



**Office of the Conflict
of Interest and Ethics
Commissioner**

**Commissariat aux
conflits d'intérêts et à
l'éthique**

Referral from the Public Sector Integrity Commissioner: The Bonner Report

made under the
CONFLICT OF INTEREST ACT



February 26, 2015

**Mary Dawson
Conflict of Interest and
Ethics Commissioner**

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PREFACE

The *Conflict of Interest Act*, S.C. 2006, c. 9, s. 2 (Act) came into force on July 9, 2007.

An examination under the Act may be initiated at the request of a member of the Senate or House of Commons pursuant to subsection 44(1) of the Act or on the initiative of the Conflict of Interest and Ethics Commissioner (Commissioner) pursuant to subsection 45(1).

When an examination is initiated under section 45 of the Act, the Commissioner is required, under subsection 45(3), to provide a report to the Prime Minister setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the examination, unless the examination is discontinued. Subsection 45(4) provides that, at the same time that a report is provided to the Prime Minister, a copy of the report is also to be provided to the public office holder or former public office holder who is the subject of the report and made available to the public.

On receipt of a referral from the Public Sector Integrity Commissioner pursuant to subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, the Commissioner may, if she has reason to believe that a public office holder or former public office holder has contravened the Act, decide to examine the matter on her own initiative pursuant to section 45 of the Act.

Whether or not the Commissioner initiates an examination under section 45 of the Act, the Commissioner must, pursuant to section 68 of the Act, provide a report to the Prime Minister setting out the facts in question as well as her analysis and conclusions where there has been a referral from the Public Sector Integrity Commissioner. A copy of the report must also be provided to the public office holder or former public office holder who is the subject of the report and to the Public Sector Integrity Commissioner. The report is also made public.

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EXECUTIVE SUMMARY

This report presents the findings of my examination under the *Conflict of Interest Act* (Act) of the conduct of Mr. Michael Bonner when he was a senior policy advisor in the Office of the Minister of Employment and Social Development, in connection with event invitations that he accepted in the fall of 2013.

In November 2013, I received a letter raising concerns about Mr. Bonner's conduct as it related to four possible contraventions of the Act. I subsequently received a referral about Mr. Bonner from the Public Sector Integrity Commissioner pursuant to subsection 24(2.1) of the *Public Servants Disclosure Protection Act*. The information in the referral was from the same individual who had sent me the letter, it was almost identical to that contained in the letter, and it covered the same concerns.

Only one concern warranted an examination under the Act, namely that Mr. Bonner had contravened section 11, which prohibits a public office holder from accepting any gift that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

Mr. Bonner had accepted gifts consisting of an invitation from Vale Canada Ltd. to attend the National Arts Centre Gala, an invitation from the Aerospace Industries Association of Canada to attend the Annual Aerospace Reception and Dinner, and an invitation from the Forest Products Association of Canada to attend the annual Alumni Dinner of the Parliamentary Internship Programme. The federal Registry of Lobbyists shows that each of these organizations reported a meeting with Mr. Bonner shortly before or after the events to which they had invited him.

I found that these organizations were all stakeholders of the Department of Human Resources and Skills Development Canada (continued under the name Employment and Social Development Canada) and were registered to lobby that department, particularly in areas related to Mr. Bonner's responsibilities as a senior policy advisor. This should have put him on notice that the invitations might reasonably be seen to have been given to influence him in respect of his official responsibilities. It should have been clear to Mr. Bonner that the invitations did not meet the acceptability test set out in section 11 of the Act.

I therefore concluded that Mr. Bonner contravened section 11 of the Act by accepting the invitations from Vale Canada Ltd., the Aerospace Industries Association of Canada and the Forest Products Association of Canada.





CONCERNS

On November 10, 2013, I received an email containing an attached letter and supporting documents from a member of the public regarding Mr. Michael Bonner, who was at that time a senior policy advisor to the Honourable Jason Kenney, P.C., Minister of Employment and Social Development ¹.

The letter raised concerns relating to four possible contraventions of the *Conflict of Interest Act* (Act).

On January 23, 2014, I received a referral from the Public Sector Integrity Commissioner about Mr. Bonner as I was about to initiate an examination under the Act in relation to one of the concerns raised in the November letter. The information in the referral was from the same individual who had sent me the letter and the information was almost identical to that found in the letter and covered the same concerns.

The discussions below address three of the concerns for the purposes of the *Conflict of Interest Act* and at the same time fulfill the requirement under section 68 of the Act that I prepare a report in response to the referral from the Public Sector Integrity Commissioner in relation to those concerns. Only a fourth concern warranted an examination under the Act.

First concern

A first concern was that Mr. Bonner used a BlackBerry issued by the government for non-government related purposes. This concern was not pursued because the activity identified did not relate to any prohibition under the Act. This was a concern that would more appropriately be dealt with by his employer.

Second concern

A second concern was based on speculation that was unsupported by any information and was therefore not pursued.

Third concern

A third concern was that Mr. Bonner was engaging in outside employment and serving as a paid consultant while he was a reporting public office holder. This concern required some

¹ On July 15, 2013, the Honourable Jason Kenney, P.C., was sworn in as Minister of Employment and Social Development, but it was on December 12, 2013 when Bill C-4, the [*Economic Action Plan 2013 Act, No. 2*](#), received Royal Assent that the Department of Human Resources and Skills Development Canada (HRSDC) was continued under the name Employment and Social Development Canada (ESDC).



preliminary research to determine whether I had reason to believe that Mr. Bonner had contravened subsection 15(1) of the Act by engaging in prohibited outside activities.

My Office contacted Mr. Bonner on December 20, 2013 for his comments in response to this concern. He stated that he was not employed or serving as a paid consultant outside of the Minister's office and that this third concern related to volunteer activities that he engaged in for his academic studies. My Office contacted the organization identified in the letter in this regard and the organization confirmed what Mr. Bonner had told my Office.

I was satisfied with the results of the research carried out by my Office. I concluded that I had no reason to believe that Mr. Bonner had contravened subsection 15(1) of the Act and did not pursue the matter further.

Fourth concern

The fourth concern was that in the fall of 2013, Mr. Bonner accepted gifts consisting of invitations to galas and fundraisers from stakeholders of Human Resources and Skills Development Canada, as it was then known, who have had or were likely to have official dealings with the Minister's office. It was alleged that these invitations had a value of \$200 or more and had not been declared by Mr. Bonner.

Three specific events were mentioned in this connection, two of which were scheduled for the same evening. In response to this concern, Mr. Bonner confirmed with my Office that he had accepted an invitation from Vale Canada Ltd. to attend the National Arts Centre Gala and an invitation from the Aerospace Industries Association of Canada to attend its Annual Aerospace Reception and Dinner.

