



Treasury Board of Canada
Secrétariat

Secrétariat du Conseil du Trésor
du Canada



Guidelines for Ministers' Offices

February 2006

© Her Majesty the Queen in Right of Canada,
represented by the President of the Treasury Board, 2006

This document is available on the Treasury Board of Canada Secretariat
Web site at www.tbs-sct.gc.ca.

This document is also available in alternate formats on request.

Guidelines for Ministers' Offices

February 2006

Table of Contents

Introduction	1
Part 1 Conflict of Interest	2
1.1 Conflict of interest	2
1.1.1 Ministers' exempt staff.....	2
1.1.2 Departmental employees	3
Part 2 Security	4
2.1 Requirements	4
2.2 Personal security.....	4
Part 3 Human resources management	5
3.1 Employment equity	5
3.2 Staffing.....	5
3.2.1 Exempt staff in a minister's office	5
3.2.2 Status of exempt staff after a change in Cabinet	6
3.2.3 Contracting for professional or temporary help services.....	8
3.2.4 Other staffing issues.....	8
3.3 Pay.....	9
3.3.1 Salary rates.....	9
3.3.2 Salary increases.....	10
3.3.3 Acting pay.....	11
3.3.4 Hours of work	11
3.4 Employee benefits.....	12
3.4.1 Compulsory plans.....	12
3.4.2 Automatic plans (government-paid) for those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group	12
3.4.3 Optional plans (member-paid)	13
3.5 Leave	13
3.5.1 Vacation leave	14
3.5.2 Cashing out of vacation leave	15
3.5.3 Statutory leave	15
3.5.4 Election leave	16
3.5.5 Other leave	16
3.6 Departmental staff assigned to ministers' offices	17

3.7	Termination.....	19
3.7.1	Severance pay and transferring in previous service.....	19
3.7.2	Separation pay	20
3.7.3	Amount payable.....	20
3.7.4	Reimbursement	21
3.7.5	Exempt staff entitlements when a minister ceases to be a minister.....	21
3.7.6	Ministers' exempt staff priority entitlements.....	22
3.7.7	Employment assistance: outplacement services.....	23
Part 4	Financial Management	24
4.1	Source of funds	24
4.2	Transferring funds.....	24
4.3	Accountability	25
4.4	Accounting for expenditures charged to ministers' budgets.....	25
4.4.1	Minister's salary and motor car allowance	25
4.4.2	Exempt staff salary budget	25
4.4.3	Operating budget	26
4.4.4	Other costs related to exempt staff personnel	27
4.4.5	Departmental staff salary budget	27
4.5	Financial Authorities	27
4.5.1	Spending authority	28
4.5.2	Payment authority.....	29
4.6	Internal audit	30
Part 5	Office Accommodation and Supplies	31
5.1	Office accommodation	31
5.1.1	Introduction	31
5.1.2	Departmental headquarters offices.....	31
5.1.3	Ministers' regional offices (MROs)	31
5.2	Office furniture and furnishings.....	32
5.2.1	Departmental headquarters offices.....	32
5.2.2	Ministers' regional offices (MROs)	32
5.3	Office equipment and supplies	32
5.4	Stationery and printed media	33
5.4.1	Federal Identity Program	33
5.4.2	Stationery	33

5.4.3	News releases and kit folders	33
5.5	Telephones.....	34
Part 6	Travel	35
6.1	Introduction	35
6.1.1	Travel expenses.....	35
6.1.2	Reimbursement for travel expenses	37
6.1.3	Travel expenses—ministerial staff	37
6.2	Executive vehicles for use by a minister	38
6.2.1	Official use	38
6.2.2	Personal use.....	38
6.2.3	Selecting an executive vehicle	39
6.2.4	Maintaining executive vehicles.....	40
6.3	Air travel.....	40
6.4	Rail travel	41
6.5	International travel (government business).....	41
6.6	International travel (private)	42
6.7	Ministers' spouses	42
6.8	Travel by members of Parliament with or on behalf of a minister.....	42
6.9	Transportation allowance for staff overtime.....	43
Part 7	Contracting	44
7.1	Introduction	44
7.1.1	Treasury Board <i>Contracting Policy</i>	44
7.2	Employer-employee relationships	45
7.3	Fee guidelines.....	45
7.4	Former government officials	46
7.5	Temporary help services	46
7.6	Proactive disclosure of contracts over \$10,000	47
Part 8	Services and Hospitality.....	48
8.1	Parking	48
8.2	Relocation	48
8.3	Hospitality and gifts.....	48
8.3.1	Hospitality—ministers	48
8.3.2	Hospitality—ministers' staff	49

8.3.3	Gifts, hospitality, or other benefits received	50
8.3.4	Gifts given.....	50
8.4	Memberships	51
8.5	Conferences	51
8.6	Legal services	51
8.6.1	Indemnification and legal assistance	51
Part 9	Official Languages	52
9.1	Official languages.....	52
9.2	Background	52
9.3	Service to the public.....	53
9.4	Language of work	53
9.5	Equitable participation	53
9.6	Support mechanisms.....	54
Part 10	Information Management.....	55
10.1	Information management	55
10.1.1	New information technologies	55
10.1.2	Leaving office.....	56
10.2	The <i>Access to Information Act</i> and the <i>Privacy Act</i>	56
10.2.1	Background	56
10.2.2	Monitoring disclosure	58
10.2.3	Cabinet confidences.....	59
Appendix A:	Exempt Staff Position Structure	60
Appendix B:	Current Provisions—Salaries for Exempt Staff	64
Appendix C:	Budgets and Staff Complements for Ministers	65
Appendix D:	National Defence Guidelines for the Use of Government Administrative Aircraft.....	68
Appendix E:	Letter from the Minister of Finance to Cabinet Ministers, December 1963	72
Appendix F:	Letter from the Secretary of the Treasury Board With Respect to Access to Information Requests of Ministerial Expense Claims ...	73

Introduction

The Excluded Groups and Administrative Policies of the Treasury Board of Canada Secretariat (the Secretariat) publishes and co-ordinates the preparation of this document based entirely on input provided by policy centres at the Secretariat, National Defence, Public Works and Government Services Canada, and the Privy Council Office. By its very nature, the document cannot be all-inclusive and, as such, source documents are cited where appropriate. Responsibility for interpreting the guidelines as they relate to various policies rests with the Secretariat's policy centres or the departments identified above.

The Treasury Board provides ministers with a budget for exempt staff (personnel exempt from the normal appointing procedures under section 41 of the *Public Service Employment Act*), a budget for operating their offices, and a budget for departmental staff.

Ministers must be able to differentiate between expenses for activities related to the conduct of the portfolio and other official government business and expenses incurred as members of Parliament and members of a political party.

This document consolidates the various financial, personnel, and administrative rules and regulations that govern expenses incurred by ministers and their exempt staff when they perform duties directly related to their responsibilities, which are therefore justifiably chargeable against the appropriation of a particular department. Unless specifically exempted, ministers are subject to Treasury Board policies and regulations (refer to Part 4.1 of these Guidelines). The first source of help, information, or guidance on these matters is the deputy minister.

The Treasury Board may authorize exceptions to the Guidelines in special circumstances. All such requests must first be discussed between the minister and the president of the Treasury Board.

This document and Treasury Board policies are available electronically on the Secretariat's Web site at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/mg-ldm/gfmo_e.asp and http://www.tbs-sct.gc.ca/common/policies-politiques_e.asp respectively.

Part 1 Conflict of Interest

1.1 Conflict of interest

The highest standards of probity and integrity are expected of staff of ministers. All persons on the political staff of a minister, whether they be exempt, constituency, or House of Commons, full-time or part-time, on salary or on contract, are subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders*.

The ethics commissioner administers the Code and applies compliance measures, including the policy on designation of ministers' exempt staff. The Office of the Ethics Commissioner will communicate with each individual as soon as notification of his or her appointment has been received from the office of a minister.

The requirements of the Code generally cover the following:

- ▶ general principles and specific prohibitions;
- ▶ mandatory reporting requirements, involving both confidential and publicly available information; and
- ▶ post-employment conditions.

The Office of the Ethics Commissioner can be reached for advice and guidance at (613) 995-0721 or by e-mail at oe-cbce@parl.gc.ca. The *Conflict of Interest and Post-Employment Code for Public Office Holders* can be found at the Office of the Ethics Commissioner's Web site at <http://www.parl.gc.ca/oe-cbce/site/pages/ethics-e.htm>.

1.1.1 Ministers' exempt staff

The minister may designate exempt staff members as being subject to Part III—Post-Employment Measures of the *Conflict of Interest and Post-Employment Code for Public Office Holders*. (See <http://www.parl.gc.ca/oe-cbce/site/pages/ethics-e.htm>.) Those who are so designated are bound by it. Chiefs of staff for ministers, other senior positions, and any other position working with sensitive policy files must be subject to the post-employment compliance measures. The minister may also designate other exempt staff members, in consideration of their specific responsibilities.

