



Office of the
**Integrity
Commissioner
of Ontario**

ENCOURAGING
A CULTURE OF
INTEGRITY

Annual Report

2023-2024



Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Office of the Integrity Commissioner
J. David Wake, K.C., Commissioner

Bureau du commissaire à l'intégrité
J. David Wake, c.r., commissaire

June 2024

The Honourable Ted Arnott
Speaker of the Legislative Assembly of Ontario

Dear Mr. Speaker,

It is an honour to present the Annual Report of the Office of the Integrity Commissioner for the period April 1, 2023, to March 31, 2024.

Sincerely,

J. David Wake, K.C.
Integrity Commissioner



TABLE OF CONTENTS

Commissioner's
Message

3

The Integrity Commissioner's
review of the year

Outreach

10

Outreach, training and
speaking events

Members'
Integrity

11

Advising MPPs on conflict
of interest matters and
ethical behaviour

Ministers' Staff Ethical
Conduct

22

Advising and directing
ministers' staff on conflicts of
interest, political activity and
post-employment obligations

Public Sector
Ethics

30

Advising and directing senior
public servants on the Conflict
of Interest Rules and political
activity restrictions

Expenses
Review

35

Two mandates to ensure
accountability and
encourage prudence
in travel expense spending

Disclosure of
Wrongdoing

40

Ensuring a meaningful
response when public
servants make allegations
of wrongdoing

Lobbyists
Registration

50

Providing transparency about
who is talking to whom in
government and about what

Financial
Statement

59



Year in Review

413

MPP INQUIRIES

57

ADVISORY OPINIONS TO LOBBYISTS

3

LOBBYING INVESTIGATIONS CONCLUDED

9

DISCLOSURES OF WRONGDOING
INVESTIGATED AND CONCLUDED

32

DISCLOSURES OF WRONGDOING SUBMITTED

3,446

ACTIVE LOBBYISTS

204

MINISTERS' STAFF INQUIRIES

31

OUTREACH, TRAINING AND SPEAKING EVENTS

3,304

EXPENSE CLAIMS REVIEWED

174

MEDIA INQUIRIES

183

PUBLIC SECTOR ETHICS MATTERS ADDRESSED

41

ETHICS EXECUTIVES TRAINED

Commissioner's Message

This is my ninth annual report as Integrity Commissioner and most likely my last. I have indicated a desire to retire at the end of 2024, or shortly thereafter, which is a year before the expiration of my second term. After nine years as Ontario's Integrity Commissioner, it is time to turn the increasingly demanding duties of this position over to someone else. It has been an honour and a privilege to have been an independent officer of the Legislative Assembly of Ontario for this length of time. I will certainly miss the daily stimulation of dealing with the issues arising in each of the mandates of the Office.

The full mandate reports follow, but, since this is my last report, I wish to use this message to reflect briefly on the progress, achievements and challenges of each mandate since I started on February 1, 2016. At that time, the Office employed 13 people in six mandates. Today, we are funded for 29 people, we completed a successful merger with the Office of the Conflict of Interest Commissioner in 2019, which effectively added a seventh mandate, and we managed to adapt to pandemic conditions over several years to provide unbroken services to all our stakeholders.



J. David Wake, K.C.
Integrity Commissioner

MEMBERS' INTEGRITY

When I started in 2016, there were 107 MPPs. Following the 2018 election, that number increased to the current 124 members. This 16% increase in the number of members had a corresponding increase in work for me and my staff in terms of inquiries received for advice and for time spent reviewing each member's financial disclosure and then meeting with the member to discuss it and their other obligations under the *Members' Integrity Act, 1994* (MIA).

I note that of the 107 members in place upon my arrival, only 23 are still in office. The reasons for the short tenure of members are varied. Political defeat was certainly one cause, but many members have elected to leave political office to pursue other opportunities or further their political careers by becoming federal members of Parliament. I cannot help but think that one of the factors contributing to the turnover of members in the Legislative Assembly is their compensation, which has been frozen since 2008. I have written about this situation in my message from the Office's 2021-2022 report. Had the freeze not been imposed, MPP salaries would have risen by now to over \$150,000, which was the suggested standard of 75% of an MP's salary accepted by the government of the day in 2008. Then the freeze took over.

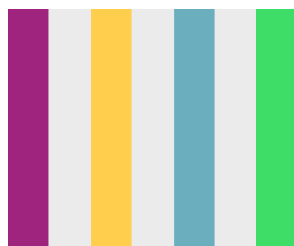
The Office was in the news in the past year due to the complaint under the MIA that led to my inquiry as to whether Minister Clark had contravened that Act resulting from the process used to remove parcels of land from the Greenbelt. A separate area within this report deals with the inquiry on which I embarked. The only thing I would add here is that I am grateful to my staff, who participated in all aspects of the inquiry, but particularly my general counsel, Genevieve Currie, who with the assistance of our investigator, Donna Antonczyk, was instrumental in seeing that we were able to do a complete investigation and produce a timely report.

Since the Office was created 36 years ago, there have been 61 complaints made by one member against another. During my tenure, there have been 26, or 42% of the total. I have issued reports on each of them. I have noted that many of the complaints I have received have escalated in their complexity and in the time it takes to deal with them properly. I would like to think that the Greenbelt matter was an anomaly, since my Office is certainly not set up or resourced to conduct inquiries of that nature on a regular basis.

LOBBYISTS REGISTRATION

Currently, the number of active registered lobbyists is 3,446, which is almost double the number when I started in 2016. I had no power to conduct investigations into potential non-compliance with the *Lobbyists Registration Act, 1998* (LRA) until later in 2016. I have now completed 108 investigations, but many of the investigations of in-house lobbyists had to be ceased when it was determined that they had not reached the 50-hour threshold set out in the LRA for registration. This threshold is an unreasonable stumbling block to effective enforcement of a lobbyist registration regime that should meet the goal of transparency. You can do a lot of lobbying in only a few hours, which does not currently need to be disclosed by in-house lobbyists. By comparison, consultant lobbyists have no such threshold. They must register if all they do is arrange a meeting with a public office holder. I have written about the need for a legislative review of the LRA as well as other pieces of legislation affecting the mandates in my Office, most recently in last year's annual report.

The Auditor General's recommendation in her report on the Greenbelt that there be a legislative review of three principal acts—the MIA, the LRA and the *Public Service of Ontario Act, 2006* (PSOA)—was consistent with the recommendation in my last annual report. I welcome this, with one important caveat: these reviews should be conducted in sequence, beginning with the LRA.



PUBLIC SECTOR ETHICS

Since the merger with the Office of the Conflict of Interest Commissioner in May 2019, we have dealt with 959 matters of the kind previously handled by that Office. This includes advice on whether prospective appointments could present conflict of interest issues and how they might be mitigated, if possible. It also includes the approval of rules put forward by public bodies for their public servants, which must meet the minimum standards set out in the Conflict of Interest Rules before I can approve them. Finally, it includes reviews of financial declarations from public servants who work on matters involving the private sector to ensure there are no conflicts that cannot be mitigated.

When I first took over the duties of the Conflict of Interest Commissioner, I continued the practice of presenting Ethics Executive orientation sessions, which traditionally had been held in person. This involved securing an event location to assemble over 30 senior public servants and their staff and bring people from all over the province to attend the session. The pandemic changed this. We were forced to develop an online presentation to cover the same topics. It has proven to be an acceptable alternative to the old in-person format and to be more convenient and less costly for all participants. Two sessions were presented using the online format this past year. The feedback has been positive, so this format will be continued in the future.

From 2017 to 2019, the Conflict of Interest Commissioner, Sidney B. Linden, and I advocated for the merger of our respective Offices as a sensible way in which our common experience could be combined to deal with conflicts of interest and public sector ethics in the most effective way. Over the last five years, since the merger took place, I am convinced that our original vision for this mandate has been achieved.

MINISTERS' STAFF

For years, I have made in-person and online presentations to ministers' staff, either collectively or to an individual minister's staff at their respective offices. Following the Greenbelt report, the Premier's Office invited us to make a presentation on conflicts of interest to all chiefs of staff and other senior staff of ministers' offices. This was done effectively by Deputy Commissioner Cathryn Motherwell and my staff. The Premier's Office also invited me and my staff to put on a series of three training sessions, in combination with the Information and Privacy Commissioner, in February and March of this year. This was done online to reach all ministers' staff who each attended one of the sessions. Training is an important part of this mandate. My Office is always available to assist ministers in seeing that their staff are fully apprised of the Conflict of Interest Rules and political activity restrictions applicable to them under the PSOA.

As the Ethics Executive for all ministers' staff, I have tried to make staff feel comfortable about contacting me or the Office with their concerns about managing possible conflicts, political activity or post-employment advice. Judging by the decided uptick in the number of requests received by my Office recently, I think our efforts have succeeded. Over the past eight years, I have dealt with over 1,300 requests from ministers' staff, including 204 in the last year.

EXPENSES MANDATES

The travel, meal and hospitality expenses are covered in two separate mandates: one for cabinet ministers, parliamentary assistants, the Opposition leader and their staff and another for senior executives, appointees and the top five expense claimants at agencies, boards and commissions.

The pandemic affected the number of expenses submitted to the Office for review, but in the past year that has started to change as more members and public servants are resuming travel for work.

Currently, my Office reviews the expenses of 16 agencies from a pool of more than 130 (currently 138). As an agency demonstrates compliance with the directive, they are “graduated” and replaced by another agency. Over the past eight years, my Office has reviewed the expense claims of 43 agencies, including the largest agencies in Ontario. Prior to the pandemic, I had hoped to review more agencies by now, but when travel expenses declined during the pandemic, the low number of claims that would have been subject to review would have made the reviews meaningless. Now that travel has resumed, I look forward to expanding the number of agencies we will require to submit their expenses for review.

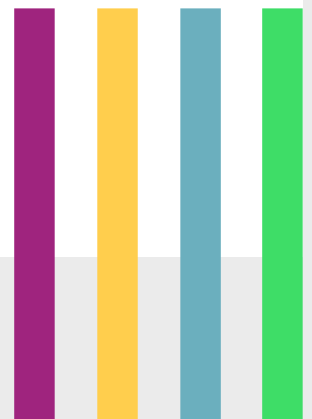
Since I was appointed, my Office has reviewed 30,000 expense claims under both mandates.

DISCLOSURE OF WRONGDOING

When I was appointed in 2016, the Disclosure of Wrongdoing (DOW) mandate, which provides a whistleblowing framework, was emerging from its infancy in Ontario, as well as in other jurisdictions across Canada. The number of disclosures filed was low but increased steadily until the pandemic hit and people started to work from home. The number of disclosures decreased sharply during the pandemic years—possibly because it was less common to witness wrongdoing—but has now risen again. In fact, this past year, my Office received 32 disclosures, the greatest number in any year since the framework went into place. Since 2016–2017, the Office has received 209 disclosures from public servants.

My experience with the DOW framework has been a positive one over the past eight years. Sometimes whistleblowers are seen as difficult people, if not troublemakers. They can be viewed as not being team players rather than as employees who want to disclose potential wrongdoing they have witnessed at work. Their complaints to management in their ministries or public bodies can sometimes go unheeded as a result. Therefore, it is important for them to have access to our Office to give expression to their concerns. Perhaps the most serious disclosure received by my Office during my tenure came to us after the discloser had been frustrated by his manager, who did not take his concerns seriously. When I referred the matter to the discloser’s deputy minister, appropriate and sustained action was taken to rectify the serious safety matter the discloser had identified. The deputy minister kept me apprised of all action taken over several months until the file could be safely closed.

Throughout my time on this mandate, I have received nothing but full cooperation from the deputy ministers and chairs and CEOs of public bodies to whom I have referred a disclosure for investigation and from whom I have required a report back. I have sometimes not been satisfied with the investigation and sent the matter back until I was satisfied. Through this entire process, I have found that the senior public servants to whom I have referred these disclosures have treated them seriously and professionally.



