

Information Notice

Serving your constituents and complying with the *Conflict of Interest Act* when you are a minister, a minister of state, or a parliamentary secretary

This document is intended to provide general information about your obligations under the [Conflict of Interest Act](#). It must be read in conjunction with other relevant information notices. Public office holders are encouraged to contact the Office for confidential advice about their individual situation. Please call 613-995-0721 or [send us an email](#).

The legitimacy of constituency activities is explicitly recognized in both the Act and the [Conflict of Interest Code for Members of the House of Commons](#), but the Act, in particular, places limitations on such activities.

The following will provide you with guidance on how you and your staff can serve your constituents while respecting your obligations under the [Conflict of Interest Act](#).

Source: [Section 4](#), [section 6](#), [section 7](#), [section 9](#) and [section 64](#) of the [Conflict of Interest Act](#)

1. What is required by *Conflict of Interest Act*?

You are prohibited from exercising an official power, duty or function that would further your [private interests](#), those of your relatives or friends, or improperly further another person's private interests, regardless of whether that person is your constituent.

You must not give any person or organization preferential treatment¹. The term "preferential treatment" is not defined in the Act, but the Commissioner has interpreted it to mean "treatment more favourable than might be accorded to anyone else in similar circumstances."

You are also prohibited from using your position to seek to influence a [decision](#) to further your private interests, those of your relatives or friends, or to improperly further another person's private interests.

¹ See, for example, [The Finley Report](#).

2. Government decisions and your constituency

When the government makes decisions on matters that could have a general impact on the constituents in your riding², you may speak about these matters or make representations to the appropriate minister.

Before doing so, consider whether your involvement could provide an opportunity to improperly further the private interests of any other person. Ask yourself whether you or your relatives or friends have a private interest that could be furthered by your involvement.

If you have any doubts or questions, please contact your advisor.

3. Constituents' dealings with federal organizations

You and your constituency staff are limited to seeking factual information from federal organizations when asked by constituents for assistance in dealing with federal organizations that administer programs in areas such as, but not limited to, immigration, employment insurance, passports and taxation. For example, a constituent may ask for help obtaining information on the status of a case, the timing of a hearing or the information a constituent should submit.

You or your constituency staff may also use regular channels open to any Member's staff to contact federal government institutions, including Crown corporations, to obtain information to assist constituents when they ask you to clarify questions related to government policy, legislation or regulations, or to obtain information on programs and the processing of applications, including the status of specific applications.

However, you are prohibited from using your position as a minister, minister of state or parliamentary secretary to seek to influence the outcome of any process. You and your staff must not:

- ask for a favourable decision or to have a case resolved on a priority basis;
- treat your own constituents more favourably than those in other constituencies;
- approach your own department or an organization within your portfolio on behalf of your own constituents or on behalf of the constituents of a cabinet colleague;
- seek to influence outcomes or obtain preferential treatment from a cabinet colleague.

4. Decisions of federal administrative tribunals

Administrative tribunals are bodies established by statute to decide various quasi-judicial issues. Examples include the Canadian Radio-Television and Telecommunications Commission, the Parole Board of Canada, and the Immigration and Refugee Board of Canada.

² See, for example, [The Paradis Report](#) (December 2013).

You and your staff may assist constituents by explaining an administrative tribunal's processes or by providing them with relevant contact information.

However, you must not under any circumstances attempt to intervene in the decision-making process of an administrative tribunal on behalf of any constituent in any riding, or to expedite the processing of an application. Such contact may be considered an attempt to influence a decision, which is a breach of section 9 of the Act.³

5. Support for federal funding applications

As a general rule, you may provide letters of support for projects in your riding for which federal funding is being requested. You must use your letterhead and title as a Member and not your ministerial letterhead.

However, if the funding is being requested from your own department or from an organization within your portfolio, you may not provide a letter of support or use any other means to favour the funding request.

6. References and other support

You may provide a letter of reference but you must consider whether it is appropriate to do so in your official or personal capacity. A letter of reference should not be a blanket endorsement ("To whom it may concern"), but should be addressed to a specific individual or organization for a specific matter in order to prevent the letter from being used for purposes other than that for which it has been provided.

When providing a reference based on a personal relationship (e.g. relative, friend, classmate, neighbour, member of a group to which one belongs), it is not appropriate to use official ministerial, parliamentary secretary or MP letterhead and titles, except for any honorific title that one is entitled to use (e.g. the Honourable John Smith).

In order to provide character and employment references in your official capacity, you must be personally acquainted with the individual on whose behalf the request was made. If a reference is for a former employee or volunteer, or for an acquaintance, made in the context of your role as a Member, minister or parliamentary secretary, it is appropriate for you to use official ministerial, parliamentary secretary or MP letterhead and titles, whichever is applicable.

In order to respect the merit principle, if a job applicant is seeking employment in a federal department or agency, ministers and parliamentary secretaries may not write to a departmental, Crown corporation, or agency official to support that applicant or regarding any other matter dealing with the staffing or appeal processes, or with a grievance process under the *Public Service Labour Relations Act*. They may, however, agree to have their name listed in the "personal reference" section of the individual's curriculum vitae with a view to providing a

³ See for example, [The Gill Report](#), as well as compliance orders for Eve Adams and for Colin Carrie.

reference upon request.

Appointments by ministers are excluded from the *Public Service Employment Act*. In the case of an appointment made by another minister, a letter of recommendation may be sent by ministers, ministers of state and parliamentary secretaries to the responsible minister. Ministers, ministers of state and parliamentary secretaries may also provide recommendation letters for appointments made by the Governor in Council.

7. If you are still in doubt

Advisors in the Office of the Conflict of Interest and Ethics Commissioner are available to assist you if you have any doubts about how to respond in individual cases. For more information, please contact the Office by calling 613-995-0721 or [sending an email](#).

8. Related examination reports

[The Philpott Report](#)

[The Gill Report](#)

[The Finley Report](#)

[The Paradis Report](#) (December 2013)

[The Clement Report](#)

[The Paradis Report](#) (March 2012)

[The Watson Report](#)