



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

GUIDELINE ON SPONSORED TRAVEL (Section 18 of the Code)

Senators are sometimes asked to attend events as public officials and have their travel costs paid for by others. The purpose of this guideline is to assist senators and others in better understanding when travel for such events may be sponsored by a third party under the *Ethics and Conflict of Interest Code for Senators* (the Code) and which ones are prohibited.¹

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 is that travel paid for by a third party is permissible under the Code as long as the travel arises from or relates to the senator's position.²

Sponsored travel is an exception to the prohibition in section 17 that senators shall not accept any gift or other benefits that could reasonably be considered to relate to their position as senators.

¹ 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 situation. at (613) 947-3566 or by email at cse-seo@sen.parl.gc.ca.

² 18. (1) *Notwithstanding subsection 17(1), a Senator may accept, for the Senator and guests of the Senator, sponsored travel that arises from or relates to the Senator's position. If the travel costs of a Senator or any guest exceed \$500 and are not paid personally by the Senator or the guest, and the travel is not paid through the programs for international and interparliamentary affairs of the Parliament of Canada, by the Senate, the Government of Canada or the Senator's political party, the Senator shall, within 30 days after the end of the trip, file a statement with the Senate Ethics Officer.*

To whom does the rule apply?

This rule applies to senators and the guests of senators who may be family members of senators or members of the staff of senators. It would, however, exclude other third parties.

This rule applies only if a senator is part of the travel. Senators cannot accept sponsored travel for a family member or a member of their staff and benefit from the rule if they do not travel with their guests.

What does “arises from or relates to the senator’s position” mean?

It means that senators must travel in their capacity as public officials, as legislators, and not in their personal/private capacity.

In order for section 18 to apply, a senator must be performing a function as a public official in the context of the travel. Giving a speech at a conference to which the senator has been invited, taking part in a panel discussion on a public issue, visiting a foreign country at the invitation of that country, are all examples of activities that form part of the role a senator plays as a public official.

It is important to note that travel for a senator that is paid for by a third party simply because the senator holds a position as senator, but that does not involve the senator performing a function as part of the travel, is unacceptable under the Code and would fall under the general prohibition against receiving gifts and other benefits in section 17.

In some cases, though the sponsored travel does arise in the context of a senator's position as a public official, it may nonetheless raise a perception of a conflict of interest and may even result in a conflict of interest and in a breach of an obligation under the Code. As such, there may be situations in which it is advisable that a senator not accept the sponsored travel even though it has arisen as part of a senator's role as a public official because it may violate a principle of the Code or breach another rule of the Code.

Moreover, sponsored travel that arises in the context of a senator's role as a public official, but where the senator, the sponsor, or the payor would violate legislation, such as the *Criminal Code* or the *Lobbying Act*, in respect of a sponsored travel is not acceptable and should be declined.

Sponsored travel that does not arise in the context of a senator's role as a public official falls outside the exemption of section 18. Whether a senator should accept sponsored travel that does not relate to a senator's position as a public official is outside the purview of the Code and, therefore, beyond the jurisdiction of the Senate Ethics Officer.

Sponsored travel is not limited to international travel but also includes domestic travel within Canada.

The Code does not make a distinction between travel sponsored by a for-profit corporation and by a non-for-profit organization.

How do senators know if they may accept sponsored travel?

The following is a series of questions that is helpful in better understanding which invitations may be accepted without running afoul of the Code.

- Who is paying for the trip? (The organization that is paying for the trip might not be the same as the sponsor of the trip. It is important to probe the sponsor in order to identify the payor.)
- Is the payor or the sponsor a registered lobbyist? If yes, what is the purpose for which they are lobbying?
- Is the travel funded by Parliament, by the Senate, the Government of Canada or the senator's political party?
- Are there any matters currently before the Senate or a committee of the Senate, or before the House of Commons (which could end up before the Senate), that could affect or concern the payor or the sponsor?
- Does the payor or the sponsor currently have any business/commercial dealings with the federal government or a provincial, territorial or municipal government?
- Is the payor or the sponsor seeking business/commercial dealings with the Government of Canada, a provincial, territorial or municipal government?
- What is the purpose of the trip?
- Why is the organization inviting the senator? Why did the organization choose to invite the senator?
- Does the trip involve performing a function as a senator, or does it relate to an outside activity?
- Is the senator a board member, an official, or a volunteer within an entity, where the entity is the payor or the sponsor? Has the senator, in the past, held such a position within the entity that is the payor or the sponsor of the trip?
- If the trip does not involve a senator performing a function as a public official, is it a gift or other benefit that is unacceptable under the Code?
- If the trip does involve a senator performing their role as a public official and is acceptable under section 18, is it a gift or other benefit that is unacceptable under a different provision of the Code?
- Is the senator being offered an honorarium for, for example, delivering a speech? (The honorarium may not be acceptable under the Code.)

