



## Information Notice for Public Office Holders

# Post-employment rules

Here is some general information to help public office holders understand the [Conflict of Interest Act](#). You should also read other [information notices](#) about the Act's rules. Get confidential advice by calling 613-995-0721 or by [sending us an email](#).

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

The *Conflict of Interest Act* contains rules that you must follow even after you leave public office. There are post-employment rules for all former public office holders, and extra rules for former reporting public office holders and ex-ministers.

1. [Rules for all former public office holders](#)
2. [Extra rules for former reporting public office holders](#)
3. [Extra rules for former ministers and ministers of state](#)
4. [Requesting an exemption, reduction, or waiver](#)
5. [Reporting certain activities to the Commissioner](#)
6. [What happens if I do not follow the post-employment rules?](#)

## 1. 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](#). You are not allowed to work for or represent a person or organization on a legal matter, deal, negotiation or case if you previously worked for or advised the government on it.
- Advise a client, business associate or employer [using information](#) you got while in office and that is not available to the public.

## 2. Extra rules for former reporting public office holders

You must observe what is commonly called a “cooling-off period” after 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 office holders.

During that time, you must not:

- work for, contract with or serve on the board of directors of an entity, other than a public sector entity<sup>i</sup>, if you had **direct and significant official dealings** with it during your last year in public office;<sup>ii</sup>
- make representations on behalf of a person or entity to a department, organization, board, commission, or tribunal that you had **direct and significant official dealings** with during your last year in public office.<sup>iii</sup>

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

Dealings are **official** if they are about government business and activities.

**Direct** dealings do not necessarily require personal contact. They can be direct if you tell staff to act on your behalf. They can also be direct if you influence a decision or exercise authority and decision-making power in relation to them.

Whether dealings are **significant** depends on several factors. These include:

- The importance of their subject matter to either of the parties involved.
- The role you played before or during them and if you followed up after within your organization or with the entity.
- Their nature and subject matter (for example, if the dealings were about a request for funding, policy changes or legislation).

Determining if you have had direct and significant official dealings with an entity depends on the circumstances of each case. Please contact your advisor for guidance.

During your cooling-off period, you must also tell the Commissioner about certain communications and meetings you arrange with public office holders. (Please see item 5.)

### **3. Extra rules for former ministers and ministers of state**

During your 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.

### **4. 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 apply during the cooling-off period. There are eligibility criteria in the Act.

Any reporting public office holder or former reporting public office holder may ask the Commissioner to [waive or reduce the cooling-off period](#). The Commissioner will consider the factors listed in the Act and decide if it is in the public interest to grant a waiver or reduction.

If one is granted, the Commissioner will publish the decision and the reasons for it in the public registry.

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

### **5. Reporting certain activities to the Commissioner**

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

#### **Who is considered a public office holder for purposes of this section?**

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

## 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 such a bill or resolution;
- the making or amendment of regulations;
- the development or amendment of any Government of Canada policy or program;
- the awarding of a grant, contribution, or other financial benefit by the Government of Canada;
- the awarding of a contract by or on behalf of His Majesty in right of Canada.

You must also report any meetings you have arranged between a public office holder and any other person, whether or not the meeting actually happens and whether or not you attended. You must report these communications and meetings even if, in your view, no lobbying has taken place.

## How do I report them?

You must file a [section 37 return](#) and should do so as soon as possible.

You must also inform the Commissioner if any information in a section 37 return is no longer correct or if, since filing it, you have learned new information that the form requires.

## 6. What happens if I do not follow the post-employment rules?

If the Commissioner has reason to believe any public office holder has not met their post-employment obligations, the Commissioner may investigate and report publicly on the investigation.

If the Commissioner finds a former reporting public office holder has not followed the post-employment rules, the Commissioner can [order](#) current public office holders not to have any official dealings with them.

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<sup>i</sup> Public sector entity, as defined in the *Conflict of Interest Act*, means a department or agency of the Government of Canada, a Crown corporation established by or under an Act of Parliament or any other entity to which the Governor in Council may appoint a person but does not include the Senate and House of Commons.

<sup>ii</sup> See, for example, [The Kosick Report](#) and [The Toews Report](#).

<sup>iii</sup> See, for example, [The Sullivan Report](#).