The minister, or a designate, is responsible for communicating in a timely and expeditious manner to the Office of the Ethics Commissioner the names and titles (designations) of all newly hired exempt staff members or exempt staff transfers in or out, as well as an indication of whether Part III of the Code (Post-Employment) applies to them. Persons to whom the Code applies must comply with its requirements within 120 days. The policy on designation of ministers' exempt staff can be obtained from the Office of the Ethics Commissioner.

1.1.2 Departmental employees

Departmental staff assigned to the office of a minister must comply with the requirements of the *Values and Ethics Code for the Public Service* (see http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_851/vec-cve_e.asp). On assignment to such an office, the employee must review his or her circumstances in light of the newly assigned duties and, if necessary, complete a confidential report and submit it to the deputy minister or his or her representative.

Part 2 Security

2.1 Requirements

All individuals who work in or for the office of any minister, including exempt staff, other employees, contractors, students, and persons on loan, assignment, or secondment, regardless of their work location, require a Level 2 (Secret) security clearance prior to appointment. They must also comply with other requirements for the safeguarding of government information and other assets. Clearances and security briefings are arranged by the deputy minister and the departmental security officer (DSO). The Privy Council Office (PCO) briefs ministers and parliamentary secretaries on applicable security requirements.

All individuals who work in or for the office of any minister should receive a security briefing from the DSO.

A single senior contact point should be designated within the offices of ministers to co-ordinate security-related matters.

Advice on security clearances and other security requirements under the *Government Security Policy* may be obtained from the DSO.

It should be noted that, in cases where contractors are required to obtain a security clearance in order to fulfil the obligations of the contract, this does not imply or constitute an appointment, nor does the requirement to comply with the *Government Security Policy* imply or constitute an employer-employee relationship.

2.2 Personal security

The Royal Canadian Mounted Police (RCMP) provides material to ministers on security precautions they can take to ensure their safety. The RCMP also provides them with a 24-hour, seven-day emergency contact number. In the case of a specific threat, the RCMP can offer additional protection (e.g. a driver, vehicle, and bodyguard).

The DSO should be informed of potential threats and future travel in order to liaise with the RCMP and ensure the provision of the necessary level of protection.

The *Government Security Policy* requires protection measures for employees under threat of violence. The DSO can provide advice in this regard.

Part 3 Human resources management

3.1 Employment equity

Ministers are not bound by employment equity legislation in the appointment of exempt staff. Nevertheless, the government has expressed its commitment to the principles and to following the spirit of employment equity. Even though the number of exempt staff is small, ministers may wish to ensure that there is a reasonable mix of men and women on their exempt staff, including individuals from designated groups (i.e. Aboriginal peoples, persons with disabilities, and persons in a visible minority group).

3.2 Staffing

Members of a minister's exempt staff are appointed by the minister pursuant to section 41 of the *Public Service Employment Act* and are "exempt" from the appointing procedures of the Public Service.

3.2.1 Exempt staff in a minister's office

The *Public Service Employment Act* (PSEA) identifies the following job titles for a minister's exempt staff: executive assistant, special assistant, and private secretary. Other job titles also exist for exempt staff. The Exempt Staff Position Structure is available in Appendix A. Ministers have the flexibility to configure the complement of exempt staff in their own offices. Please see Appendix C for budget information.

A minister must respect the following conditions:

- ▶ there is a maximum of one chief of staff for any minister's office;
- ▶ rules regarding position titles and respective salary increments and ranges must be observed; and
- ▶ while the number of exempt staff may vary, depending upon salaries paid, the budget for exempt staff salaries granted to a minister, as set out via written communication, must never be exceeded without prior Treasury Board approval.

A minister may use the following positions and salary ranges:

- ▶ Chief of Staff (equivalent to the salary for the EX-02, EX-03, or EX-04 level);
- ▶ Senior Policy Advisor (equivalent to the salary for the EX-02 level);
- ▶ Director of Communications (equivalent to the salary for the EX-02 level);
- ▶ Director of Parliamentary Affairs (equivalent to the salary for the EX-02 level);
- ▶ Policy Advisor (equivalent to the salary for the AS-08 level);

-
- ▶ Senior Special Assistant (equivalent to the salary for the AS-07 level);
 - ▶ Special Assistant for Communications, Parliamentary Affairs, and Regional Offices (equivalent to the salary for the AS-05 level);
 - ▶ Special Assistant (equivalent to the salary for the AS-05 level); and
 - ▶ support staff (equivalent to the salary for the CR-05 level).

3.2.1.1 Exempt staff in ministers' regional offices (see Appendix C for budget information)

The following exempt staff are specific to ministers with regional representation budgets. Regional exempt staff, unlike other exempt staff who have the offices of ministers as their work location, have the MRO as their work location.

- ▶ Regional Affairs Director (equivalent to the salary for the EX-01 level);
- ▶ Regional Communications Advisor (equivalent to the salary for the IS-05 level); and
- ▶ Special Assistant, Regional Affairs (equivalent to the salary for the AS-05 level).

Ministers with regional representation budgets have the flexibility to configure their own regional exempt staff complement using existing approved salary ranges for exempt staff; however, they must observe rules regarding position titles and respective salary increments and ranges.

3.2.1.2 Exempt staff in the offices of ministers with a parliamentary secretary (see Appendix C for budget information)

Ministers who have parliamentary secretaries within their portfolio are authorized to hire one exempt staff member dedicated to support the parliamentary secretary. The salary of the parliamentary secretary's assistant is equivalent to that of the AS-05 level.

3.2.2 Status of exempt staff after a change in Cabinet

A member of a minister's exempt staff ceases to be so employed 30 calendar days after the minister ceases to be a minister of a given portfolio unless, within that 30-day period:

- ▶ the minister appoints that person to his or her new portfolio;
- ▶ the person is appointed to the exempt staff of another minister; or
- ▶ if entitled, the person is appointed by the Public Service Commission of Canada to a position in the Public Service.

3.2.2.1 Exempt staff who remain employed by the same minister

- ▶ When exempt staff remain in the employ of the same minister, either in the original or a new portfolio, they do not receive severance pay, separation pay, or a salary extension for 30 calendar days because their employment does not terminate.

- ▶ The minister may grant a salary increase for a promotion to a higher level of responsibility as defined in the Exempt Staff Position Structure (see Appendix A). Otherwise, the fact that there has been a change in Cabinet does not provide sufficient justification for salary increases for exempt staff. There should therefore be no salary increases.
- ▶ The cashing out of accumulated annual leave credits is at the discretion of the minister and is to be done according to the applicable terms and conditions of employment.

3.2.2.2 Exempt staff appointed by another minister

If another minister employs exempt staff within the 30 calendar days:

- ▶ they will continue to receive the same rate of pay if appointed to the same exempt staff position;
- ▶ they may receive a salary increase only on promotion to a more senior exempt staff position (see Appendix A);
- ▶ they do not receive severance pay, separation pay, or a salary extension for 30 calendar days because their employment does not terminate; and
- ▶ the cashing out of accumulated annual leave credits is at the discretion of the minister (see section 3.5.1).

3.2.2.3 If exempt staff do not find employment with any minister within the 30 calendar days

In such cases:

- ▶ they are entitled to receive severance pay calculated at the rate of two weeks' pay for each year of service as exempt staff, pro-rated with respect to part of a year's service; there is no minimum period of employment to receive severance; and
- ▶ they may be entitled to separation pay, which is a discretionary payment made only by the minister. Refer to section 3.7.2 for further details.

3.2.2.4 Exempt staff hired after the 30 calendar-day period

Ministers are encouraged to make decisions as soon as possible within the 30 calendar days after their new appointment or their termination of office to retain or to release exempt staff members. If exempt staff are hired only after the 30 calendar days:

- ▶ they retain the full amount of any severance pay received; and
- ▶ they must reimburse a proportionate amount of any separation pay if re-hired or engaged under contract, either directly or hired by or engaged under contract with a government contractor, during the period the payment covers (e.g. if paid four months' separation pay and hired

two months after her or his minister left or changed portfolio, the exempt staff member would have to repay two months' separation pay).

3.2.3 Contracting for professional or temporary help services

When contracting for professional or temporary help services, the additional requirements and obligations found under Part 7 of these Guidelines must also be met. Neither professional services contracts nor contracts for temporary help are employment contracts. No employer-employee relationship can be created when entering into such a contract (see section 7.2 for more information).

3.2.4 Other staffing issues

A minister has discretionary authority to use the services of any member of the exempt staff on public business outside the National Capital Region. The salary or fee for that person is chargeable to the minister's exempt staff budget.