- What is the duration of the trip? Is it limited to business or does it also include leisure? If so, is there more leisure involved than business? Could the trip be viewed as more of a leisure trip than a business trip?
- Could the trip be perceived as an attempt to influence a senator in their senatorial duties, whether at the present time or in the foreseeable future, irrespective of whether the trip is paid for by a Canadian organization, an international organization or an organization established in or incorporated under the laws of a foreign country?
- Would the senator, the sponsor or the payor violate legislation, such as the *Criminal Code* or the *Lobbying Act*?

While the above checklist is intended to provide some guidance to senators, there may be other relevant questions that should be asked depending upon the particular invitation and the context in which it has arisen. For this reason, senators are encouraged to contact the Senate Ethics Officer to seek advice before accepting any such invitation.

What are examples of acceptable and unacceptable sponsored travel?

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

- Is it permissible for senators to accept an invitation from a corporation to tour a facility that the corporation owns and for the corporation to pay for the senators' travel and accommodations in order for them to be able to do so? The corporation has ongoing business dealings with the government of Canada.

No, it is not permissible for senators to accept that the travel and related expenses are paid by the corporation since the corporation has business dealings with the government.

- Is it permissible for a senator to accept sponsored travel from a not-for-profit organization that is holding an event and would like the senator to give the keynote address at the event?

Yes, the senator may accept the sponsored travel in this case. If the costs of the travel exceed \$500, the senator must file a Statement of Sponsored Travel with the Senate Ethics Officer who will make that statement public.

- Is it permissible for a senator to accept travel paid for by a parliamentary association that is funded by the Joint Interparliamentary Council?

Yes, the senator may accept such sponsored travel and need not report it to the Senate Ethics Officer since travel that is paid for by a parliamentary association funded by Parliament is exempt from the reporting requirements.

- Is it permissible for a senator to accept sponsored travel from a university that is hosting a conference and invites the senator to participate at the conference given their background in the area?

Yes, the senator may accept the sponsored travel in this case. If the costs of the travel exceed \$500, the senator must file a Statement of Sponsored Travel with the Senate Ethics Officer who will make that statement public.

- Is it permissible for a senator to accept sponsored travel by an organization to a vacation destination for the senator and their spouse?

No, it is not acceptable for a senator to accept such travel. For sponsored travel to fall under section 18 of the Code, the trip must form part of a senator's role as a public official. They must be carrying out an official function. Sponsored travel that is essentially a paid vacation or holiday for a senator is not acceptable as it does not involve the senator taking the trip in order to carry out their role as a public official.

- Is it permissible for a senator to accept sponsored travel to give a speech at a vacation destination paid by an organization lobbying the senator in their official capacity?

No, this is not permissible. Senators should never accept sponsored travel to a vacation destination from any organization in their capacity as public officials, irrespective of whether or not the organization is lobbying them. If the organization is lobbying a senator on a Senate matter and offers a paid vacation to the Senator, this is even more problematic since it would be an attempt to buy a senator's influence with a trip, contrary to subsection 17(1) of the Code concerning improper gifts or other benefits. Depending upon the specific facts, it could also be contrary to section 9, which relates to improper influence.

- Is it permissible for a senator to accept an invitation from a foreign government to travel to the country in question in order to meet with its foreign leaders to discuss country to country relations and trade issues? All the costs of the travel and any related costs would be paid for by the host country.

