



Presentation to Oliphant Commission on outreach activities for ministers and ministerial staff related to post-employment obligations

Mary Dawson – Conflict of Interest and Ethics Commissioner

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Introduction

Thank you once again Mr. Commissioner, Commission counsel, commission experts, and members of the panel for this opportunity to inform you about the activities of the Office of the Conflict of Interest and Ethics Commissioner.

As requested, I will focus my remarks today on the outreach and education activities undertaken by my Office to inform public office holders about their obligations under the *Conflict of Interest Act* and Members of the House of Commons under the *Conflict of Interest Code for Members of the House of Commons*.

I have already provided information on June 17th to this Commission about my mandate, so I will not repeat those details again today.

My Office has undertaken a variety of activities to ensure that public office holders and MPs understand their reporting requirements and obligations under these two regimes.

We consider outreach and education to be of great importance for my Office, and we will continue our efforts in the future.

I would like to make one observation at the outset of my remarks.

I notice that many of the questions given to us in advance asked for information related to “ethics education.”

Despite my title, there is no mention of ethics in the *Conflict of Interest Act* or Members’ Code. The only place “ethics” is mentioned in relation to my mandate is in the *Parliament of Canada Act*.

In addition to my responsibilities under the Act and the Code, there is a mandate to provide confidential policy advice and support to the Prime Minister in respect of ethical issues in general, as well as conflict of interest issues.

While there are ethical aspects inherent within the conflict of interest rules of the Act and Code, our communication efforts have mostly been on what those conflict of interest rules mean in terms of compliance.

Having set this context, I will now outline the outreach and education activities conducted by my Office. Then I will explain why such activities have proven more challenging in relation to some provisions of the Act, more particularly the post-employment rules.

Outreach and education activities

There are several activities that our Office undertakes as a matter of course to ensure that public office holders and MPs are aware of their conflict of interest obligations.

One of our main activities is to provide advice to all public office holders and MPs on their disclosure requirements and measures they must take to comply with the various rules of the applicable conflict of interest regime.

We do this regularly on appointment or election, and then annually after that. We also respond to phone calls or e-mails seeking advice on specific issues.

In addition, for public office holders, my Office provides detailed information on post-employment obligations, both at the time they assume public office and as soon as we are informed of their departures.

There are no post-employment rules for MPs.

After the last election, we sent letters to Ministers offices offering to discuss any issues they or their staff might have on the conflict of interest rules.

In the last year, we made five presentations to ministerial staff to explain the requirements and obligations under the Act, including post-employment rules. We have made a standing offer to all Ministers offices to give these presentations.

Following the last election, I made a presentation to new MPs focussing on their obligations under the Code.

We have also recently made presentations to each of the four political party caucuses represented in the House of Commons.

These presentations have proven quite effective in informing ministerial staff and MPs of their responsibilities under the Act and Code and we hope to make more in the future.

We have also published guidelines and information notices on our website related to various areas of the *Conflict of Interest Act* of general application: on gifts, post-employment, lobbying and political activities for example. These guidelines and information notices are often shared with public office holders in the course of our on-going communication.

If you recall, there is a cooling off period – two years for ministers and ministers of state, and one year for other public office holders – during which time they are prohibited from working for or contracting with an entity with which they had significant official dealings in their last year of office, and from making representations to their former organization.

A number of reporting public office holders have approached my office in the past year prior to leaving office to seek advice on how the “cooling-off” period might restrict their post-employment activities.

Such discussions are very useful in ensuring compliance with the Act, and I actively encourage Ministers and senior ministerial staff to stay in touch with my Office regarding any positions they might consider during their cooling-off period.

I have also contacted a number of former reporting public office holders to discuss information published in media reports or received from third-parties regarding their post-employment activities. This has provided an opportunity to review with them their post-employment obligations.

Challenges with outreach and applying post-employment provisions

The main challenge with outreach activities, specifically with regard to public office holders, is the high turn-over rate among ministerial staff.

Providing timely and relevant education and advice on the post-employment provisions is also a challenge. In most cases we do not find out that a reporting public office holder has left government until they are already gone in which case we can only send out our post-employment letter after they've left. Few maintain any contact with my Office once they have left and with one exception, they are not required to do so.

There is only one post-employment reporting requirement during the cooling-off period and that relates to limited activities referred to in the *Lobbying Act*.

My Office does receive phone calls, e-mails and letters from some former public office holders with questions on the application of the Act to their current situations. In these cases we are able to offer specific advice and to assist these individuals in understanding their general post-employment obligations.

Conclusion

In conclusion, the focus of my third year as Conflict of Interest and Ethics Commissioner will be on continuing to carry out our core advisory and compliance work, while enhancing our communications and outreach efforts.

We have just recently hired a communications manager for the Office, and I hope that this will help us to deliver an even more comprehensive outreach and education program. Also, we are awaiting the final products of a local communications' firm from whom we sought advice on communication strategies and activities.

I thank you for this opportunity and I welcome any follow up questions.