



Office of the Commissioner  
of Lobbying of Canada

Commissariat au lobbying  
du Canada

# ANNUAL REPORT

2019-20



This publication is available online and in PDF format at [lobbycanada.gc.ca](http://lobbycanada.gc.ca).

Accessible formats are available on request by contacting [questionslobbying@lobbycanada.gc.ca](mailto:questionslobbying@lobbycanada.gc.ca).

**Permission to reproduce**

Except as otherwise specifically noted, the information in this publication may be reproduced, in part or in whole and by any means, without charge or further permission from the Office of the Commissioner of Lobbying of Canada, provided that due diligence is exercised in ensuring the accuracy of the information reproduced; that the Office of the Commissioner of Lobbying of Canada is identified as the source institution; and, that the reproduction is not represented as an official version of the information reproduced, nor as having been made in affiliation with, or with the endorsement of the Office of the Commissioner of Lobbying of Canada.

For permission to reproduce the information in this publication for commercial redistribution, please email: [questionslobbying@lobbycanada.gc.ca](mailto:questionslobbying@lobbycanada.gc.ca).

© Her Majesty the Queen in Right of Canada as represented by the Commissioner of Lobbying of Canada, 2020

Catalogue No. Lo1E-PDF  
ISSN 1924-2468

Aussi offert en français sous le titre : *Rapport annuel 2019-2020, Commissariat au lobbying du Canada*

## Preface

This report is submitted to the Parliament of Canada pursuant to section 11 of the *Lobbying Act* (Act) R.S.C., 1985, c. 44 (4th Supp.).

Within three months after the end of each fiscal year, the Commissioner must prepare a report about the administration of the *Lobbying Act* during that fiscal year. The Commissioner is required to submit the report to the Speaker of the Senate and the Speaker of the House of Commons. Each Speaker tables the report in the Chamber over which they preside.

## OUR VISION

Canadians have access to information regarding federal lobbying activities and are aware that lobbying is conducted in accordance with the *Lobbying Act* and the Lobbyists' Code of Conduct, which contributes to Canadians' confidence in our federal democratic institutions.

## OUR MANDATE

The mandate of the Commissioner of Lobbying is to establish and maintain the Registry of Lobbyists, ensure compliance with the Act and the Code, and develop and implement educational programs to foster awareness about the Act and the Code.

## OUR VALUES

As federal public servants, the Office of the Commissioner of Lobbying personnel abides by the *Values and Ethics Code for the Public Sector*, and its values of Respect for Democracy, Respect for People, Integrity, Stewardship and Excellence. In addition, given the nature of our work, the following values are especially important to us:

- Independence
- Transparency
- Impartiality
- Fairness

# CONTENTS

Message from the Commissioner	2
Enabling transparency	3
Ensuring compliance	13
Enhancing awareness	19
Workings of the Office	23
Looking ahead	26



# MESSAGE FROM THE COMMISSIONER



As I look back on the second fiscal year of my mandate as Commissioner of Lobbying, I am extremely impressed by the adaptability, collaboration, excellence, and professionalism demonstrated by my team as we implemented major change across the organization.

It was another busy year. We settled into a new office and completed a corporate re-organization; at the same time, we transformed several ways that we do business. Each of the three main service areas of our organization – registration, compliance, and policy and outreach – implemented fundamental changes to its operations.

This annual report outlines the improvements, innovations, and value we delivered in 2019-20, including a more modern and mobile friendly Registry of Lobbyists, online application for exemptions to the five-year post-employment ban on lobbying, a streamlined compliance verification process, a renewed website, and enhanced information products to help lobbyists and the public understand Canada's lobbying legislation. We also continued building relationships with lobbyists and their associations, provincial and municipal regulators, public office holders, the media, and Canadians.

While I'm confident that our organization is well-positioned for the future, addressing our budgetary limitations remains one area that is critical to continuing our excellence in delivering on my mandate. We are a small organization with a broad mandate and reporting requirements similar to large departments. The administrative support we receive from other federal organizations helps the Office focus its resources on core responsibilities, but it's clear that the team continues to do more with less. The 2020-21 fiscal year will be no different.

The Office's original budget has not changed since it was established a dozen years ago despite rising costs for information technology and the increased complexity of our work. We await a response from the government on our request for additional funding, which I feel is critical to my ability to deliver on my mandate.

We continue to prepare for possible changes to the *Lobbying Act*, which has been up for statutory review since 2017. We have developed several recommendations that focus on enhancing the transparency, fairness, clarity, and efficiency of the Canada's federal lobbying framework. We would be happy to share our recommendations with the House of Commons Standing Committee on Access to Information, Privacy and Ethics should a review be initiated.

Let me take a moment to address the uncertainty brought by the coronavirus/COVID-19 pandemic at the end of the fiscal year and the beginning of the new one. I want to commend lobbyists for continuing to follow the registration and reporting requirements while dealing with tremendous upheaval during the pandemic. As you will see in this report, the first few months of 2020 was a busy time for the Registry of Lobbyists.

I would like to conclude by saying how impressed I am by the team's ability to work together and continue to deliver excellence during a time of heightened stress and insecurity. Not only did the team adjust quickly to a new way of working and find ways to support each other virtually, it delivered on our plan to launch a revamped Registry of Lobbyists and a redesigned website before the end of the fiscal year, and continued to ensure that the requirements of the lobbying legislation were respected.

I appreciate the contributions of every member of the team and thank each one for their dedication, resilience, and comradery in the face of a global pandemic. I'm incredibly proud of the way each team member pulled together despite being pulled apart.

**Nancy Bélanger**  
Commissioner of Lobbying

# ENABLING TRANSPARENCY

The most effective way to ensure transparency in the lobbying of the federal government is through an easy-to-use, publicly available record of all registrable and reportable activity captured under the *Lobbying Act*. This is achieved for Canadians through the Registry of Lobbyists, where all those who meet the definition of lobbyist under the *Lobbying Act* must file a registration and report communications with the most high-level federal bureaucrats, appointees and elected officials in a timely manner.

## Key players at a glance

### Who is lobbying

<b>Consultant lobbyists</b>	Individuals hired to lobby on behalf of a client (a private individual or group, corporation, or organization)
<b>In-house lobbyists</b>	Employees of corporations and organizations who lobby as part of their duties

### Who is lobbied

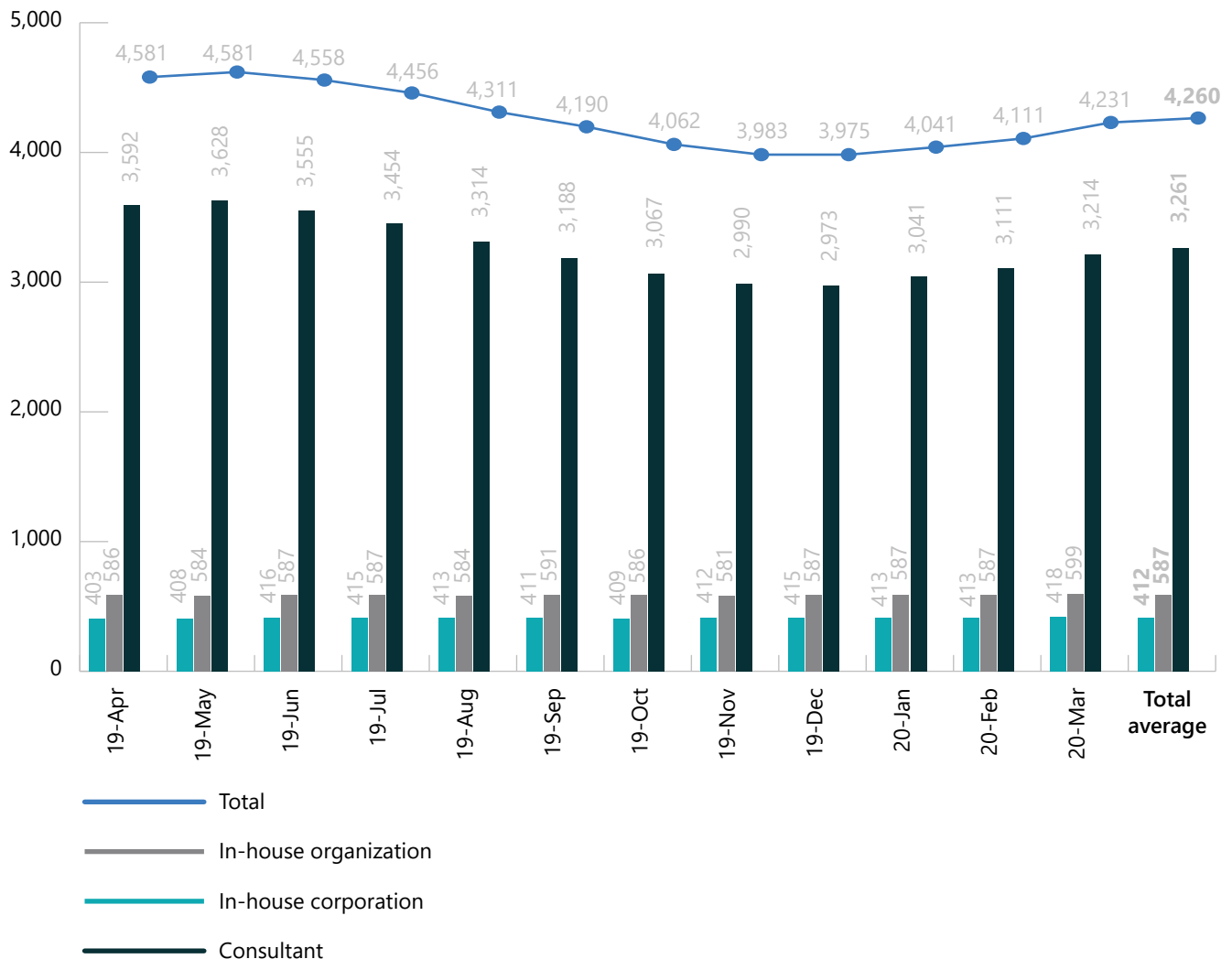
<b>Public office holders</b>	<ul style="list-style-type: none"><li>• almost all federal government employees</li><li>• parliamentarians and their staff</li></ul>
<b>Designated public office holders</b>	<ul style="list-style-type: none"><li>• the prime minister, ministers, and their staff</li><li>• senators</li><li>• members of the House of Commons</li><li>• deputy ministers, associate and assistant deputy ministers and equivalents</li><li>• certain Governor in Council appointments</li><li>• <a href="#">positions designated by regulation</a></li></ul>