CONCLUSION

During my time as Integrity Commissioner, I have been blessed with a dedicated and professional staff who recognize the importance of the work we do and have provided me with unfailing support. I would like to single out six members of my staff who have been with me throughout my tenure and have been invaluable to me and the operation of this Office. Claire Allen, Team Lead, Lobbyists Registration, who has served the Office and the lobbyist community for close to 27 years; Michelle Renaud, Manager, Communications and Outreach, who has been with the Office for 15 years and often serves as the corporate memory for so many of our mandates; Rebecca Valero and Janelle King, who joined the Office in 2010 and 2011 respectively and are currently working as Senior Expense Review Officers; Kim Fryer-Ellis, Team Lead, Members' Integrity, who has been with the Office for 18 years and provides invaluable support for me in my dealings with all MPPs; finally, and most importantly, Cathryn Motherwell, who has been with the Office since 2009 as a Director and for the last several years as Deputy Commissioner. Cathryn has served as my *alter ego* and has her finger on the pulse of everything that transpires in the Office; she is essential to its smooth operation.

My experience with MPPs, public servants and lobbyists is that most want to do the right thing; sometimes they just need a light to guide them to what the right thing is. This Office serves as an important beacon for that purpose. I have been proud to have led this Office for over eight years and to continue in the months ahead before I retire. I will miss it and the extraordinary people I have met along the way.

I look forward to my final meetings with each MPP this fall, as we are required to do by law, but this time will be different. It will give me an opportunity to end on a personal note, say goodbye and acknowledge the significant work they do.

In the 50 years since I was called to the Bar of Ontario, I have been fortunate to have held many interesting positions as counsel, judge and vice-chair of a federal tribunal. I always thought that the pinnacle of my career occurred when I served for six years as the Associate Chief Justice of the Ontario Court of Justice, but, on reflection, I must conclude that my term as Ontario's Integrity Commissioner has been the most fulfilling. I will always be grateful for having had this opportunity to serve.





INTEGRITY COMMISSIONER'S REPORT RE:

Steve Clark [the Greenbelt inquiry]

In December 2022, Commissioner Wake received a request from Marit Stiles, MPP for Davenport and Leader of the Official Opposition, about actions taken by Steve Clark, MPP for Leeds-Grenville-Thousand Islands and Rideau Lakes and Minister of Municipal Affairs and Housing.

She asked for the Commissioner's opinion on whether Mr. Clark contravened two sections of the *Members' Integrity Act, 1994*, with respect to the decision to allow development on lands in the Greenbelt.

The report was issued on August 30, 2023, after the Commissioner and staff sought evidence from 62 individuals and obtained and reviewed thousands of pages of documents.

INQUIRY FINDINGS

To determine whether Mr. Clark had contravened the Act, it was necessary to establish how each of the properties came to be removed from the Greenbelt.

Based on the evidence, the Commissioner found that:

- ✓ Ryan Amato, Mr. Clark's chief of staff, was involved in the selection of 14 of the 15 properties that were removed or redesignated. This included receiving packages about certain lands directly from certain developers.
- ✓ The minister did not supervise or direct the initiative or process and took the resulting proposal to cabinet without questioning how the properties had been selected.
- ✓ The process was marked by misinterpretation and unnecessary hastiness, leading to an uninformed and opaque decision which provided an opportunity to further the private interests of some developers improperly. Additionally, Mr. Amato's communications to developers resulted in them being tipped off about the possibility of land removals or redesignation.

INQUIRY CONCLUSIONS

Commissioner Wake concluded that Mr. Amato's actions must be attributed to Mr. Clark due to his failure to supervise his chief of staff and he had therefore contravened sections 2 (Conflict of interest) and 3(2) (Insider information) of the Act. He recommended that the Legislative Assembly of Ontario impose a reprimand on Mr. Clark.

The resulting 165-page report at the completion of the inquiry was filed with the Speaker of the Legislative Assembly.

The Auditor General's Report

On August 9, 2023, the Auditor General of Ontario released a special report on the changes to the Greenbelt, which was a value-for-money audit and assessment of the financial and environmental impacts of the decision to remove lands from the Greenbelt. This report included several findings, some of which overlapped with those of the Integrity Commissioner's report, including the involvement of Mr. Amato in the selection of the properties. The Auditor General made 15 recommendations in the report, including a review of the *Members' Integrity Act, 1994*, the *Lobbyists Registration Act, 1998* and the *Public Service of Ontario Act, 2006*.

Outcome

Mr. Amato resigned as chief of staff prior to the Commissioner's report being released. In the weeks following the release of the Commissioner's report, Mr. Clark resigned as Minister of Municipal Affairs and Housing and the Premier announced the government was reversing its decision about opening the Greenbelt for development and would cancel the removal or redesignation of the 15 properties.

The government also indicated that it had accepted the Auditor General's recommendations, including carrying out the legislative review and ensuring training for all ministers' staff. This training was carried out in early 2024.

Outreach

YEAR IN REVIEW

This year the Office held or participated in 31 outreach, training and speaking events. Each mandate conducted training and outreach activities, which are described in the relevant sections of this report.

The Office continued to conduct outreach activities and training sessions in both in-person and remote formats.

The Office responded to 174 media inquiries.

The Integrity Commissioner presented to the following groups:

- ✓ A delegation of the Central Committee for Inspection of Vietnam
- ✓ Interns in the 2023–2024 Ontario Legislature Internship Programme
- ✓ Interns at the National Assembly of Quebec

The Commissioner addressed students studying public policy and government ethics courses at York University, Seneca College and Queen’s University.

The Commissioner and Office staff also participated in the annual meetings of the following Canadian jurisdictional networks:

- ✓ Canadian Conflict of Interest Network
- ✓ Lobbyists Registrars and Commissioners Network
- ✓ Public Interest Disclosure Conference

As a member of the *Réseau francophone d’éthique et de déontologie parlementaires*, Office staff attended and presented at the annual general meeting in Quebec City, Quebec, in October 2023. The organization promotes dialogue and exchange between French-speaking parliaments and entities interested in ethics rules and frameworks for elected officials.

The Commissioner and Office staff attended the 2023 Council on Governmental Ethics Laws (COGEL) conference in Kansas City, Missouri. Some staff participated as moderators or panellists at the conference, and the Deputy Commissioner served on the COGEL program committee. COGEL brings together public sector ethics organizations from across North America and beyond to share jurisdictional updates and to discuss emerging trends and issues.

Members' Integrity

YEAR IN REVIEW

The Integrity Commissioner responded to 413 requests for advice from MPPs about their obligations under the *Members' Integrity Act, 1994*, a significant increase from 290 requests in the previous year.

There was an increase in most categories, with the largest increase seen in inquiries about gifts and letters of support. Many of the questions related to the appropriateness of accepting an invitation or ticket to an event. These inquiries require careful consideration of all the facts and circumstances surrounding the offer. In some instances, it may be acceptable for one MPP to accept a ticket and attend an event, but not for another.



WHAT WE DO

- ✓ Provide advice to MPPs on their ethical obligations
- ✓ Meet annually with each MPP and oversee their annual private and public financial disclosure statements
- ✓ Conduct inquiries into alleged breaches of the *Members' Integrity Act, 1994* when requested by one MPP about another



STATISTICS

Types of inquiries:

132

GIFTS

16

CONSTITUENCY OFFICE USE

101

LETTERS OF SUPPORT

14

SOCIAL MEDIA

43

CONFLICT OF INTEREST

57

OTHER

21

CHARITABLE SUPPORT

413 MPP inquiries

Behind the Numbers

These numbers reflect the various subjects about which MPPs request the Commissioner's opinion. For example, MPPs and their staff regularly receive requests to advocate or support a constituent or organization, as well as invitations to events. They also have questions about upcoming votes in the Legislative Assembly of Ontario.

In seeking the advice of the Commissioner, MPPs can ensure they are fulfilling their duties in accordance with their obligations under the Act.

MPP Financial Disclosures

Beginning in the fall, Office staff worked with MPPs to submit confidential disclosures of their personal finances to the Integrity Commissioner, as required under the Act.

Submissions were carefully reviewed against the requirements of the Act and each MPP's responsibilities in the Assembly.

The Commissioner met with every MPP to review their financial disclosure and to discuss their obligations under the Act. The Commissioner also discussed conflict of interest issues and reminded MPPs about the Office's guidance regarding social media use. These meetings sometimes require MPPs to submit additional information to complete their disclosures, which can take some time. All meetings and follow-ups were completed by January.

The public financial statements were filed with the Clerk of the Legislative Assembly of Ontario and published on the Office website on February 7, 2024. These public statements are redacted versions of the confidential financial declarations of MPPs. They provide a summary of each MPP's sources of income, assets, liabilities and any permissible gifts they receive valued at \$200 or more.

The Commissioner also ensures that cabinet ministers are not holding or trading any securities, stocks, and commodities and, if they are, that they have appropriate blind trusts of their assets as required under the Act.

Training and Outreach

The Commissioner and Office staff conducted two training sessions for more than 150 employees working in constituency offices and for MPPs at Queen's Park. One of the main goals of these training sessions is to provide staff with examples of scenarios they may

encounter while conducting their work, especially while assisting constituents. The sessions also provide information on how employees can assist MPPs in complying with their obligations under the Act.

Meeting With Other Jurisdictions

The Canadian Conflict of Interest Network (CCOIN) met in Halifax, Nova Scotia, for its annual meeting in September 2023. The CCOIN meeting is designed

to allow commissioners from jurisdictions across Canada to share updates and discuss emerging issues related to ethical rules for elected officials.

COMMISSIONER'S REPORTS UNDER SECTION 31 OF THE ACT

This year the Commissioner issued three reports under section 31 of the Act. They are summarized below.

Use of Constituency Resources for Partisan Purposes

**Re: Lise Vaugeois,
MPP for Thunder Bay-Superior North**

The Commissioner received a request for an opinion from Lorne Coe, MPP for Whitby, on whether Lise Vaugeois, MPP for Thunder Bay-Superior North, breached parliamentary convention by using legislative and constituency resources for a partisan purpose. It was alleged Ms. Vaugeois produced and published an email newsletter that listed contact information for her Queen's Park and constituency offices and displayed the Coat of Arms of the Legislative Assembly of Ontario while also including partisan content. In his report published on April 27, 2023, the Commissioner found that Ms. Vaugeois did not breach parliamentary convention. The investigation established the newsletter was created by a volunteer for the riding association, who also works for Ms. Vaugeois's constituency office. Excluding a few minor instances of some work being done in the constituency office, the individual created the newsletter on their own time and using a personal laptop. Additionally, the newsletter was paid for by the riding association, meaning no legislative funds were used to pay for it. The Commissioner also noted that the newsletter used the coat of arms for the Province of Ontario and there was not yet a parliamentary convention on the use of either the Assembly or provincial coat of arms. Ms. Vaugeois assured the Commissioner that the minor use of constituency office resources would be addressed, along with the use of the coat of arms on the riding association newsletter.

Conflict of Interest — Participating in a Decision and Insider Information

**Re: The Honourable Steve Clark, Minister of
Municipal Affairs and Housing and MPP for Leeds-
Grenville-Thousand Islands and Rideau Lakes**

The Commissioner received a request for an opinion from Marit Stiles, Leader of the Official Opposition and MPP for Davenport, on whether Steve Clark, Minister of Municipal Affairs and Housing and MPP for Leeds-Grenville-Thousand Islands and Rideau Lakes contravened sections 2 (conflict of interest) and 3 (insider information) of the Act. The request was in relation to the decision to allow development on lands in the Greenbelt and Duffins Rouge Agricultural Preserve, leading to the private interests of certain developers to be furthered improperly. The Commissioner opened an inquiry in the matter. A description of this inquiry and its outcomes can be found on pages 8 and 9 of this report.