Research conducted by my Office revealed that Mr. Bonner had attended a third event, which had not been identified by the individual raising the concerns. Mr. Bonner confirmed that he received an invitation from Forest Products Association of Canada to attend the annual Alumni Dinner of the Parliamentary Internship Programme.

The federal Registry of Lobbyists showed that each of the three organizations whose events Mr. Bonner attended had reported a meeting with him within a short time period either before or after the events. This information gave me reason to believe that Mr. Bonner had contravened subsection 11(1) of the Act, which prohibits a public office holder from accepting any gift that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

The remainder of the report addresses the fourth concern by way of an examination relating to section 11 of the Act.

PROCESS

On February 3, 2014, I decided to launch an examination in accordance with subsection 45(1) of the *Conflict of Interest Act* (Act), and I wrote to Mr. Michael Bonner to inform him accordingly. I indicated that I had reason to believe he may have contravened subsection 11(1) of the Act and I asked him to provide me, in writing, with any factual information and documents related to my examination, as well as his views on whether or not he had contravened any of his obligations under the Act in connection with the gifts described above. I also asked him to respond to a series of questions about the invitations, the organizations that sent the invitations and the events he had attended.

I also informed Mr. Bonner in my letter of February 3, 2014, that I had received a referral from the Office of the Public Sector Integrity Commissioner, and I enclosed a copy of the confidential disclosure, blocking out parts that would identify the individual who submitted the disclosure.

I received a response from Mr. Bonner on March 3, 2014, and further information from his lawyer, Mr. Paul Lepsoe, on March 7, 2014. There was then a series of email exchanges between my Office and Mr. Lepsoe over several weeks to gather additional information. Mr. Bonner explained that he could not provide me with any emails related to my examination because he had deleted them, as his usual practice was to delete emails every two weeks. He added that deleted emails of ministerial staff remain on the server for about four weeks, but are then lost forever as they are not “archived”. A request to the Chief Information Officer for Mr. Bonner’s emails was unsuccessful.

Two interviews were conducted with Mr. Bonner: the first on April 16, 2014, and the second, after all other witnesses had testified and their submissions had been received, on November 4, 2014. Before proceeding with the second interview, Mr. Bonner was given an opportunity to review the transcript from his first interview, excerpts of transcripts from two witness interviews and other relevant documents.

My Office interviewed three witnesses. Two of the witnesses and eight other individuals submitted written statements and supporting documents.

In keeping with the practice I have established, Mr. Bonner and his counsel were given an opportunity to comment on a draft of the factual sections of this report (Concerns, Process, Findings of Fact and Mr. Bonner’s Position) before it was finalized.





FINDINGS OF FACT

Background

Mr. Michael Bonner was hired on February 4, 2013, as Senior Policy Advisor by the Honourable Jason Kenney, P.C., who was then Minister of Citizenship, Immigration and Multiculturalism. On July 15, 2013, Minister Kenney was appointed Minister of Employment and Social Development, although the department officially remained under the name Department of Human Resources and Skills Development Canada until December 12, 2013. Mr. Bonner remained Senior Policy Advisor to Minister Kenney in his new ministerial position. As a member of ministerial staff, Mr. Bonner was subject to the *Conflict of Interest Act* (Act) as a reporting public office holder.

Mr. Bonner left his position on October 14, 2014, and is therefore subject to post-employment rules under Part 3 of the Act.

It was alleged that Mr. Bonner contravened subsection 11(1) of the Act by accepting, in the fall of 2013, complimentary invitations to social events that constituted gifts that might reasonably be seen to have been given to influence him in the exercise of his official powers, duties or functions.

In this report, because the period relevant to this examination was the fall of 2013, I will refer to the department as the Department of Human Resources and Skills Development Canada (HRSDC).

In making my determination, I considered Mr. Bonner's official powers, duties and functions, and the relationship and interactions between the organizations that gave him the invitations and his official role. I also considered the mandate of HRSDC at that time.

According to its website, the legislative mandate of HRSDC included improving "the standard of living and quality of life of all Canadians by promoting a highly skilled and mobile labour force and an efficient and inclusive labour market." In this regard, HRSDC offered funding opportunities for individuals and businesses for a range of programs. Those relevant to this examination include career development, skills training and employment.

Mr. Bonner told me that, as a senior policy advisor in Minister Kenney's office, he was responsible for various files including Aboriginal labour market programming, the Youth Employment Strategy, Education (such as student loans) and the Temporary Foreign Workers Program. He told me that he communicated any advice to the Minister through notes that he would normally send directly to him.



Mr. Bonner said that his responsibilities included relations with stakeholders. He added that his responsibilities include providing political advice with respect to programs. Mr. Bonner informed me that he had met with 47 stakeholders between July and December 2013.

Invitation from Vale Canada Ltd.

Vale Canada Ltd. (Vale) is a mining company and according to its website, it operates, among other projects, an open-pit mine at Voisey's Bay, Labrador. In a letter to my Office dated April 11, 2014, Mr. Kevin Inwood, Senior Associate General Counsel at Vale, explained that at the beginning of the Voisey's Bay operations in the 1990s, Vale entered into a partnership with the surrounding Aboriginal communities and the Government of Canada to develop and implement an Aboriginal workforce training program to operate the mine. According to Mr. Inwood, the program, called the Joint Education and Training Authority, became a model for future training initiatives in Canada.

The federal Registry of Lobbyists showed that, in the fall of 2013, Vale was registered to lobby HRSDC, as well as a number of other federal departments in relation to several matters, including "Aboriginal Training: Information on current skills and training programs and potential synergies with Vale Inco Operations in Canada."

Mr. Inwood wrote in his letter that Vale recently announced plans to develop an underground mine, starting in 2019, at Voisey's Bay when the open-pit mine will close. He indicated that Vale had begun preliminary discussions with some federal departments on workforce training since the training needed to operate an underground mine was different from that for the currently operated open-pit mine, and that Vale hoped to establish a new partnership with the Aboriginal communities and the federal government. Mr. Inwood also wrote that Vale saw HRSDC as an important constituent in this initiative and hoped to build relationships in that regard, and added the following conclusion: "hence the invitation to Mr. Bonner."

Mr. Bonner told me that the Aboriginal labour market program was to expire on March 31, 2015, and that it had been fully subscribed for many years. He added that part of the Minister's mandate was to evaluate the program and perhaps to renew it subject to Cabinet decision. He said that, "as Policy Advisor, it was my job to provide political advice to the Minister based on the recommendations of the department."