### What are they communicating about?

<b>Topics that require registration</b>	<ul style="list-style-type: none"><li>• federal legislative proposals, legislation, and regulations</li><li>• programs and policies</li><li>• grants, contributions, and financial benefits</li></ul> <p>For consultant lobbyists this also includes the awarding of contracts and organizing a meeting.</p>
---	--

In 2019-20, there was an average of 4,260 active registrations each month, with roughly three-quarters filed by consultant lobbyists. Consultant lobbyists filed an average of four registrations per month, which reflects the *Lobbying Act*'s requirements for consultants to submit a registration for each client they represent. The average number of consultant lobbyists registered per month was 1,020.

## Active Registrations by Type 2019-20

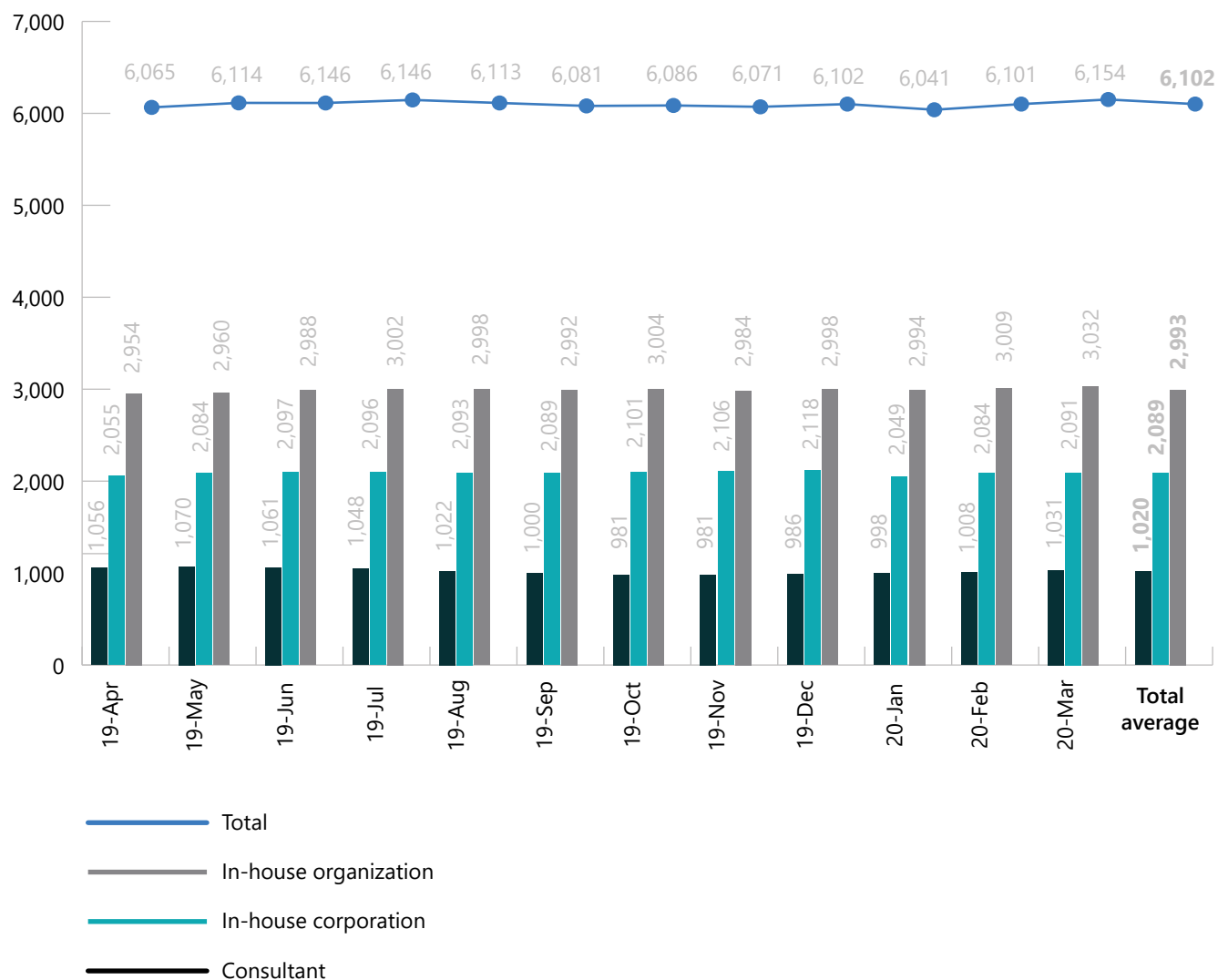




The monthly average for in-house lobbyists was 999 active registrations (587 organizations and 412 corporations). Although corporations and organizations file only one in-house registration each, the *Lobbying Act* requires them to list employees who engage in lobbying activities. This is why in-house lobbyists make up more than 83 per cent of the total number of active lobbyists in the Registry of Lobbyists with 2,993 listed in organization registrations and 2,089 corporation registrations for a total of 5,082.

The House of Commons was listed most in registrations as the government institution to be lobbied. Innovation, Science and Economic Development Canada was second and the most listed government department. The Prime Minister's Office was third.