Exempt staff members' names and the positions they hold are not considered as confidential and could be released under any access to information request.

For information on security issues for employees, please see section 2.2 of this document.

3.3 Pay

3.3.1 Salary rates

These are the permissible salaries for the following positions.

Title	Salary range and increments (\$) Effective February 6, 2006			
	Minimum			Maximum
Position (Minister's Office)				
Chief of Staff (EX-04) or (EX-03) or (EX-02)	132,200 115,100 102,800			155,600 135,500 121,000
Senior Policy Advisor (EX-02)	102,800			121,000
Director of Communications (EX-02)	102,800			121,000
Director of Parliamentary Affairs (EX-02)	102,800			121,000
Policy Advisor (AS-08)	79,662			93,767
Senior Special Assistant (AS-07)	77,151	80,085	83,126	85,622
Special Assistant, Communications (AS-05)	65,801	68,302		71,140
Special Assistant, Parliamentary Affairs (AS-05)	65,801	68,302		71,140
Special Assistant, Regional Desk (AS-05)	65,801	68,302		71,140
Special Assistant (AS-05)	65,801	68,302		71,140
Support Staff (CR-05)	42,757	43,932	45,116	46,290
Position (Ministers with regional representation budgets)				
Regional Affairs Director (EX-01)	91,800			108,000
Regional Communications Advisor (IS-05)	73,294	76,079		79,069
Special Assistant, Regional Affairs (AS-05)	65,801	68,302		71,140
Position (Ministers with a parliamentary secretary)				
Parliamentary Secretary's Assistant (AS-05)	65,801	68,302		71,140

Note: All salaries for exempt staff will be deemed to include compensation for overtime.

Ministers may authorize exempt staff salary increases up to the permitted maximum, using approved salary increments. An exempt staff member should not be paid the maximum salary unless it can be fully justified by his or her experience and qualifications.

In exceptional circumstances, a minister may, with the prior approval of the Treasury Board, pay an exempt staff member a salary above the permitted maximum. The minister and the president of the Treasury Board should first discuss all requests for salaries above the permitted maximum.

The Treasury Board may authorize other exceptions to these guidelines in special circumstances. The minister and the president of the Treasury Board should discuss all such requests first.

3.3.2 Salary increases

Only a minister has the discretionary authority to award or withhold salary increases. Salary increases are awarded based on fully satisfactory performance.

Provided funds are available in the exempt staff budget, a minister may authorize salary increases as follows:

- ▶ salary increases for exempt staff with equivalent salary to the PA group (with the exception of equivalent AS-08) will be according to the increments prescribed for the PA group;
- ▶ salary increases for exempt staff with equivalent salary to the AS-08 level will be according to increments of 5 per cent of the actual rate;
- ▶ salary increases for exempt staff with equivalent salary to the EX group will be according to increments of 5 per cent of the actual rate;
- ▶ for those exempt staff members whose salaries are below the permissible maximum, a minister may increase their salaries as required, not more than once a year until the maximum is reached;
- ▶ for those exempt staff members whose salaries are at the permissible maximum, a minister may not increase their salaries without Treasury Board approval; and
- ▶ for those exempt staff members whose salaries have been approved by the Treasury Board above the permissible maximum, a minister may increase their salaries by no more than the most recent percentage increase authorized for the corresponding public service group and level. A minister may not authorize such increases before the anniversary date of the exempt staff member's appointment or last increase, whichever is later, unless Treasury Board approval is obtained.

3.3.3 Acting pay

A minister may authorize acting pay when an exempt staff member temporarily performs the duties of a higher position. To qualify for acting pay, exempt staff members must continuously perform the temporary duties for a minimum of 10 consecutive working days.

3.3.4 Hours of work

The scheduled work week is usually 37 1/2 hours from Monday to Friday inclusively, and the scheduled work day is usually 7 1/2 hours.

For information on transportation allowances for exempt staff overtime, please see section 6.9 of this document.

3.3.4.1 Exempt staff and overtime

Exempt staff are not eligible for overtime pay. Instead, when exempt staff members must work overtime hours, or when they work or travel on a day of rest or on a holiday, they may be granted management leave (leave with pay). This leave is granted as a minister considers appropriate, with the appropriate documentation. Management leave should be granted as soon as possible after the period that justifies it and should not exceed the overtime hours worked or spent in travel. In no circumstances shall management leave be granted after an election has been called or as compensation for election activities. (Please see section 3.5.4.)

3.3.4.2 Meals

An exempt staff member who works overtime extending beyond the normal meal period or who works at least three hours on a day of rest or on a designated holiday, may be reimbursed based on receipts for one or more meals (depending upon the number of meal periods occurring in the overtime period) in accordance with the amounts prescribed in the Treasury Board *Travel Directive* or with the meal rate negotiated for equivalent groups and levels under collective bargaining of the Program and Administrative Services (PA) Group.

Rates for meals are updated regularly; consult departmental financial services for current rates.

3.4 Employee benefits

This section summarizes the major non-salary compensation provisions in the areas of pensions and insurance. More comprehensive information on these terms and conditions of employment, and help in administering them, is available from departmental human resources offices.

For the purposes of entitlements under the public service group insurance plans, Chief of Staff, Senior Policy Advisor, Director of Communications, Director of Parliamentary Affairs, and Regional Affairs Director are in accordance with the Executive (EX) Group, and Policy Advisor, Senior Special Assistant, Special Assistants (Communications, Parliamentary Affairs, Regional Desk, Regional Affairs, Parliamentary Secretary), Regional Communications Advisor, and Support Staff are in accordance with the PA Group excluded from collective bargaining.

A minister's exempt staff participates in the following plans:

3.4.1 Compulsory plans

3.4.1.1 For all exempt staff

- ▶ Employment Insurance plan;
- ▶ provincial health insurance plans; and
- ▶ Canada or Quebec pension plans.

3.4.1.2 Compulsory plans, subject to the normal eligibility requirements of each plan

- ▶ Public Service Superannuation Plan;
- ▶ Supplementary Death Benefit (Part II of the *Public Service Superannuation Act*);
- ▶ Long-term Disability (LTD) insurance (part of the Public Service Management Insurance Plan); and
- ▶ Public Service Dental Care Plan.

3.4.2 Automatic plans (government-paid) for those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group

- ▶ The following components of the Public Service Management Insurance Plan:
 - basic life insurance equal to twice the adjusted annual salary;
 - accidental death and dismemberment insurance of \$250,000; and
 - dependants' insurance.

- ▶ The following components of the Public Service Health Care Plan:
 - single or family Extended Health Care Coverage; and
 - Hospital Benefit, Level III.

3.4.3 Optional plans (member-paid)

3.4.3.1 For those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group

- ▶ Public Service Health Care Plan (Extended Health Provision plus Hospital Level I, government-paid; Optional Hospital Levels II and III, member-paid).
- ▶ The following components of the Public Service Management Insurance Plan:
 - basic and supplementary life insurance, both equal to the adjusted annual salary;
 - accidental death and dismemberment insurance up to \$250,000; and
 - dependants' insurance.

3.4.3.2 For those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group

The following component of the Public Service Management Insurance Plan: additional supplementary life insurance equal to the adjusted annual salary.

3.5 Leave

Costs for leave with pay are charged to the minister's exempt staff budget. Leave for those exempt staff positions whose salaries are equivalent to the Public Service EX occupational group follows the terms and conditions of the Executive Group, which can be found at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tbm_114/termcondemploy_e.asp. These terms and conditions are amended from time to time. For all other exempt staff members whose salaries are equivalent to the Public Service PA occupational group, leave follows the collective agreement for that group and can be found at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/table1_e.asp, as amended from time to time.

3.5.1 Vacation leave

Vacation leave entitlements

Determination of leave entitlements is in accordance with section 3.5 above, with the exception that service for the accumulation of vacation leave under this clause will include employment with any government department, as defined in the *Financial Administration Act* if severance has not been issued upon termination of such employment (see <http://laws.justice.gc.ca/en/F-11/index.html>). Vacation entitlements are as follows:

Those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group	Those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group
4 weeks per year on appointment	3 weeks per year on appointment
5 weeks per year after eight years	4 weeks per year after 8 years
<ul style="list-style-type: none">10 years of service as an Executive Group equivalent and/or as a member of the Executive Group; or	4 weeks and 2 days after 16 years
<ul style="list-style-type: none">15 years' service, of which 5 years or more are as an Executive Group equivalent or in the Executive Group; or	4 weeks and 3 days per year after 17 years
<ul style="list-style-type: none">20 years' service	5 weeks per year after 18 years
6 weeks per year after completion of 28 years of service	5 weeks and 2 days per year after 27 years
	6 weeks after 28 years

A minister may authorize an advance payment of the estimated net salary for vacations of two or more complete weeks if this is requested in writing at least six weeks before the last pay day before the vacation begins.