Gifts to a Family Member

Re: The Honourable Doug Ford, Premier of Ontario and MPP for Etobicoke North

The Commissioner received a request for an opinion from Marit Stiles, Leader of the Official Opposition and MPP for Davenport, on whether Premier Doug Ford contravened sections 2, 4 and 6(1) of the Act, sections of its preamble or Ontario parliamentary convention in relation to two wedding events for the premier's adult daughter. It was alleged gifts were accepted from individuals who lobby or have dealings with the government. The Commissioner had previously released an interim report, in March 2023, that outlined certain issues with Ms. Stiles's request in meeting the high bar of reasonable and probable grounds required by the Act for the Commissioner to conduct an inquiry. The Commissioner put the request in abeyance pending completion of an overlapping inquiry into potential contraventions of the Act by Minister Steve Clark [the Greenbelt inquiry]. Having completed that inquiry, the Commissioner determined there was no evidence that affected the request from Ms. Stiles regarding the premier. In his report published on September 21, 2023, the Commissioner found there were insufficient grounds to conduct an inquiry. The Commissioner noted in his report that the gift rule in section 6 of the Act is very specific and applies only to gifts given to the member and not to gifts from third parties to an adult child of the member or the adult child's spouse.



INQUIRIES

The following are samples of the inquiries received by the Commissioner this year. These summaries are published to help MPPs and their staff identify circumstances that could give rise to issues under the Act. The inquiries and the opinions are abbreviated, the identities of those involved are anonymized and

gender has been randomized. The cases are provided to highlight specific requirements of the Act and how these play out in real situations. It is important to remember that each opinion is based on its own set of disclosed facts and should not be considered a substitute for seeking the advice of the Commissioner.

Gifts

Guest Speaker at an Event

A minister was invited to be a guest speaker and attend a charitable fundraising dinner. Tickets were valued at more than \$1,000. Could the minister accept the invitation?

It was the Commissioner's opinion that the minister could accept the invitation, since she was asked to speak at the event. The Commissioner advised that the minister's attendance did not invoke the gift rule in the Act given her speaking role.

Ticket Offer from a Lobbyist

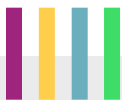
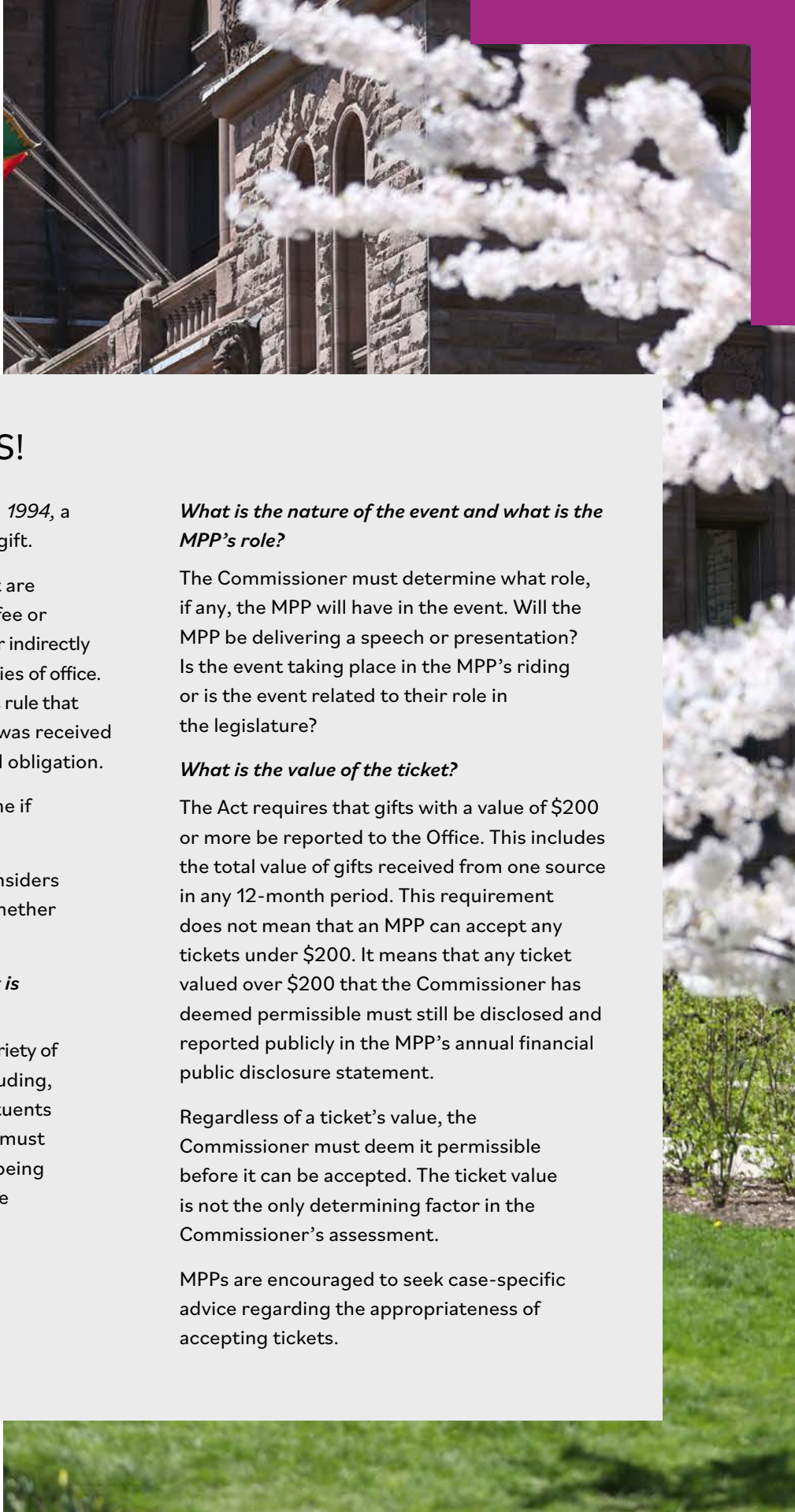
An MPP was invited to a major sporting event by an organization that is registered to lobby the provincial government. The MPP was listed on the organization's lobbyist registration as a target of its lobbying efforts. Could the MPP accept the ticket?

Given the nature of the event and the fact that the organization lobbied the member, the Commissioner concluded that accepting the ticket could give rise to a reasonable presumption that it was offered to influence the MPP in the performance of his duties of office. As such, the Commissioner advised that the invitation be declined.

Invitation from a Government Stakeholder

An MPP was invited to a dinner at a restaurant by a company that provides services to the provincial government. The company is located in the MPP's riding. While the MPP had dealings with the company in her former professional capacity, she has had no dealings with it as a member. Could the invitation be accepted?

Since the company is a government service provider, it would be considered a direct stakeholder. Given this information and the fact that the dinner was expected to be of significant value, it was the Commissioner's opinion that the invitation was likely to give rise to a reasonable presumption that it was extended to influence the MPP in the performance of her duties of office. As such, the Commissioner advised that the invitation be declined.



TICKETS ARE GIFTS!

Under the *Members' Integrity Act, 1994*, a ticket to an event is considered a gift.

Members of provincial parliament are prohibited from accepting a gift, fee or benefit that is connected directly or indirectly with the performance of their duties of office. There are limited exceptions to this rule that include whether the gift or benefit was received due to protocol, customs or social obligation.

The Commissioner must determine if an exception applies.

For tickets, the Commissioner considers several factors when reviewing whether they are permissible.

Who is giving the ticket and what is the reason for the invitation?

MPPs can be offered tickets by a variety of individuals and organizations including, government stakeholders, constituents and lobbyists. The Commissioner must determine if the gift or benefit is being offered to influence the MPP in the performance of his duties or not.

What is the nature of the event and what is the MPP's role?

The Commissioner must determine what role, if any, the MPP will have in the event. Will the MPP be delivering a speech or presentation? Is the event taking place in the MPP's riding or is the event related to their role in the legislature?

What is the value of the ticket?

The Act requires that gifts with a value of \$200 or more be reported to the Office. This includes the total value of gifts received from one source in any 12-month period. This requirement does not mean that an MPP can accept any tickets under \$200. It means that any ticket valued over \$200 that the Commissioner has deemed permissible must still be disclosed and reported publicly in the MPP's annual financial public disclosure statement.

Regardless of a ticket's value, the Commissioner must deem it permissible before it can be accepted. The ticket value is not the only determining factor in the Commissioner's assessment.

MPPs are encouraged to seek case-specific advice regarding the appropriateness of accepting tickets.

Letters of Support

Reference for the Minister's Staff

A minister wished to provide a reference letter for a former staff member who was seeking employment with an entity that is not a direct stakeholder of the provincial government. Could the minister provide the letter?

It was the Commissioner's opinion that the minister could provide the letter and ministerial letterhead could be used in this limited circumstance. While the Commissioner usually advises that ministerial letterhead should only be used for government business, an exception can be made for ministers' staff seeking a reference from their minister, since it was in that capacity that the minister knew and worked with the individual.

Letter to a Parliamentary Assistant's Ministry

A parliamentary assistant was asked to provide a letter of support in his capacity as an MPP for a local organization applying for a grant administered by his ministry. Could the letter be provided?

Parliamentary assistants should not appear as advocates or supporters about a decision to be made within the ministry for which they are responsible. Such conduct could be perceived as or give rise to an appearance of inappropriate influence, which is contrary to the Act. It was the Commissioner's advice that the support letter should not be provided in this case. Alternatively, if the parliamentary assistant wished, he could speak to the minister about the grant application, but he was cautioned to go no further.

Letter to an Outside Organization

A regional sporting association in a minister's riding was bidding to host a championship tournament. Could the minister provide a letter of support?

Given the nature of the support and the fact that the letter was to be sent to an organization outside of the provincial government, the Commissioner advised that it was appropriate for the minister to provide a letter of support on MPP letterhead.





Social Media

Promoting a Community Event

An organization was holding a complimentary training event open to the public in the riding. Could the minister promote the event on his social media accounts?

Since the training was a community-driven event, it was the Commissioner's opinion that the minister could post information about the event on social media.

Endorsing Election Candidates

An MPP wished to post messaging on his social media accounts encouraging voters to turn out and vote for specific candidates running in by-elections. Could the MPP post this messaging?

MPPs are permitted to endorse candidates seeking nominations or running for election at any level of government. The Act also allows members to post partisan content on their social media accounts and the MPP had posted partisan content on his accounts in the past. Accordingly, the MPP was free to endorse the candidates on social media.

Promoting a Charitable Event

An MPP was asked to support a charitable fundraiser by posting a video on her social media. Could the MPP film and post the video?

The Commissioner advised that MPPs are free to speak about the good work of charitable organizations provided that they are not soliciting for donations. With this guidance in mind, the MPP was free to create and post a video on social media in support of the charity and event.

Constituency Office Operations

Website Links to Social Media

An MPP sought clarification as to whether her constituency office website could contain links to her social media accounts.

The Commissioner advised that MPPs are not permitted to have partisan content on their constituency office websites. This stems from Ontario parliamentary convention, which has established a member's constituency office is to be free of partisan material. By extension, these principles that apply to the bricks-and-mortar office are also to be reflected on a member's website.

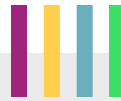
The Act allows MPPs to post partisan content on their social media account. However, while it is acceptable for MPPs' constituency websites to be linked to social media accounts provided that they do not contain partisan content, making this assessment can be challenging. For example, posts about an MPP's activities in the Assembly may or may not be considered partisan in nature.

It was the Commissioner's advice that the most prudent course of action for the MPP was not to have links to her social media accounts on the constituency office website.