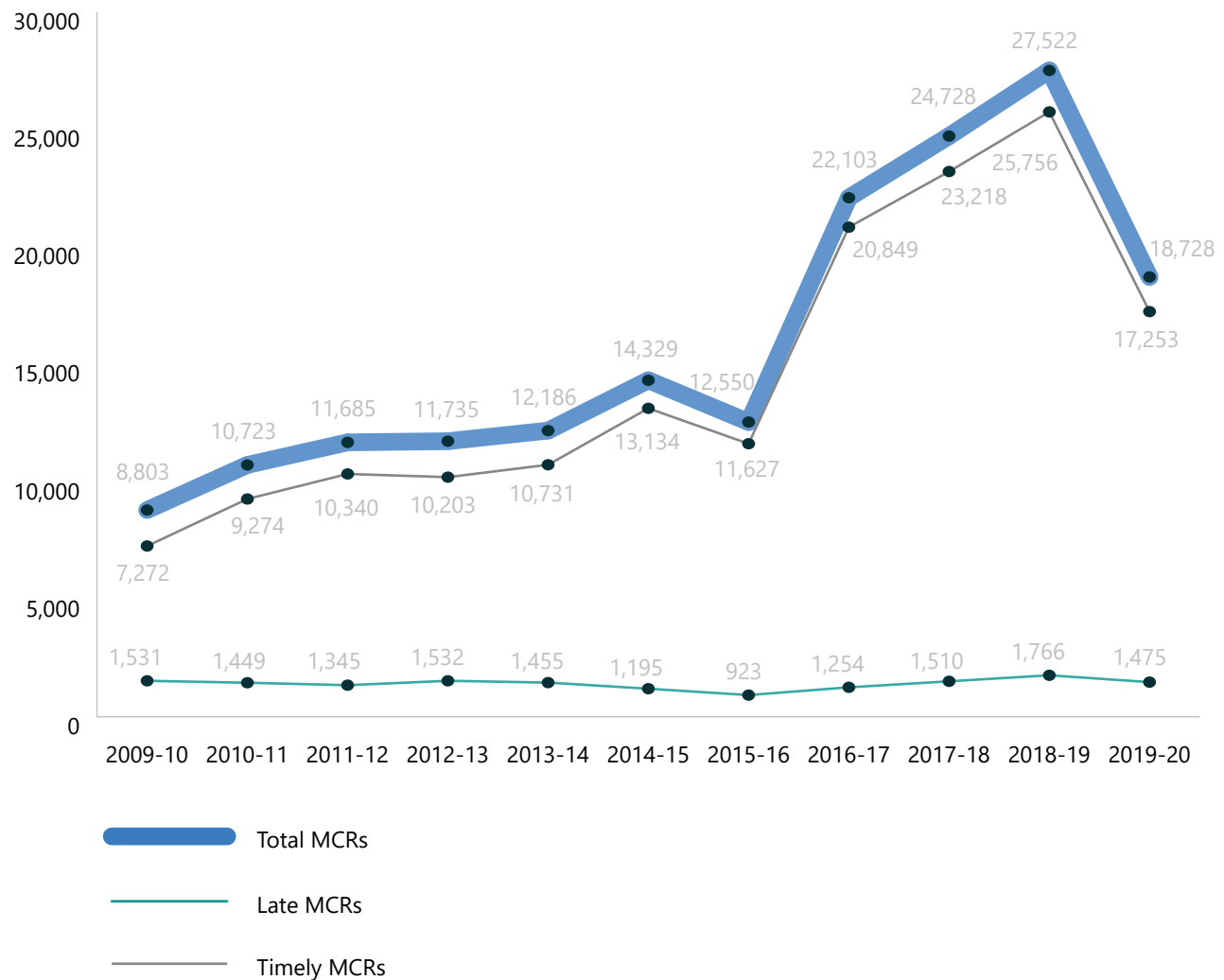
## Active Lobbyists by Type 2019-20



## MONTHLY COMMUNICATION REPORTS

The *Lobbying Act* stipulates that all oral and arranged communication between those required to register and designated public office holders on the topics listed in the legislation must be reported in the Registry of Lobbyists. This includes communication about federal legislation, bills, regulations, and federal government programs and policies, as well as financial benefits, such as grants and contributions. Consultant lobbyists also must report communications concerning the awarding of any federal contract. These reports must be submitted to the Registry of Lobbyists by the 15th day of the month following the communication.

### Monthly communication reports by fiscal year



There were 18,728 monthly communication reports submitted in 2019-20, bringing total number in the Registry of Lobbyists to 173,352 (as of April 30, 2020). "Health" ended the 2019-20 year as the top subject matter recorded in monthly communication reports, reaching top spot due to a spike in early 2020, likely as a result of the coronavirus/COVID-19 pandemic. The final two months of the fiscal year saw 1,130 communication reports related to health, including 637 in February – the highest single-month total for any subject matter in 2019-20. The only other topic to record more than 600 monthly instances was "agriculture" with 628, also in February 2020.

As with registrations, the House of Commons was the government institution most listed in communication reports in 2019-20, something that has been a constant since it was included in reporting under the *Lobbying Act*. Innovation, Science and Economic Development Canada was the most lobbied government department followed by Finance Canada.

## FEDERAL ELECTION

For purposes of the *Lobbying Act*, members of the House of Commons are no longer public office holders once Parliament is dissolved. This removes the registration and reporting requirements for any activity that would be considered lobbying until the individual members are sworn in following the election of a new Parliament, something that had a significant impact on the number of monthly communication reports filed before and during the election campaign. Communication reports slowed substantially during the run-up to the election period and continued once the campaign began, with the number of reports dropping by 84% from 2,838 in May to 456 in September before hitting a low of 394 in October. Although activity increased after October, the number of monthly communication reports did not return to expected levels until early 2020.

## CORONAVIRUS/COVID-19

Interestingly, the coronavirus/COVID-19 pandemic had an opposite effect. With the government considering and implementing several measures related to the pandemic, lobbying activity showed a marked increase in early 2020. Although February is usually one of the busiest periods for monthly communication reports, it was a record-breaker in 2020 with a total of 3,534 reports filed, which was about 800 more than February 2019. March 2020 also saw a significant increase, with about 1,000 more monthly communication reports filed compared to the previous year. Its total 2,329 monthly communication reports made it the busiest month of March on record since the Registry of Lobbyists was established.

---

“ I am pleased that lobbyists continued to recognize the importance of registering their activities and reporting their communications with designated public office holders during the pandemic. Canadians have a right to know who was communicating with the country’s decision-makers and about what subjects during these unprecedented times. I must also congratulate the team for not missing a beat and continuing to meet or exceed all of its service standards while working remotely.”

Nancy Bélanger

---

## Government institutions in registrations 2019-20

Position	INSTITUTION
1	House of Commons
2	Innovation, Science and Economic Development Canada
3	Prime Minister's Office
4	Finance Canada
5	Senate
6	Global Affairs Canada
7	Privy Council Office
8	Health Canada
9	Environment and Climate Change Canada
10	Employment and Social Development Canada

## Top 10 government institutions in monthly communication reports

Position	GOVERNMENT INSTITUTION
1	House of Commons
2	Innovation, Science and Economic Development Canada
3	Finance Canada
4	Global Affairs Canada
5	Natural Resources Canada
6	Prime Minister's Office
7	Environment and Climate Change Canada
8	Senate
9	Agriculture and Agri-Food Canada
10	Health Canada

## Subject Matters in Registrations 2019-20

Position	SUBJECT
1	Industry
2	Economic Development
3	International Trade
4	Environment
5	Taxation and Finance
6	Health
7	Science and Technology
8	Infrastructure
9	Transportation
10	Employment and Training

## Top 10 subjects in monthly communication reports

Position	SUBJECTS IN MONTHLY COMMUNICATION REPORTS 2019-20
1	Health
2	Environment
3	Economic Development
4	International Trade
5	Industry
6	Agriculture
7	Energy
8	Science and Technology
9	Infrastructure
10	Research and Development

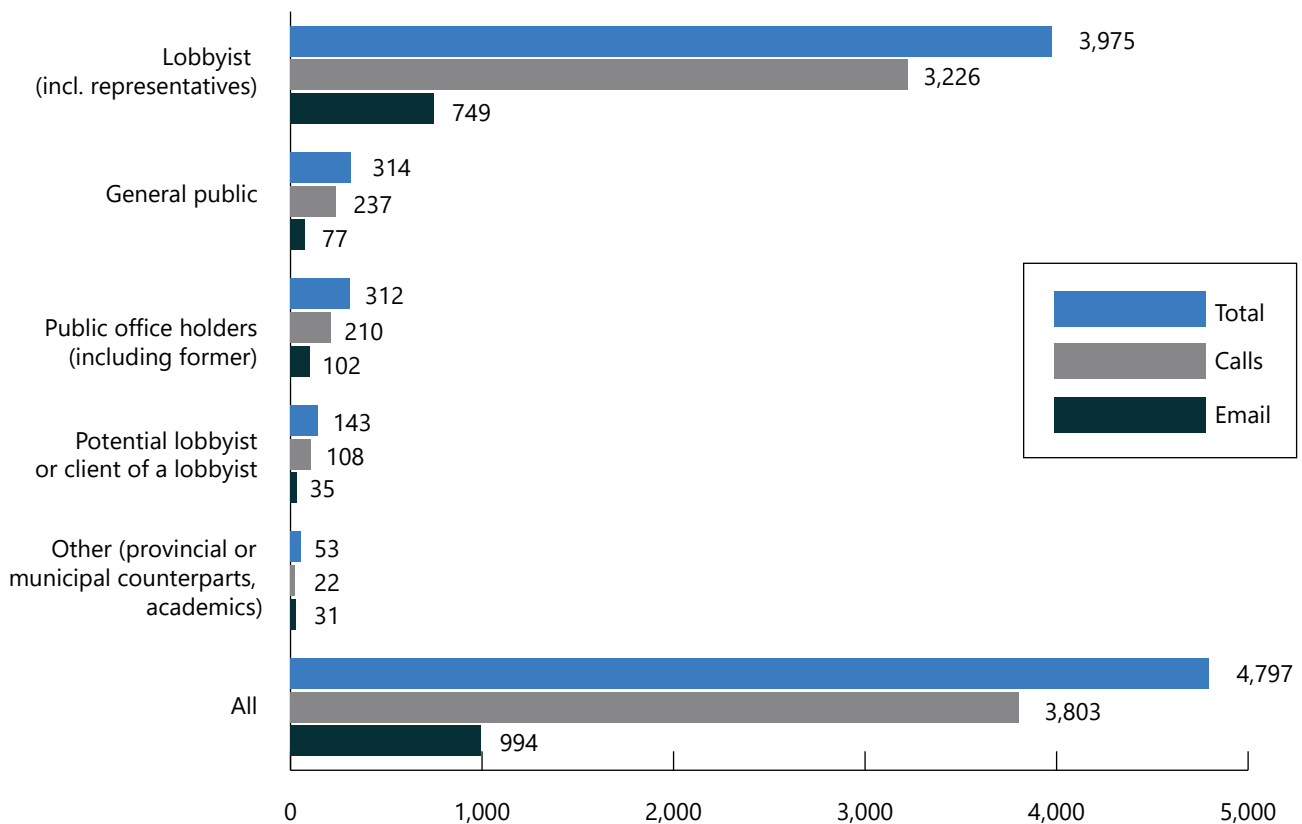
## INQUIRIES

The registration and client services team helps to ensure transparency by assisting lobbyists during the registration process and through ongoing efforts to advise registrants and their representatives about their responsibilities and obligations under the *Lobbying Act*.