When exempt staff are recalled from vacation leave, they shall be reimbursed for reasonable expenses, as the Treasury Board normally defines them, incurred in travelling to the place of duty and back to the place where they were vacationing, if they resume the vacation immediately. They must submit expense accounts with receipts. When the minister cancels or alters vacation leave that was previously approved, the employee shall be reimbursed for any reasonable monetary penalty incurred in cancelling reservations.

If a person on the minister's exempt staff ceases to be employed or dies, the person or the estate shall be paid for any earned but unused vacation leave, except management leave, according to the following formula:

$$(\text{days of unused vacation}) \quad \times \quad (\text{daily pay rate on the day service ends})$$

In the event of the termination of employment for reasons other than death, a change in government, or when the minister ceases to be a minister, unearned vacation leave taken by the employee will be recovered from any monies owed upon termination.

3.5.2 Cashing out of vacation leave

Exempt staff may cash out any or all of their vacation leave at any time during the year with the approval of their minister.

3.5.3 Statutory leave

The following are designated paid holidays:

- ▶ New Year's Day;
- ▶ Good Friday;
- ▶ Easter Monday;
- ▶ the day fixed by proclamation of the Governor in Council for celebration of the Sovereign's birthday;
- ▶ Canada Day;
- ▶ Labour Day;
- ▶ the day fixed by proclamation of the Governor in Council as a general day of Thanksgiving;
- ▶ Remembrance Day;
- ▶ Christmas Day;
- ▶ Boxing Day; and
- ▶ one additional day that is recognized as a provincial or civic holiday in the area where the person on a minister's exempt staff is employed or the first Monday in August in any area where no such day is recognized as a provincial, or civic holiday.

Ministers' exempt staff are not entitled to designated paid holidays if they are on leave without pay on the full working day immediately before and the full working day immediately after a designated paid holiday.

3.5.4 Election leave

A member of a minister's exempt staff is not required to resign or request leave without pay in order to seek nomination as a candidate for a federal, provincial, or territorial election, including by-elections, provided that the nomination takes place before the writs are issued.

Once the writs¹ are issued, however, any exempt staff member who is already nominated, or who seeks to be nominated, as a candidate for an election must resign or be granted leave without pay, at the minister's discretion. This resignation or leave without pay should take effect, at the latest, the day before the exempt staff member accepts in writing the official nomination² as an election candidate.

After the writs are issued or once Parliament or any provincial legislature or territorial council is dissolved, the exempt staff member should avoid declaring or having himself or herself declared by others to be a candidate before he or she has resigned or started the leave without pay.

Should a member of the minister's exempt staff decide to become actively involved on a full-time basis in a federal, provincial, or territorial election or by-election, the member is required to take leave without pay or resign his or her position. If a member becomes engaged in campaign activities on a part-time basis, his or her involvement must be on his or her own time and not during regular office hours. No vacation leave or any other leave with pay will be permitted for election purposes.

Any period of leave without pay will not count as service toward qualifying for priority staffing under the *Public Service Employment Act* (under review; please refer to section 3.7.6). If the member of the exempt staff did not qualify for priority staffing prior to going on leave without pay, any period of leave without pay will have to be made up later to meet the PSEA's qualifying criteria.

3.5.5 Other leave

3.5.5.1 Other circumstances

A minister may grant leave of absence with pay, for a period of no longer than two weeks, when the place of work has been rendered uninhabitable and the employee cannot perform his or her duties until an alternative place has been found when the employee is required or urgently needed to help with a community emergency.

-
1. In the case of a federal election, writs are issued at least 36 days before election day.
 2. Official nomination is the filing of a nomination paper and a deposit by a candidate with the returning officer at any time between the date of the proclamation and the hour fixed for the close of nomination, which is 28 days before the election.

3.6 Departmental staff assigned to ministers' offices

The Treasury Board authorizes departmental staff complements and salary budgets to be provided from existing departmental resources. In keeping with the Public Service's non-partisan tradition, departmental staff assigned to a minister's office may provide only non-political departmental advice that falls within the scope of the minister's portfolio responsibilities. In addition, public relations functions are not to be performed by assigned departmental staff.

The duties of the departmental assistant assigned to a minister's office would normally include liaising between the minister's office and the department, as well as managing the sharing of information and documents. The duties would also include providing, in collaboration with the deputy minister and senior departmental officials, advice on departmental issues to the minister and his or her exempt staff.

A minister is permitted up to eight departmental staff, including the departmental assistant, provided the departmental staff budget granted via written communication is not exceeded. The departmental assistant could be classified at a level equivalent to PM-06, EX-01, or EX-02. This would be commensurate with the breadth of knowledge and expertise of the departmental assistant. The remaining departmental staff positions are considered to be support staff positions. These support staff may only be classified up to the AS-04 level. A minister is permitted a maximum of one departmental assistant. Budget maximums may not be exceeded without prior Treasury Board approval.

Maximum levels for departmental staff for ministers' offices are indicated in the following tables:

Departmental Staff	Public Service Level (up to)*	Maximum Salary (\$)	Maximum Salary (\$)
		Effective April 1, 2005	Effective April 1, 2006
Position Titles			
Departmental Assistant	EX-02 or EX-01 or PM-06	121,000 108,000 88,215 (June 21, 2005)	121,000 108,000 90,420 (June 21, 2006)
		Effective June 21, 2005	Effective June 21, 2006
Minister's Private Secretary	AS-04	59,558	61,047
Minister's Driver	CR-05	46,290	47,447
Support Staff—Chief of Staff	AS-04	59,558	61,047
Support Staff	AS-03	54,365	55,724

* Public service classified levels and salary increments within ranges will apply.

Normally a minister will look to departmental staff for support for non-political activities within the scope of her or his departmental or portfolio responsibilities. Departmental staff assigned to a minister's office are public service employees in the employ of their department. These persons cannot transfer with a minister when he or she changes portfolio. Persons whose main duties have been to provide a personal service to a minister (e.g. personal drivers), however, are an exception, since the personal service they provide is more important than their knowledge of departmental organizations or responsibilities. For this reason, two departments may make arrangement to transfer such persons, provided this does not duplicate roles.

The Treasury Board will consider any other requests for exceptions to this policy. In developing proposals for exceptions, ministers should give due consideration to the potential implications for departmental employees who may be displaced by other public service employees who may move from the previous portfolio.

Departmental staff may be physically located near the minister's office and normally receive direction and supervision from the minister or exempt staff members in the conduct of the business of the minister's office. They are, however, at all times an integral part of the human resources of the department and, as such, are ultimately responsible to departmental authorities.

Departmental staff in ministers' offices should not provide support services that are readily available in the department. Ministers should look to the deputy minister for professional advice and support on both policy and operations across the full range of their responsibilities.

3.7 Termination

In all cases (i.e. resignation, death, dismissal, layoff, and retirement), discretionary separation payments are in addition to any severance pay entitlement.

The minister, or his or her designate, is responsible for communicating in a timely and expeditious manner to the Office of the Ethics Commissioner the names and titles (designations) of staff members whose employment has terminated or who have transferred out. The Office of the Ethics Commissioner will communicate with exempt staff members subject to Part III—

Post-Employment Measures of the *Conflict of Interest and Post-Employment Code for Public Office Holders* (available at <http://www.parl.gc.ca/oec-bce/site/pages/ethics-e.htm>) regarding their post-employment obligations under the Code.

3.7.1 Severance pay and transferring in previous service

Employees have a right to severance pay when they end their services voluntarily, are dismissed, die, or are laid off owing to lack of work or discontinuance of a function. Severance pay stays the same, whatever the circumstances of termination; that is, the amounts will be the same for resignation, death, dismissal, lay-off, and retirement.

When a person on a minister's exempt staff ceases to be employed, severance pay is calculated at the rate of two weeks' pay (based on salary at termination) for each year of service. "Service" for this purpose refers to service as an exempt staff member only. Calculations are pro-rated in respect of part of a year's service. There is no ceiling on the maximum number of weeks to be paid.

Severance payments are to be funded centrally, through Treasury Board Vote 5, as required.

For severance purposes, in certain cases ministers may recognize (or "transfer in") an exempt staff member's previous service with a member of Parliament's staff or in the Public Service, as described in the *Public Service Superannuation Act* (PSSA). The exempt staff member must have gone directly from this service to the minister's office (in other words, there must not have been a break in service of more than three months). Furthermore, the exempt staff member must not have received severance payment from the House of Commons or from the previous public service employer. If the exempt staff member wants to transfer in previous service, he or she must obtain approval in writing from the minister at the time of hiring. The exempt staff member then sends one copy of this approval to the department's pay office and another copy to the House of Commons or to the previous employer. Upon termination of employment, an exempt staff member's severance pay for service as a member of Parliament's staff member or in the Public Service will be one week's pay per completed year of service (based on the salary at termination of employment as an exempt staff member) as long as the exempt staff member, with the combined

service of the previous employer and service with the minister, has fulfilled the requirements of the previous employer to receive severance pay.