Yes, this is permissible under the Code since the sponsored travel arose from the senator's position and the senator would be attending in their capacity as a public official. If the costs of the travel exceed \$500, the senator must file a Statement of Sponsored Travel with the Senate Ethics Officer who will in turn make that statement public.

- Is it permissible for senators to accept sponsored travel for themselves and their staff members to attend a conference at which the senators are guest speakers? Is the answer the same if the senators are simply attending the conference and are not guest speakers?

Yes, senators may accept, for themselves and for staff members, the sponsored travel since they would be carrying out a senatorial function. Where travel is permissible under section 18, the provision also includes guests of senators who

may be their staff members or family members. Any other third party would not qualify as a guest. Having said that, if senators are simply attending a conference and have no role to play, they should not accept sponsored travel for themselves and their staff to attend the conference.

- Is it permissible for an organization to pay for the travel and accommodation costs of a staff member of a senator to attend a conference related to the staff member's work in the senator's office if the senator is not part of the travel?

The Code does not apply to staff of senators. It is only applicable to senators. As such, any conflict of interest issues that staff of senators have would have to be addressed to the Senate Administration, not the Senate Ethics Officer. However, section 18 of the Code does provide for sponsored travel for a senator and "guests" of the senator. Under this provision of the Code, senators would also have to be offered sponsored travel and accept it in order for a staff member to accompany them as a "guest".

- Is it permissible for a senator to accept sponsored travel in order to attend a one-day conference at which the senator is the keynote speaker but where the senator would like to stay for two extra days in order to sightsee?

The senator may accept the sponsored travel in order to participate at the conference, along with any related expenses. However, with respect to the extra two days for sightseeing, the senator must pay their own accommodation and any expenses during that portion of the trip given that it is personal in nature.

What should senators do if they accept permissible sponsored travel?

If the travel costs of a senator or any guest of the senator exceed \$500, the senator is required to file a Statement of Sponsored Travel with the Senate Ethics Officer within 30 days after the end of the trip. This statement may be found on the Office of the Senate Ethics Officer's website.

In the statement, the senator is required to disclose who is paying for the trip, the destination(s) of the trip, the purpose and length of the trip, if there are any guests and the general nature of the benefits the senator and the guests received.³

The general nature of the benefits includes airline tickets, rental cars and other modes of transportation, meals, hotels and other types of accommodation, and other expenses.

The source of the funding for the trip may not be the same as the sponsor of the trip. It is important that senators inquire specifically about who or which organization would actually be funding the trip.

³ 18. (2) *The statement shall disclose the name of the person or organization paying for the trip, the destination or destinations, the purpose and length of the trip, whether or not any guest was also sponsored, and the general nature of the benefits received.*

If the value of the sponsored travel is under \$500, then the senator does not have the obligation to disclose it to the Senate Ethics Officer.

If the 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.

Sponsored travel does not need to be disclosed as a gift or other benefit.⁴

What are the exceptions to filing a Statement of Sponsored Travel?

A senator is not required to file a Statement of Sponsored Travel if the travel is paid for through the programs for international and interparliamentary affairs of the Parliament of Canada. It is also not required if the travel is paid for by the Senate, the Government of Canada or by the senator's political party, even if the cost of the travel exceeds \$500.

However, a senator must file a Statement of Sponsored Travel with the Senate Ethics Officer for travel that is paid by any of the friendship groups because none of them are funded by Parliament. A statement must also be filed if a senator is travelling as part of one of the four interparliamentary groups that are recognized by Parliament since these do not receive any funding by Parliament either.

Travel with a Senate committee, a Joint committee of the Senate and of the House of Commons, or any organization that is funded by the Joint Inter-Parliamentary Council, for example, a parliamentary association such as the Canadian Group of the Inter-Parliamentary Union (IPU) and the Canadian NATO Parliamentary Association, does not require the filing of a Statement of Sponsored Travel because it is funded by one or both Houses of Parliament.

What should senators do if they are uncertain about the acceptability of a sponsored travel?

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.

Related guidelines

See also [Guideline on Gifts and other Benefits \(Section 17\)](#)

⁴ 18. (3) *Any disclosure made in relation to sponsored travel does not need to be disclosed as a gift or other benefit.*