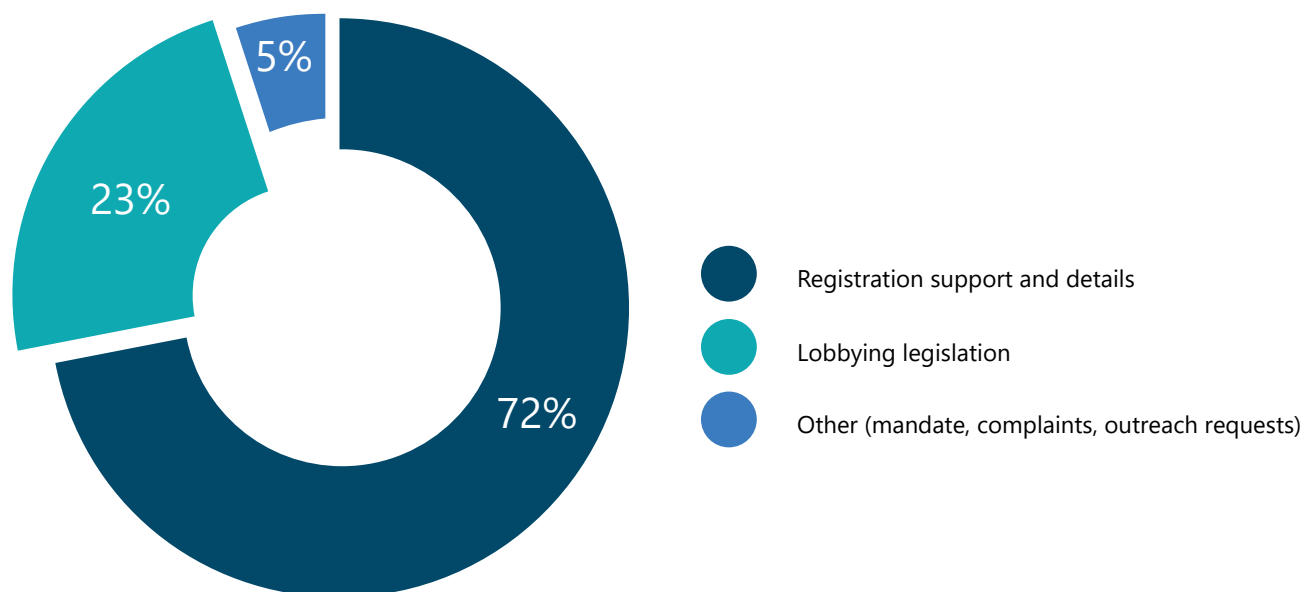
In 2019-20, the registration and client services team had 4,797 interactions with stakeholders on a variety of topics. Lobbyists and their representatives made

up a large majority of these contacts followed by the public and public office holders. The most common topic was support for registrations, which comprised almost three-quarters of all inquiries. Questions about the lobbying legislation, including the regulations and the Lobbyists' Code of Conduct, was the next most common topic. Other inquiries such as questions about the Office's mandate, requests for outreach presentations and allegations of improper lobbying was about 5% of the total.

## Who called/emailed

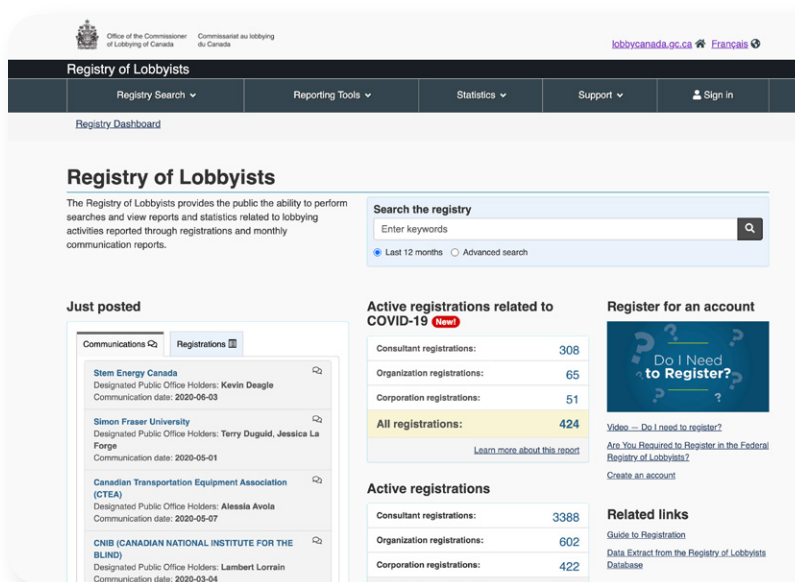


## Subject matters



## REGISTRY OF LOBBYISTS

Launched late in the fiscal year, the new [Registry of Lobbyists](#) brings an improved user experience and an easy-access search function, as well as some eye-catching graphics and statistics that give users a quick snapshot of lobbying activity. The Registry's homepage features boxes of "just posted" registrations and monthly communication reports, a running total of active registrations, and statistics from the most recent reporting period. A search box and quick links offer direct access to key registry statistics. The Office plans to monitor usage and address user feedback as part of its continuous improvement efforts.



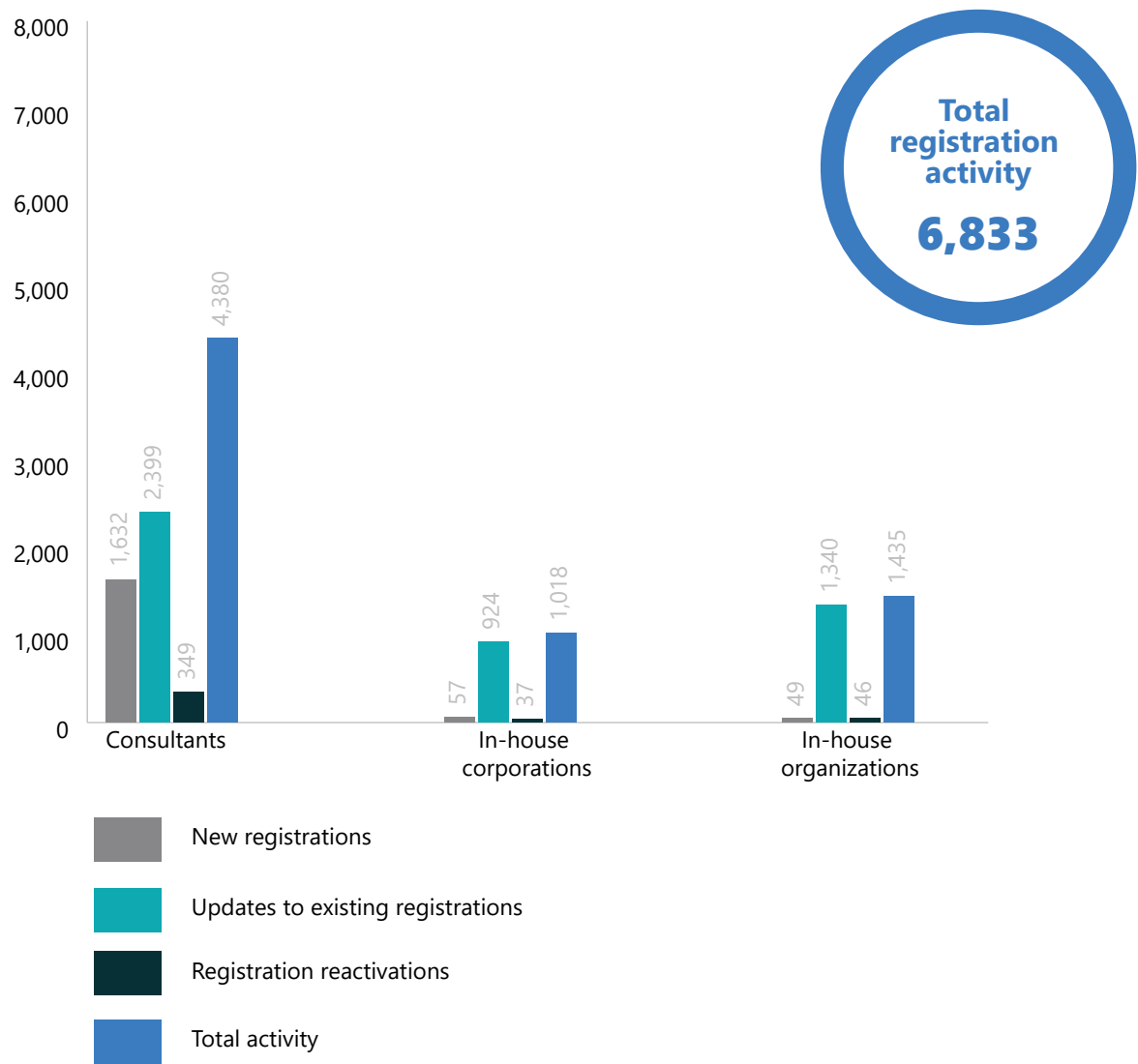
“The team’s ability to launch our new and improved Registry of Lobbyists at the same time as they adapted to a new reality of working from home was impressive. The new features will surely enhance the user experience and transparency in lobbying. I thank everyone who had a hand in making this happen.”

Nancy Bélanger

# STREAMLINED REGISTRATION

New users creating accounts no longer need to print and mail forms to be able to submit their registrations electronically. This saves time and makes the process more efficient by leveraging technology. The result is that the public can access registrant information more quickly, which supports transparency. The process for changing the registrant of an in-house organization or corporation was also simplified.