Note For those exempt staff members in their 30-day period, starting November 4, 1993, and who transferred in to a minister's office from an MP's office or the Public Service (as defined in the PSSA) immediately prior to April 1, 1987 (i.e. without a break in service of more than three months) and who did not receive severance pay for their service from the House of Commons or their previous public service employer, departments are advised that, for severance purposes, this previous service as a member of an MP's staff or in the Public Service (as defined in the PSSA) is deemed to have been transferred in with the employee. Severance for this previous service will be calculated at one week's pay per completed year of service as an MP's staff member, at the final salary at termination of employment as an exempt staff member. The regular severance pay provisions for their service as exempt staff members will also apply.

3.7.2 Separation pay

Separation pay may be paid at the discretion of the minister when the employee's services are ended. This pay is intended to compensate for possible loss of earnings resulting from an often unpredictable and, at times, abrupt termination of employment.

A minister may authorize separation pay when:

- ▶ the minister dismisses a member of the exempt staff without notice;
- ▶ the minister ceases to be a minister;
- ▶ the minister changes portfolios or responsibilities and does not retain the employee's services;
or
- ▶ a member of the exempt staff resigns, retires, is laid off, or dies.

3.7.3 Amount payable

To compensate for possible loss of earnings, ministers may, at their discretion, authorize a maximum of up to four months' separation pay. While a minister may authorize separation pay up to the maximum set out above, separation pay of one month per year of service is considered reasonable.

3.7.4 Reimbursement

Separation pay is not paid when a member of the exempt staff has been granted leave without pay from the Public Service to work in the minister's office. In this case, the person remains an employee in the department that granted the leave without pay, and any subsequent termination benefit would be the responsibility of that department.

Separation payments are to be funded through departmental operating budgets and not charged to the minister's exempt staff budget or operating budget.

If a person who has received separation pay works in or for another minister's office or any federal institution during the period covered by his or her separation pay, whether compensated directly as an employee or contractor, or indirectly, as an employee or subcontractor of a contractor, the separation pay is to be refunded proportionately. This provision averts a duplication of payments out of government funds (i.e. the Consolidated Revenue Fund). Refer to government Estimates and appropriations documents to determine organizations funded through the Consolidated Revenue Fund at <http://www.tbs-sct.gc.ca/est-pre/estime.asp>.

3.7.5 Exempt staff entitlements when a minister ceases to be a minister

When a minister ceases to be a minister, or changes portfolio and does not take a member of the exempt staff to the new portfolio, affected employees continue to draw salary for 30 calendar days, in accordance with section 128 of the *Public Service Employment Act* (PSEA). Where a minister authorizes separation pay, the payment begins at the end of this 30-day period. When ministers cease to hold office due to a Cabinet shuffle or a general election, members of their exempt staff who are not rehired by a minister or in the Public Service are to be deemed to have been laid off at the end of the 30-day period for the purposes of the Public Service Health Care Plan and the Public Service Dental Plan.

A member of the exempt staff shall be paid according to the following formula for vacation leave that is earned but unused:

$$(\text{days of unused vacation}) \quad \times \quad (\text{daily pay rate on the day service ends})$$

Management leave may not be counted as earned vacation leave.

3.7.6 Ministers' exempt staff priority entitlements

Please note these Guidelines reflect the current legislative framework; however, the legislation is under review, with the potential that the conditions of employment may change during the period of employment. The possible loss of priority status following employment of exempt staff should be mentioned at the time of hiring.

The minister's exempt staff priority entitlement is provided for in section 41 of the *Public Service Employment Act* (PSEA). The entitlement lasts for one year from the date on which the priority person ceases to be employed in the minister's office, which is either:

- ▶ 30 days after the minister ceases to hold a portfolio; or
- ▶ the day on which the priority person ceases to be employed in the minister's office, whichever comes first.

The priority entitlement applies to the minister's exempt staff hired to conduct activities related to the minister's portfolio. The priority applies to someone who:

- ▶ was an employee immediately before becoming employed in the office of the minister (PSEA 41(2)(a)); or
- ▶ while employed in the office of a minister, met the essential qualifications for appointment to the Public Service under this Act (external competition process) PSEA 41(2)(b); or
- ▶ was employed for at least three consecutive years in the office of a minister or ministers, in successively senior capacities (PSEA 41(3)).

The minister's exempt staff priority entitlement also applies to exempt staff employed in the office of:

- ▶ the leader of the opposition in the House of Commons;
- ▶ the leader of the government in the Senate; and
- ▶ the leader of the opposition in the Senate.

For additional information, see the Public Service Commission of Canada's *Guide to Ministers' Exempt Staff Priority*. An electronic version of the guide can be obtained at http://www.psc-cfp.gc.ca/staf_dot/priority-priorite/staff_priority_guide_e.htm.

3.7.7 Employment assistance: outplacement services

A minister may authorize up to \$5,000 to cover fees for professional outplacement services for a member of his or her exempt staff whose employment has ended. An exempt staff member whose employment has been terminated should register with an outplacement firm within 30 days of the termination date or in the 30 days after a minister ceases to be a minister. This should be done within these time frames, even if services may be rendered at a later date. However, in all cases, services must be rendered within one year of the termination date.

Outplacement services usually provide such information as how to prepare a résumé, how to prepare for an interview, and how to present oneself at an interview. Costs for training or skills improvement, such as computer literacy or language courses, are not included.

Typically, the outplacement firm enters into a signed agreement with the member of the exempt staff that stipulates what services will be rendered. Invoices are to be sent to the departmental financial services unit. The cost of outplacement services is charged to the minister's operating budget.

Part 4 Financial Management

4.1 Source of funds

Ministerial budgets are funds that are available for portfolio and other official government business. These budgets are in addition to and separate from entitlements that a minister has as a member of Parliament. This document deals only with the budgets of ministers.

The entitlements related to being a member of Parliament are explained in detail in the *Members' Allowances and Services Manual* published by the House of Commons, and questions related to these entitlements should be referred to the Office of the Comptroller, House of Commons.

A minister's budget is an integral part of a department's budget and is subject to the same provisions of the *Financial Administration Act* (FAA) that apply to all departmental funds. The FAA is intended to assure parliamentary control over public money by prescribing a financial control framework over all financial transactions. Many of the financial management provisions in the FAA are put into force through Treasury Board-approved policies. Therefore, unless specifically exempted, ministers' budgets are also subject to Treasury Board policies and regulations.

Ministers' budgets are subdivided into four parts and must be controlled separately. These budgets are funded from within the existing respective departmental reference levels. See Appendix C for more specific details on dollar values of the budgets and any limitations, specifically:

- ▶ ministers' salary and motorcar allowances;
- ▶ ministers' exempt staff salary budgets;
- ▶ ministers' operating budgets; and
- ▶ departmental staff salary budgets.

4.2 Transferring funds

Ministers may transfer funds from their operating budgets to their exempt staff salary budgets and vice versa. The annual transfer limit is between \$50,000 and \$100,000 determined proportionally based on the size of the budget granted to the minister as set out via written communication (see Appendix C). When funds are transferred to the exempt staff salary budget from the operating budget, a department must set aside an additional amount equal to 20 per cent of the funds to cover employee benefit costs. Alternatively, if funds are transferred from exempt staff salaries to the minister's operating budget, the amount includes 20 per cent of the funds in lieu of employee benefit cost. This 20-per-cent transaction is outside the minister's office budget. Only specified

direct costs can be charged to the exempt staff salary budget. No transfers to or from the departmental salary budget are permitted.

Ministers may carry forward a maximum of five per cent of their unexpended exempt staff and operating staff budgets from one fiscal year to the next. This authority does not extend to ministers' departmental staff budgets.

4.3 Accountability

Expenditures against a minister's operating budget, or against the exempt staff budget for the portfolio or for other official government business, are charged against a "program" or "operating" expenditure vote in the appropriate department. The public funds in these budgets should be spent only with the usual high standards of prudence and probity. The Treasury Board of Canada Secretariat periodically compiles data on how much each minister's office spends on such items as salaries for exempt staff and departmental staff, and operating costs.

Ministers are individually responsible and accountable for dealing with all public inquiries about the expenditures made for their offices—whether by them directly, by their staff or on their behalf—including publicly justifying them if the need arises.

4.4 Accounting for expenditures charged to ministers' budgets

Expenditures against a minister's exempt staff budget and operating budget must be limited to the types of expenditures that can be legally charged against each budget—in other words, the expenditures must clearly fall within budget parameters (scope, purpose, and limits).

