



Presentations & Speeches *CHECK AGAINST DELIVERY*

Opening remarks before the House of Commons Standing Committee on Access to Information, Privacy and Ethics

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Mr. Chair,

Honourable members of the Committee,

Thank you for inviting me here today. My name is Lyne Robinson-Dalpe and I am the Director of Advisory and Compliance at the Office of the Conflict of Interest and Ethics Commissioner.

Today, I will address an important aspect of the *Conflict of Interest Act*: the post-employment rules that are administered by our Office and found in Part 3 of the Act. These rules are in place to ensure that individuals who leave public office do not misuse their insider knowledge or influence for personal gain. All post-employment rules apply to reporting public office holders while only certain rules apply to public office holders.

So, what exactly do these rules entail? Some are time bound and some apply indefinitely.

Firstly, after leaving public office, individuals are prohibited from accepting board positions, offers of employment, or contracts for a specific period. This cooling-off period varies depending on the position held. It applies to all reporting public office holders and is of a duration of one year for most, except in the case of ministers where its duration is of two years. The purpose of this rule is to prevent former reporting public office holders from using their connections to secure positions immediately after leaving office where they had both direct and significant official dealings.

Direct and significant dealings are determined case-by-case. Most registered communications in the lobbying registry are significant dealings; however, each of them must be reviewed based on fact to ensure appropriate advice is provided.

Secondly, during this same cooling-off period, those same individuals are restricted from making representations—even if they are unpaid—to departments and organizations where they had direct and significant official dealings.

These two rules are found in subsections 35(1) and (2) of the *Conflict of Interest Act*.

There is a third restriction in subsection 35(3) specific to former ministers that prohibits them, during the same two-year cooling-off period, from making representations to a current minister who was also a minister at the same time as they were.

Further, during the cooling-off period, communications and meetings arranged with any public officer holder as defined under the *Lobbying Act*, need to be captured on a form for filing activities under section 37 of the *Conflict of Interest Act*, which is available on our website, regardless of whether the meeting actually took place or whether the former reporting public office holder attended the meeting.

These are the rules that are time bound and apply only to reporting public office holders.

Additional post-employment rules apply to all former public office holders, regardless of the type of position the person held, and apply for life. These matters are related to the specific area of their previous responsibilities and found in sections 33 and 34 in Part 3 of the Act.

No person who has ever been subject to the *Conflict of Interest Act* can take improper advantage of their previous office for personal benefit or influence in a manner that raises questions about integrity and conflicts of interest.

Nor can a person “switch sides” on any matter for which they acted or provided advice to the Crown by then aligning with another person or organization for the opposing side.

Finally, they cannot provide advice based upon information obtained while they were a public office holder that is not available to the public.

For these lifetime prohibitions, there are no exemptions, waivers, or reductions.

The *Conflict of Interest Act* is in place to maintain public trust and confidence in the integrity of public institutions. The rules are to ensure that decisions made while in office are based on what is best for the public, rather than personal gain. Imposing restrictions on post-employment activities can help prevent conflicts of interest and the misuse of insider information.

The post-employment rules are to be taken seriously to protect the public interest and hold individuals accountable for their actions. Violations of the rules can lead to an examination and a subsequent report or can even lead to the issuance of an order demanding any current public office holder to not have official dealings with the former public office holder.

In the matter which has brought us together today, I can confirm Mr. Bains has permitted the Office to confirm publicly that he sought and obtained advice from the Office on post-employment. He is past the two-year cooling-off period and is at liberty to accept employment, while keeping in mind that sections 33 and 34 of the Act apply indeterminately.

In conclusion, the *Conflict of Interest Act* includes important post-employment rules to prevent former public office holders from using their influence or insider knowledge for personal gain. These rules establish cooling-off periods and restrict certain activities that apply for life. By doing so, we safeguard the integrity of our public institutions and maintain the trust of the Canadian people.