Poppy Box in Office

An MPP asked whether a poppy donation box could be placed in the constituency office on behalf of the Royal Canadian Legion.

It was the Commissioner's opinion that the MPP could have a poppy box in the constituency office. A special resolution was passed in the Assembly in October 2014 permitting MPPs to have poppy donation boxes in their constituency offices. The Commissioner noted that the Royal Canadian Legion's poppy campaign is the only charitable fundraiser that is currently allowed in MPP constituency offices.



THE PURPOSE OF A CONSTITUENCY OFFICE

Members of provincial parliament are advised to implement ethical practices in operating their constituency offices. The purpose of these offices is for MPPs and their staff to aid constituents with government business and provide them with resources to navigate available programs and services.

Constituency offices are taxpayer funded, and parliamentary convention has established that these offices should not be used to benefit or support any particular cause or organization.

Activities such as toy drives, charitable donation boxes and ad hoc community use of office space and resources are not permitted. One exception to this are poppy donation boxes for Remembrance Day. Activities related to the MPP's responsibilities of office, such as hosting an ID clinic, are acceptable.

Parliamentary convention also establishes that constituency offices be free of partisan material and activities, which include ministerial work and political campaigns. This convention also applies to the MPP's constituency office website, which is an extension of the physical office. All links should be for the benefit of all constituents and should not lead to any partisan accounts or websites.

MPPs can contact the Office for advice if they have questions about the use of their constituency offices.



Investments

Shares in Company that Requested a Meeting

An MPP holds common shares in a corporation that requested a meeting to discuss a general regional matter. Should the MPP meet with company representatives?

The Commissioner advised that the MPP was permitted to meet with representatives of the corporation,

since discussing a matter is not a contravention of the Act. However, he advised the MPP to be cautious about what steps are taken after the meeting. The Commissioner recommended that the MPP seek further advice if she wished to act on any requests made by the corporation. The MPP was also reminded that she should seek advice if a matter specific to the corporation, as opposed to one of general application, arises in the Assembly or in her government work.

Outside Activities

Sitting on a Board of Directors

An MPP was invited to sit on an organization's board of directors. Could the MPP join the board?

The Commissioner advised that the Act prohibits ministers of the Crown from engaging in employment, the practice of a profession or holding an office or directorship; however, all other MPPs are entitled to engage in the management of a business, carry on outside employment or hold an office or directorship on the condition such activity does not conflict with their responsibilities as an MPP. It was the Commissioner's opinion that the MPP could join the organization's board, however, if an issue arose in the MPP's work that could intersect with board activities, he was to seek further advice.

The Commissioner also cautioned the MPP against participating directly in the organization's fundraising activities. The MPP could attend the organization's fundraising events on the condition that he did not solicit any donations.

The MPP was advised that the board position would be listed on his public disclosure statement.



Ministers' Staff Ethical Conduct

YEAR IN REVIEW

As their Ethics Executive, the Integrity Commissioner provides direction to ministers' staff under the *Public Service of Ontario Act, 2006* and the Conflict of Interest Rules found in Ontario Regulation 382/07 of the Act. Ministers' staff can seek this direction at all stages of their employment in a ministers' office, including when they move on to other positions.

The Commissioner responded to 204 inquiries from ministers' staff this year, which is a significant increase from the 147 received in the previous year. Two categories that had notable increases were inquiries about conflict of interest and questions about gifts or invitations. Questions related to post-employment was once again the most common category with 89 inquiries. Former ministers' staff are subject to post-employment obligations and restrictions under the Rules.



WHAT WE DO

- ✔ Provide direction to ministers' staff to help them understand and follow the Conflict of Interest Rules
- ✔ Answer questions about their obligations under the *Public Service of Ontario Act, 2006* and the Conflict of Interest Rules on topics such as gifts, political activity in the workplace, outside activity and post-employment
- ✔ Provide training to ministers' offices to assist staff in understanding their obligations



STATISTICS

Types of inquiries:

89

POST-EMPLOYMENT

14

PRE-EMPLOYMENT

25

OUTSIDE ACTIVITY

30

GIFTS/INVITATIONS

41

CONFLICT OF INTEREST

5

OTHER

204 ministers' staff inquiries

Behind the numbers

These numbers reflect the various subjects about which ministers' staff will seek the direction from the Commissioner regarding their ethical obligations under the Act.

Inquiries under the "Outside activity" category include questions about political activity, volunteer work or outside employment. Inquiries under the "Pre-employment" category include questions from successful candidates to ministers' staff positions or requests for direction from a chief of staff regarding a new hire.

Training

Training is a key component of the work in the ministers' staff mandate. This year, the Commissioner and Office staff delivered 10 training sessions about the Conflict of Interest Rules and the political activity restrictions in the Act. Four of these sessions were delivered to specific ministers' offices that had requested them and two were for newly hired staff from various offices.

Following the release by this Office and the Auditor General of Ontario of two reports related to the

Greenbelt matter, the Office delivered four training sessions in response to requests from the Premier's Office. One session was to the chiefs of staff and directors in ministers' offices, with the remaining three sessions presented to all ministers' staff and delivered during a program that included a presentation from the Information and Privacy Commissioner of Ontario. All training sessions included relevant scenarios to demonstrate real-world application of the rules for ministers' staff.

Post-employment

Ministers' staff should seek direction from the Commissioner about their post-employment obligations and potential restrictions at the point when they have an interview for a new position. This allows Office staff to obtain information about the specific role of the minister's staff and the opportunity being considered. The Commissioner will review this information and provide any special direction necessary to avoid a conflict of interest and comply with the Rules.

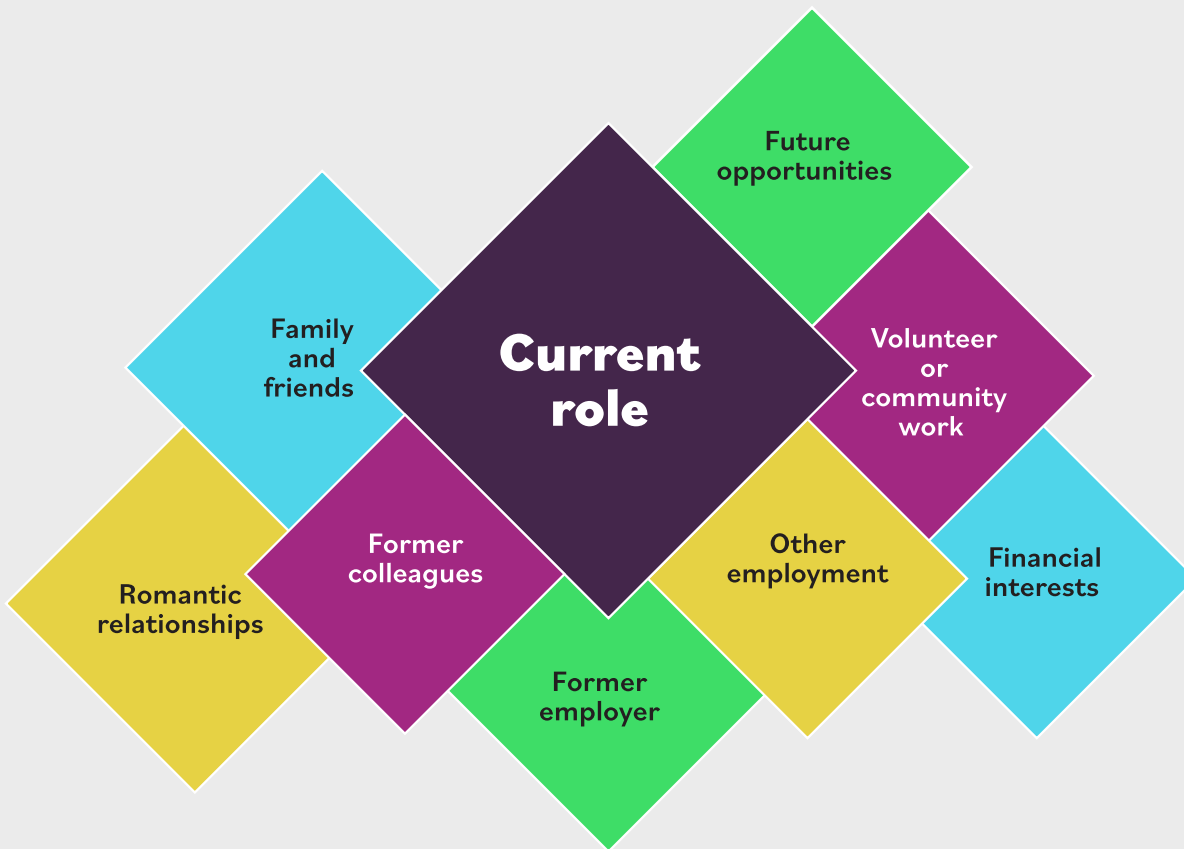
An example of this would be to instruct the former ministers' staff that they cannot have contact with certain public servants in a professional capacity for a certain amount of time after leaving the public service.

Additionally, when taking part in a hiring process, ministers' staff may need to be screened from certain files related to the opportunity to avoid the appearance of preferential treatment to the prospective employer.

COMMON SOURCES OF CONFLICT OF INTEREST

A conflict of interest occurs when a public servant's private or personal interest conflicts with their ability to perform their public duties and responsibilities.

These are some areas where a public servant could encounter a conflict of interest.



INQUIRIES

The following sample inquiries are intended to help ministers' staff identify conflict of interest issues. The inquiries are abbreviated, the identities of those involved are anonymized and gender has been randomized. The Commissioner's determinations

as Ethics Executive are provided to raise awareness and should not be considered a substitute for contacting the Office to obtain the Commissioner's direction on a particular matter.

Conflict of Interest

Family Member Employed at Stakeholder Company

A minister's staff asked if it was permissible to arrange meetings with a company where a family member with whom they resided was employed. And if this was permissible, he asked whether an email could be sent directly to the family member.

Upon review of the Ontario Lobbyists Registry, the Commissioner noted that the company in question had an active registration that listed both the staff member's ministerial office and ministry as lobbying targets. Under the Rules, ministers' staff have an obligation not to provide preferential treatment to any person or entity and an obligation not to create the appearance of preferential treatment. Accordingly, the Commissioner directed that an ethical screen be implemented within the minister's office to separate the minister's staff from any matters involving his family member or the company in question. This meant that the minister's staff could not facilitate any meetings with respect to this company or send the email. It is the established practice that a copy of the ethical screen is provided to the Office.

Family Member is a Municipal Councillor

A minister's staff informed the Commissioner that her mother was a city councillor and sought direction because her work did involve the municipality where her mother served.

The Commissioner determined that there was a risk of the minister's staff being placed in a real or perceived conflict of interest if she were to meet with her mother in a professional capacity or work on matters pertaining to the city council in question or the ward that her mother represented. To mitigate this risk and assist the minister's staff with meeting her preferential treatment obligations under section 6 of the Rules, the Commissioner directed that an ethical screen be implemented. The Commissioner also reminded the minister's staff of her confidentiality obligations under section 5 of the Rules.

Gifts

Invitation to Lobbying Firm's Party

A minister's staff was invited by a registered consultant lobbyist to their firm's holiday party. Could she attend?

Upon review of the Ontario Lobbyists Registry, the Commissioner noted that the consultant lobbyist had identified the staff member's ministerial office and ministry as lobbying targets in registrations for multiple clients, and that the firm similarly had other consultant lobbyists who lobbied the ministry. Accordingly, it was the Commissioner's determination that a reasonable person might conclude that the invitation was offered to influence the minister's staff in the performance of her duties to the Crown. The Commissioner directed that the minister's staff decline the invitation.

Gift from Company

After accompanying his minister on a tour of a company's facilities, a minister's staff was offered a gift of nominal value. Was this acceptable?

