistique d'un événement politique ou d'un événement de campagne

Du travail politique de cette nature nécessite une période de restriction de **12 mois**.

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Political work does not include other forms of political participation, such as:

- attending a fundraising or campaign event
- personally displaying election signs or posting digital campaign material during an election period
- being a member of a political party at any level of government in Canada
- expressing political opinions strictly in an individual capacity or in a private setting
- making a personal political donation in accordance with the electoral legislative regime

Sense of obligation

sense of obligation

Means a feeling of owing something (or feeling beholden) to another person.

Examples may include situations where the lobbyist or the lobbyist's client or employer:

- employed an official before they became an official
- employed or continues to employ a close family member of the official
- provided gifts or hospitality that exceeded the annual limits set in this Code to the official before they became an official

Le travail politique ne comprend pas d'autres formes de participation politique, comme :

- assister à un événement de financement ou de campagne
- afficher personnellement des pancartes électorales ou publier en ligne du matériel numérique de campagne pendant une période électorale
- adhérer à un parti politique, peu importe l'ordre du gouvernement du Canada
- exprimer des opinions politiques strictement à titre individuel ou dans un contexte privé
- faire un don politique personnel en conformité avec le régime législatif électoral

Sentiment d'obligation

sentiment d'obligation

Signifie le sentiment de devoir quelque chose (ou le sentiment d'être redevable) à une autre personne.

Il peut s'agir, par exemple, de situations dans lesquelles le lobbyiste, ou le client ou l'employeur du lobbyiste :

- avait employé un fonctionnaire avant qu'il ne devienne fonctionnaire
- avait employé ou continue d'employer un membre de la famille proche du fonctionnaire
- avait donné des cadeaux ou des marques d'hospitalité dépassant les limites annuelles fixées dans le présent Code au fonctionnaire avant qu'il ne devienne fonctionnaire