The National Arts Centre Gala

Ms. Audrey Leduc, Vale's Corporate Affairs Officer, sent an email to Mr. Bonner on September 13, 2013, to officially invite him and a guest to the National Arts Centre (NAC) Gala that would take place on September 21, 2013. The invitation mentioned the Vale mining project at Voisey's Bay, specifically stating that "this will be a great opportunity for our Vice President



of Corporate Affairs, Cory McPhee, to tell you a bit more about the ramping up [of] Phase 2 of our Voisey's Bay Project in northern Labrador." In addition, the email invitation provided a few details about the project, noting that training and skills development were priority areas in line with federal resource development objectives. Mention was also made of an agreement with the Innu and Inuit people.

On September 20, 2013, Ms. Leduc sent a follow-up email describing the evening's program to Mr. Bonner. The email mentioned that the evening was a black tie event and would begin with cocktails, followed by a Gala concert featuring Paul Anka, and then dinner.

Mr. Bonner told me that before accepting the invitation, he had researched Vale. After realizing that Vale was formerly known as Inco, he made the connection to Mr. McPhee because, while working at Inco, Mr. McPhee was a client of Mr. Bonner's previous employer, Allan Bonner Communications Management Inc. Mr. Bonner had also been a partner in that organization. In a letter to me, dated February 28, 2014, Mr. Bonner wrote that he assumed that he was invited to the Gala because Mr. McPhee knew him. Neither the letter from Mr. Inwood nor the email from Ms. Leduc, both of whom are referred to above, made any reference to a personal connection.

During Mr. Bonner's second interview on November 4, 2014, I asked him if the content of the email invitation, particularly the reference to an opportunity for Mr. McPhee to brief him about the Voisey's Bay project, raised concerns about accepting the invitation. He said that it hadn't, partly because he recognized Cory McPhee's name. Mr. Bonner also told me that, before accepting the tickets, he had researched the event and found pictures of previous NAC Galas attended by former and current parliamentarians, bureaucrats and other Canadian socialites and officials. He said that the event itself looked like a normal part of the Ottawa scene, the type of event that a parliamentarian, an assistant or a bureaucrat would normally attend.

The Gala was held at the NAC on September 21, 2013. Mr. Bonner attended with his guest and was seated at the Vale table, which was hosted by Mr. McPhee. According to Mr. Bonner's testimony during his first interview, no mention was made of his duties or of Vale's activities at the Gala. Instead, talk included matters such as the city of Sudbury, the town of Naughton, books and art.

In his letter to my Office, Mr. Inwood stated that, at the end of the evening, Mr. McPhee had a short conversation with Mr. Bonner about Vale's success in hiring Aboriginal people to build the open-pit mine at Voisey's Bay and the company's desire to repeat this success with the underground mine at Voisey's Bay. According to Mr. Inwood, Mr. McPhee also told Mr. Bonner that the company would follow-up with him or with the person in charge of the file in



Minister Kenney's office. In his second interview, Mr. Bonner said that he did not remember the Voisey's Bay project being raised at the NAC Gala.

On September 30, 2013, Mr. John Mullally, Vale's Corporate Affairs Director, emailed Mr. Bonner, thanking him for attending the Gala on September 21, 2013, and requesting a meeting with him to bring him up to speed on the success of the first phase of the Voisey's Bay mining site and on the planned expansion. That request was accompanied by a short explanatory text on the Voisey's Bay project and a statement that Vale will be looking to engage the federal government on its new funding envelopes announced in Budget 2013. Mr. Bonner told me in his first interview that he was not advised as to the purpose of the proposed meeting with Vale. In his second interview, on being shown a copy of the email, Mr. Bonner said he vaguely recalled receiving it, but did not recall replying to it.

Meeting of October 4, 2013

Mr. Michael Von Herff of Public Affairs Advisors, a lobbying firm engaged by Vale, organized and attended a meeting held on October 4, 2013 with Mr. Bonner and two representatives from Vale, Mr. Mullally and Mr. Bob Carter, Corporate Affairs Manager for Newfoundland and Labrador. Public Affairs Advisors reported the meeting to the federal Registry of Lobbyists listing the subject matter as Aboriginal affairs, mining, employment and training. Vale also reported this meeting in the federal Registry of Lobbyists.

Vale informed my Office in writing, through Mr. Inwood, that it was logical that Mr. Bonner be selected for the meeting because he was in charge of the Aboriginal workforce training file in Minister Kenney's office and the meeting was to be about the Voisey's Bay project, which included an Aboriginal workforce training component. Mr. Inwood wrote that during the meeting the Joint Education and Training Authority (JETA) was discussed since "it had been over a decade since JETA was implemented and [Vale] thought it worthwhile to re-establish a baseline understanding of the program and its success, as the government looks at models for skills training."

Mr. Bonner testified that the meeting was not a lobbying activity. According to Mr. Bonner, the meeting was introductory and the purpose of it was to learn about Vale's activities in Canada. Mr. Bonner said that he told Vale that he had no control over, nor involvement in, any dealings they may have with the HRSDC department, and that he could and would do nothing for them.

In his letter to me dated February 28, 2014, Mr. Bonner wrote that "I do not take notes in meetings with stakeholders." He confirmed this statement when asked about it during his first interview. When he was then asked whether he made notes after a meeting, he replied that he did not. He later stated that he "made it through a doctorate without ever taking notes. It's just not



something that I do.” When he was asked why some meetings were not inserted in his agenda, Mr. Bonner said, “they just don’t always go in,” but he shows up at meetings because he remembers them. When asked whether he had an extremely good memory, Mr. Bonner replied, “I believe I do.”

Mr. Inwood said in his letter of April 11, 2014, that the presentation to Mr. Bonner was similar to that made on March 25, 2014, by Vale’s Vice-President of Corporate Affairs, Mr. McPhee, in his appearance before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. In that presentation, Mr. McPhee talked about the proposed underground mining project at Voisey’s Bay and expressed Vale’s desire that the past partnership in training the Aboriginal workforce be repeated for the future underground mine.

Mr. Inwood stated in his letter that there had not been any further meetings with Mr. Bonner, and Mr. Bonner told me that there were no requests made at the meeting or issues that needed follow-up.

Payment for the National Arts Centre Gala

Vale is a corporate sponsor for the NAC Gala, a fundraising event in support of the National Youth and Education Trust. As a result of its corporate sponsorship, Vale received 20 complementary tickets (two tables) to the Gala. The advertised price of a ticket to the Gala was \$1000 and it was understood that for those paying \$1000 there would be a tax receipt for all but the direct cost of the evening. Officials of the NAC advised my Office that the NAC sends VIP invitations to select public office holders as NAC guests, offering a special ticket price of \$195, which reflects the direct cost of the evening.

In February 2014, shortly after this examination was launched, Mr. Bonner contacted Vale to ask about the value of the tickets he had received to the Gala. He was directed to the NAC Foundation and advised that the value of the tickets was \$195 each, or \$390 in total. Although he was not on the VIP list, Mr. Bonner paid \$390 to the NAC Foundation on February 7, 2014. NAC officials advised my office that Mr. Bonner was not on the VIP list at the time of the Gala.