The Commissioner determined that, since the gift was received after accompanying the minister on a tour and it was of nominal value, it was acceptable to keep the gift. However, the minister's staff was told that, generally, and when possible, gifts should be discouraged, as it may set up an expectation that the recipient will do something in return for the company in the future.





THE GIFT RULE

Under section 4 of the Conflict of Interest Rules, ministers' staff are prohibited from accepting a gift from any person, group or entity that has dealings with, provides services to or is seeking to do business with the Ontario government.

An exception to this rule could occur if the gift is of nominal value and is given as an expression of courtesy or hospitality. However, gifts that could be seen to influence ministers' staff in the way they carry out their duties cannot be accepted. A gift could be a tangible item, a meal or a ticket to an event.

Only the Integrity Commissioner can determine if a gift is acceptable. Examples of gifts that the Commissioner may consider to be permissible include:

- ✔ a nominal gift, such as a book or mug, given as thanks for participating in an event;
- ✔ information materials containing reports or research; and
- ✔ complimentary attendance to an event, including meals or refreshments, when the ministers' staff accompanies a minister in their official duties.

If the Commissioner determines that a gift would not influence the ministers' staff member in performing their duties, he may provide an exemption.

Ministers' staff are encouraged to contact the Office when they are offered a gift or benefit. When in doubt, paying one's own way or claiming an allowable expense is recommended. The Office also suggests that before meeting with stakeholders, it can be helpful to explain that gifts are not required or allowed. Ministers' staff may also wish to be ready to politely decline an offered gift.

Outside Activity

Speaking on a Panel

A minister's staff advised that she received an invitation to participate on a panel to discuss her personal thoughts on an upcoming election. Was this permissible?

The Commissioner reviewed the matter under the Rules, as well as under the political activity provisions found in the Act, and determined that the minister's staff was not prevented from participating in this outside activity, provided that she follow these directions:

- ① Seek her minister's approval;
- ② Do not use any government resources, including time, to participate in the activity;
- ③ Do not identify herself as a minister's staff when engaging in the activity; and
- ④ Recuse herself from any discussion topics that could conflict with the interests of the Crown.

The Commissioner also reminded the minister's staff of her confidentiality obligations under section 5 of the Rules, which prohibit her from disclosing or using any confidential information that she obtained in the course of her employment with Crown, unless authorized to do so.

Post-employment

Position with a Stakeholder

A minister's staff applied for a position with a government stakeholder. In the last 12 months of his employment, he had various interactions with the stakeholder and confirmed that he held confidential information that would be beneficial to this stakeholder. This information had not yet been publicly announced. Was it permissible for the staffer to pursue this opportunity?

Under section 19 of the Rules, the Commissioner can restrict ministers' staff from accepting future employment. To make this decision, the Commissioner considers a two-part test. The Commissioner first determines if the minister's staff had substantial involvement with the prospective employer in their last 12 months of employment with the Crown. If the first part of the test is met, the Commissioner then determines if the minister's staff had access to confidential information that, if disclosed to that prospective employer, could result

in harm to the Crown or could give that prospective employer an unfair advantage. Since the first part of the test was met and the staffer also held confidential information, the Commissioner determined that the minister's staff would not be able to accept the position until the confidential information was made public.

Seeking a Public Appointment

A former minister's staff applied for a public appointment to the board of a public body. Was it permissible for him to pursue this opportunity?

The Commissioner determined that it was permissible for the minister's staff to apply because he did not have any involvement with the public body in the last 12 months of his employment with the Crown. This determination was made under section 19 of the Rules, in which the Commissioner can restrict former ministers' staff from serving on the board of directors of a public body.

Public Sector Ethics

YEAR IN REVIEW

The Integrity Commissioner and Office staff handled 183 matters under the Public Sector Ethics mandate, which includes providing advice or direction on the application of the Conflict of Interest Rules found in Ontario Regulation 381/07 under the *Public Service of Ontario Act, 2006*, as well as the political activity restrictions in that Act.

The number of matters addressed is lower than the 204 handled in the previous year, but is still within the historical range. Since the Office received the mandate five years ago, the yearly average number of matters handled has been 193. While fewer financial declarations were received and reviewed this year, there was a notable increase in determinations being sought, with 47 being provided compared to 22 last year.



WHAT WE DO

- ✓ Provide advice and determinations to Ethics Executives (chairs of public bodies, the Secretary of the Cabinet and other designated individuals) on matters related to the Conflict of Interest Rules and the political activity restrictions in the *Public Service of Ontario Act, 2006*
- ✓ Review financial declarations submitted by public servants working on matters that involve the private sector
- ✓ Provide conflict of interest advice, upon request, to the Premier's Office regarding appointments to public bodies and other entities
- ✓ Approve new or revised conflict of interest rules for public bodies and ethics plans of administrative tribunals



STATISTICS

Types of inquiries:

27
ADVICE

33
INFORMATION

47
DETERMINATIONS

2
RULES APPROVAL

20
APPOINTMENT ADVICE

54
FINANCIAL DECLARATIONS

**183 matters addressed
under the Act**

Behind the Numbers

Advice: The Commissioner provides advice to Ethics Executives to assist them in making conflict of interest or political activity determinations for the employees or board appointees in their public bodies or ministries.

Determinations: These are formal directions by the Commissioner to an Ethics Executive related to their own conflict of interest or political activity matters. This category includes political activity authorizations. Ethics Executives may also refer a matter to the Commissioner about public servants in their public bodies in order for the Commissioner to make the determination.

Appointment Advice: The Premier's Office may request the Commissioner's conflict of interest advice on prospective appointments to public bodies. The Commissioner will assess declared conflicts and provide advice on a candidate's circumstances related to the proposed role. While the Commissioner regularly suggests strategies to mitigate conflicts of interest, he does not assess or provide any comment on an individual's suitability for the role.

Rules Approval: The Act allows public bodies to develop their own conflict of interest rules, but these must meet the standards in the Conflict of Interest Rules and be approved by the Commissioner.

Rules Approval for Public Bodies

The Conflict of Interest Rules apply to current ministry employees and to public servants employed in and appointed to public bodies. The Rules are broad enough to cover most situations, but the Act allows public bodies to develop their own rules for the Commissioner's review and approval. This can be helpful if a unique aspect of the work of a public body requires a specific rule.

To be approved, the submitted rules must, at a minimum, meet the ethical standard set by the regulation. This year the Commissioner approved new rules for the Ontario Securities Commission and revised rules for Metrolinx.



REVIEWING FINANCIAL DECLARATIONS

As required by the Conflict of Interest Rules, the Public Service Commission develops a list of positions of public servants working in ministries who routinely work on a matter that might involve the private sector.

A matter that might involve the private sector includes work related to services currently provided under a government program, an agency or a corporation controlled by the Crown where it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services.

Public servants on this list are required to complete a financial declaration form and submit it to the Office of the Integrity Commissioner to review. This review ensures that each public servant's financial holdings, such as stocks or other investments, do not conflict with the matters on which they work or about which they have confidential information. This year the Commissioner reviewed financial declarations from 54 public servants.



Training and Outreach

The Office held Ethics Executive orientation sessions in April and November 2023 for public body chairs and designated Ethics Executives, as well as the employees who support them. The sessions provide information about how to approach the application of the Conflict of Interest Rules and political activity restrictions and explore how an Ethics Executive might interact with the Office.

The training also explains the disclosure of wrongdoing framework and a public body's obligations under the *Public Sector Expenses Review Act, 2009*. Participants are presented with relevant hypothetical scenarios and discuss how to apply the Act and the

Rules to address the situations. A total of 58 public body appointees and employees attended the sessions, 30 of whom were Ethics Executives.

The Commissioner and staff provided three public body boards with presentations on the ethics framework and sent letters of introduction to 12 newly appointed chairs of public bodies to explain how the Office can assist them as Ethics Executives. Additionally, the Commissioner presented information about the Act to newly appointed deputy ministers, who are the Ethics Executives for their respective ministries.

INQUIRIES

The following are examples of the advice and determinations the Commissioner provided to public body Ethics Executives this year. These summaries are abbreviated, the identities are anonymized and gender has been randomized. They are published to assist Ethics Executives and other public servants in consistently interpreting and applying the Conflict of Interest Rules and political activity restrictions found in the Act.

Seeking a Party Nomination

A specially restricted public servant who was a full-time appointee of an adjudicative tribunal asked her Ethics Executive if she could seek the nomination to be a federal party election candidate. The Ethics Executive referred the matter to the Commissioner.

Under section 89(1) of the Act, a specially restricted public servant is permitted only to vote, donate money to a party or candidate, be a member of a political party, and attend an all-candidates meeting. If they wish to engage in other forms of political activity, they must seek authorization. Specifically, under section 90 of the Act, they may request authorization from their Ethics Executive if they wish to be or seek to become a candidate in a municipal election or campaign on behalf of a candidate in a municipal election.

Given that the full-time appointee's proposed political activity was not listed under the permitted activities outlined in section 89(1) or 90 of the Act, the Commissioner determined that she was not permitted under the Act to seek the nomination.



Explanation of Political Activity Rule on Public Comments

In order to carry out his duties, an Ethics Executive requested an interpretation and example of section 72(d) of the Act, which is part of the definition of political activity.

Section 72(d) of the Act, reads as follows:

the public servant comments publicly and outside the scope of the duties of his or her position on matters that are directly related to those duties and that are dealt with in the positions or policies of a federal or provincial political party or in the positions or policies publicly expressed by a candidate in a federal, provincial or municipal election.

To assist the Ethics Executive with his understanding of this section, the Commissioner broke it down into four parts and advised the following:

- ① **Public comments**
First, the Ethics Executive was advised to examine whether an employee had made a public comment. This could include a statement that is made in writing for distribution to a wide audience (e.g., an opinion piece, a comment on social media) or a statement made verbally to an audience in a public setting (e.g., an interview).
- ② **Outside the scope of duties**
Second, was the public comment made outside the scope of the employee's duties? This could include examining whether the organization asked or required the employee to make the public comment.

- ③ **Matters directly related to those duties**
Third, if the comment was made outside the scope of the employee's duties, was the comment made directly related to the employee's duties? This could include determining if the comment made pertains to the organization or its work.
- ④ **Matters dealt with in the positions or policies of a political party or candidate**
Finally, the Ethics Executive must determine if the public comment, made outside of the scope of the employee's duties, and on matters that are directly related to those duties, is dealt with in the positions or policies of a political party or candidate.

Taking the above into consideration, the Commissioner indicated that an example could include if a political party or candidate took a stance on whether budget cuts should be made to certain services offered by the organization in question, and the employee of the organization gave an interview on this position taken by the political party or candidate, and did so without the organization's permission.

Expenses Review

YEAR IN REVIEW

This year the Office reviewed and provided feedback on 3,304 expense claims in the two Expenses Review mandates, bringing its numbers closer to pre-pandemic levels than in the last four fiscal years.

The review process begins with the submission of expense claims for a specific review period, with each claim often containing multiple expenses that make up a trip. Office staff review the claims to ensure they are complete and comply with the requirements of the Travel, Meal and Hospitality Expenses Directive or the Allowable Expense Rules, depending on the claimant. Staff often request additional information or supporting documents to clarify a claim and complete the review. If the Integrity Commissioner determines that an expense does not comply with the requirements, he has the discretion to ask for repayment. The Commissioner may also provide feedback or suggestions for future expense claims.

Office staff worked with their contacts in ministers' offices and the Opposition Leader's office, as well as agencies under review, to explain the expenses rules and requirements and provide training on the expense review process when requested.

