



Information Notice for Public Office Holders

Post-Employment Rules

This document is intended to provide general information about your obligations under the Conflict of Interest Act. It must be read in conjunction with other relevant information notices. Public office holders are encouraged to contact the Office for confidential advice about their individual situation. Please call 613-995-0721 or email ciec-ccie@parl.gc.ca.

Source: [Part 3](#) (sections 33 to 42) of the [Conflict of Interest Act](#)

1. What is required by the *Conflict of Interest Act*?

As a former public office holder, you continue to have obligations under the Act after you leave office.

There are rules that apply to all former public office holders, to former reporting public office holders and to former ministers and ministers of state.

In addition, during their cooling-off period, former reporting public office holders must report to the Commissioner certain communications and meetings arranged with public office holders as defined under the *Lobbying Act*.

2. Rules for all former public office holders

These rules apply for life and are not subject to any exemption, waiver or reduction.

You must not:

- Take [improper advantage](#) of your previous public office.
- [Switch sides](#). That is, you must not act for or on behalf of any person or organization in relation to a specific proceeding, transaction, negotiation or case in which you previously acted for or provided advice to the government.
- Provide advice to a client, business associate or employer [using information](#) you obtained while in office that is not available to the public.

3. Additional rules for former reporting public office holders

You are required to observe what is commonly called a “cooling-off period” following your last day in public office. The cooling-off period is two years for former ministers and ministers of state, and one year for all other former reporting public officers.

During your cooling-off period, you must not:

- Work for, contract with or serve on the board of directors of an entity, including a public sector entity, with which you had direct and significant official dealings in the year preceding your last day in public office.ⁱ
- Make representations to a department, organization, board, commission, tribunal or public sector entity with which you had direct and significant official dealings in the year preceding your last day in public office.ⁱⁱ

Dealings include negotiations, briefings, contracts and the making of representations.

Dealings are official if they relate to government business and activities.

Direct dealings do not necessarily require personal contact but may occur if a reporting public office holder directs staff to act on his or her behalf or where a reporting public office holder influences a decision or exercises authority and decision-making power in relation to dealings.

Whether dealings are significant depends on the importance of the subject matter in question to either of the parties involved; their significance is not determined solely by the type of dealing or by the period of time over which the reporting public office holder was involved with an entity.

Whether a reporting public office holder has had direct and significant official dealings with an entity is a question of fact that must be determined based on the circumstances of each case. Please contact your advisor for guidance.

4. Additional rules for ministers and ministers of state

During the entire two-year cooling-off period, you must not make representations to a current minister who was in Cabinet at the same time as you were.

5. Requesting an exemption, reduction or waiver

Ministerial staff who worked on average 15 hours or more a week may apply for an exemption to the rules that are applicable during the cooling-off period. Eligibility criteria are set out in the Act.

All reporting public office holders and former reporting public office holders may ask the Commissioner to waive or reduce the duration of the cooling-off period. The Commissioner will consider the factors listed in the Act in deciding whether it is in the public interest to grant the waiver or reduction.

If an exemption, reduction or waiver is granted, the Commissioner will publish the decision along with the reasons for granting it in the public registry.

Waivers, reductions and exemptions do not reduce or remove your obligations under the *Lobbying Act*.

6. Reporting certain activities defined in the *Lobbying Act*

During their cooling-off period, former reporting public office holders must report to the Commissioner certain communications and meetings arranged with public office holders as defined under the *Lobbying Act*.

a) Who is considered a public office holder under the *Lobbying Act*?

- a member of the Senate or the House of Commons and any member of their staff;
- a Governor in Council appointee (with the exception of judges and provincial lieutenant governors);
- an officer, director or employee of a federal board, commission or other tribunal;
- a member of the Canadian Forces; and
- a member of the Royal Canadian Mounted Police.

b) Which communications and meetings must I report?

You must report every communication you have with a public office holder about:

- the development of legislative proposals by the Government of Canada or by a member of the Senate or House of Commons;
- the introduction of a bill or resolution in either the Senate or the House of Commons, or the passage, defeat or amendment of any such bill or resolution;
- the making or amendments of regulations;
- the development or amendment of any Government of Canada policy or program;
- the awarding of a grant, contribution or of another financial benefit by the Government of Canada; and
- the awarding of a contract by or on behalf of Her Majesty in right of Canada.

You must also report any meetings you have arranged between a public office holder and any other person, regardless of whether the meeting actually takes place.

You must report these communications and meetings even if, in your view, no lobbying has taken place.

c) How do I report them?

You must file a [section 37 return](#), available on our website. You are encouraged to file the return as promptly as possible.

You must also report to the Commissioner if information contained in a return is no longer correct or if additional required information has come to your knowledge since the return was filed.

7. What happens if a public office holder does not comply with his or her post-employment obligations?

When the Commissioner has reason to believe that a public office holder has failed to comply with his or her post-employment obligations, he may commence an examination and will issue a public report. If the Commissioner finds that a former reporting public office holder has not complied with the requirement, he can [order](#) current public office holders not to have any official dealings with that person.

ⁱ See, for example, [The Kosick Report](#) and [The Toews Report](#).

ⁱⁱ See, for example, [The Sullivan Report](#).