

February 18, 2022

**Re: Office of the Commissioner of Lobbying -- Consultation on Changes to the Lobbyists' Code of Conduct**

Dear Commissioner,

Thank you for the opportunity to comment on the draft revisions to the Lobbyist Code of Conduct. Canada's nonprofit and charitable sector boasts over 170,000 organizations in every community across the country, with services and professions ranging from the performing arts, education and research, community health, animal welfare, prevention of violence and victims services, child care, religious institutions, food banks, seniors care, international development, conservation and immigration settlement - to name a few. These organizations have staff and volunteers with critical first-hand knowledge that policymakers require for informed decision-making.

Since it commonly counts as a core expense as opposed to a fundable program, government relations capacity for our organizations is already quite limited for a sector as vast and critical as ours. In considering our recommendations, we ask you to bear in mind that the charitable and nonprofit organizations that are resourced sufficiently to have government relations capacity often only have one dedicated staff who performs the public policy or government relations duties. In most other cases, these functions are performed by staff who have different roles at the organization but may for example live in Ottawa, are bilingual or otherwise have the skill set that can also be applied to policy & government relations. Finally, the pool of government relations candidates available to the vast majority of nonprofit sector organizations unable to compete with private industry salaries is already small. But in addition to this ongoing reality, as Statistics Canada's most recent Business Conditions Survey illustrates, our sector is currently experiencing labour challenges related to retention, recruitment and prolonged vacancies.

We have focused our recommendations to those aspects of the Code that we expect would carry the most impact for our sector's ability to support and inform government's ability to care for the country's land and its inhabitants.

Political work: "Includes paid and unpaid work done for the benefit of a person's political interests or a political party's interests, in the form of performing roles or tasks during or between election periods. For the purposes of the related 'cooling-off period'... political work will usually be categorized as follows: other political work (with no significant involvement with a candidate or official), which includes: drafting

campaign materials, canvassing, seeking or gathering donations, distributing or disseminating campaign materials, coordinating campaign office logistics.”

Government relations candidates able to work for charitable and nonprofit organizations have often volunteered on their personal time for candidates for office. There is concern that this broad definition of political work would both suppress volunteering in democratic processes and limit the availability of skilled and experienced talent for our sector.

**Recommendation:** Restrict the definition of political work to the draft’s wording for “significant political work”.

**Gifts:** The draft Code sets a \$30 maximum (including taxes) for any gift. The inability to anticipate the presence of Parliamentarians at receptions, breakfasts, coffees or luncheons, for example, is of concern to Imagine Canada and our members. These events present an opportunity for nonprofit sector workers to develop working relationships with their representatives, and to have Members of Parliament and Senators better understand the operating realities of our sector.

**Recommendation:** The simplest and clearest way to handle gifts is to keep the current wording in the existing Code, which relies on ethics rules of designated public office holders and states that a lobbyist shall not offer or promise a gift “which the public office holder is not allowed to accept.

**Close relationships:** The draft Code sets out a definition for close relationships that includes working relationships, such as being partners, colleagues or allies in the same office, sitting together on a board of directors and delivering a program or service together.

**Recommendation:** Having sat on the same board or delivered a common program should not necessarily constitute a close relationship between two people, particularly in this digital age where it is feasible the individuals in question may not have ever met or talked directly to each other.

**Token of appreciation:** “Item given as an expression of gratitude to an official for serving as a speaker, presenter, panelist, moderator or for performing a ceremonial role at an event or function, such as a book, a gift certificate, a box of chocolates, etc.”

**Recommendation:** Public office holders who serve as a speaker, presenter, panelist for an event or conference should be treated the same as other conference attendees performing the same duties, within reasonable limits and particularly with respect to compensation for attendance fees.

Thank you for your consideration and for the opportunity to participate in this review. As our sector’s national umbrella organization, we are hopeful the next iteration of the Code will not stifle the nonprofit

and charitable sector's important voice in our public affairs nor inhibit its participation in the development and implementation of policies that impact the communities we serve.

Sincerely,



Bruce MacDonald

President & CEO, Imagine Canada