Invitation from Aerospace Industries Association of Canada

The Aerospace Industries Association of Canada (Aerospace Association) states on its website that it is a “not-for-profit organization serving as an advocate on aerospace policy issues that have a direct impact on aerospace companies and aerospace jobs in Canada”.

The federal Registry of Lobbyists shows that the Aerospace Association was registered in the fall of 2013 to lobby a number of federal departments, including HRSDC.



The federal Registry of Lobbyists also shows that Ms. Maryse Harvey, Vice-President of NATIONAL Public Relations Inc. (NPR), and Mr. Matthew Triemstra, Senior Consultant with NPR, were registered in the fall of 2013 to lobby HRSDC, on behalf of the Aerospace Association, from May 21, 2013 to January 14, 2014 and from July 18, 2013 to December 13, 2013, respectively. The public registration indicated that they were registered to lobby HRSDC in relation to employment and training, and that they were conducting outreach to public office holders as it related to the implementation of the recommendations of the Emerson Report.

The Emerson Report resulted from an arm's length advisory committee mandated by the Government of Canada in February 2012 to conduct a national aerospace review. The review was led by the Honourable David Emerson, P.C. The purpose of the review was to produce recommendations on how federal policies and programs can help maximize the competitiveness of Canada's aerospace and space sectors. The review resulted in a report published in November 2012 entitled *Beyond the Horizon: Canada's Interest and Future in Aerospace*, also known as the Emerson Report.

During the review, six expert working groups were established to provide information and advice on key issues relating to specific themes for the review. One of the working groups was the People and Skills Working Group, chaired by Mr. Gregory Yeldon, a member of Aerospace Association's board of directors and President of Esterline CMC Electronics. Mr. Yeldon's working group published a report entitled *Final Report of the People and Skills Working Group* on September 1, 2012, which was considered in the preparation of the Emerson Report.

According to Mr. Yeldon, not all of the recommendations of the People and Skills Working Group were included in the Emerson Report, in particular a recommendation to hold a national discussion forum consisting of stakeholders.

Following the publication of the Emerson Report, the Aerospace Association formed a Skills Committee, chaired by Mr. Yeldon. The mandate of the Skills Committee, according to Mr. Yeldon, included ensuring that the Emerson Report recommendations were implemented by the Government and advocating for a national forum. Mr. Yeldon wanted to discuss the issue of the national forum with HRSDC and Minister Kenney.

Mr. Chris Froggatt, Ottawa Managing Partner at NPR, confirmed in a written submission, dated April 28, 2014, that the Aerospace Association had retained them as of late May 2013 and that their mandate included overall government relations services in regard to the implementation of the Emerson Report recommendations and assistance with the coordination of the 2013 Canadian Aerospace Summit, an annual event hosted by the Aerospace Association. Mr. Froggatt wrote that this Summit, which includes a reception and dinner, is the main public



relations event for the Aerospace Association each year. He added that it was therefore important to have representatives from relevant ministers' offices attend.

Mr. Froggatt wrote that in 2013, NPR had identified Mr. Bonner, Senior Policy Advisor, and Mr. Gerrit Nieuwoudt, then Deputy Chief of Staff and Director of Policy, as political staff members relevant to the Aerospace Association because they were employed in the office of the minister responsible for HRSDC. Mr. Froggatt added that the Emerson Report included a number of recommendations related to the aerospace workforce that were important to the Aerospace Association and on which the Aerospace Association wanted to follow-up with HRSDC to ensure that they were implemented by the Government.

Meeting of September 20, 2013

On August 6, 2013, Mr. Bonner replied to an email he had received from Mr. Triemstra of NPR, writing that he would be happy to meet with Mr. Jim Quick, Aerospace Association's President and CEO. Earlier that day Mr. Triemstra had sent an email to Mr. Nieuwoudt requesting that he also meet with Mr. Quick, stating that the purpose of the meeting would be for Mr. Quick to provide him with an overview of the aerospace industry as well as with an update on the progress of the implementation of the Emerson Report recommendations, and the involvement of HRSDC. This purpose was repeated in a subsequent email from Mr. Triemstra. A meeting was arranged for September 20, 2013.

Documents provided to my Office by NPR show that, the day before the scheduled meeting, NPR provided a briefing note to Mr. Quick on the meeting's objectives. These included updating Mr. Bonner and Mr. Nieuwoudt on the progress of the implementation of the Emerson Report recommendations and seeing how they could help move forward recommendations related to studies on aerospace workplace experience, government support for "up-skilling" and government co-funding of infrastructure for aerospace training and research purposes. The note also included an item that read: "Invite to attend the Aerospace dinner on October 16th, with Chris Hadfield."

Mr. Quick met with Mr. Nieuwoudt at the meeting of September 20, 2013. Mr. Bonner did not attend the meeting. He told my Office that his reason for not attending was that he was extremely busy at that time and added that he may not even have been invited. Mr. Bonner told me that he had not discussed the meeting with Mr. Nieuwoudt.

Annual Aerospace Reception and Dinner

As part of the 2013 Canadian Aerospace Summit, an evening in honour of Commander Chris Hadfield was held at the Ottawa Convention Centre on October 16, 2013 and was organized by the Aerospace Association, with the help of NPR.



Mr. Froggatt of NPR wrote that NPR recommended to the Aerospace Association that Mr. Bonner be invited as a guest of the Aerospace Association because Mr. Bonner was a political staffer in the Office of the minister responsible for HRSDC, the federal department relevant to and responsible for implementing the employment and skills development recommendations made in the Emerson Report.

Mr. Bonner was invited to the October 16, 2013 dinner and reception at the end of September 2013. The invitation stated that Mr. Bonner was invited by Mr. Quick, President and Chief Executive Officer of the Aerospace Association.

Mr. Quick informed my Office that on the back of Mr. Bonner's invitation there was a label stating: "A nominal fee for food and beverage costs can be charged to public office holders to ensure compliance with hospitality guidelines if required. To inquire about this, please contact [. . .]," with an Aerospace Association representative's phone number and email address provided for the invitee to contact. Mr. Bonner did not recall having read the label nor did he recall having contacted the Aerospace Association telephone number or email address provided on the label.

Mr. Quick wrote that before the event, there was no discussion between the Aerospace Association and Mr. Bonner about payment of the nominal fee mentioned on the label accompanying the invitation. He wrote that the nominal fee for the event was \$70 plus HST.

After receiving the invitation, Mr. Bonner told me that he had conducted a web search on the Aerospace Association. Mr. Bonner said that he made no link between the invitation and the email request he had received from Mr. Triemstra on August 6th, 2014 to meet with Mr. Quick of the Aerospace Association.

