



Office of the  
Senate Ethics Officer  
Bureau du  
conseiller sénatorial  
en éthique

## GUIDELINE ON GIFTS AND OTHER BENEFITS (Section 17 of the Code)

Senators are sometimes offered gifts and other benefits. The purpose of this guideline is to assist senators and others in better understanding which gifts and other benefits are acceptable under the *Ethics and Conflict of Interest Code for Senators* (the Code) and which ones are prohibited.<sup>1</sup>

Compliance with this Guideline does not mean that a senator has necessarily respected their obligations under the Code nor does non-compliance with this Guideline mean that a senator has necessarily breached the Code. Senators are encouraged to contact the Senate Ethics Officer for opinions or advice on their particular circumstances.

### What is the rule?

The general rule<sup>2</sup> is that a senator shall not accept, directly or indirectly, a gift or other benefit if it could reasonably be considered to relate to the senator's position.

### To whom does the rule apply?

The prohibition applies to a senator receiving a gift or other benefit. It also applies to a senator if a family member has accepted a gift or other benefit because of the senator's position.

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<sup>1</sup> This Guideline is published by the Senate Ethics Officer (SEO) and was first approved by the Standing Committee on Ethics and Conflict of Interest for Senators under section 43 of the Code on June 28, 2021 and last modified on June 28, 2021.

It is intended to provide general information about senators' obligations under the Code. It is not a binding opinion on the SEO as the facts related to a senator may vary. Senators may contact the SEO for confidential advice about their individual circumstances at (613) 947-3566 or by email at [cse-seo@sen.parl.gc.ca](mailto:cse-seo@sen.parl.gc.ca).

<sup>2</sup> 17. (1) *Neither a Senator, nor a family member, shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law that could reasonably be considered to relate to the Senator's position.*

### **What does “reasonably be considered to relate to the senator’s position” mean?**

Generally, a prohibited gift or benefit is one that is given to senators in an attempt to influence them, or is perceived as such.

The only relevant factor is in what capacity the gift or other benefit appears to have been given to the senator, from the perspective of a reasonable person. The donor of the gift or benefit is not the determining factor, though the donor’s identity or relationship to the senator may provide some indication as to whether the gift or benefit was provided to a senator in their senatorial capacity.

If a reasonable person would conclude that the gift or benefit was given to the senator or the senator’s family member because of the senator’s position, the gift or benefit is unacceptable.

Similarly, if a reasonable person would conclude that the gift or benefit would not have been provided if the senator were not a senator, then it is also unacceptable.

Senators may accept gifts or other benefits from family and friends that are not related to their position as senators. For example, accepting a personal gift given by a family member or a close friend of a senator for their birthday or at Christmas is normally not prohibited by the Code.

However, the prohibition on accepting gifts or benefits may apply to gifts or benefits from family members or friends of senators just as it may apply to those provided by any other person or entity. For example, a gift or benefit given by a family member or a friend of a senator because of their position as a senator or in relation to an activity undertaken by the senator as part of their Senate role is prohibited.

A senator cannot take the position that they received the gift or benefit in a personal capacity as proof that a gift or benefit was not related to the senator’s position, nor is it sufficient proof for the donor to state that the gift or benefit was given to the senator in a personal capacity.

The Code does not make a distinction between a gift or other benefit provided by a for-profit corporation or by a non-for-profit organization.

### **What does it mean that a senator cannot accept a gift or other benefit indirectly?**

If a gift or other benefit is unacceptable under the Code, senators and their family members are prohibited, not only from accepting it directly, but also from accepting it indirectly.

This means that an unacceptable gift or other benefit cannot be accepted by a family member, a senator's staff or anyone else on the senator's behalf.

It also means that a senator cannot give an unacceptable gift or benefit to a family member, a friend, a member of their staff or another person or entity, including a non-for-profit organization, and take the position that they did not receive the gift or benefit because someone else is in possession of it.

