



MEMORANDUM | NOTE DE SERVICE

FROM | DE

Amélie Larin
Director, policy, planning and public affairs

TO | À

Nancy Bélanger
Commissioner of Lobbying

SUBJECT | OBJET

Lobbying during the COVID-19 pandemic

SECURITY SÉCURITÉ
(none)
FILE NO. N° DE DOSSIER
insert insérer
DATE
June 23, 2020

OBJECTIVE | OBJECTIF

To seek approval from the Commissioner to research, develop, and deliver a Special Report on lobbying during the COVID-19 pandemic.

BACKGROUND | CONTEXTE

The beginning of 2020 brought sudden and fundamental change to many aspects of Canadian life due to the coronavirus/COVID-19 pandemic. Government mandated self-isolation and social distancing resulted in many sectors shutting down completely and others sharply curtailing operations, which brought significant layoffs and economic uncertainty. International travel restrictions and internal border closings also limited the movement of people and products.

Some sectors shifted to telework while others transformed their operations to deliver products and services required for the COVID-19 response.

In the midst of this disruption lobbyists engaged with federal officials in record numbers and playing a key role in shaping the policies, programs and funding commitments totaling several billion dollars that the government planned and implemented in a matter of weeks. This indicates that the input of lobbying continued to be an integral part of the federal government's development, planning and implementation even during a global pandemic.

PROPOSED PRODUCT

The COVID-19 Special Report will serve as a case study on the evolution of lobbying during a crisis.



The Special Report will underline the relevance of the Office of the Commissioner of Lobbying to stakeholders by highlighting the important role that the Registry of Lobbyists played in supporting transparency as the government proposed and spent several billion dollars in a short period.

The Special Report will highlight the success of the Office's efforts to ensure that stakeholders understand the lobbying regime, demonstrate that the accurate capture of lobbying activities remains a key to transparency, and underline the usefulness of the information in the Registry of Lobbyists to Canadians.

It will also explore changes in the ways lobbyists engage with federal officials due to the COVID-19 pandemic, as well as over time. This will include a discussion of the Office's ability to increase accountability and transparency so Canadians can continue to have confidence that lobbying happens in the open and meets the highest ethical standards.

FOUR KEY THEMES

1. Reporting in a pandemic

The 3,534 monthly communication reports filed in February 2020 set a record, while the 2,329 reports in March 2020 made it the busiest third month since the Registry of Lobbyists began. This marked increase reporting during the pandemic indicates that lobbyists want to comply with the *Lobbying Act*. Although it is likely that fewer in-person meetings took place during the lockdown and some may have occurred over virtual meeting applications, it appears that lobbyists recognized that their interactions continued to constitute reportable "oral and arranged" communication.

This result also highlights that stakeholders understand the requirements surrounding reporting, with the assumption that a similar knowledge of registration requirements exists. The Special Report will endeavour to make a direct correlation between this understanding and ongoing outreach efforts and the continued compliance with the *Lobbying Act*. Key points: lobbyists understand the legislation and want to comply, demonstrated outreach success, lobbying transparency, record numbers of monthly communication reports, and the role of public office holders in ensuring transparency.

2. An effective transparency tool for Canadians

Canada's lobbying regime allows its citizens to examine the contacts between lobbyists and federal officials. In this way, the Registry of Lobbyists enables Canadians to follow their government's response in a time of crisis, such as the global COVID-19 pandemic, by reviewing lobbying interactions through the subject matters listed in monthly communication reports. An analysis of evolution of subject matters over time may reveal key points in the government's response and by identifying the changes in lobbying focus as the coronavirus moved from an emerging issue to a pandemic that required a concerted crisis response before the government moved into an economic recovery phase. This examination would include subject matters such as employment, energy, health, industry, and infrastructure.

The Registry of Lobbyists data already reveal changes in the frequency of certain subject matter reporting as the federal government moves from its immediate response to COVID-19 to developing longer-term stimulus and recovery packages. The bigger picture is that reviewing registrations and subject matters reported in the Registry of Lobbyists can be effective tools to help stakeholders including the Canadian public, understand issues at a particular point in time through the subject matter of lobbying, and see the way they develop and change over time.

This discussion would also include the addition of a feature in the Registry of Lobbyists dashboard showing registration mentioning COVID-19 in the subject matter details, which demonstrates that the Office actively looks for ways to enhance transparency beyond the letter of the legislation. Without this feature, these specific interactions may not have been easily revealed, which would make it much more difficult to capture how lobbyists helped shape the federal response to the COVID-19 crisis.

Focus points: the Registry of Lobbyists and transparency, using monthly communication reports to track an issue and to monitor government response, how subject matters show the evolution of a crisis, the Office's use of technology to enable transparency.

3. Lobbying in a time of social distancing

In March, federal, provincial, and municipal governments severely limited the movement of people, goods and services through mandated lockdowns of almost everything except sectors deemed essential. This included reducing the numbers of members in the Chambers, adding virtual sittings of Parliament and Parliamentary Committees, and moving to a telework model for most government departments, all of which fundamentally affected the way lobbyists engage with federal officials.

With travel continuing to be complicated, Parliament meeting online, and Parliamentarians staying in their constituencies, it would be interesting to explore the prevalence and frequency of virtual lobbying. There is also the trend to "coalitions" identified in a joint GRIC/PAAC op-ed where a consultant lobbies on behalf of several clients.