When I asked Mr. Bonner whether he had some responsibility for the Emerson Report file, Mr. Bonner replied that he did not know what the Emerson Report was, adding that he had never read it. When asked whether he would consider the Aerospace Association a stakeholder of HRSDC, Mr. Bonner replied only that there is no Canadian person or company that is not a stakeholder of HRSDC.

On October 8, 2013 Mr. Triemstra of NPR sent an email to Mr. Bonner and Mr. Nieuwoudt to follow-up on the invitation to the Aerospace Association dinner on October 16. The email stated that each of them with a guest were invited to attend the dinner "as our guests". In his response letter, Mr. Bonner confirmed that when he accepted the invitation, he knew that Mr. Triemstra was inviting him on behalf of the Aerospace Association. Mr. Nieuwoudt did not attend.

At the request of Ms. Harvey of NPR, Mr. Bonner was seated at a table purchased by Mr. Greg Yeldon, an Aerospace Association board member chairing the Aerospace Association's Skills Committee. Mr. Yeldon told my Office during an interview that Mr. Bonner was seated at his table because Mr. Bonner was with HRSDC and the Aerospace Association wanted Mr. Yeldon to explain to Mr. Bonner the importance of having the Emerson Report recommendations related to employment and skills development implemented by HRSDC.

Mr. Yeldon told my Office that during the dinner he told Mr. Bonner about his role with the Aerospace Association, especially his role chairing the People and Skills Working Group. He stated he was sure they had discussed generally the Aerospace Association's priorities and the recommendations made in the Emerson Report and the People and Skills Working Group Report and that he had suggested a follow-up meeting with Mr. Bonner to discuss the reports in greater detail. Mr. Yeldon also told my Office that during the dinner, Mr. Bonner offered to set up a meeting between the Aerospace Association and Minister Kenney.

In an email dated October 21, 2013, Mr. Yeldon wrote that, as he and Mr. Bonner had discussed, he was providing Mr. Bonner with Internet links to access the Emerson Report and the People and Skills Working Group Report. He also stated in the email that he appreciated Mr. Bonner's offer to arrange a meeting between the Aerospace Association and Minister Kenney and proceeded to request a meeting with Mr. Bonner as well to review the recommendations in the two reports, set out the Aerospace Association's priorities, get feedback from Mr. Bonner and discuss next steps before briefing the Minister.

In his reply to Mr. Yeldon's October 21, 2013 email, Mr. Bonner wrote that he enjoyed their chat and stated that they should meet as soon as they could, and copied the Minister's scheduling assistant to set up a meeting between himself and Mr. Yeldon.

During his first interview, Mr. Bonner told me that he did not know who was at his table and was unaware of who purchased it, although he said that no Aerospace Association member was at his table. He stated that to the best of his knowledge, there was no discussion about HRSDC's mandate or about the Aerospace Association. Mr. Bonner added that, to the best of his recollection, the discussion concerned Mr. Bonner's background in Byzantine and Iranian history and languages.

Mr. Yeldon testified that he was at the table and that he told Mr. Bonner during the dinner about his role with the Aerospace Association and discussed the Aerospace Association's priorities relating to the report of the People and Skills Working Group and the Emerson Report. When Mr. Yeldon's testimony was presented to Mr. Bonner during his second interview, Mr. Bonner said at first that he had no recollection of any such discussion or any similar



discussion. However, later in the same interview, he said that Mr. Yeldon may have mentioned some elements of the content of the reports or alluded to what they deal with at the dinner.

During his second interview, Mr. Bonner denied offering to arrange a meeting between the Aerospace Association and the Minister, adding that it does not fall within his power to do so.

Meeting of November 13, 2013

A meeting was held on November 13, 2013, between Mr. Bonner and Mr. Yeldon. Ms. Lucie Boily, Vice President, Policy and Competitiveness of the Aerospace Association, also attended the meeting. The Aerospace Association reported the meeting in the federal Registry of Lobbyists, setting out the subject matter of the communication as employment and training.

Mr. Yeldon told my Office that he had discussed the Emerson Report and the People and Skills Working Group report recommendations in detail with Mr. Bonner at this meeting, as well as the Aerospace Association's priorities from a public policy perspective.

Mr. Bonner did not recall discussing either of the reports with Mr. Yeldon on November 13. He told me that he told the Aerospace Association representatives that he had no control over, or involvement with, any dealings that they may have with the HRSDC department, and that he could and would do nothing for them.

There were no further meetings between Mr. Bonner and the Aerospace Association.

Payment for the Annual Aerospace Reception and Dinner

Mr. Yeldon informed my Office that the cost of the table was \$1,650 for 10 seats, or \$165 per person plus tax.

On February 4, 2014, Mr. Bonner contacted Mr. Triemstra at NPR to find out the value of the ticket for the October 16, 2013 dinner and was informed that the value of the ticket was \$170, but that the government rate was \$70.

On February 6, 2014, Mr. Bonner paid the Aerospace Association \$70 plus tax.

Invitation from Forest Products Association of Canada

According to its website, the Forest Products Association of Canada (Forest Products) describes itself as “the voice of Canada's wood, pulp and paper producers nationally and internationally in government, trade and environmental affairs.” Forest Products advocates on the forest industry's behalf and is registered to lobby the federal government on a number of subject matters, including labour, employment and training.



In the fall of 2013, the federal Registry of Lobbyists shows that Forest Products was registered to lobby HRSDC, and a number of other federal departments in support of matters relating to the “forest sector’s current and future employment needs. (e.g. EI, Immigration, Mobility, Skilled Trades, Accreditation Policy, Labour Market Information, Apprenticeship, Canada Job Grant).”

Meeting of September 20, 2013

In his written response to our request for information, Mr. David Lindsay, President and CEO of Forest Products, wrote that Forest Products was seeking to establish a contact with HRSDC following the Cabinet shuffle of July 15, 2013. He mentioned that Ms. Francesca Iacurto, Forest Product’s Director of Government and External Relations, sent an email to Minister Kenney’s office on September 9, 2013, stating that she was:

[. . .] looking to make contact with someone in your office for the purpose of ‘meeting and greeting’ – i.e., simply providing an overview of our sector, and discussing if/how FPAC can help assist the Minister carry out his priorities generally.

A meeting was scheduled for Ms. Iacurto for September 20, 2013 with Mr. Robert Larocque, Director, Environment and Labour Market Policies at Forest Products, along with one of Mr. Bonner’s colleagues. Although Forest Products was not aware that Mr. Bonner would be attending, Mr. Bonner was also present at the meeting.

Forest Products reported this meeting in the federal Registry of Lobbyists. Mr. Bonner said that, at the meeting, the discussion centred on logging, cutting down trees for the pulp and paper industry, the number of employees, training, and Aboriginal peoples. Mr. Bonner told me that the purpose of the meeting was to get to know one another. He also indicated that he had told Forest Products that he had neither control over, nor involvement in, any dealings that they may have with the HRSDC department. He told me that he said that he could and would do nothing for them.