There are specific types of expenditures that should be charged to specific budgets in the ministers' budgets, as outlined below. Some expenditures may be reimbursed from Treasury Board Vote 5 or charged to the departmental operating budget; these are also outlined below.

4.4.1 Minister's salary and motor car allowance

A minister's salary and motor vehicle allowance are statutory expenditures. This means that these resources are conferred on a continuing basis and are not voted upon annually by Parliament. However, as noted in section 6.2, the ministers of the Treasury Board have established a policy covering motor vehicles.

4.4.2 Exempt staff salary budget

Ministers, except the prime minister, receive a prescribed exempt staff salary budget to manage their offices. This budget is over and above any budget to which the minister is entitled as a member of the House of Commons. The budget provided by the House of Commons is used to pay for staff in the House of Commons office and in the constituency office.

The Treasury Board periodically sets the size of a minister's exempt staff salary budget. The president of the Treasury Board notifies each minister of the annual amount in writing, according to the previous written communication. The exempt staff budget is to be allocated from within existing departmental reference levels.

Budgets cannot be exceeded. A minister who wishes to have his or her budget increased must seek approval from the Treasury Board. The minister and the president of the Treasury Board should discuss all such requests first.

When a minister changes portfolios during the course of the year, the budget for the remainder of the year in the new portfolio is to be equal to the free balance remaining in the previously held portfolio as at the date of the change (after outstanding commitments have been paid). When a new portfolio is created, or when a minister is appointed to a portfolio after a change in government, the new minister is allowed a pro-rated amount representing the budget for the balance of the fiscal year in progress, as set by the Treasury Board.

Only direct personnel costs can be charged to the exempt staff salary budget, including the following:

- ▶ salaries (including pay while on leave);
- ▶ pay for unused vacation leave, at the request of the exempt staff with the approval of the minister, on termination of employment, or paid out at the end of each fiscal year; and
- ▶ salary for the 30 days' employment to which exempt staff are entitled when a minister ceases to be a minister (see section 3.7.5).

4.4.3 Operating budget

The operating budget of a minister covers all operating expenditures incurred by exempt staff or by departmental staff in the minister's office, provided the costs are related to the conduct of portfolio or other official government departmental business.

The following costs will be charged to a minister's operating budget:

- ▶ official gifts, travel, hospitality, and other services in relation to the department;
- ▶ conference and training costs for exempt staff;
- ▶ relocation of exempt staff to the minister's departmental office (on appointment only);
- ▶ office furniture and furnishings for ministers and their private secretaries that are over and above normal departmental standards;
- ▶ fees for professional outplacement services;

- ▶ the cost of professional and temporary help services for the minister's departmental office; and
- ▶ all other expenses related to the operation of a minister's departmental office.

4.4.4 Other costs related to exempt staff personnel

Other exempt staff-related costs, as described below, are to be funded as indicated.

Departments may request funding centrally, through Treasury Board Vote 5, as for other public service employees for the following:

- ▶ maternity or parental benefits (Supplemental Employment Benefit);
- ▶ vacation pay for unused vacation leave on termination of employment when at termination of employment the employee is eligible for severance pay; and
- ▶ severance pay.

Departmental operating budgets:

- ▶ separation pay

4.4.5 Departmental staff salary budget

Costs related to departmental personnel assigned to a minister's office must be charged to the departmental salary budget. These costs must be accounted for separately as part of the minister's office expenditures. Costs such as equalization payments, bilingualism bonuses, and overtime are to be included in the minister's departmental staff salary budgets. Other personnel-related costs will be funded in accordance with existing departmental practices for public service employees.

4.5 Financial Authorities

Treasury Board policies related to financial management are generally found in the comptrollership policies, which are available at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/TBM_142/siglist_e.asp.

These policies provide directives and guidelines governing the accounting and control of expenditures and outline the framework for exercising financial authorities to satisfy the requirements of the FAA. Essentially, there are two types of authority related to expenditures—spending authority and payment authority.

Two major requirements related to financial authorities are 1) no person can exercise both spending and payment authority for a payment; and 2) no person can exercise spending authority over a payment from which he or she can benefit personally, nor should a person be involved in any of the processing steps with respect to his or her own pay and benefits.

Reference: Treasury Board *Policy on Delegation of Authorities*, which can be found at http://www.tbs-sct.gc.ca/Pubs_pol/dcgpubs/TBM_142/2-1_e.asp.

4.5.1 Spending authority

Spending authority consists of four elements—expenditure initiation, commitment control, contracting, and confirmation of contract performance and price.

The minister is responsible for, and has spending authority over, the exempt staff and office operating budget. Often, the minister will delegate some of this authority to the chief of staff or other senior exempt staff. However, this delegation does not apply in instances where a minister wishes to hire, dismiss, or set salaries for exempt staff.

4.5.1.1 Expenditure initiation

This authority is delegated to ministers to initiate expenditures against their budgets, requisition goods and services, hire staff, extend hospitality, and the like. However, before the expenditure is actually made, the contract entered into, or the arrangement made, there must be a confirmation that funds are available—the commitment authority.

4.5.1.2 Commitment authority

Under section 32 of the FAA, ministers, or financial officers acting on their behalf, must control commitments and ensure that funds are available within existing appropriations to discharge the financial commitment that would result from the contract or other arrangement.

Controls over commitments and expenditures must be maintained to ensure that neither the exempt staff nor the ministerial operating budgets are overspent.

Reference: Treasury Board *Policy on Commitment Control*, which can be found at http://www.tbs-sct.gc.ca/Pubs_pol/dcgpubs/TBM_142/2-4_e.asp.

4.5.1.3 Authority to Contract

The authority to acquire material and goods is delegated to the minister from the minister of Public Works and Government Services. The minister is ultimately responsible to Parliament for all contracting activity. Within the minister's office, the authority to contract may be delegated to the minister's chief of staff.

Officials delegated such authority are to exercise it with prudence and probity so that the responsible minister is acting and is seen to be acting within the letter and spirit of the FAA, the *Government Contracts Regulations*, and the Treasury Board's contracting directives and policy. Please see Part 7 for further details on contracting.

In March 2004, the government announced a new policy on the mandatory publication of contracts over \$10,000. Please see Part 7 for further details.

4.5.1.4 Certification and Verification of Payment for Work, Goods, or Services

Expenditures incurred by ministers and their exempt staff are subject to the account verification process and must be certified under section 34 of the FAA prior to payment.

Under section 34 of the FAA, ministers are obligated to confirm that goods have been received or the work performed satisfactorily and that the price charged is correct. This account verification process includes checking that the relevant contract terms and conditions, including price, quantity, and quality have been met and, if an advance payment is being made, that it is required by the contract and that all relevant statutes, regulations, orders in council, and Treasury Board policies have been complied with. Financial officers with payment authority under section 33 of the FAA are responsible for the quality of the account verification process performed pursuant to section 34 of the FAA.

The account verification process must provide for auditable evidence of verification, including the identification of the various individuals who performed the verification.

Reference: Treasury Board *Account Verification Policy*, which can be found at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/TBM_142/Accver_e.asp.

4.5.2 Payment authority

Payment authority is the authority to requisition payments. Pursuant to section 33 of the FAA and the *Payments and Settlements Requisitioning Regulations, 1997*, requisitions for payments may be made only if the payment has been verified under section 34, if there are sufficient funds available in the appropriation to make the payment, and if the payment has not been made previously.

Payment authority is usually delegated to departmental financial officers.

The departmental financial staff verifies the minister's certification (or that of a delegate) under section 34 and any required supporting documentation before requisitioning payment under section 33.

While, for reasons of confidentiality, some payment requests by ministers do not have to be supported by receipts and other documents that provide evidence of goods and/or services received, these supporting documents should nevertheless be retained in the offices of the ministers. In the absence of supporting documentation, there is normally a requirement for an official certification or attestation by the minister, and an original signature (not that of a delegate) is required.

Reference: Treasury Board *Policy on Payment Requisitioning and Payment on Due Date*, which can be found at http://www.tbs-sct.gc.ca/Pubs_pol/dcgpubs/TBM_142/2-6_e.asp.

4.6 Internal audit

It is government policy that departments:

- ▶ have an effective, independent, and objective internal audit function that is properly resourced to provide sufficient and timely assurance services on all important aspects of its risk management strategy and practices, management control frameworks and practices, and information used for decision making and reporting;
- ▶ incorporate internal audit results into their priority setting, planning, and decision-making processes; and
- ▶ issue completed reports in a timely manner and make them accessible to the public with minimal formality in both official languages.

Any charges against the departmental appropriation, including those incurred by the minister or his or her office, fall within the scope of the internal audit function.

Part 5 Office Accommodation and Supplies

5.1 Office accommodation

5.1.1 Introduction

Ministers have offices on Parliament Hill, as well as constituency offices that are both administered under the House of Commons guidelines and budgets and are completely separate from departmental headquarters offices and ministers' regional offices; these are outlined below.