WHAT WE DO

- ✓ Review the travel, meal and hospitality expenses of:
 - cabinet ministers, parliamentary assistants, Opposition leaders and their respective staff; and
 - senior executives, appointees and the top five employee expense claimants at agencies, boards and commissions
- ✓ Ensure that expenses comply with the Travel, Meal and Hospitality Expenses Directive and Allowable Expense Rules
- ✓ Determine whether repayment is required if an expense does not comply with the Directive or Rules



STATISTICS

2,315

MINISTER AND OPPOSITION
LEADER EXPENSE CLAIMS
REVIEWED

989

AGENCY EXPENSE
CLAIMS REVIEWED

18

AGENCIES REVIEWED

Behind the Numbers

One claim may contain several types of expenses. For example, a claim for a trip could contain expenses for air travel, taxis, accommodation and meals.

The number of agencies reviewed includes agencies that were added or released from review during the fiscal year.

Cabinet Ministers' and Opposition Leader's Expenses Review

This year the Office reviewed 2,315 expense claims from ministers, parliamentary assistants, the Opposition Leader and their respective staff. The number of claims is almost twice the amount reviewed last year, which was 1,129.

As required by the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*, the Commissioner submits a yearly report reflecting the fiscal year's expense claims to the Speaker of the Legislative Assembly. The Commissioner can name in the report any person who does not comply with an order to repay or a recommendation for other remedial action.

All expenses reviewed during this fiscal year were deemed to be compliant with the requirements of the Act.

Office staff conducted training sessions with seven ministers' offices to explain the expenses submission process and review the Allowable Expense Rules. This training is beneficial because it ensures that the submitted claims have the appropriate documentation, such as receipts and other information required for review.

Agency Expenses Review

The Office reviewed 989 expense claims from designated senior management employees, appointees and the top five employee expense claimants¹ of the 18 agencies, boards and commissions under review. This number of claims is lower than the 1,766 claims last year. It is important to note that the number of claims that have been fully reviewed is lower than what agencies have submitted for review. The Office is working to streamline processes and maximize resources in order to shorten the review process and to complete more reviews each year.

The Commissioner may review the expenses of any public body listed in Ontario Regulation 146/10 under the *Public Service of Ontario Act, 2006*, as well as Ontario Power Generation and the Independent Electricity System Operator.

When an agency is found to be fully compliant with the Directive on a consistent basis, the Commissioner may release the agency from the requirement to submit expenses for review. This year the Commissioner released two agencies:

- ✔ Ontario Clean Water Agency
- ✔ Algonquin Forestry Authority

Releasing public bodies reinforces the effectiveness of the expenses review process and outreach efforts as agencies strive to attain full compliance.

The list of agencies under review, as well as the list of those previously under review, is available on the Office website. The Commissioner has reviewed the expenses of 43 public bodies since the *Public Sector Expenses Review Act* came into force in 2009.

¹ The top five employee expense claimants are those with the highest cumulative expenses in a six-month period, as compared with the expense claims submitted by all other employees of the organization.



WHEN CAN YOU CLAIM A MEAL?

Many public servants travel around the province and beyond while they are working, but not all meals they purchase during their trips can be claimed as an expense.

The Travel, Meal and Hospitality Expenses Directive and Allowable Expense Rules set out the rules around which claimants can be reimbursed for meals purchased during authorized travel. Claimants should ensure they are familiar with the rules related to meals.

Meals should be reasonable and can be claimed when public servants are conducting government business that is at least 24 km from their office and occurs during a regular meal period. Prior approval for a meal expense is required when closer to the office, such as a business meeting that must occur during a mealtime.

The Directive provides meal allowance rates that must be adhered to regardless of the meal's actual cost. Since meals may be less or more than the established rate, the allowance is reimbursed as stated. The meal rate includes taxes and tips.

Importantly, public servants *cannot* claim a meal that has been provided free of charge during their travels (e.g., a complimentary breakfast at a hotel or a free lunch at a conference).

For agencies, boards and commissions required to follow the Directive, group meal expenses can be paid for and claimed by one individual if they are the most senior person present. Catered meals are also allowed if the amount spent per person does not exceed the set meal allowance rate.





Expenses Review Process

There are five steps to the review process.

1 SUBMISSION OF CLAIMS

Expenses that were paid during the specified review period are submitted to the Office of the Integrity Commissioner.

2 REVIEW

The Office reviews claims for completeness and compliance with the Directive or the Rules.

3 INFORMATION REQUEST

The Office requests more information if clarification or supporting documents are required to complete the review.

4 RESULTS

The Office provides the expenses review results to the:

- ✓ Expenses Officers of the agencies under review
- ✓ President of the Treasury Board*
- ✓ Speaker of the Legislative Assembly**

5 PUBLIC POSTING

The agency under review, Treasury Board Secretariat* or Speaker of the Legislative Assembly** post the relevant expenses online.

* For ministers and their staff

** For Opposition leaders and their staff

Disclosure of Wrongdoing

YEAR IN REVIEW

This year saw a return to similar numbers of inquiries and disclosures of wrongdoing filed by public servants as was experienced just prior to the pandemic. In the 2019-2020 fiscal year, the Office received 28 disclosures. This year the Office received 32 disclosures from public servants, which is the highest number since the disclosure of wrongdoing framework came into being in 2007. Comparatively, 22 disclosures were filed in 2022-2023.

The Office saw an increase in contacts from public servants who had questions about the disclosure process or were considering filing a disclosure. There was also an increase in contacts from members of the public who wanted to file complaints about a ministry or public body. As the *Public Service of Ontario Act, 2006* does not allow for non-public servants to file disclosures, Office staff will redirect members of the public to other entities that may be able to assist them with their concerns.



WHAT WE DO

- ✓ Receive disclosures of wrongdoing from current or former public servants who witness misconduct at work
- ✓ Determine whether the Integrity Commissioner has jurisdiction over a disclosure of wrongdoing
- ✓ Refer disclosures to the appropriate senior official in the Ontario Public Service for investigation
- ✓ Review investigation reports to determine if the Commissioner is satisfied with the work and response
- ✓ Conduct investigations initiated by the Commissioner



STATISTICS

54
CONTACTS FROM
PUBLIC SERVANTS

32
DISCLOSURES FROM
PUBLIC SERVANTS

9
DISCLOSURES ACCEPTED
AND REFERRED FOR
INVESTIGATION

9
MATTERS INVESTIGATED
AND CONCLUDED

Behind the Numbers

Disclosures accepted and referred for investigation: The Commissioner can accept jurisdiction over a disclosure from a public servant if the allegations meet the definition of wrongdoing under the Act. However, the Act requires that the Commissioner decline jurisdiction in certain instances, such as when there is a more appropriate way for an allegation to be addressed or if the matter is already being addressed elsewhere.

Matters investigated and concluded: These are the disclosures that have been investigated by an Ethics Executive and the Commissioner is satisfied with the results of the investigation. It can also include matters that the Commissioner has investigated and for which he sent a report to a senior official within the Ontario government and the responsible minister.

The Disclosure Process

Office staff work confidentially with the public servants who file disclosures to understand their allegations in order to assess whether the Integrity Commissioner has jurisdiction under the Act to accept the disclosure. This process also helps the Office determine the basis for a potential investigation and to which senior official in the Ontario Public Service the matter should be referred.

When the Commissioner can accept jurisdiction over a matter, he is required by the Act to refer it to one of several persons set out in the Act, but usually selects the Ethics Executive of the ministry or public body where the alleged wrongdoing has occurred.

The person to whom the matter is referred is required to investigate the matter and report back to the Commissioner about the findings and any proposed corrective action.

The Commissioner will review the findings to ensure that the matter has been addressed in an appropriate and meaningful way. If satisfied with the investigation, the Commissioner may make recommendations. Alternatively, if not satisfied with the investigation, the Commissioner may commence an independent investigation in which case a report will be sent to both a senior official within the Ontario government and the responsible minister.

Training

As in past years, the focus of training under this mandate continues to be on ensuring Ethics Executives understand their role in receiving, assessing and investigating disclosures of wrongdoing from public servants. Under the Act, Ethics Executives can receive a disclosure directly from a current or former public servant or have a disclosure referred to them by the Commissioner.

The Office provided training on the disclosure of wrongdoing framework during its Ethics Executive orientation sessions, which were held in April and November 2023. The training stressed the

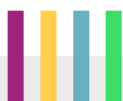
importance of meaningfully addressing disclosures made by public servants and to view them as an opportunity to address potential issues within their organizations. The session included anonymized examples of past disclosure cases as well as guidance on how to ensure an effective investigation into a matter.

When invited to speak to the boards of public bodies as well as new deputy ministers, the Commissioner took the opportunity to speak about disclosure of wrongdoing as part of the province's broader ethical framework under the Act.

Meeting With Other Jurisdictions

The Commissioner and staff attended the annual Public Interest Disclosure Conference in Charlottetown, PEI, in September 2023. The conference allows Canadian jurisdictions with a public

interest disclosure framework to share updates on their work and best practices related to disclosure and investigation processes.



PROTECTING THE IDENTITY OF A DISCLOSER

When a current or former public servant makes a disclosure of wrongdoing to the Integrity Commissioner, their identity is protected.

The *Public Service of Ontario Act, 2006* requires those involved in the disclosure of wrongdoing framework to carry out their duties in a manner that protects the discloser's identity.

Office staff follow an established process to limit information about a discloser's identity in its internal documents and communications. Additionally, as the identity of a discloser is seldom needed to investigate a matter, the standard procedure is not to provide the identity of or information about the discloser to anyone outside of the Office.

In limited situations, the interests of fairness require that a discloser's identity be disclosed. These cases are rare, and if this becomes necessary, the discloser is always notified beforehand. It may also be necessary to include information that could identify the discloser because it is necessary to provide a complete description of the allegations. In all cases, information about the discloser's identity is provided only to the individuals who are responsible for handling the disclosure. This ensures information that could identify a discloser is kept confidential to a small group of individuals.

By following these careful practices and the legislative requirements, the identity of most public servants who submit a disclosure to the Commissioner is never known to anyone outside of the Office.



DISCLOSURE ACTIVITY

Office staff completed reviews of 24 disclosures, most of which contained multiple allegations. Following these reviews, the Integrity Commissioner determined he could accept jurisdiction over nine disclosures.

	2022-2023	2023-2024
Total contacts from public servants	29	54
Requests for information	7	22
Disclosures of wrongdoing submitted	22	32

	2022-2023	2023-2024
Disclosures under assessment for jurisdiction (including matters carried over from the previous fiscal year)	23 ¹	35 ²
Disclosures referred by the Commissioner to appropriate senior official for investigation	9	9
Matters not received as a disclosure of wrongdoing because the allegations could not possibly reveal a “wrongdoing” as that term is defined in the Act	5	5
Matters received as a disclosure of wrongdoing, but the circumstances were outside the Office’s jurisdiction	5	6
Files closed for a miscellaneous reason (e.g., it proceeded as an internal disclosure or there was insufficient information for the Office to pursue the matter)	1	4
Disclosures remaining under review at fiscal year-end	3	11

1 This includes 22 disclosures received in 2022-2023, plus one matter remaining under review at year-end 2021-2022.

2 This includes 32 disclosures received in 2023-2024, plus three matters remaining under review at year-end 2022-2023.



WHAT ARE THE CONFLICT OF INTEREST RULES?

It is common that the Office receives disclosures from public servants that allege that other public servants have contravened the Conflict of Interest Rules under the *Public Service of Ontario Act, 2006*.

The Rules are found in Ontario regulations 381/07 and 382/07 under the Act and outline prohibited activities that could put a public servant in a conflict of interest.

Public servants in ministries, public bodies and ministers' offices cannot:

- ✓ use their positions to benefit themselves, their spouses or their children;
- ✓ give preferential treatment;
- ✓ disclose confidential information;
- ✓ hire or supervise their spouses, children, parents or siblings;
- ✓ make personal use of government resources; and
- ✓ engage in outside activities that conflict with their public service duties.