Also, a senator may not ask or accept that an unacceptable gift or benefit be redirected by the donor to someone else or donated to a non-for-profit organization, in the senator's name or in the name of another person, including a family member. In such cases, the senator would still be considered to have received the gift or benefit.

### What is a gift or other benefit?

Gifts and other benefits include:

- **Money**
- **Goods** such as books, flowers, artwork, wine and alcohol
- **Properties** such as vehicles (cars, planes, etc.), offices, houses or cottages
- **The use of these properties or other facilities** (hotel rooms, office boardrooms, banquet facilities, etc.) at a reduced rate or at no cost
- **Membership** in a club or other organization at a reduced rate or at no cost
- **Services**, such as dry cleaning, designing or photography, at a reduced rate or at no cost
- **Donations to a charity** made in the senator's name or in the name of a family member
- **Meals** paid for by another person or organization, including a non-for-profit organization
- **Invitations, tickets or seats** to attend an event, such as a sports match, gala, concert, play or fundraiser, at a reduced rate or at no cost.

The Code does not refer to the value of a gift or of a benefit. Subject to what is said below, gifts and benefits of all values are caught by the Code.

## What are the exceptions to the general rule?

A senator may accept a gift or other benefit if it falls within one of the three exceptions to the general prohibition on gifts and other benefits: (1) compensation authorized by law; (2) protocol, courtesy and hospitality<sup>3</sup>; or (3) sponsored travel<sup>4</sup>.

The first exception, compensation authorized by law, refers to a senator's sessional allowance and any additional allowances to which senators may be entitled under federal legislation.

## What does "protocol, courtesy and hospitality mean"?

The second exception concerns gifts or other benefits provided to a senator as an expression of courtesy or protocol, or that are within the customary standards of hospitality that normally accompany a senator's position.

What is considered to be an expression of "protocol, courtesy and hospitality" depends on the circumstances and the facts.

This exception usually involves a token expression of appreciation received in the context of some formal interaction, for example if a senator is performing a ceremonial or representational role at an event, as a speaker, presenter, host or official representative.

The Senate Ethics Officer generally views inexpensive goods and services, such as pins, pens, notepads, T-shirts, inexpensive carrying cases provided to conference and event attendees, refreshments (such a coffee, muffins) and ordinary, low value meals at conferences, as items that could not reasonably be considered to influence a senator. As such, they are acceptable.

## What are examples of acceptable and unacceptable gifts and other benefits?

These are only a few examples. They may or may not be applicable to a senator's case depending on its facts.

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<sup>3</sup> 17. (2) A Senator, and a family member, may, however, accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Senator's position.

<sup>4</sup> Sponsored travel falls under section 18 of the Code and is discussed in the [Guideline on Sponsored Travel \(Section 18\)](#).

- Is a gift offered to a senator on behalf of a municipal, provincial or foreign government during a meeting or an official visit acceptable?

Yes, such a gift would normally fall under the exception for courtesy and protocol gifts, provided the gift was of nominal value.

- Is a gift provided to a senator to express gratitude for participating in an event in their senatorial capacity acceptable?

Yes, such a gift would normally fall under the exception for courtesy gifts, provided the gift was of nominal value (see examples above) and the senator is actively participating (as a speaker, for example) in the event.

- If a senator is giving a speech at an event in their senatorial capacity, can the organization holding the event provide the senator with a gift of cash or a gift certificate as a token of gratitude for their participation at the event?

No, a gift of cash or a gift certificate is not considered to be a courtesy gift, hospitality or protocol.

- Can a senator be paid to give a speech in their senatorial capacity at an event?

No, senators are already paid to be senators and giving speeches in their senatorial capacity cannot be additionally remunerated.

- Are free tickets to a sporting event acceptable if the senator does not have a specific role to play as a public official at the event?

No, these tickets are not acceptable under the Code. If the senator had a role to play at the event (giving a speech, inaugurating a facility) and was invited in a representative capacity, the tickets would be acceptable since they would fall under the exception for matters of courtesy and hospitality. But if the senator is not carrying out a senatorial role at the event, then the gift could reasonably be considered to have been given just because the senator is a senator and therefore could have been given to influence the senator in their senatorial duties.