The entitlements related to being a member of Parliament are explained in detail in the *Members' Allowances and Services Manual* published by the House of Commons, and questions related to these entitlements should be referred to the Comptroller's Office, House of Commons.

5.1.2 Departmental headquarters offices

Office requirements of the minister in the department's headquarters are normally accommodated within the space allocated to the department. The minister's requirements are normally co-ordinated by the deputy minister.

Public Works and Government Services Canada, in consultation with the departmental facilities management group, is responsible for initial fit-up of this space based on the functional and operational requirements and applicable cost guidelines. Changes to existing offices (during a minister's tenure or on appointment of a new minister) are funded by the department.

5.1.3 Ministers' regional offices (MROs)

Ministers' regional offices have been established for the use of all local and visiting ministers and their officials in conducting government business in regions. These offices are not intended to duplicate the functions of the constituency offices and other support provided by the House of Commons.

Public Works and Government Services Canada is responsible for the establishment and operation of ministers' regional offices, including common operating costs, construction, rent, fit-up, parking, etc.

There are ministers' regional offices in Vancouver, Edmonton, Calgary, Regina, Winnipeg, Toronto, Montréal, Quebec City, Halifax, Moncton, and St. John's. Therefore, the establishment of an individual ministerial office outside the headquarters area requires specific approval from the Treasury Board prior to project initiation.

Ministers are responsible for funding the direct cost over and above the common costs (such as added costs for regional exempt staff, resident exempt staff, hospitality, additional services, and accommodation) of their use of the MROs.

5.2 Office furniture and furnishings

5.2.1 Departmental headquarters offices

Office furniture and furnishings for a minister's personal office are not subject to the Treasury Board policy. The furniture for the minister's private secretary, which would generally be located within the minister's anteroom and waiting area, is not subject to Treasury Board policy either. However, the offices of ministers' staff located in premises occupied by the department are subject to the Treasury Board *Materiel Management Policy*, which can be found at http://www.tbs-sct.gc.ca/Pubs_pol/dcgpubs/MaterielManage/siglist_e.asp.

The *Department of Public Works and Government Services Act* gives the minister of Public Works and Government Services the mandate to acquire materiel for departments and thus the Act's provisions apply, regardless of who uses the furniture and furnishings.

The department funds the acquisition of office furniture, fixtures and equipment, and their operation and maintenance costs.

5.2.2 Ministers' regional offices (MROs)

These offices are subject to the provisions of the Materiel Management Policy governing of office furniture and furnishings. As a rule, all furniture and furnishings purchases are considered overhead or common costs.

5.3 Office equipment and supplies

The Treasury Board *Materiel Management Policy* applies to general office equipment and supplies for ministers' departmental offices. Letterhead and stationery is covered by the Federal Identity Program.

Ministers' staff should refer to the *House of Commons Members' Allowance and Services Manual*, which outlines in detail the equipment standards and services required to facilitate House of Commons operations.

5.4 Stationery and printed media

5.4.1 Federal Identity Program

The Federal Identity Program (FIP) is the Government of Canada's corporate identity program. The government has an obligation to make evident to Canadians, wherever they reside, how their taxes are used to provide programs, services, and infrastructure. The government must project a consistent and coherent presence and identity to ensure that Canadians recognize, at a glance, their government at work for them. The Secretariat's FIP establishes standards and requirements for managing the government's corporate identity. In 1998, Treasury Board ministers established nine additional FIP requirements aimed at strengthening the presence and visibility of the Government of Canada in all of its activities.

Each institution is responsible for managing its own corporate identity, in compliance with the FIP policy, and related Treasury Board decisions. This information and the FIP design standards are available at http://www.tbs-sct.gc.ca/pubs_pol/sipubs/tb_fip/fip-pcim2_e.asp.

Ministers are required to write to the president of the Treasury Board on all matters related to establishing titles of institutions. Institutions must adopt an approved title (referred to as the "applied title") for their corporate signature and use this title consistently when identifying the institution, except when there is a specific requirement for the legal title. Ministers must also write to the president regarding government-wide use of special symbols, decisions on FIP symbols (flag symbol or Coat of Arms) in corporate signatures, and for exemptions from the FIP policy.

5.4.2 Stationery

The design of stationery for the offices of ministers is subject to FIP policy and design standards. The present design consists of a 40 per cent screened black Coat of Arms, black text, and a black "Canada" wordmark with a red flag printed on white, recycled permanent paper. Further information is available at http://www.tbs-sct.gc.ca/fip-pcim/man_2_1_e.asp.

5.4.3 News releases and kit folders

Institutions must use the standard news release form and information kit folder. The Government of Canada's "no-frills" publishing guidelines call for streamlined government publishing and a common look for various communications products. The "no-frills" guidelines are available at http://www.tbs-sct.gc.ca/pubs_pol/ciopubs/TB_CP/nofrills1_e.asp.

5.5 Telephones

Order in Council P.C. 1963-27/1260 entitles ministers and either their chiefs of staff or their private secretaries to a private telephone paid for by public funds, given that these persons deal with government business beyond normal working hours. Ministers exercise this privilege in any one of the following locations: their constituency residence, their country residence, or their National Capital Region residence. Chiefs of staff or private secretaries may have a telephone installed in either their National Capital Region residence or their country residence.

Ministers also receive codes giving them access to the government's cross-country telephone facilities from anywhere in Canada. Only the person assigned the code is authorized to use it or should know what it is.

Special-purpose equipment may be available from the department to meet operational requirements, if the need for it can be justified and documented.

Part 6 Travel

6.1 Introduction

Ministers intending to travel in Canada outside the National Capital Region should inform the Office of the Prime Minister of their destination and the nature of the event they will be attending.

Ministers are excluded from the requirements to follow the terms of the Treasury Board *Travel Directive* (see http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_113/td-dv_e.asp), as explained in the Treasury Board *Special Travel Authorities*, which can be accessed at http://www.tbs-sct.gc.ca/Pubs_pol/hrpubs/TBM_113/STA_e.asp.

Ministers should use the Public Works and Government Services Canada Government Travel Modernization Office / Shared Travel Services Initiative (GTMO/STSI) (previously the Government Travel Service, GTS) when booking travel related to departmental business, paid from departmental budgets, or when pre-paid tickets are needed (thereby benefiting from the government-negotiated discounted airfares and flight insurance).

Ministers travelling for their constituency should use the House of Commons Members' Travel Service. Alternatively, ministers may book directly with carriers, or a travel agency/agent, and claim reimbursement following each trip, as long as the department is not billed directly by the travel suppliers.

Ministers can use their Designated Travel Card (DTC) or their personal credit card and be reimbursed for funds expended or they may request an advance from their department for travel costs. Expenditures claimed, however, should reflect probity and prudence in conducting the affairs of the department or agency.

Information regarding advances, DTCs, and other financial matters is available from the senior financial officer in each department. DTCs are to be used for official government business only.

6.1.1 Travel expenses

Although ministers are excluded from the requirement to follow the Treasury Board *Travel Directive*, it is recommended that ministers refer to that document, since it provides good examples of expenditures that are considered appropriate for program-related business travel.

Ministers are required to post on their respective departmental Web sites all travel expenses incurred on program-related business. All travel expenses must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- ▶ the period covered by the trip and the places visited;
- ▶ transportation expenses; and
- ▶ other expenses (such as accommodation and meals).

All parliamentary secretaries and exempt staff of ministers are also required to post all travel expenses on their respective departmental Web sites (see section 6.1.3).

Travel expenses for ministers on program-related business include the following costs that are charged against the operating budget of the minister.

Transportation

- ▶ GTMO/STSI service costs (e.g. airline tickets);
- ▶ fees paid to commercial carriers;
- ▶ fees for the use of privately owned, government-owned, or rental vehicles;
- ▶ fees for the rental of trains, aircraft, or marine transportation; and
- ▶ other expenses for related services.

Other expenses

- ▶ accommodation;
- ▶ meals and incidental expenses;
- ▶ luggage insurance when not provided by the carrier;
- ▶ passport, visa, and required photo expenses;
- ▶ telephone calls, facsimiles, Internet connections, and messenger services;
- ▶ office services; and
- ▶ other travel-related services.

6.1.2 Reimbursement for travel expenses

Reimbursement procedures for the travel of ministers on departmental business is governed by a letter from the Minister of Finance dated December 5, 1963, that refers to Cabinet direction (included as Appendix E). Based on the document, ministers are asked to submit as their travel claims a signed statement that includes:

- ▶ the period covered by the trip and the places visited;
- ▶ transportation expenses; and
- ▶ other expenses (such as accommodation and meals).