## Registration activity breakdown



## REGISTRATION SERVICE STANDARDS

The Office strives to achieve service standards for registration activities. In 2019-20, the registration and client services team's efforts delivered impressive success rates in meeting or exceeding their published standards with few exceptions.

### Registration service standards

Standard	Performance	Note
1. Registrants receive a response within three business days of completing new registration and updates.	100%	It took an average of 2.3 days for review and approval of registrations and updates.
2. Calls to the registration information number during business hours are answered within 30 seconds, 80% of the time.	83%	
3. Responses to simple email inquiries within two business days and complex email inquiries within 10 business days.	100%	Service standards were exceeded 5% of the time for simple inquiries and 10% of the time for complex inquiries.



**Scott Whamond**, policy analyst

"Before working here, I knew very little about lobbying in Canada. I love working with my colleagues and others to find new and simpler ways to help others understand what lobbying is and how it can impact federal decision-making. It's important that Canadians be able to know who is working to influence the decisions of federal officials – as reported in the Registry of Lobbyists. At the same time, everyone lobbying federal officials must know and follow the rules and do their part to ensure transparent and ethical lobbying. Building on years of visual and system design experience, I contribute some new skills and ideas to the team as we update our information resources for lobbyists and others. At the end of the day, we want to make sure every Canadian has access to clear and straightforward information about lobbying. Stay tuned for more!"





# ENSURING COMPLIANCE

In order to deliver on the mandate of ensuring transparency and high ethical standards in the lobbying of the federal government, the Office engages in a variety of activities to ensure compliance with the *Lobbying Act* and the Lobbyists' Code of Conduct.

In 2019-20, the team made several internal changes to help expedite files, including implementing a new intake process to review allegations and launching an online application system for former designated public office holders requesting an exemption from the five-year prohibition on lobbying. In addition, a compliance intake officer now handles administrative tasks relating to data entry and electronic document management, which allows investigators to focus on their core functions.

## COMPLIANCE ACTIVITIES

The team conducted 160 compliance activities in 2019-20, including referrals to the RCMP, investigations, preliminary assessments, compliance assessments and advisory letters, with 140 (87.5%) commenced as a result of monitoring by the Office.

The Commissioner conducts preliminary assessments for all alleged contraventions of the *Lobbying Act* and the Lobbyists' Code of Conduct and initiates an investigation when she has reason to believe that it is necessary to ensure compliance with the Act or the Code. As of March 2020, the Office had 32 investigation-related files open: eight suspended after referral to the RCMP, 14 preliminary assessments, and 10 ongoing investigations. Some of these files were carried over from previous years. Of the 32 files, 12 commenced as a result of monitoring conducted by the Office with the rest coming to the Commissioner's attention through external sources, such as letters and emails from parliamentarians, public office holders and members of the public.

A compliance assessment is initiated at the Commissioner's discretion when she feels it is necessary. These assessments usually address more minor infractions, such as late filing of registrations and late reporting of monthly communications. In most cases, warning letters are sent to registrants and the office monitors their activities for a one-year period to ensure compliance.

Advisory letters are sent to former designated public office holders to ensure they are aware of the five-year prohibition on lobbying that applies to them after they leave office. These letters help former designated public office holders to understand and comply with the requirements of the *Lobbying Act*. Advisory letters are also used to ask lobbyists to correct or clarify inaccuracies in their registrations.

---

“ There were a number of compliance activities conducted in the last year using our newly streamlined processes, which helped the team tackle both backlogged and contemporary files and reduce the number of active files to a more manageable workload.”

Nancy Bélanger

---

## Compliance activities by the numbers for 2019-20

Activity	Total
<b>Preliminary assessments initiated</b> <ul style="list-style-type: none"> <li>• 10 due to external allegations</li> <li>• 5 resulting from internal activities</li> </ul>	15
<b>Cases closed at the preliminary assessment stage</b>	11
<b>Investigations initiated</b>	5
<b>Investigations ceased</b>	6
<b>Investigations completed</b> <ul style="list-style-type: none"> <li>• 19 – sponsored travel</li> <li>• 2 – in-house lobbyists</li> </ul>	21
<b>Reports on Investigation</b> <ul style="list-style-type: none"> <li>• Benjamin Bergen, Council of Canadian Innovators (March 2020))</li> <li>• Dana O'Born, Council of Canadian Innovators (March 2020))</li> <li>• Sponsored travel provided by lobbyists (April 2019))</li> </ul>	3
<b>Files sent to the RCMP</b>	6
<b>Compliance assessments</b>	109
<b>Advisory letters</b>	30

### REPORTS ON INVESTIGATION

The Commissioner tabled two Reports on Investigations in March 2020, concerning [Benjamin Bergen](#) and [Dana O'Born](#), both of whom are lobbyists with the Council of Canadian Innovators. The investigations focused on whether they contravened [Rule 6 \(Conflict of Interest\)](#) and [Rule 9 \(Political Activities\)](#) of the Lobbyists' Code of Conduct.

In both cases, the individuals engaged in political activities for the Honourable Chrystia Freeland and subsequently had interactions with the Honourable David Lametti, who was her parliamentary secretary at the time, and his staff.

On the question of the Rule 6, the Commissioner found that the lobbying activity of the two lobbyists neither included any contact with Minister Freeland or her staff nor was there any indication that Minister Freeland had any knowledge of their lobbying activities. In view of this, the Commissioner found that no conflict of interest, whether real or apparent, could exist. When it came to Rule 9, there was no evidence that either Mr. Bergen or Ms. O'Born lobbied the minister or her staff, which would be necessary for a breach of the rule.

A third report on sponsored travel related to 19 other investigations completed in 2019-20 was tabled in early 2019 and addressed in the Commissioner's 2018-19 annual report.

## Lobbyists' Code of Conduct

As the Commissioner investigated the allegations concerning Benjamin Bergen and Dana O'Born that resulted in the two Reports to Parliament, some possible concerns with the Lobbyists' Code of Conduct were identified.

In evaluating the conflict of interest in both instances, it became apparent that the analysis required by Rule 6 raised concerns about the rule itself: It may create a situation where the Commissioner exceeds the scope of her mandate of regulating the conduct of lobbyists. By prohibiting lobbyists from placing federal public office holders in real and apparent conflicts of interest, Rule 6 may require the Commissioner of Lobbying to make conclusions about the conduct of public office holders, which is outside her mandate. The Commissioner believes it is necessary to consider amending the rule to ensure it focuses exclusively on the specific behaviour of lobbyists without making any determination about the conduct of public office holders.

In examining Rule 9 in the same investigations, the Commissioner determined that parliamentary secretaries do not qualify as ministerial "staff" for the purposes of Rule 9, but noted that they share the same political commitments as the minister they are appointed to assist. As such, the Commissioner believes that the rationale for prohibiting lobbyists from lobbying the political staff of an elected official for whom they have undertaken political activities should also apply to parliamentary secretaries and their staff.

The Commissioner is of the view that these two issues should be addressed as part of any future amendments to the Lobbyists' Code of Conduct.

## Aga Khan

Following a September 2017 decision by former Commissioner Karen Shepherd not to open a Lobbyists' Code of Conduct investigation into a vacation to Prince Shah Karim Al Hussaini's (the Aga Khan) private island by Prime Minister Justin Trudeau, the advocacy group Democracy Watch sought a judicial review. Commissioner Shepherd's decision was based on the fact that the Aga Khan is an unpaid chairperson of the Aga Khan Foundation's board of directors and was therefore not required to register as a lobbyist under the *Lobbying Act*. As the Lobbyists' Code of Conduct applies only to registered lobbyists, the former Commissioner found that the Aga Khan was not subject to it.

On March 29, 2019, the Federal Court ruled that the definition of "payment" in the *Lobbying Act* should be interpreted as wider in scope than "remuneration" for a service and directed the Commissioner to reconsider the matter. The Attorney General appealed this decision on Apr. 25, 2019 and the Federal Court of Appeal allowed this appeal on April 1, 2020.

The Court of Appeal stated that it was apparent that the *Lobbying Act* does not create a right for a member of the public to have a complaint investigated. It found that there was no requirement to issue any decision, or to take any action, with respect to information arising from the public and, to the contrary, an investigation is only required when the Commissioner believes it is necessary to ensure compliance. Accordingly, the Court of Appeal concluded that the decision at issue was not a decision that was subject to judicial review.

Democracy Watch has sought leave to appeal to the Supreme Court of Canada.

## IMPROVED INVESTIGATIONS PROCESSES

The Investigations Directorate launched a streamlined process for triaging files where a compliance intake officer completes an initial assessment of allegations to confirm that they are within the mandate of the Commissioner. Once the Commissioner's jurisdiction is confirmed, a further examination (preliminary assessment) determines whether there is "reason to believe an investigation is necessary to ensure compliance" as required under the *Lobbying Act*. This new process allows senior investigators to focus on cases that are potential referrals to the police or that will result in a Report on Investigation. In addition, senior investigators now partner with legal counsel throughout the investigation process.

Work also began on a new procedures manual for internal use to support the work of investigators. This should be completed early in the 2020-21 fiscal year.