The Rules also require public servants to endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity.

CASE SUMMARIES

The following are anonymized summaries of the disclosure of wrongdoing matters referred to the public service for investigation and concluded by the Office this year. A matter may include more than one discloser. This year the Office closed nine matters, with wrongdoing substantiated in five of these.

Alleged conflict of interest—outside business, confidential information (referral)

A discloser alleged that a public servant breached sections 8 and 3(1) of the Conflict of Interest Rules by engaging in an outside business that would benefit from his employment as a public servant, could conflict and interfere with his work, and could constitute full-time employment.

The discloser also alleged that the public servant breached section 5 of the Rules by disclosing and using confidential information and that he breached section 65(3) of the *Public Service of Ontario Act, 2006* by failing to inform his Ethics Executive of his business.

The Commissioner referred the matter to the deputy minister. The deputy minister found that the public servant notified his Ethics Executive about his outside business more than a year after he commenced the business and that he did not provide sufficient details about this activity. Thus, the deputy minister found the public servant breached section 65(3) of the Act. The deputy minister found that the investigation did not substantiate the other allegations but did find that the public servant had violated an Ontario Public Service information technology resource policy. The deputy minister identified corrective actions to address the breach of the Act and the OPS policy. The Commissioner was satisfied both with the investigation and the proposed corrective actions and closed the file.

Alleged preferential treatment (referral)

A discloser alleged that a senior public servant engaged in gross mismanagement and breached sections 6(1) and 6(2) of the Conflict of Interest Rules by giving preferential treatment and/or failing to avoid creating the appearance of preferential treatment when contracts were awarded to a friend's company.

The Commissioner referred the matter to the appropriate senior official to investigate. The senior official did not find evidence that the public servant directly influenced decision-making in awarding the contracts to the company. However, they did find that the public servant had a close relationship with the vendor, did not notify their Ethics Executive of this relationship, and recommended that this company be considered for specific contracts. The senior official determined that the public servant breached section 6(2) of the Conflict of Interest Rules by failing to endeavour to avoid creating an appearance of preferential treatment. The senior official then took corrective action to address the finding. The investigation confirmed there was no breach of section 6(1) of the Conflict of Interest Rules or gross mismanagement. The Commissioner was satisfied both with the investigation and the corrective action and closed the file.

Alleged conflict of interest—outside business, use of government resources (referral)

A discloser alleged that a public servant breached sections 3(1) and 8.5 of the Conflict of Interest Rules by engaging in outside businesses that would benefit from his employment as a public servant. It was also alleged that the public servant used government equipment in his businesses, was giving preferential treatment by offering assistance to clients of his businesses, and had disclosed or used confidential information in his businesses. Based on

the information provided, it was also alleged that the public servant failed to notify his Ethics Executive of his outside businesses, as required by the *Public Service of Ontario Act, 2006*. The Commissioner referred the matter to the deputy minister. The investigation substantiated the allegations and, therefore, it was determined the public servant breached the Conflict of Interest Rules and the Act. The Commissioner was satisfied both with the investigation and the deputy minister's proposed corrective actions and closed the file.

Alleged conflict of interest—outside activity (referral)

A discloser alleged that a senior public servant breached section 8 of the Conflict of Interest Rules by engaging in an outside activity that could conflict and interfere with his work and where his outside activity would benefit from his employment as a public servant. It was also alleged that the public servant breached section 65(3) of the Act by failing to inform his Ethics Executive of his outside activity. The Commissioner referred the matter to the deputy minister, who determined that the public servant was engaged in the outside activity as part of his assigned duties and, as a result, there were no breaches of the Rules or the Act. While no wrongdoing was found, the deputy minister directed that the public servant would not be involved in contractual dealings with the outside organization. The deputy minister also reminded the public servant of his duties of confidentiality and to ensure that the organization would not derive an advantage from his employment as a public servant. The Commissioner was satisfied with the investigation and closed the file.

Alleged conflict of interest—outside business (referral)

A discloser alleged that a public servant breached several Conflict of Interest Rules by operating an outside business that offered services comparable to those provided in her role as a public servant. The business website featured information about her public service experience. The Commissioner referred the matter to the appropriate senior official to investigate. The senior official found that the public servant had disclosed her intentions to commence the outside activity to a former Ethics Executive. This was in accordance with the Rules, but it was also not clear that the Ethics Executive was aware of the website content. In the circumstances, the senior official concluded that the public servant had not engaged in wrongdoing. The public servant was directed to provide information and seek a new determination from her current Ethics Executive. The Commissioner was satisfied with the investigation and proposed corrective actions, and he closed the file.

Alleged preferential treatment (referral)

A discloser alleged that a public servant breached sections 6(1) and 6(2) of the Conflict of Interest Rules by giving preferential treatment and/or failing to avoid creating the appearance of preferential treatment by making allowances for an employee that were contrary to a workplace policy. The Commissioner referred the matter to the appropriate senior official to investigate. The senior official found the public servant's decision with respect to the employee was not based on preferential treatment and that they had not contravened the Rules. The Commissioner raised concerns about certain conclusions in the investigation report, but he decided not to conduct his own investigation as he was ultimately satisfied that there were reasonable operational explanations for the public servant to make a decision that was contrary to the policy. The Commissioner closed the file.

Alleged conflict of interest and gross mismanagement (referral)

A discloser alleged that a public servant breached several Conflict of Interest Rules by using his employment to benefit himself, disclosing confidential information, and engaging in an outside business that conflicted with his role as a public servant and in which he used government resources. It was also alleged that the discloser engaged in gross mismanagement by permitting some of his staff to use ministry vehicles for personal travel unrelated to their employment. The Commissioner referred the matter to the deputy minister. While the investigation found no wrongdoing with respect to all the allegations referred, the investigation did uncover an additional issue in that the respondent awarded a small contract to a close friend. The deputy minister concluded that preferential treatment had not been given but also that there was no question that there was a perception of preferential treatment.

The investigation also revealed that the public servant's managers had been aware of his outside activities for years but did not escalate them to his Ethics Executive for a determination and direction, as required by the Act, until the disclosure of wrongdoing was received. The investigation also confirmed that the public servant used his government cell phone for his outside business on many occasions and that it was common practice for a person in the public servant's role to use government cell phones for personal use. The deputy minister's corrective actions included reminding the public servant of the directions he had issued with respect to the outside activity, which included not using his government cell phone for his outside business, and advising the public servant to be cognizant of personal relationships

and recuse himself where there is a relationship that could create a perception of preferential treatment. The Commissioner was satisfied with the investigation and agreed with the corrective action identified by the deputy minister, but he made further recommendations. These included that the managers involved be made aware of the obligation to escalate conflicts of interest to the Ethics Executive and that the deputy minister follow up with respect to information revealed in the investigation about unexplained disabling of telematics on numerous occasions.

Alleged gross mismanagement (referral)

A discloser alleged that a public servant engaged in gross mismanagement by asking employees to submit inaccurate information in relation to their work. The Commissioner referred the matter to the appropriate senior official, whose investigation substantiated the allegation. The senior official also identified and investigated additional issues and found that the public servant also breached sections 6(1), 6(2) and 7(2) of the Conflict of Interest Rules. The public servant had given or failed to avoid creating the appearance of preferential treatment when contracts were awarded to someone with whom he had a close personal relationship and had also engaged in gross mismanagement when he was aware of another individual engaging in inappropriate financial transactions but failed to respond appropriately. The public servant is no longer working at the public body. The Commissioner was satisfied with the investigation and the corrective actions taken, and he closed the file.

Alleged preferential treatment, conflict of interest—outside employment (referral)

A discloser alleged that a senior public servant at a public body had given preferential treatment, or failed to avoid creating the appearance of giving preferential treatment, to certain employees in her role as an Ethics Executive by allowing them to engage in outside employment without conflict of interest determinations. The discloser also alleged that several public servants contravened the Conflict of Interest Rules by engaging in outside employment. This included allegations that a public servant used his position to obtain outside employment, used government premises, equipment, and services for his outside employment, and used his position as a public servant to further his private interest by securing contracts between the public body and his outside employer.

The Commissioner referred the matter to the deputy minister of the responsible ministry for investigation. During the investigation, two of the several respondents left the public service. The investigator retained for the matter also identified important additional issues.

The deputy minister provided an initial report, but the Commissioner had concerns, including that findings against one respondent were made without notifying the respondent or providing an opportunity to respond. The Commissioner also requested additional information and analysis. Following this, the

deputy minister delivered an updated investigation report and advised that among other things, he would be taking steps to ensure employees at the public body were provided with information and training about the Conflict of Interest Rules.

The Commissioner reviewed the report and determined he was still not satisfied with several aspects. He questioned whether factual findings had been made with respect to conflicting evidence. While accepting some of the deputy minister's conclusions, he also questioned the reasonableness of some other legal findings. As an example, the Commissioner was concerned about whether the investigation considered the fact that a respondent had previously received the Ethics Executive's approval for some outside activities and use of resources.

Because of unique circumstances, including but not limited to the fact that some public servants who were integral to the investigation had left the public service, the Commissioner determined further investigation would not be beneficial or change any corrective action required at the public body. Instead, he provided feedback on the issues with the investigative report and recommended, in addition to the educational steps planned by the deputy minister, that to ensure compliance with the Rules, the deputy minister also request the Ethics Executive to issue new conflict of interest determinations for all the remaining respondents with outside activities.



Lobbyists Registration

YEAR IN REVIEW

The Ontario Lobbyists Registry celebrated a milestone this year by marking its 25th anniversary. The online registry was launched on January 15, 1999, and was the first of its kind in Canada.

The registry experienced a notable increase in the number of active registrations this year, growing from 3,348 as of March 31, 2023, to 3,628 as of March 31, 2024. The number of active lobbyists had a smaller increase at 3,446 lobbyists from 3,404 the year before. Consultant lobbyists and their registrations accounted for most of the growth in both categories.

There was also a noticeable increase in registry activity by way of updates to active registrations. Lobbyists and senior officers of lobbying entities are required to renew their registrations on an annual and semi-annual basis respectively. They are also required to update their registrations with new information within 30 days. Between the number of new, renewed and updated registrations being submitted, it was common for Office staff to review between 500 and 600 filings each month.



WHAT WE DO

- ✓ Administer and maintain an online public record of paid lobbyists and their lobbying activities
- ✓ Issue Advisory Opinions and Interpretation Bulletins
- ✓ Promote understanding about the *Lobbyists Registration Act, 1998*
- ✓ Investigate matters of potential non-compliance with the Act



STATISTICS

3,446

ACTIVE REGISTERED
LOBBYISTS LISTED
IN 3,628 REGISTRATIONS

57

ADVISORY OPINIONS

284

COMPLIANCE REVIEWS

10

INVESTIGATIONS OPENED

3

INVESTIGATIONS
CONCLUDED

Outreach and Training

The Office published six issues of its online newsletter, *ON Lobbying*. The newsletter, now in its fifth year, provides subscribers with tools to navigate the Lobbyists Registry, information about available resources and helpful tips to assist lobbyists comply with the *Lobbyists Registration Act, 1998*. Topics covered this year included how to report government funding, the importance of clearly describing your lobbying activity and lobbying registration timelines. Lobbyists and senior officers can subscribe to the newsletter and read previous issues on the Office website. As of March 31, 2024, the newsletter had more than 800 subscribers.

This year Office staff developed and delivered a training session specifically for the primary contacts who assist consultant lobbyists with their registrations. It is the responsibility of consultant lobbyists and senior officers to ensure they are meeting their obligations under the Act; however, they can designate a primary contact to assist them by monitoring email reminders from the Office and ensuring that registrations are up to date. The training for primary contacts was held in November 2023 and provided a how-to and tips on navigating the registry. The session also allowed Office staff to learn from regular users of the registry about their experiences and any challenges. Following this successful event, staff began working on training sessions for the primary contacts of in-house lobbyists, which will be delivered in the coming fiscal year.

