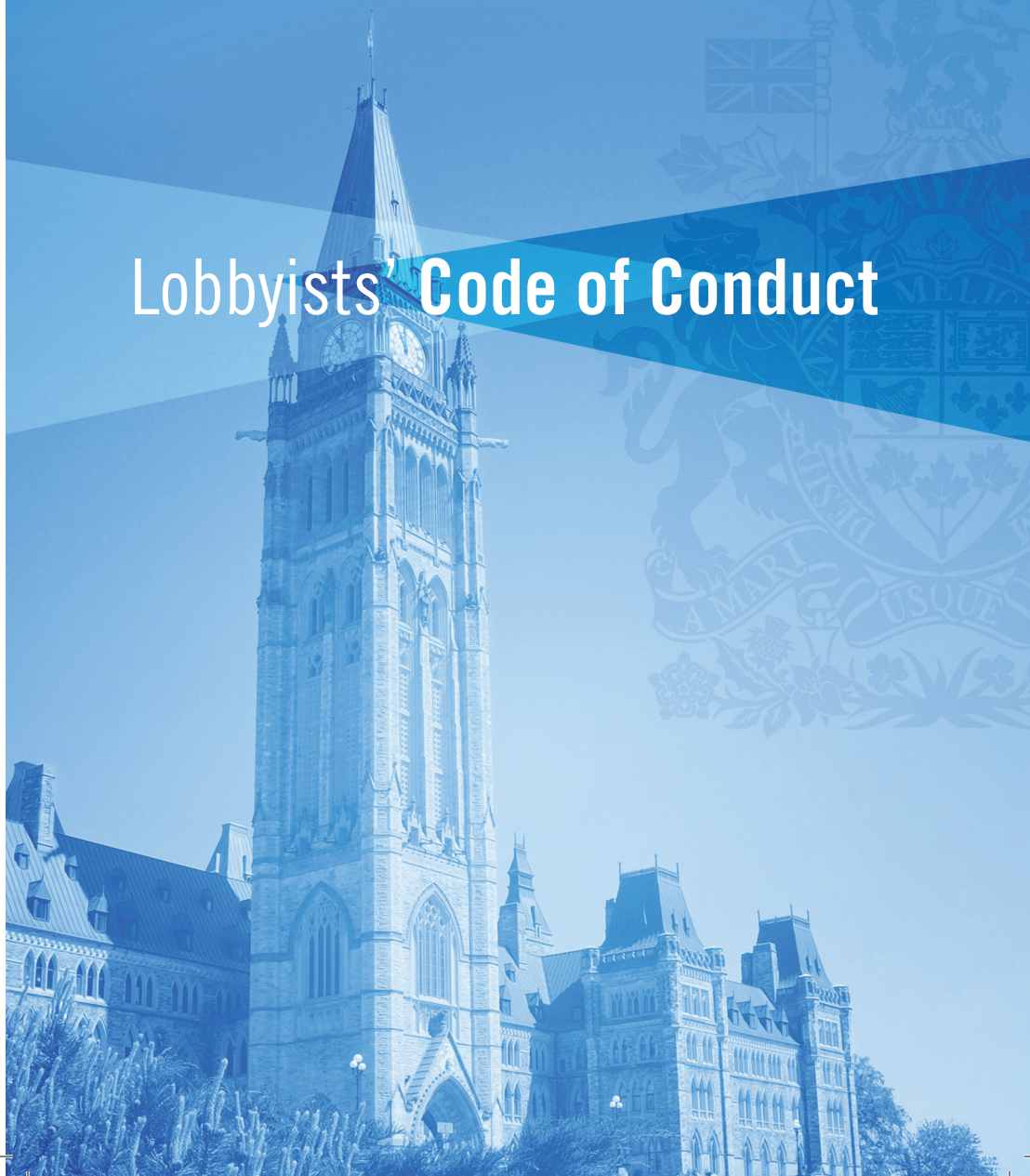


Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

Lobbyists' Code of Conduct





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Code de déontologie des lobbyistes.

INTRODUCTION

The Commissioner of Lobbying has the authority, under the *Lobbying Act*, to develop and administer a *Lobbyists' Code of Conduct* (the Code). The first version of the Code came into effect on March 1, 1997. In 2015, the Commissioner amended the Code, following a public consultation. The Code was referred to the House of Commons Standing Committee on Access to Information, Privacy and Ethics in spring 2015 before being published in the *Canada Gazette* on November 7, 2015. This version of the Code came into force on December 1, 2015.

Canadians should expect that all who participate in the development and application of public policy, laws and regulations will act in a manner that demonstrates respect for Canada's democratic institutions.

The purpose of the Code is to assure the Canadian public that when lobbying of public office holders takes place, it is done ethically and with the highest standards with a view to enhancing public confidence and trust in the integrity of government decision making. In this regard, the Code complements the registration requirements of the *Lobbying Act*, which came into force on July 2, 2008.

The term "public office holder" as defined in the *Lobbying Act* includes senators and members of the House of Commons and their staff, ministers and their staff, officers and employees of federal departments and agencies, Governor in Council appointees, and members of the Canadian Armed Forces and the Royal Canadian Mounted Police.

The Code applies when a registration is required under the *Lobbying Act*, whether or not a registration has actually been filed. Specifically, the Code applies to individuals who are required to register or be listed in a registration under section 5 or 7 of the *Lobbying Act*.

The preamble of the *Lobbyists' Code of Conduct* states its purposes and situates the Code in a broader context. The preamble is followed by a body of overarching principles and a set of specific rules. The principles set out the goals and objectives to be attained, while the accompanying rules provide more detailed requirements for behaviour related to the principles in applied situations. Lobbyists, when engaging in lobbying activities, shall meet the standards set out in the principles and rules of the Code.

Under the *Lobbying Act*, the Commissioner shall open an investigation when the Commissioner has reason to believe one is necessary to ensure compliance with the Act or the Code. The Commissioner of Lobbying has the authority to enforce the *Lobbyists' Code of Conduct* if there is an alleged breach of either a principle or a rule of the Code. The Code is a non-statutory instrument, and carries no fines or jail terms. Anyone suspecting non-compliance with the Code should forward information to the Commissioner. Investigations are conducted in accordance with the *Lobbying Act* and respecting the principles of natural justice. At the end of an investigation, the Commissioner shall table a report in both Houses of Parliament, detailing the findings and conclusions and reasons for these conclusions.

A handwritten signature in dark ink, featuring a large, stylized 'K' with a horizontal line extending to the right.

Karen E. Shepherd
Commissioner of Lobbying

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.

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.

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.

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.