



Office of the Ethics Commissioner

Guide to Gifts – April 2024

Introduction

The basic rule regarding gifts is that Members are prohibited from accepting a fee, gift, or other benefit connected directly or indirectly with the performance of their duties as an elected official.

There are a number of exemptions and exceptions to this rule.

Gifts from family are not subject to the *Conflicts of Interest Act*. Gifts from friends are also not included unless the friend wants a political favour.

Exemption for gifts from charities, other Canadian governments and political parties

Regardless of value, a Member may accept gifts from their constituency association, their political party, any charitable organization (as defined by the Canadian Revenue Agency) and any level of Canadian government. In these cases, it is not necessary to check with the Ethics Commissioner.

Caution is advised because a Member may receive tickets to an event put on by a charity but the tickets may come from, or the seats may be paid for by, a corporation or an individual. In these cases, the tickets are not coming from a charity and are not exempt. Likewise, there are organizations affiliated with municipalities that are not covered by this exemption.

Incident of Protocol or Social Obligation

Gifts that are offered, aside from gifts from family and friends, or are otherwise exempted, may only be accepted if they are an **incident of protocol** or of the **social obligations** that normally accompany the Member's office and, in the case of tangible gifts, not above a certain value.

Gifts that are an **incident of protocol** are gifts offered that have a special cultural or historic meaning to the person or group offering the gift and that are commonly given by that person or group to honour or thank someone.

Gifts that are of the **social obligation** that normally accompany the Member's office are gifts that are offered as a matter of gratitude or courtesy appropriate to an occasion, typically when a Member is attending an event in the Member's official capacity.

The rule that Members may only accept gifts if they are an incident of protocol or of the social obligations that normally accompany the Member's office is contained in conflict of interest legislation across Canada and has been interpreted by Ethics Commissioners across the country. The definitions provided above are drawn from the experience of this Office and interpretations

given by other Commissioners.

Those Commissioners have also provided examples of gifts that would **NOT** be considered an incident of protocol or social obligation in their jurisdiction. Some of those examples are:

- In Ontario, it is not considered permissible for a Member to accept complimentary tickets to a sporting event where the Member does not speak or have an official role;
- Similarly, in British Columbia, it is not considered permissible for a Member to accept tickets in a company's box suite at a major sporting event. On the other hand, it may be permissible to accept tickets to the same sporting event from the event organizers, particularly where the government has provided funding for the event;
- In Ontario, it is not considered permissible for a Member to accept a large gift basket from a company in his or her constituency after touring the company's facilities;
- In British Columbia, it is not considered permissible for a Member to allow a lobbyist for an industry stakeholder to pay for lunch at a restaurant during a "working lunch". The Member would be advised to either pay for their own meal out of their allocated *per diems* or avoid meeting with the lobbyist over a meal;
- At the federal level, the Conflict of Interest and Ethics Commissioner only permits industry stakeholders and registered lobbyists to provide low-value gifts and hospitality to Members of Parliament, with the commercial value of these gifts limited to less than \$40 per event and \$200 from the same source annually;
- The federal Conflict of Interest and Ethics Commissioner has also found that public office holders cannot accept complimentary tickets to galas and fundraisers put on by stakeholders if the public office holder has no official role during the gala or fundraiser.

These are provided as examples only and the interpretation by this Office may be different depending on the context. The acceptability of a gift requires consideration of the entire context surrounding the gift, including but not limited to the relationship between the donor of the gift and the Member, the value of the gift and the circumstances surrounding the gift.

If a Member is unsure whether an offered gift falls within the exceptions for incident of protocol or social obligation, the Member should consult with the Office of the Ethics Commissioner.

Categories of Gifts

The *Conflicts of Interest Act* establishes three categories of gifts, each with different rules for acceptance as outlined below:

1. **Tangible gifts** (for example, non-monetary gifts or benefits) that are an incident of protocol or of the social obligations that normally accompany the Member's office may be accepted without breaching the *Conflicts of Interest Act* if the value of the gift is **\$500 or less**. Acceptance of any tangible gift above \$500 must receive approval from the Ethics Commissioner.