Advisory Opinions

The Integrity Commissioner, as Lobbyist Registrar, can issue written Advisory Opinions. Individuals who have questions about the Act and how it applies to their lobbying activities or their obligations can request an Advisory Opinion.

The Commissioner provided 57 Advisory Opinions this year. The most common topics were:

- ✔ **Conflict of interest (includes questions about political activity, gifts and events)**
- ✔ **What information to include in a registration**
- ✔ **Whether registration is required**

The non-binding guidance in an Advisory Opinion is specific to the individual and considers the precise facts of the situation as they relate to the requirements of the Act. It is important to note they are not a substitute for legal advice.

Lobbyist Registrars and Commissioners Network

In September, the Commissioner and Office staff attended the annual conference of the Lobbyist Registrars and Commissioners Network in Victoria, BC. This year's meeting was hosted by the Office of the Registrar of Lobbyists for British Columbia, with the federal Commissioner of Lobbying, eight provinces and two municipalities participating in the multi-day conference.

The conference allowed delegates to engage in roundtable discussions such as the role of education in lobbying, the pros and cons of legislated registration thresholds, and the experiences and challenges of regulating the offering of gifts to public office holders. The conference also allowed attendees to share jurisdictional updates and best practices for lobbying registration requirements.



IT'S ABOUT TRANSPARENCY!

A main goal of the *Lobbyists Registration Act, 1998* is to ensure transparency about who is lobbying the provincial government and what they want to accomplish through that lobbying.

Lobbyists and senior officers for lobbying entities are required to provide a complete description of their lobbying activity in their registrations. The information provided should be clear enough for a member of the public to easily review and understand the registrant's lobbying goals.

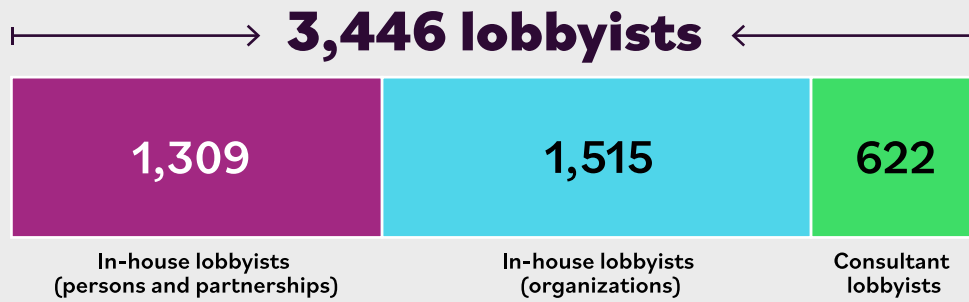
Lobbyists and senior officers should always ensure the information in their registrations is clear and complete. Office staff review every new registration, renewal and update before they are published by the Lobbyist Registrar. Registrations that are incomplete, vague or inaccurate are not published, and staff will contact the lobbyist or senior officer responsible for the registration to request amendments, which must be completed within a certain time frame.

The process of reviewing registrations is comprehensive and essential in maintaining an informative and transparent registry.



REGISTRY ACTIVITY

LOBBYISTS BY TYPE



Consultant lobbyists are required to have a registration for each client. In-house registrations are filed in the name of the senior officer of the organization (not-for-profit entity) or person and partnership (for-profit entity) and will list the names of all employees who lobby in one registration. Full lobbying statistics are available in real time on the Office website.

Registration by type	March 31, 2023	March 31, 2024
In-house (persons and partnerships)	234	242
In-house (organizations)	336	336
Consultant lobbyists	2,778	3,050
Total active registrations	3,348	3,628

Lobbying Subjects and Targets

The figures listed here indicate the number of times the subject matter or lobbying target was selected in active registrations as of March 31, 2024.

Registrations must include the subject matter of the lobbying activity, as well as the MPPs, ministers' offices, ministries and agencies that are being lobbied.

Top Three Subjects

1 ECONOMIC DEVELOPMENT AND TRADE:
1,567

2 HEALTH:
1,216

3 ENVIRONMENT:
1,100

Top listed lobbying targets from 2022-2023 are provided for comparison, even if the listed target was not in the top five that year.

Top Listed Members of Provincial Parliament		2022-2023	2023-2024
1.	Office of the Member for Nipissing	892	1,054
2.	Office of the Member for Elgin-Middlesex-London	890	1,052
	Office of the Member for Oakville	887	1,052
3.	Office of the Member for Nickel Belt	884	1,050
4.	Office of the Member for Etobicoke North	896	1,049
	Office of the Member for Mississauga-Streetsville	890	1,049
5.	Office of the Member for Sarnia-Lambton	880	1,048

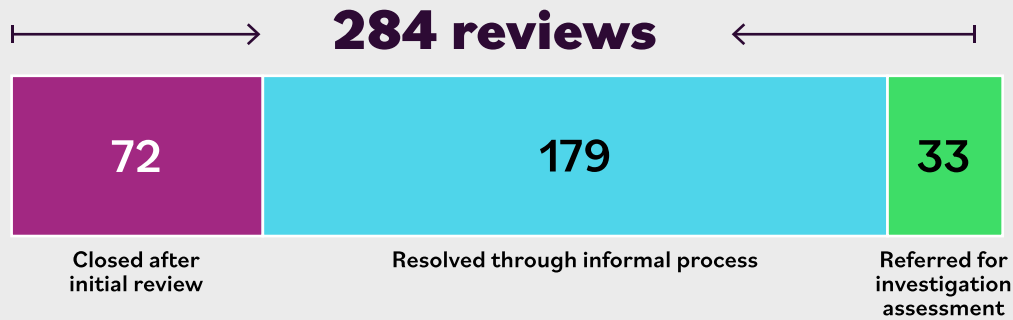
Top Listed Ministers' Offices	2022-2023	2023-2024
1. Office of the Premier and Cabinet Office	2,503	2,757
2. Office of the Minister of Finance	1,902	2,100
3. Office of the Minister of Economic Development, Job Creation and Trade	1,698	1,917
4. Office of the President of the Treasury Board	1,514	1,648
5. Office of the Minister of Municipal Affairs and Housing	1,089	1,291

Top Listed Ministries	2022-2023	2023-2024
1. Ministry of Finance	1,627	1,757
2. Ministry of Economic Development, Job Creation and Trade	1,433	1,577
3. Treasury Board Secretariat	1,176	1,216
4. Ministry of Health	1,097	1,156
5. Ministry of Municipal Affairs and Housing	976	1,155

Top Listed Agencies	2022-2023	2023-2024
1. Ontario Health	276	350
2. Independent Electricity System Operator	231	296
3. Ontario Infrastructure and Lands Corporation (Infrastructure Ontario)	219	259
4. Ontario Energy Board	179	230
5. Metrolinx	211	212

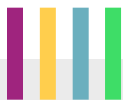
COMPLIANCE ACTIVITY

COMPLIANCE REVIEWS IN 2023-2024



This year 284 instances of potential non-compliance were identified, most of which related to issues of not meeting the required filing timelines in the Act. Of these, 72 matters were closed at initial review because it was deemed that the deadline was not missed and 179 were resolved through the Office’s informal resolution process. A remaining 33 matters were referred for investigation assessment.





IDENTIFYING NON-COMPLIANCE WITH THE ACT

Individuals lobbying provincial public office holders must ensure they are meeting the requirements of the *Lobbyists Registration Act, 1998*. The Commissioner can investigate potential non-compliance with the Act.

Ensuring compliance with the Act is an important aspect of the Office's lobbying mandate. Office staff perform routine compliance reviews when reviewing registrations to identify potential non-compliance. For example, staff regularly follow up with lobbyists to request that more complete information be included in the registrations or to correct inaccurate or out-of-date information. The compliance reviews include verifying that registrations are submitted, renewed, updated and terminated within the time frames required by the Act.

If potential non-compliance is identified, the Office assesses the matter through an informal resolution process, which may result in sending a compliance letter to the lobbyist or senior officer responsible for the registration if the deadline was missed by a short period of time. More serious non-compliance is referred for an investigation assessment, which the Integrity Commissioner reviews to determine if an investigation should be commenced.

Additional work to identify non-compliance is also done outside of the registry. For example, the Commissioner accepts information about potential non-compliance with the Act from any individual who submits it to the Office through a form available on its website.

Investigation Activity	2022-2023	2023-2024
Open investigations carried from previous year	4	6
Investigations commenced	14	10
Investigations concluded	12	3
Investigations resumed	0	0
Matters refused for investigation ¹	15	24
Matters referred to another person or body	0	0
Matters remaining under assessment at fiscal year-end	3	2

¹ Generally, matters that the Commissioner decides not to investigate will be dealt with through the informal resolution process in order to ensure future compliance with the Act.

INVESTIGATION SUMMARIES

This year the Commissioner concluded three investigations. When the Commissioner makes a finding of non-compliance, he must then determine if a penalty is appropriate. The Commissioner imposed a penalty on one lobbyist this year.

Completed investigations are summarized below. Summaries of cases in which penalties have been imposed can be found on the Office website.

Consultant Lobbyists

Issue: Failure to register

The Commissioner investigated to determine if a municipal election candidate, who had told a media outlet that he was a lobbyist working at Queen's Park, had failed to register. The investigation found that the individual had overstated his activities to the media and had not engaged in any lobbying. The Commissioner ceased the investigation.

Issue: Failure to register

The Commissioner investigated to determine if a consultant lobbyist had not complied with the Act by failing to register. The investigation confirmed that the consultant lobbyist had not filed a registration after arranging a meeting with a public office holder on behalf of a client. The Commissioner found that the non-compliance was significant and contrary to the public interest. The consultant lobbyist had a previous instance of minor non-compliance. The Commissioner imposed a penalty of publication of the lobbyist's name on the Office's website with a description of the non-compliance.

In-House Lobbyists

Issue: Failure to register

The Commissioner investigated to determine if an individual who was lobbying public office holders on behalf of a nonprofit organization had failed to register. The investigation found that the total time spent on lobbying activities was below the 50-hour

threshold required by the Act. The evidence also established that one of the activities, which was responding to a public office holder who had issued a request for advice or comment in writing, was exempt from registration under the Act. The Commissioner ceased the investigation.

Financial Statement

2023-2024

Salaries and Benefits	\$ 3,003,423
Transportation and Communication	\$ 60,390
Services	\$ 551,601
Supplies and Equipment	\$ 27,290
Total	\$ 3,642,704

The Office of the Integrity Commissioner's fiscal year runs from April 1 to March 31.

Financial transactions are subject to audit by the Office of the Auditor General of Ontario through the accounts of the Legislative Assembly. This financial statement was unaudited at the time of publication.

You can find information about the Office's reporting under the *Public Sector Salary Disclosure Act, 1996* at www.ontario.ca/page/public-sector-salary-disclosure.

Proactive Disclosure

You can find expense claims for travel, meals and hospitality for the Office's senior management and for employees with claims exceeding \$5,000 at www.oico.on.ca.



This report is also available at www.oico.on.ca.

Cette publication est aussi disponible en français.

Photos, Legislative Assembly of Ontario.

ISSN 1205-6391 (Print)

ISSN 1918-0357 (Online)



Office of the
**Integrity
Commissioner
of Ontario**

The Office of the Integrity Commissioner of Ontario was established in 1988 to maintain high standards of ethical conduct in the Ontario Public Service. Independent of government, the Office strives to encourage and sustain a culture of integrity and accountability. The Office has seven mandates under five pieces of legislation.

Office of the Integrity Commissioner
Suite 2100, 2 Bloor Street West
Toronto, ON M4W 3E2

Telephone: 416.314.8983
Toll-free: 1.866.884.4470
www.oico.on.ca