## EXEMPTIONS TO THE FIVE-YEAR PROHIBITION

The team implemented a new [online application process](#) for exemptions to the five-year prohibition on lobbying for former designated public office holders. The Commissioner may grant an exemption to an individual as long as it would not be contrary to the purposes of the *Lobbying Act*. Exemptions may be granted with or without conditions.

In 2019-20, the Office received 10 applications for exemptions to the five-year prohibition on lobbying for former designated public office holders. Two exemptions were granted to individuals who were hired under a student employment program and performed administrative duties. One was also a designated public office holder for a short period. Two requests were denied and another four withdrawn. The remaining two applications were under review at the end of the fiscal year.

The Office plans to evaluate the new system after more applicants make use of the online process and look for opportunities to improve.

## EXEMPTION REVIEW SERVICE STANDARDS

The Office strives to achieve service standards during the process of exemption reviews for the five-year post-employment prohibition on lobbying. In 2019-20, the investigation team's efforts ensured that it met all the published standards in every instance.

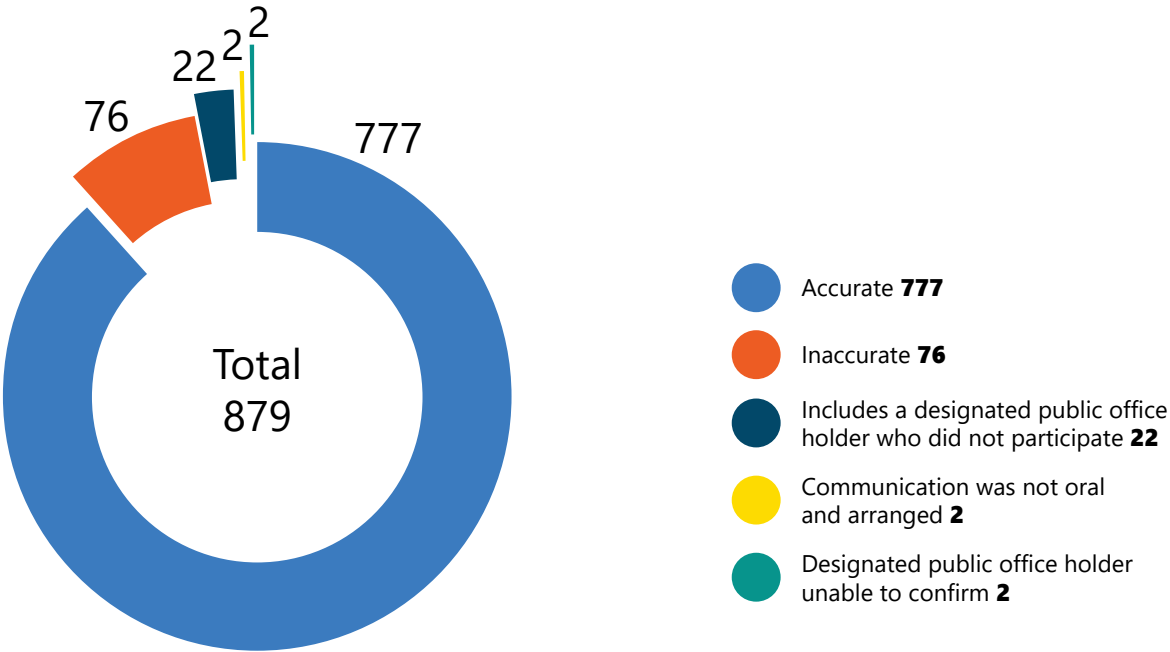
### Compliance service standards

Standard	Performance	Note
1. A letter sent by the Commissioner within 60 days of receiving an accurately completed application to either grant or to obtain further representations.	100%	The Commissioner informs the applicant of the decision. In cases where the recommendation by the Directorate is to deny the request, the applicant is offered the opportunity to submit additional information.
2. Applicant informed of the Commissioner's final decision within 30 days of the applicant's submitting further representations.	100%	The Commissioner sends a letter informing the applicant of the final decision.
3. Exemptions granted are made publicly available within 48 hours of the effective date of the Commissioner's decision.	100%	<a href="#">All exemptions</a> are published on the Office's website.

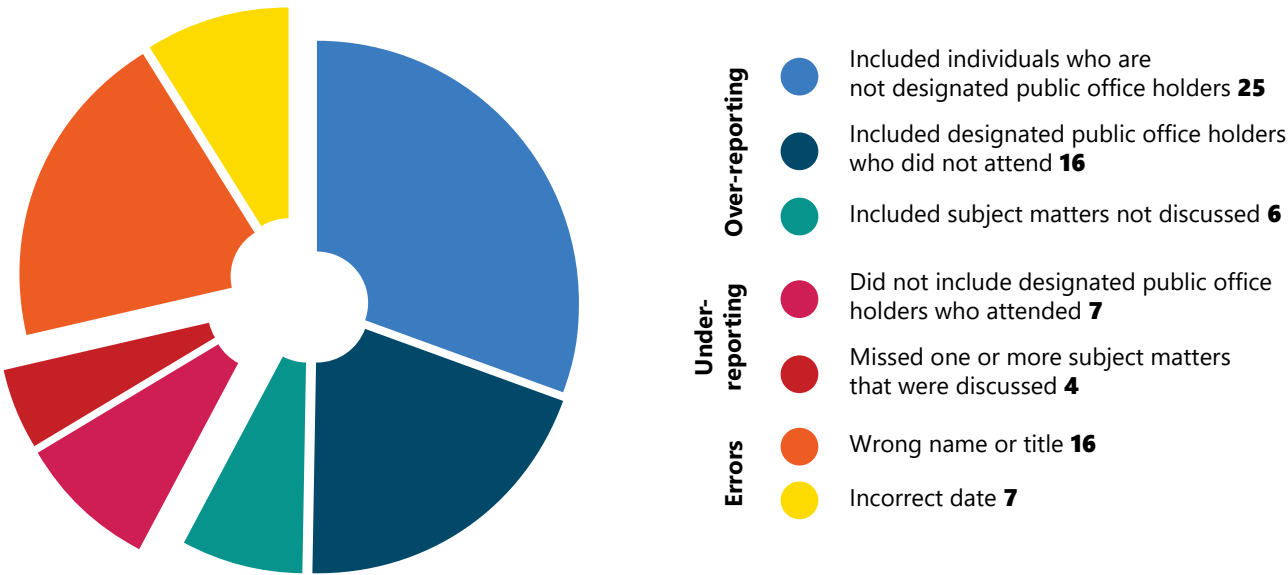
# VERIFICATIONS OF MONTHLY COMMUNICATION REPORTS

In order to ensure the timely and accurate reporting by lobbyists as required by the *Lobbying Act*, the Office extracts a sample (5%) of new communication reports filed in the Registry of Lobbyists every month and asks the designated public office holders listed in them to confirm that the information submitted in the reports is complete and correct.

## Verification outcomes



## Common issues



## IDENTIFYING DESIGNATED PUBLIC OFFICE HOLDERS IN MONTHLY COMMUNICATION REPORTS

A routine verification of a monthly communication report with a member of the Office of the Leader of the Opposition revealed instances of reporting in the Registry of Lobbyists that was not required by the *Lobbying Act*. After a compliance officer asked a staff member of the Office of the Leader of the Opposition to complete a monthly communication report verification, the individual responded that he is not considered a designated public office holder under the *Lobbying Act*. The individual and another staff member in the Office of the Leader of the Opposition requested that their names be removed from all monthly communication reports.

The *Lobbying Act* stipulates that only staff in the Office of the Leader of the Opposition appointed under section 128(1) of the *Public Service Employment Act* are designated public office holders. When it was verified that neither was hired under this provision, client services advisors contacted registrants

who filed the monthly communication reports to request them to remove these two individuals' names. Extensive resources were required to make the registry accurate and ensure that the changes were made in 212 monthly communication reports. The team informed the individuals once it was completed.

The corrections required due to this issue highlights some of the difficulties lobbyists may face in their efforts to comply with the legislation. In many cases, the information required to make the determination that a communication is with a designated public office holder and reportable under the Act may not be obvious or easily accessed. For example, lobbyists likely would not be aware of the specific clause under which the political staffers were hired in this case. The team continues to find ways to assist lobbyists in identifying designated public office holders and the Office is available to help lobbyists make this determination.



**Bruce Bergen**, legal counsel

"The OCL is an office where people care. They care about the mandate of the office, to ensure that Canada's system for the registration of paid lobbying activities is open and available to Canadians, because it is important. They care that they are doing a good job to ensure that the information is presented clearly and easily accessible to Canadians, and so that lobbyists are able to comply with their obligations in a timely manner. They care about each other. The office exemplifies the best of the Canadian public service."

# ENHANCING AWARENESS

Canadians' awareness of the *Lobbying Act* and the Lobbyists' Code of Conduct contributes to their confidence in the decision-making of their government; similarly, a clear understanding of the legislation's registration and reporting requirements among stakeholders helps support transparency and compliance. These two key outcomes are achieved through a variety of outreach and education activities, such as presentations, information products, and interactions with lobbyists, public office holders, and other audiences.