T-shirts, coffee mugs, books, flowers, chocolates or light refreshments provided to a Member as a thank you gift for speaking at or attending an event will typically be considered an incident of protocol and may be accepted. Gifts of blankets, ribbon skirts or other similar gifts from Indigenous communities will also be considered an incident of protocol, even if the value of these gifts is greater than \$500.

In some cases, such as after a speech is given, a Member may be put in a position where the Member is not able to or does not want to refuse the gift or does not know its value when accepting it. The Member should discuss with the Office of the Ethics Commissioner as soon as possible thereafter how to deal with the gift.

2. Tickets and invitations to events that are an incident of protocol or of the social obligations that normally accompany the Member's office may be accepted if the tickets and invitations to events are accepted in accordance with the regulations.

The *Act* and regulations no longer contain monetary limits on the value of tickets and invitations to events that may be accepted by Members. Instead, the regulations set out requirements for when and how tickets and invitations to events must be disclosed to the Office of the Ethics Commissioner. However, a Member still breaches the *Act* by accepting tickets or invitations to events that are not an incident of protocol or social obligation.

Tickets or invitations to events connected to a Minister's portfolio or to an event in a Member's constituency will often be considered to be a social obligation that normally accompanies a Member's office. Tickets or invitations to major Alberta sports, cultural and economic events may also fit within the social obligation exception.

3. Waivers of attendance fees for conferences or meetings and the payment or reimbursement of reasonable travel expenses for attendance at a conference or meeting may also be accepted by Members if the waiver, payment or reimbursement is an incident of protocol or of the social obligations that normally accompany the Member's office provided the waiver, payment or reimbursement is accepted in accordance with the regulations.

Again, the *Act* and regulations no longer contain monetary limits on the value of the waivers, payments or reimbursements that may be accepted by Members. However, a Member still breaches the *Act* by accepting any waiver, payment or reimbursement that is not an incident of protocol or social obligation.

If a conference relates to a Minister's portfolio or a Member has an expertise or sufficient interest in the conference matter, a waiver of the attendance fee may be considered a social obligation that normally accompanies the Member's office. When a Member is invited to speak at a conference or bring greetings on behalf of the Province, it is typically acceptable within the social obligation exception for the Member's attendance fees for the conference to be waived. A waiver of attendance fees for a conference or meeting of substantial importance or interest to the Province may also fit within the social obligation exception.

Lobbyists

Members must be particularly careful when accepting gifts from lobbyists as these gifts may place the Member in a conflict of interest. Lobbyists breach the *Lobbyists Act* by giving or offering a gift, favour or other benefit that a Member cannot accept or that, if given, would place the Member in a conflict of interest.

The **maximum** limit on tangible gifts from lobbyists is **\$500**. As with all gifts, any tangible gifts from lobbyists must be an incident of protocol or social obligation. The Commissioner does not make exceptions for tangible gifts from lobbyists that are above the \$500 limit.

For tickets, invitations, attendance fees and travel expenses offered by lobbyists, Members must consider whether the offered gift is an incident of protocol or social obligation and whether the

gift, if given, would place the Member in a conflict of interest. Members should also consider the public perception of accepting such gifts.

Prizes

A Member may purchase a raffle ticket from their own personal funds and win a prize at an event. The Member may keep the prize as it is not connected to their official duties. No disclosure is required. If the Member wins a door prize or similar draw where the Member has not bought a ticket to the event the Member should decline it.

Donating gifts

Members may wish to donate a gift that has been received to a local community association or charity. If a Member donates a gift, an income tax receipt should be declined.

Gift tracking sheet

Members must submit a gift tracking sheet each year with the Members' annual financial disclosure. All gifts received greater than \$250, except from family and friends, must be listed on the form.

Even if a gift is donated or re-gifted by the Member, the rules relating to reporting still apply as the Member is the first person receiving the gift.