Interpretation Bulletin #8

Registering Grass Roots Lobbying

The Integrity Commissioner as the Lobbyists Registrar maintains an online public record of lobbyists and conducts investigations into non-compliance with the Lobbyists Registration Act, 1998 (LRA).

Summary
Grass-roots communication is an indirect form of communication with public office holders. Lobbyists using this technique may need to register their activities even if their activities do not include direct communication with public office holders. This Bulletin clarifies the activities that are captured by the term “grass-roots communication”.

Interpretation
Lobbyists are required to disclose all techniques of communication used to lobby, including grass-roots communication.

Grass-roots communication may use any means, including advertisements, website(s) or social media tools to encourage members of the public to communicate with public office holders directly through any means including letters, email, social media tools (e.g. posting, direct messaging, tweeting), text, phone or in-person demonstrations.

When lobbyists use indirect communication techniques, such as grass-roots communication, the distinction between time spent communicating versus preparing for such communications may not be clear. This distinction is important because lobbying refers to time spent communicating directly or indirectly with public office holders in an attempt to influence certain government activities and does not include time spent preparing for such communications. The Commissioner has determined that any time spent managing grass-roots communication is considered time spent communicating with public office holders and thus is lobbying. Managing grass-roots communication includes, but is not limited to, directing a campaign, making initial or ongoing decisions about the message of the campaign, or making decisions about the techniques to be used.

Accordingly any individual who for payment, manages a grass-roots communication campaign on behalf of a client is a consultant lobbyist and accordingly, is required to register this activity.

Any employee or paid director who spends time managing a grass-roots campaign on behalf of an entity may be required to register as an in-house lobbyist if the 50-hour in-house lobbying threshold has been reached. (See Interpretation Bulletin #3 for more information on in-house lobbyist threshold.)
Application
This Bulletin applies to the following types of lobbyists:
• consultant lobbyists
• in-house lobbyists (organizations) and (persons and partnerships)

Relevant Legislation
This Interpretation Bulletin considers the following sections of the LRA: s.1(1) “grass-roots communication”; s.4(4)14; s.5(3)15; s.6(3)14

History
• First issued: July 3, 2012
• Amended on: July 1, 2016

Authority
The Registrar may issue an interpretation bulletin with respect to the enforcement, interpretation or application of the LRA as set out in section 15 of the LRA. It is intended solely to provide information and is not a substitute for independent legal advice. This Bulletin is not a binding statement of how the legislation will be interpreted or applied in a particular circumstance. Final interpretation of the law is the responsibility of the courts.

Inquiries can be directed to:
Lobbyist.Mail@oico.on.ca or (416) 327-4053 (or toll-free at 1-866-884-4470) or
Office of the Integrity Commissioner, 2 Bloor Street West, Suite 2100, Toronto, Ontario, M4W 3E2

The Integrity Commissioner is an independent officer of the Legislative Assembly of Ontario. The Commissioner has responsibilities related to MPP integrity, ministers’ staff ethical conduct, disclosure of wrongdoing, lobbyist registration and expenses review.