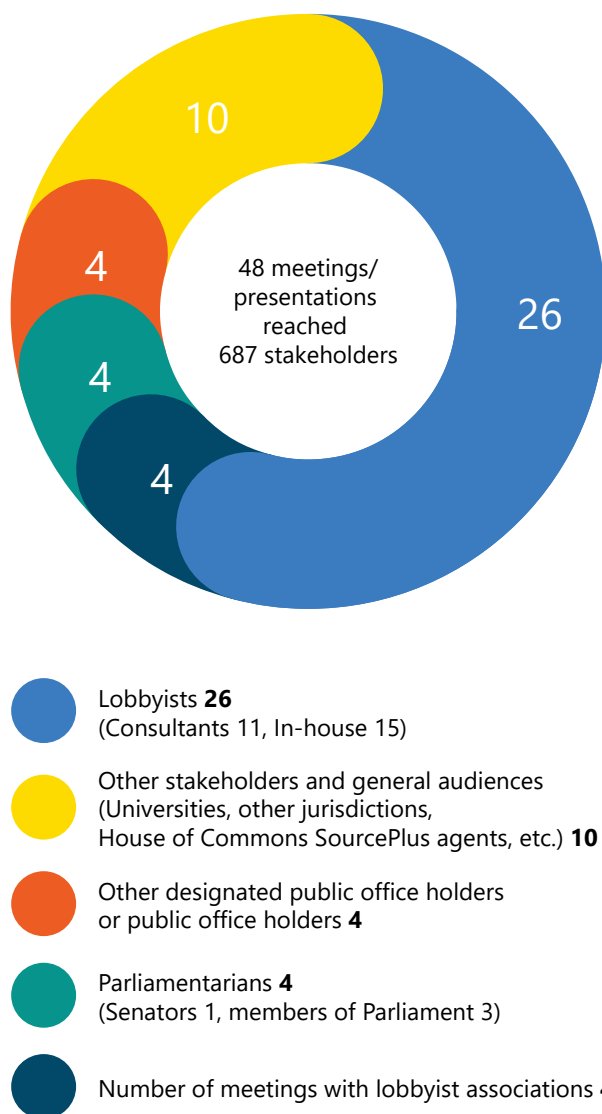
This also includes the Commissioner's two appearances before the House of Commons Standing Committee on Access to Information, Privacy and Ethics in 2019-20. On May 16, 2019, the Commissioner spoke primarily about the Office's budget envelope, while on March 9, 2020 she gave an update on the Office's activities to the committee members.

In her March 9 appearance, the Commissioner identified several areas where she would recommend amendments to the *Lobbying Act* should there be a review of the legislation. The Commissioner indicated that she would be pleased to submit detailed recommendations on amendments to the Committee should the committee require her input.

## CONNECTING WITH STAKEHOLDERS

In 2019-20, the team streamlined its products destined for stakeholders to ensure more consistent and effective information that addresses the particular needs of the different audiences. While meeting with individual lobbyists and designated public office holders directly regulated by the lobbying legislation remains a key part of ensuring awareness, the team also ensured that critical intermediaries, such as lobbyists' associations and House of Commons administration staff, also received clear and factual information that could be transmitted to key stakeholders. In all, the Office met with a total of 687 stakeholders in 2019-20.

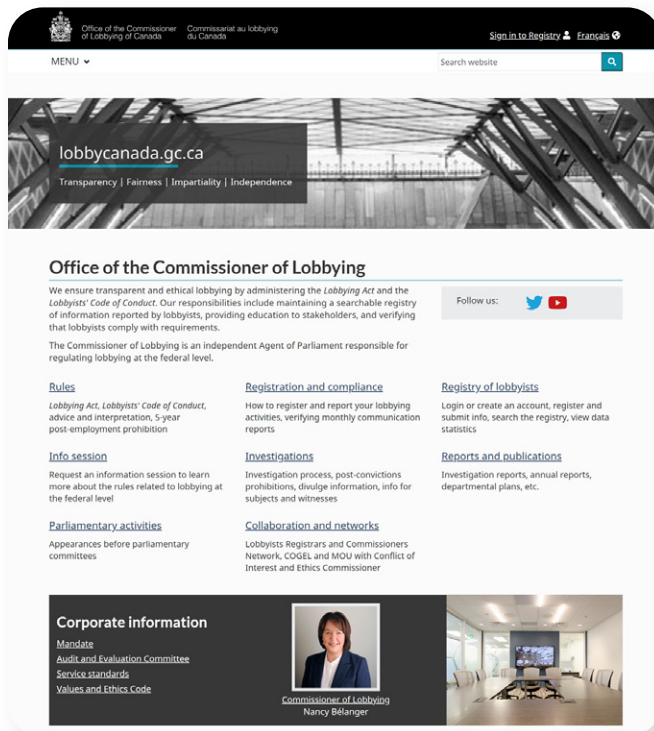
## Outreach meetings/ presentations





## REDESIGNED WEBSITE

A key achievement in 2019-20 was a rethought and redesigned website which reflects a task-based approach and offers an improved usability. Launched at the end of the fiscal year, the cleaner and more modern look resulted from an extensive content review process that helped the team identify, remove, and update more than 1,400 pages. This was achieved through streamlining the information architecture and eliminating outdated and redundant content. In addition, the individual pages were brought up to the Government of Canada's latest web experience and accessibility standards. As with the newly launched Registry, the Office plans to monitor and act upon user feedback as part of its continuous improvement efforts.



## PARTNERSHIP WITH THE OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

After launching joint public education activities in 2018-19, the Office continued its cooperation with the Office of the Conflict of Interest and Ethics Commissioner, organizing four teleconferences with Commissioner Mario Dion that reached a total of 361 participants.

### JOINT CIEC TELECONFERENCES IN 2019-20

Post-employment rules for public office holders: 2 (204 participants)

Gifts and reception for members of Parliament: 1 (69 participants)

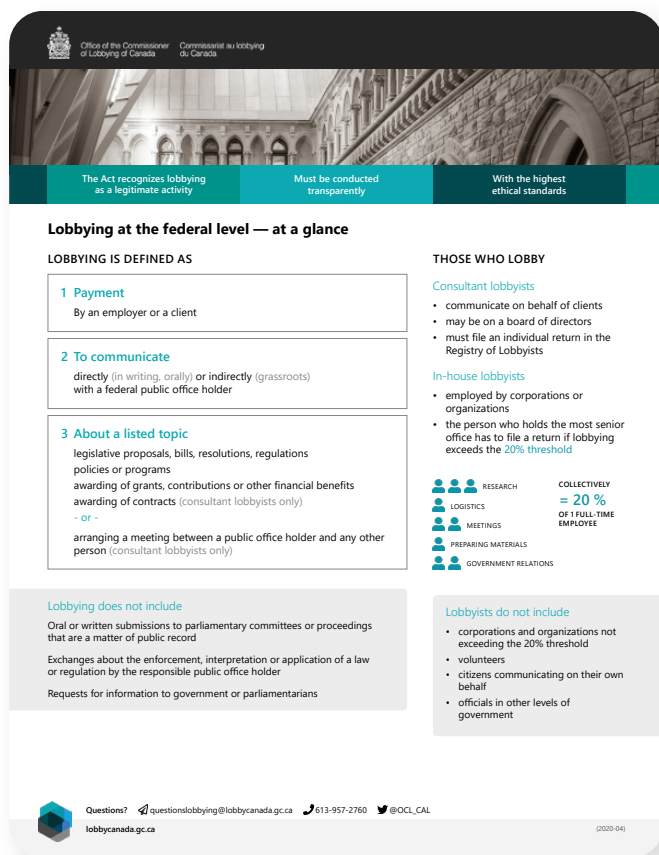
Overview of ministerial staff obligations: 1 (88 participants)

“The attractive, modern look and vastly improved usability is a testament to the extensive work that went into reorganizing and redesigning our new website. The fact that it was launched while we were working from home further underlines the dedication of the team.” Nancy Bélanger



## TOOLS FOR STAKEHOLDERS

The Office created several new information products to help lobbyists understand and comply with Canada's lobbying legislation. These include a "Lobbying 101" that outlines the basics of the *Lobbying Act* and Lobbyists' Code of Conduct, a post-employment guide for former designated public office holders, and information to help those serving on boards of directors to understand their obligations under Canada's lobbying legislation.



## MEDIA COVERAGE

The Office received 100 media inquiries during the 2019-20 fiscal year with about 40% related to the Registry of Lobbyists. The team also worked to increase its engagement with journalists. This generated several media interviews.

The Commissioner also submitted an opinion article which was published in the *Hill Times* in January 2020 as part of a special section on lobbying and ethics.

Social media was also used more strategically as a means to disseminate key information and engage stakeholders. For example, the Office used its Twitter feed as the main avenue to communicate the release of revised guidance on the Lobbyists' Code of Conduct in early 2019-20. The tweet became one of the Office's most successful to date in terms of engagement.