According to Ms. Iacurto’s notes of that meeting, Forest Products had discussed the “greenest workforce” (an online forest products industry resource and recruitment tool), as well as employment insurance, temporary foreign workers, and data on Forest Product’s area of the Canadian economy. The notes also indicated that they had discussed an invitation that Mr. Lindsay had sent, on behalf of Forest Products, to Minister Kenney on August 22, 2013, in which he invited the Minister to attend Forest Product’s board meeting in December 2013.

The invitation letter to Minister Kenney identified “a shortage of labour, especially in the skilled trades” as a critical challenge for the forest products industry. It stated, “[. . .] our Board would appreciate the opportunity to have a personal dialogue with you to discuss these issues



further, and explore additional ways of partnering with government to address our current and future recruiting challenges.”

According to Ms. Iacurto’s notes of the meeting, Mr. Bonner and his colleague were given a copy of the invitation to the Minister, the invitation was discussed and “they [Mr. Bonner and his colleague] seemed interested”. During his second interview, Mr. Bonner was asked whether he could tell us anything about Forest Product’s invitation to the Minister and Ms. Iacurto’s note indicating that he and his colleague “seemed interested”. Mr. Bonner replied, “I have no control of or interest in the Minister’s schedule. I don’t know if this meeting took place or when it took place and I don’t know for what purpose”. Mr. Bonner said that he did not recall receiving a copy of the invitation in question and that he did not know whether Ms. Iacurto followed up with anyone in the Minister’s office about the invitation.

Annual Alumni Dinner of the Parliamentary Internship Programme

The 2013 annual Alumni Dinner of the Parliamentary Internship Programme, a fundraising event, was held on November 5, 2013. This event was an evening in honour of the Right Honourable Kim Campbell, P.C.

Mr. Lindsay mentioned that, as a sponsor of the Parliamentary Internship Programme, Forest Products had reserved a table for eight people at a cost of \$125 per person. He wrote that, as the date approached, Forest Products looked to fill its seats and invited Mr. Bonner since they thought he may have been interested because of his political background and because he was from an age group similar to that of the parliamentary interns.

My Office asked Forest Products for a copy of the email invitation to Mr. Bonner. Ms. Iacurto replied that they did not have a copy, but that it would have included a short description of the event and the related logistical information. She added that Mr. Bonner’s assistant confirmed his presence by telephone.

In his second interview, I asked Mr. Bonner whether he had concerns about accepting the invitation, given that he had met with Forest Products on September 20, 2013. He said he did not.

Mr. Bonner attended the event and was seated at a table with Mr. Lindsay, Ms. Iacurto and Mr. Larocque. Mr. Bonner told me that during the evening, there was no discussion relating to his work or to Forest Products’ interests. He said they talked about Canadian history, particularly the Northwest Rebellion of 1885, and Guy Fawkes Day, which happened to be that day. Mr. Lindsay stated in his letter that no discussions relating to Mr. Bonner’s responsibilities took place that evening. Mr. Bonner, Mr. Lindsay and Ms. Iacurto all confirmed that there were no follow-up or further meetings between Forest Products and Mr. Bonner.



Payment for the Annual Alumni Dinner

Mr. Bonner telephoned Ms. Iacurto on February 4, 2014 to ask about the price of his ticket to the Alumni Dinner of the Parliamentary Internship Programme. Ms. Iacurto confirmed in an email that the cost was \$125. Mr. Bonner paid Forest Products \$125 on February 6, 2014.





MR. BONNER'S POSITION

Mr. Bonner's position is that he did not contravene section 11 of the *Conflict of Interest Act* (Act).

In his response letter of February 28, 2014, Mr. Bonner said that he did not believe there had been any impropriety whatsoever. None of the three organizations that had given him invitations had made any requests of him. He wrote that the invitations were to standard annual Ottawa social events and that it was commonplace that guests, including public office holders, be invited to attend. He said that the price of the tickets to each event was less than \$200.

Mr. Bonner noted that, when he was hired by Minister Kenney, he was new to Ottawa and only recently returned to Canada after a very long absence abroad and "with a wide mandate to conduct outside liaison on behalf of the Minister's office." He wrote that the events in question were all part of the "Ottawa Scene" and appeared to him to be the type that he should be attending in terms of the outreach he was supposed to be doing.

Mr. Bonner suggested that it was possible that the organizations that had invited him wanted to enhance their public image by being seen as contributing to the success of the events in question because they had public office holders at their table, but that did not mean that they should be seen as trying to influence him.

Mr. Bonner wrote that he assumed he was invited to the National Arts Centre Gala by Mr. Cory McPhee of Vale Canada Ltd., because he had some previous acquaintance with Mr. McPhee, who had been a client of Allan Bonner Communications Management Inc. where Mr. Bonner had worked before becoming a public office holder.

He also noted that the scope of his department's mandate is so vast that practically everyone in Canada is affected by one of its programs. Therefore, according to Mr. Bonner, "it cannot be the case that any hospitality, however modest, offered to anyone associated in any way with HRSDC might reasonably be seen to be given to influence that person, within the meaning of section 11 of the Act".

With respect to his meetings with officials from Vale, the Aerospace Association and the Forest Products Association, Mr. Bonner wrote that these officials wished to make contact with him, the new Senior Policy Advisor in the new Minister's office following the cabinet shuffle, to get acquainted. He wrote that at the beginning of each meeting each stakeholder said that the purpose of the meeting was essentially social and "to get to know me".



He wrote that he then told them all the same thing: that he had no control of, nor involvement in, any dealings which they may have with the department, and that he could and would do nothing for them. Mr. Bonner wrote that in his view, none of the meetings constituted lobbying per se in that he was not asked to do anything on a particular bill, contract or policy, etc., and that none of the three organizations had made any requests of him.

Mr. Bonner is also of the view that the exception of the Act should apply to the invitations, and believes they are a “normal expression of courtesy or protocol, or are within the customary standards that normally accompany the public office holder’s position.” Mr. Bonner argued that this exception applies given that these events are such a regular part of the annual “Ottawa scene”, and that inviting public office holders is not only standard for the events but likely crucial to their success.

Mr. Bonner noted in his letter that, without any acknowledgement of impropriety in accepting the invitations, he had since paid for the costs of the dinner tickets himself. He stated that he had paid \$195 each for 2 tickets to the NAC Gala, \$70 plus tax for a ticket to the Annual Aerospace Reception and Dinner and \$125 for a ticket to the Parliamentary Internship Dinner.