It should be noted that the nature of the senator's participation is important. The benefit to the senator must be proportionate to the nature of the senator's participation. For example, if a senator's role is to simply drop a puck at a sporting event at which the tickets to the event are valued at \$500 each and the senator is provided with two tickets as well as two seats in a box with a lavish meal, this benefit is disproportionate to the function the senator is carrying out. A useful way in which to look at this issue is to weigh

what the reasonable person would consider appropriate under the circumstances.

- Does the Code permit a senator who delivers a speech at a dinner in their senatorial capacity to accept that the organization that invited the senator pays for the senator's meal?

Yes, a senator may accept that the organization, as a matter of courtesy, pay for a meal or refreshment that is offered to everyone at the event when participating in their senatorial capacity.

- Is a meal at a restaurant offered and paid for by a lobbyist during which a senator is discussing matters in their senatorial capacity permissible?

No, such a benefit would not be permissible. The meal is not being provided as courtesy for participating at a conference, roundtable or other event. The meal is being offered by a lobbyist who has an interest in discussing matters with the senator in their senatorial role and, therefore, a reasonable person is likely to view the meal as an attempt to influence the senator in the performance of their formal duties. It is irrelevant whether the senator knew the person prior to their appointment to the Senate or has had some relationship with the lobbyist in the past.

- Is a senator permitted to accept a ticket offered to a cultural or charitable event where the senator does not have a speaking role or any other formal role?

No, the ticket is not acceptable. The ticket cannot be considered courtesy, protocol or hospitality since the senator does not have senatorial role to play at the event. As already noted above, if senators have a role to play at an event, they may accept paid tickets to it; however, it is always important to consider whether the value of the benefit being given to the senator is disproportionate to the role the senator is playing at the event.

### **What should senators do if they receive an acceptable gift or other benefit because it falls under the exception for courtesy, protocol or hospitality?**

If the gift or other benefit is acceptable because it falls under the exception to the prohibition for gifts or other benefits of courtesy, protocol or hospitality, a senator must report it to the Senate Ethics Officer if the gift or other benefit exceeds \$500 in value. If a senator receives a number of gifts or other benefits from one source in a one-year period, the total value of which exceed \$500 in value, these too must be reported to the Senate Ethics Officer.<sup>5</sup>

<sup>5</sup> 17. (3) *If a gift or other benefit that is accepted under subsection (2) by a Senator or his or her family member exceeds \$500 in value, or if the total value of all such gifts or benefits received*

This rule applies to gifts and benefits provided by organizations, both for profit and not-for-profit, as well as individuals. It also applies to protocol, courtesy or hospitality gifts provided to a senator by a foreign government if the value of the gift is over \$500. The senator must report these gifts or other benefits by filing a Statement of Gifts of or Other Benefits disclosing the source of them and the circumstances under which the gifts or benefits were given.

If such a statement is required, the Senate Ethics Officer will post that statement on the Public Registry, which can be found on the Office of the Senate Ethics Officer's website.

This must be done within 30 days after the gift or benefit was received, or after the total value of all such gifts or benefits exceeds \$500 if there are multiple gifts or benefits from one source in a one-year period.

If the value of a gift or of a benefit, or of multiple gifts or benefits from the same source, is under \$500, then the senator does not have an obligation to disclose these to the Senate Ethics Officer.

### **What should senators do if they are uncertain about the acceptability of a gift or other benefit?**

Senators should contact the Office of the Senate Ethics Officer for advice at (613) 947-3566 or by email at [cse-seo@sen.parl.gc.ca](mailto:cse-seo@sen.parl.gc.ca).

### **Related guideline**

See also [Guideline on Sponsored Travel \(Section 18\)](#).

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*from one source in a 12-month period exceeds \$500, the Senator shall, within 30 days after the gift or benefit is received or after that total value is exceeded, as the case may be, file with the Senate Ethics Officer a statement disclosing the nature and value of the gifts or other benefits, their source and the circumstances under which they were given.*