Focus points: has virtual lobbying taken hold, will there be fewer in-person meetings, should this new reality be reflected in the review of the *Lobbying Act* and the Lobbyists' Code of Conduct consultation.

4. Virtual regulation of Canada's lobbying legislation

The Office's ability to administer Canada's lobbying regime effectively despite the lockdown due to the COVID-19 crisis underlines the efficiency and value for money it delivers to Canadians. As the pandemic unfolded, the Office shifted to a remote model seamlessly and continued to assist registrants and process new registrations, monitor and verify lobbying activities, proceed with investigation files, and launch an updated website and Registry of Lobbyists. This demonstrates sound planning and stewardship of public funds.

Focus points: the Office's ability to respond in a crisis, demonstrating value for money, delivering results despite shrinking budget, and how the Office could increase transparency, especially following a legislative review and a consultation on the Lobbyists' Code of Conduct

CONSIDERATIONS | PRISE EN COMPTE

ALIGNMENT WITH THE OFFICE OF THE COMMISSIONER OF LOBBYING STRATEGIC PLAN 2018-2021

A Special Report on lobbying during the COVID-19 pandemic will demonstrate the value of the Registry of Lobbyists and help stakeholders to leverage the data. This delivers on the desired outcome of a more accessible, up-to-date and user-friendly Lobbyists Registration System (LRS) that meets the needs of all stakeholders.

Media coverage of a Special Report would serve as an effective avenue for outreach and education messages, such as the *Lobbying Act's* registration and reporting requirements. This responds to the high-level action of developing outreach initiatives with a focus on activities that improve awareness and compliance. It also delivers on two desired outcomes: Lobbyists, their clients and public office holders know their responsibilities and obligations under the Lobbying Act and the Lobbyists' Code of Conduct and Canadians have access to information on federal lobbying activities.

A Special Report would also be an excellent method to highlight that virtual meetings, such as those held on Skype and Zoom, are also registrable and reportable under the *Lobbying Act*. This responds to the high-level action of publishing reports on relevant key issues under effective compliance and enforcement activities. It delivers on the desired outcome to improve compliance with the *Lobbying Act* and the Lobbyists' Code of Conduct.

A Special Report can also serve as an employee engagement tool and promote a healthy workplace by publically recognizing the contributions of the team during a pandemic and highlighting the professionalism and dedication that ensured the Office fulfilled its mandate despite working remotely. This responds to the desired outcome of a positive and healthy work environment promotes engagement, openness and transparency.

OTHER CONSIDERATIONS

With a review of the *Lobbying Act* pending and the possibility of a consultation on the Lobbyists' Code of Conduct, a Special Report could also broach the topic of improving the legislation in light of the pandemic and responding to the significant changes in the lobbying landscape that occurred both before and after the COVID-19 crisis.

Human Resources

There would be a minimal impact on the Office's human resources apart from the staff time required to plan and deliver the COVID-19 paper. The Special Report will require some data extraction from the Registry of Lobbyists, as well as some manipulation and analysis to provide the raw materials required to shape the content.

Financial

There should be little financial impact on the Office other than salaries, although some costs for graphic design and translation services are anticipated.

Risks

Some may see a Special Report on the COVID-19 pandemic as opportunistic. Mitigation could include clearly outlining the Special report's purpose and developing key messages in a communications plan that demonstrates the value of using the Registry of Lobbyists to get a better understanding of pressing issues and developing situations in a time of crisis.

Some may see a Special Report on the COVID-19 pandemic as political. Mitigation could include messaging that the *Lobbying Act* allows the Commissioner to issue special reports when she believes the importance of the issue requires it.

The potential exists for the perception that it is poor timing to appear to be making a case for additional funding as possible cuts loom in the public service, even if that request is not explicitly articulated. Mitigation could include content in the Special Report that demonstrates this as an ongoing issue and a communications plan that includes appropriate key messages about the long-term impact of the budget shortfall.

Timing

The window for emphasizing the value of the Office's contributions on the COVID-19 file is narrow and delays in publication could mean that the Office misses the opportunity. A Fall target would ensure that the issues and analysis remain timely and informative. Consideration will be given to how the COVID-19 situation evolves or recovers to determine the best timing to publish. In any case, mitigation could include an alternate plan to include the analysis in the 2020-21 Annual Report should unforeseen circumstances postpone the Special Report, although this might greatly reduce its potential impact.

The possibility exists that a second wave of COVID-19 will hit the country in the fall, which might cause some to feel the Special Report is premature. Mitigation could include a communications plan that underlines the appropriateness of offering information to Canadians that helps them understand the federal government's response to a resurgent COVID-19 and monitor it as the country goes through another wave.

RECOMMENDATION | RECOMMANDATION

It is recommended that the Office of the Commissioner of Lobbying produce a Special Report on COVID-19. The Office is ready to undertake its planning, development, and production with the existing available resources.

It is also recommended that the Special Report be tabled in the fall after evaluating the ongoing circumstances.

DECISION | DÉCISION

I agree | En accord I disagree | En désaccord

Nancy Bélanger
Nancy Bélanger
Commissioner of Lobbying | Commissaire au lobbying

June 24, 2020
Date

This is a very good idea - However we will need to evaluate the timing for tabling depending on the current events in the fall.
Thanks!