ANALYSIS AND CONCLUSIONS

Analysis

It is alleged that Mr. Bonner contravened section 11 of the *Conflict of Interest Act* (Act) by accepting the following invitations:

- an invitation from Vale Canada Ltd. to the National Arts Centre Gala;
- an invitation from the Aerospace Industries Association of Canada to its Annual Aerospace Reception and Dinner; or
- an invitation from Forest Products Association of Canada to the annual Alumni Dinner of the Parliamentary Internship Programme.

The relevant portions of section 11 read as follows:

11. (1) No public office holder or member of his or her family shall accept any gift or other advantage, including from a trust, that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

(2) Despite subsection (1), a public office holder or member of his or her family may accept a gift or other advantage

(a) that is permitted under the Canada Elections Act;

(b) that is given by a relative or friend; or

(c) that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position.

I must determine whether a reasonable person with knowledge of the relevant facts would conclude that the invitations had been given to influence Mr. Bonner in respect of an official power, duty or function.

If I conclude that an invitation was unacceptable under subsection 11(1) of the Act, then I must determine whether the exception in paragraph 11(2)(c) applies with respect to that invitation, that is whether it was received as a normal expression of courtesy or protocol, or was within the customary standards that normally accompany the public office holder's position.



I will consider each of the invitations separately.

Invitation from Vale to the National Arts Centre Gala

When Vale offered Mr. Bonner tickets to the NAC Gala in September 2013, Vale was registered in the federal Registry of Lobbyists to lobby the Department of Human Resources and Skills Development Canada (HRSDC) in respect of several matters, including “Aboriginal Training: Information on current skills and training programs and potential synergies with Vale Inco Operations in Canada”.

Mr. Bonner told me that he was responsible for Aboriginal labour market programming in Minister Kenney’s office. He was involved in the evaluation of the program and decisions on whether it should be renewed. In addition, one of Mr. Bonner’s responsibilities was to liaise with stakeholders. At the time the invitation was extended, it was reasonable to assume that Mr. Bonner would be involved in meetings with Vale or participating in policy discussions in the Minister’s office relating to Vale and its Voisey’s Bay project. Vale officials did in fact meet with Mr. Bonner to discuss the Voisey’s Bay project and the Aboriginal workforce training component on October 4, 2013.

The mere fact that Vale was a stakeholder of HRSDC and was registered to lobby the department, particularly in relation to Aboriginal training, should in itself have put Mr. Bonner on notice that the invitation from Vale might reasonably be seen to have been given to influence him, as Senior Policy Advisor with regard to the Aboriginal labour market programming file.

Mr. Inwood, Senior Associate General Counsel at Vale, was very forthcoming as to why Vale offered the invitations to Mr. Bonner. He stated in his letter to my Office that Mr. Bonner was invited because Vale saw HRSDC as an important constituent with regard to a new partnership that Vale wanted to build with the Aboriginal community and the federal government for its new mining project in Voisey’s Bay. He wrote that Vale had begun discussions with federal departments on workforce training requirements for the new project.

In fact, the email invitation dated September 13, 2013 to Mr. Bonner stated that during the Gala, Vale’s Vice-President of Corporate Affairs, Mr. McPhee, would want to tell Mr. Bonner about Vale’s new Voisey’s Bay project in northern Labrador and that skills and training were an important area of focus. The invitation referred to agreements with the Innu and the Inuit people.

I find that the invitation “might reasonably be seen to have been given to influence” Mr. Bonner in respect of his official responsibilities and he should not have accepted it.

It is interesting to note, as well, that Mr. Inwood wrote to my Office that Mr. McPhee did, in fact, have a short discussion with Mr. Bonner about the project at the end of the Gala evening and said he would follow-up with a meeting with Mr. Bonner.

As for the exception in paragraph 11(2)(c) for a gift that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position, I am satisfied that it does not apply. My *Guideline on Gifts (including Invitations, Fundraisers and Business Lunches)*, published in July 2011, states that the Office considers a normal expression of "courtesy or protocol" to be a token expression of appreciation in the context of some official interaction. An example would be a token thank you gift following an appearance, speech or presentation.

Nor do I consider the invitation to be within the customary standards that normally accompany Mr. Bonner's position as Senior Policy Advisor in Minister Kenney's office. My guideline on gifts states that what is considered to be within the "customary standards" of a position depends on the circumstances. In this guideline, I gave the example of a gift given by an official from a foreign or international organization who is visiting a public office holder as a gift that would normally be covered by this exception.

Therefore, I find that Mr. Bonner contravened section 11 of the Act by accepting the invitation from Vale to attend the National Arts Centre Gala.

Invitation from the Aerospace Industries Association of Canada to Its Annual Aerospace Reception and Dinner

In September 2013, when Mr. Quick, President of Aerospace Industries Association of Canada (Aerospace Association), invited Mr. Bonner to the Annual Aerospace Reception and Dinner, the Aerospace Association was registered to lobby HRSDC. Before accepting the invitation, Mr. Bonner was aware that the Aerospace Association was a stakeholder of HRSDC. This information was sufficient to put him on notice, as in the case of Vale, that the officials of the Aerospace Association might well be trying to influence him.

In August 2013, Mr. Bonner had agreed to meet with Mr. Quick who wanted to provide him with an update on the progress of the implementation of the Emerson Report recommendations. The Emerson Report was prepared by an external advisory committee following a review in which Mr. Yeldon, a director of the Aerospace Association, had been involved.

On October 8, 2013, a week before the event, Mr. Bonner and Mr. Nieuwoudt, then Deputy Chief of Staff and Director of Policy, received an email from Mr. Triemstra from National Public Relations, advising that they should have received invitations to the event. In the email,



Mr. Triemstra asked if Mr. Bonner would be interested in attending the event as the guest of NPR. Mr. Triemstra was one of the lobbyists at NPR registered to lobby HRSDC on behalf of the AIAC in respect of employment and training and was conducting outreach to public office holders as it related to the implementation of the Emerson Report. It was also Mr. Triemstra who emailed Mr. Bonner twice in August 2013 requesting that a meeting be arranged with Mr. Quick to discuss the Emerson Report. Mr. Bonner should certainly have realized then that the invitation might be part of a government relations strategy developed by NPR for the Aerospace Association and that it was related to his duties as a senior policy advisor.

Mr. Bonner told me that, before accepting the invitation, he had researched the Aerospace Association's website but made no connection with the earlier meeting request. I do not find Mr. Bonner's evidence in this regard to be credible, particularly in light of the short duration of time between when he agreed to meet with Mr. Quick and when he received the invitation. Upon receiving the invitation, Mr. Bonner should again have been put on notice that the Aerospace Association wanted to cultivate a relationship with him in order to advance its interests in connection with the Emerson Report.

In my opinion, it should have been clear to Mr. Bonner that the invitation "might reasonably be seen to have been given to influence" him in the performance of his official duties and functions.