**Laura Langeveld**, outreach officer

"I am someone who constantly needs to learn, to develop my skills, and to tackle new challenges. Since joining the Office of the Commissioner of Lobbying, I have been able to fulfill all these needs. Whether it's immersing myself in different projects or collaborating with my colleagues, I can find ways to use my knowledge, my skills and to develop professionally at the same time. Working in such a small organization is, in my opinion, an incredible opportunity because everyone must wear many hats, their work is essential to the success of the organization, and it's always interesting. In addition, we are able to watch our efforts come to life and see the results we achieve, which is very satisfying. Finally, I would be remiss not to mention how much I am motivated by the collaborative, communicative, and creative work environment that's supported by the tools we have in place. In short, I love my job and the environment in which I evolve!"

## 2019 FEDERAL ELECTION

The team developed and delivered several initiatives related to the federal election held in October 2019. Prior to the vote, the Office reached out to all 338 members of Parliament to remind them of their obligations under the *Lobbying Act*, specifically the rules that would apply to them as former designated public office holders should they not be re-elected or not seek another mandate. Following the vote, the Commissioner contacted all 338 members-elect of Parliament to introduce them to the *Lobbying Act* and Lobbyists' Code of Conduct, and to ensure that they were aware of the products and services available from the Office. In addition, the Office contacted the caucus chairs of each party in both the Senate and House of Commons and 37 ministerial chiefs of staff to plan a meeting with their offices.

To support the outreach efforts, an "election portal" on the website was also developed to offer quick access to information relevant to lobbyists and public office holders about lobbying during an election period.

Although many of the meetings scheduled with members of Parliament, ministerial staff and lobbyists were delayed due to the COVID-19 pandemic, the team hopes to offer "Lobbying 101" presentations when appropriate in the new fiscal year.

---

“I’m impressed by the number of outreach initiatives the team delivered during both the pre- and post-election periods. They made the most of the opportunity to engage with elected officials and remind them of post-employment obligations and also ensured that lobbyists understood their registration and reporting obligations during an election period.”

Nancy Bélanger

---



# WORKINGS OF THE OFFICE

## PUBLIC SERVICE EMPLOYMENT SURVEY RESULTS

The success in building a healthy workplace were demonstrated in increased positive responses from employees in the annual public service employment survey, especially for key job satisfaction questions. The survey showed improvement in many areas where the Office already excelled and the responses were generally more positive than the average of other micro-organizations and markedly better than the public service as a whole.

One area to note is employees' 100% positive response to the question on having the materials and equipment they need to do their jobs. While it applies to workstations in the office, it also reflects the corporate goal of ensuring that all employees have flexibility in their work arrangements, including telework when possible. This was a key factor in the team's ability to make a smooth and efficient

transition to working effectively at home when orders to self-isolate and physical distance were implemented by the government.

In the two key areas where the management team focused its efforts – a physical and psychological health workplace and career development, the office scored favorably against its results for previous surveys but fell short on career development when compared to other micro-organizations.

As was the response in 2018, 96% of employees felt that the Office does a good job on mental health awareness, 8% better than other micro-organizations. The workplace was described as psychologically healthy by 92%, which was 17% better than other micro-organizations and a three-point increase from 2018. When asked if their immediate supervisor seems to care about them as a person, 96% responded positively.

## A psychologically healthy workplace

	Office of the Commissioner of Lobbying		Other micro-organizations	
	2019	2018	2019	2018
My immediate supervisor seems to care about me as a person.	96	88	88	85
My department or agency does a good job of raising awareness of mental health in the workplace.	96	96	81	78
I would describe my workplace as being psychologically healthy.	92	89	75	68

In the area of career development, the Office gets good marks on training and supporting career development with 88% and 80% respectively responding positively to questions about these two areas. As an employer with less than 30 full-time positions, the Office recognizes that advancement is more difficult to facilitate, which is reflected in its results in this area. Only 30% believe opportunities exist for promotion within the Office given their education, skills and experience, which is 8% better than the last survey, but also 21 points below the average for other micro-organizations.

## Job fit and development

	Office of the Commissioner of Lobbying		Other micro-organizations	
	2019	2018	2019	2018
I get the training I need to do my job.	88	78	79	80
My department or agency does a good job of supporting employee career development.	80	64	72	67
I believe I have opportunities for promotion within my department or agency, given my education, skills and experience.	30	22	51	45

Although the results revealed slight decreases in satisfaction in some areas, many were drops of a few percentage points that could be viewed as statistically insignificant deviations. It should be noted that the areas where decreases were recorded also continued to show high positive responses. For example, while 4% fewer employees indicated that they were satisfied with the organization, the overall positive response rate was 88%. A commitment remains to continue to find ways to build on the measures put in place in 2019-20 and in previous fiscal years.

## HEALTHY WORKPLACE

The Office developed and implemented a mental health strategy and continued to look for ways to provide career development opportunities for employees. Three speakers were invited to address the staff on issues related to mental health on three occasions during 2019-20, including Gilles Moreau, the Ombudsman of Mental Health and Well-Being, Small Department and Agencies (Public Services and Procurement

Canada), who delivered a presentation to the staff in October during Healthy Workplace Month. Activities related to healthy workplace also took place during Mental Health Week in May.

In the area of career development, the Office arranged for two in-basket tests for those interested in seeking management positions.



**Gabriel Tremblay-Giroux**, investigator

"As soon as I joined the Office, I was supported by the IT team and equipped with all the tools I needed to telework. The swiftness of the set-up process and the quality of the tools provided surprised me. In the context of COVID-19, I came to realize how critical this organizational choice is to business continuity and to maintaining relationships among the Office team."

## NEW OFFICE SPACE

After months of planning, the team relocated to a new, modern facility in May 2019. Designed to Government of Canada's specifications, the new physical space provides a modern, streamlined, flexible, and sustainable work environment. The goal is to serve citizens better, while engaging and motivating employees working in a more collaborative, environmentally friendly and cost-effective space.

## ACCOUNTABILITY

The Office updated the departmental results framework, which is designed to improve reporting to Parliament in departmental plans and departmental results reports. The new framework ensures that Canadians understand the value they receive from the Office through a more straightforward reporting regime in the planning and reporting of achievements. The team will start gathering data in 2020-21 and reporting on the results as of 2021-22.

## BUDGET

The Office's budget continues to be a primary concern in delivering on both its mandate and on its goal of a rewarding and healthy workplace. The Commissioner has asked the Government for additional funding.

The fiscal reality of operating with a budget unchanged for almost 15 years means the staff continues to be stretched year after year and to be unable to benefit fully from opportunities offered by new technologies. This also leaves the Office with an extremely limited ability to help ease the pressures, as there exists no flexibility to hire additional staff to help redistribute the load or to reallocate funds without hampering another area.

We await a response from the government and continue to ensure that plans are in place to implement more programs and products should the opportunity arise.



**Joanne Cameron-Larsen**, financial analyst

"The satisfying part of my job at OCL is the fact that I'm relied on to keep daily operations going. My colleagues are always there to help and very easy to get along with. Management makes you feel very comfortable and you can approach them for anything. Both personal and work related."



# LOOKING AHEAD

The 2020-21 fiscal year promises to be another busy one for the Office as we look to build on the successes reported in this and previous annual reports. I know we will continue to find innovative ways to seize opportunities to improve our processes, products, and services and to ensure the ethical and transparent lobbying of the federal government that the *Lobbying Act* and Lobbyists' Code of Conduct demand and Canadians expect.

The last fiscal year saw significant and concrete progress made in all of the four key result areas of our strategic plan: a modern lobbyist registry, effective compliance and enforcement, enhanced outreach and communications, and an exceptional workplace. While some of the changes came too late in the fiscal year for us to see the expected results, we look forward to assessing the data and reporting on their effectiveness in our next annual report.

We anticipate that the updated Registry will help stakeholders access key information easily and quickly and promote more awareness about the lobbying of public office holders; similarly, the refreshed, task-based website will help improve stakeholders' experiences as they interact online with the office in the next fiscal year and beyond. Likewise, the new processes in our compliance work should improve our efficiencies in delivering this aspect of my mandate. We look forward to reviewing and evaluating these new products and processes as we strive to deliver continuous improvement to our work.

Areas in particular where we will focus considerable effort in enabling compliance will include an update of the interpretation bulletins to ensure they offer clarity on how the *Lobbying Act* is to be interpreted and applied and a review with consultation of the Lobbyists' Code of Conduct to outline the behaviour that is expected from lobbyists more precisely.

The team will continue to refine the online experience and develop new tools to ensure that all stakeholders have access to the information they need about lobbying at the federal level.

We will also continue to find ways to keep making an exceptional workplace even better and to implement more career and professional development initiatives.

The coming year also marks the end of our three-year strategic plan and we will soon begin to start identifying new targets for the next three years. There is more work to be done, and we are already beginning to think about new goals and key results beginning in 2021-22. We also need to be prepared to implement possible change brought by amendments to the *Lobbying Act*, which is awaiting a review by Parliament.

There's no doubt that the 2019-20 fiscal year ended with uncertainty related to the COVID-19 pandemic. While teleworking and self-isolation proved challenging, the team responded with the excellence and collaboration which I feel reflects the positive change we've made in the past few years.

We look forward to delivering on our commitments in the new fiscal year and continuing our important work in contributing to Canadians' confidence in their government's decisions through ensuring ethical and transparent lobbying.

**Nancy Bélanger**  
Commissioner of Lobbying