In fact, Mr. Yeldon discussed the Emerson Report and the report of the People and Skills Working Group with Mr. Bonner at the dinner and requested a follow-up meeting with Mr. Bonner, which took place on November 13, 2013.

In my view, the exception in paragraph 11(2)(c) for a gift that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position, does not apply for the reasons set out above in relation to the invitation from Vale.

Mr. Bonner should not have accepted the invitation to the Annual Aerospace Reception and Dinner from the Aerospace Association. For these reasons, I find that Mr. Bonner contravened section 11 of the Act in doing so.

Invitation from Forest Products Association of Canada to the Annual Alumni Dinner of the Parliamentary Internship Programme

In the fall of 2013, when Forest Products Association of Canada (Forest Products) invited Mr. Bonner to the annual Alumni Dinner of the Parliamentary Internship Programme, Forest Products was a stakeholder of HRSDC and was registered in the federal Registry of Lobbyists to



lobby HRSDC in respect of several matters, including the “forest sector’s current and future employment needs (e.g. EI, Immigration, Mobility, Skilled Trades, Accreditation Policy, Labour Market Information, Apprenticeship, Canada Job Grant).”

As in the cases of Vale and the Aerospace Association, this should have been sufficient to put Mr. Bonner on notice that Forest Products might well have been seeking to influence him.

Before receiving this invitation, Mr. Bonner and a colleague in the Minister’s office had met on September 20, 2013 with Ms. Iacurto, Forest Products’s Director, Government and External Relations, and Mr. Larocque, Director, Environment and Labour Market Policies. At the meeting, several matters within HRSDC’s mandate were discussed. Forest Products’ officials shared with Mr. Bonner a letter that had been sent to Minister Kenney inviting him to attend a Forest Products directors’ meeting to discuss a shortage of labour in the forestry industry, particularly skilled trades and a current partnership with Minister Kenney’s department for a recruitment campaign.

Unlike the cases of Vale and the Aerospace Association, there was a reasonable possibility that, as Mr. Lindsay, President and CEO of Forest Products, has testified, Forest Products had no other motivation than to fill seats at the event and had invited Mr. Bonner because of his age and political background. However Forest Products’ motivation for inviting Mr. Bonner was neither communicated to nor known by Mr. Bonner at the time he considered and accepted the invitation. Furthermore, the motivation of Forest Products in inviting Mr. Bonner is not relevant in determining whether it could reasonably be seen that the invitation was given to influence Mr. Bonner.

It is my view that given that Forest Products was a stakeholder and was registered to lobby HRSDC in respect of federal employment matters, and that its officials had met with Mr. Bonner on September 20, 2013 to discuss matters relating to HRSDC’s mandate, this should have been enough to put Mr. Bonner on notice that the invitation “might reasonably be seen to have been given to influence” him in the performance of his official duties and functions.

In my opinion, the exception in paragraph 11(2)(c) for a gift that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder’s position, does not apply for the same reasons set out above in my analysis of the invitation from Vale to the National Arts Centre Gala.

For these reasons, Mr. Bonner should not have accepted the invitation and in accepting it, he contravened section 11 of the Act.



Payment for the Invitations

As set out in the Findings of Fact, Mr. Bonner quickly made payments for these three events after he received my letter dated February 3, 2014, informing him that I was launching this examination.

I note that public office holders are encouraged to contact my Office for confidential advice before accepting gifts or other advantages. In some instances, public office holders contact my Office after receiving a gift or other advantage. Where it is determined that such gifts or other advantages are not acceptable under the test in subsection 11(1) and are not covered by the exceptions in subsection 11(2), I have allowed the public office holders to return the gift to its donor. Where a return is impossible given the nature of the gift, I have allowed the public office holder to pay the donor the fair market value of the gift. I have taken this approach as a general rule in order to encourage individuals to consult my Office about the acceptability of gifts.

The case of Mr. Bonner is very different. In the present matter, Mr. Bonner did not contact my Office for advice to ensure his compliance with his obligation under the Act when he received the invitations and attended the events. He did not make the payments for the invitations until shortly after he received my letter of February 3, 2014, advising him that I was launching this examination.

Conclusion

I have determined that all three invitations, the first from Vale to the National Arts Centre Gala, the second from the Aerospace Association to its Annual Aerospace Reception and Dinner, and the third from Forest Products to the Alumni Dinner of the Parliamentary Internship Programme, constituted a gift or other advantage accepted by Mr. Bonner that could reasonably be seen to have been given to influence him in the exercise of an official power, duty or function.

I have also determined that the exceptions in paragraph 11(2)(c) do not apply in relation to these invitations.

Therefore, I find that Mr. Bonner contravened section 11 of the Act by accepting the invitations in each case examined in this report.



OBSERVATIONS

Although this case deals with one public office holder and a specific set of circumstances, there are more general observations to be made. The report will, hopefully, serve as a reminder to all public office holders of their obligations with respect to the acceptance and disclosure of gifts and other advantages.

The *Conflict of Interest Act* clearly states that public office holders must not accept any gift or advantage that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function.

I often hear from individuals subject to the regimes that I administer that they cannot be swayed by gifts or other advantages given to them in the course of their duties. That may be the case, and I believe in most instances that it may well be so. However, that is not the issue.

The test is not whether the donor intended to influence the recipient, nor whether that recipient was indeed influenced. The test is whether a reasonable person might reasonably think that the gift or other advantage was given to influence the individual receiving the gift.

To provide greater clarity on this issue, I have published on my website a guideline on gifts that explains the gift rules in greater detail. I strongly urge public office holders to consult the guideline, to exercise caution in the area of gifts, and above all to seek advice from my Office in determining whether to accept any gift.





SCHEDULE: LIST OF WITNESSES

Except where noted, the names of all witnesses are listed below according to the organizations to which they belonged at the time of the events that are the subject of this examination.

Interviews

Aerospace Industries Association of Canada

- Mr. Gregory Yeldon, Director

Employment and Social Development Canada

- Ms. Krista Wilcox

The member of the public who brought the concerns to our attention

Written submissions

Vale Canada Ltd.

- Mr. Kevin Inwood, Senior Associate General Counsel

Aerospace Industries Association of Canada

- Mr. Jim Quick, President and CEO
- Mr. Gregory Yeldon, Director

Forest Products Association of Canada

- Mr. David Lindsay, President and CEO
- Ms. Francesca Iacurto, Director of Government and External Relations

NATIONAL Public Relations Inc.

- Mr. Chris Froggatt, Managing Partner, Ottawa office

National Arts Centre

- Ms. Rosemary Thompson, Director of Communications and Public Affairs

Employment and Social Development Canada

- Mr. Charles Nixon, Chief Information Officer

Office of the Minister of Employment and Social Development

- Mr. Gerrit Nieuwoudt, Acting Chief of Staff