This statement of expenses may be submitted on a monthly (rather than a per-trip) basis and must include the following certification, pursuant to section 34 of the *Financial Administration Act*:

“I certify that the foregoing expenditures have been incurred by me on official government business in [month] [year].” [minister’s signature]

Even though ministers do not have to provide receipts and supporting documentation, these supporting documents should nevertheless be retained in their offices.

The aforementioned 1963 letter also specifies that, where requested advances are greater than the actual costs incurred, the difference should be remitted to the department in the form of cash or a personal cheque made payable to the Receiver General for Canada.

6.1.3 Travel expenses—ministerial staff

When a minister requires a parliamentary secretary, staff member, or exempt staff member to travel on departmental business, reservations should be made via the GTMO/STSI and expenses should be in accordance with the Treasury Board *Special Travel Authorities* and the Treasury Board *Travel Directive, Rates and Allowances*. Travel expenditures are chargeable to the minister’s operating budget. They should be authorized by the minister or chief of staff (other than for his or her own travel) and reviewed by a senior financial officer.

Parliamentary secretaries and all ministers’ departmental and exempt staff that are required to travel on department-related business must post on the departmental Web site all travel expenses incurred. All travel expenses must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- ▶ the period covered by the trip and the places visited;
- ▶ transportation expenses; and
- ▶ other expenses (such as accommodation and meals).

When exempt staff accompany the minister, the appropriate signature is necessary to upgrade travel to business class, in the event that the minister does not personally sign the travel authority.

Expenditures incurred by the chief of staff should be authorized by the minister or the minister's senior delegate for financial matters. Parliamentary secretaries, chiefs of staff, ministers' senior policy advisors, directors of communications, and directors of parliamentary affairs have the same travel entitlements as the Executive Group at the EX-02 level and above (refer to the *Special Travel Authorities*), except when accompanying the minister, in which case the air travel entitlement may be upgraded if so determined by the minister.

Separate claims should be submitted when a member of a minister's staff claims reimbursement for disbursements made on behalf of the minister and his or her own travel expenses. The former should be accounted for separately, included in any reports or ministerial travel expenses.

6.2 Executive vehicles for use by a minister

Unless a minister personally directs otherwise, the department provides a motor vehicle for the minister's official use on government, portfolio, or ministerial business and for personal use.

6.2.1 Official use

Official use encompasses any use of the vehicle for the effective conduct of official business, including constituency business, for which travel would normally be reimbursed by the House of Commons. Official use includes, but is not necessarily limited to, the following:

- ▶ travel to and from a departmental office, the House of Commons, or any other place where business is transacted;
- ▶ travel to and from airports when proceeding on business travel or when meeting visiting dignitaries;
- ▶ travel to and from diplomatic or other social functions attended in the capacity of a minister;
- ▶ travel under any circumstances when, for personal protection, the presence of a security officer is required;
- ▶ transportation of classified material to, from, and between various work locations, including a minister's residence; and
- ▶ any other use that helps in the discharge of responsibilities as a minister of the Crown.

6.2.2 Personal use

Ministers are authorized to make personal use of the vehicles provided by their departments. However, they are required to pay for the privilege of personal use. The rate of payment is one per cent of the capital cost of the vehicle, per month (or 5/7 of one per cent if weekend use is

excluded). For purposes of computing the taxable benefit, this payment is made to the employer for the use of the vehicle and is deducted at source.

The executive vehicle is also available to the minister's family and household for personal use whenever it is not required for official business. For *Income Tax Act* purposes, any use of an executive vehicle for anything other than official business generally constitutes a taxable benefit.

6.2.3 Selecting an executive vehicle

The maximum price limit for the purchase of an executive vehicle is adjusted annually by the Treasury Board of Canada Secretariat using the Consumer Price Index produced by Statistics Canada. The current maximum of \$32,100 is based on the actual price paid, i.e. the invoiced price as opposed to the advertised or manufacturer's suggested retail price. This price limit includes all options and accessories, as well as GST, provincial sales taxes and levies, and fees for delivery and preparation. Excluded are premiums associated with the purchase of alternative fuel vehicles that are in excess of the price for the same vehicle operating on gasoline. Information on the current maximum price limit can be obtained at http://publiservice.tbs-sct.gc.ca/mm-gm/ev-vf/maxpri-primax_e.asp.

The executive vehicle standard requires that it be of a type and configuration that will provide for reliable, safe, and effective transportation for the conduct of official business, such as a four-door sedan, passenger minivan, or station wagon. In taking leadership on reducing greenhouse gas emissions (GHG), executive vehicles will be of the following kinds:

- ▶ hybrid-electric;
- ▶ factory-equipped for natural gas, propane, or E85 ethanol; or
- ▶ among the most efficient in their class.

The Treasury Board has approved administrative arrangements requiring the minister of Public Works and Government Services to refuse to acquire an executive vehicle exceeding the standard.

Executive vehicles are to be acquired through procurement arrangements established by the headquarters of Public Works and Government Services Canada (PWGSC) as detailed in the *Executive Vehicle Policy*, which can be found at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/materielmanage/motorveh_e.asp, and the *Motor Vehicle Policy*, which can be found at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/materielmanage/motorveh_e.asp. A list of executive vehicles that can be purchased through PWGSC can be accessed at <http://publiservice.gc.ca/services/icpsss-spicsn/gmvog/executive2003-e.pdf>. Ministers' exempt staff should consult with PWGSC headquarters before making any decision on the type of executive vehicle requested.

6.2.4 Maintaining executive vehicles

Ministers and their successors, who acquire vehicles, are expected to continue using a vehicle over its useful life. The standard requires that executive vehicles not be replaced until they are three years old or have travelled at least 150,000 kilometres. The price limit indicated in section 6.2.3 above will be reduced by 15 per cent if an executive vehicle is replaced before it reaches the three-year or 150,000-kilometre standard. This will also apply in cases where the replacement vehicle selected costs more than the lowest quoted price received by PWGSC for the requested vehicle equipment and model. If a minister's vehicle becomes surplus to requirements before its useful life is over, arrangements can be made for the vehicle to be redeployed through PWGSC. A vehicle should not be disposed of outside the federal government when there are other eligible executives in need of it.

All the costs of operating and maintaining the motor vehicle are borne by the department. However, no public funds shall be used to pay fines for traffic violations, including parking violations. To ensure that the taxable benefit portion of operating executive vehicles is uniformly calculated, the Treasury Board requires the department to record all information about usage and operating costs in a systematic manner.

Like all other government vehicles, those used by ministers are expected to be registered with a private-sector fleet management company for fuel, maintenance, and repair. This is generally the same company that is used for the departmental fleet. A credit card is provided and should be used to pay for all required fuel, repairs, and maintenance for the vehicle. The use of the card allows automatic capture of vehicle data in the departmental fleet database.

Notwithstanding the normal government practice to self-underwrite government vehicles, all executive vehicles shall be fully insured commercially. PWGSC is responsible for the purchase and administration of the proper insurance coverage. It pays up front for the coverage and invoices the appropriate departments accordingly on an annual basis.

Further information on insurance can be found in section 6.5 of the *Executive Vehicle Policy*, and in section 5 of the Policy's guidelines.

6.3 Air travel

Ministers may travel on scheduled National Defence (ND) flights without charge and, under certain circumstances, may use administrative fleet aircraft provided by ND. Executive aircraft should be used only in cases where commercial air service is not available or suitable. These aircraft are to be used only when the purpose of the trip is to carry out ministerial or departmental business.

Ministers, officials, and other authorized personnel will not be charged for flights on ND Administrative Flight Services Challenger aircraft that are used for departmental or government business. Appendix D (National Defence Guidelines for the Use of Government Administrative Aircraft) gives full details on executive flights and how to arrange for them.

When people who travel commercially on government business qualify for financial benefits arising from travel, such as free tickets or compensation for rescheduled flights offered by airlines, these benefits are the property of the Crown. With respect to loyalty points such as Air Miles, the Treasury Board's *Travel Directive* has been extended to ministers and their exempt staff. Under the Directive, loyalty points collected during official government travel can be used for business or personal travel. When used for personal travel, they are a taxable benefit. For further information, see http://www.tbs-sct.gc.ca/travel/gtm-apgv/itlp-ipfv_e.asp. A question-and-answer document can be obtained at http://www.tbs-sct.gc.ca/travel/gtm-apgv/qatmp-qrpmv_e.asp.

Ministers, parliamentary secretaries, and their family members may be restricted from travel on non-commercial chartered or private aircraft. Please refer to the *Conflict of Interest and Post-Employment Code for Public Office Holders* for details at <http://www.parl.gc.ca/oec-bce/site/pages/ethics-e.htm>.

First-class air travel for ministers has been restricted as a result of the February 1992 budget, as one of the initiatives to reduce government spending. Economy or business class should be selected within the continental United States and Canada.

For overseas flights, first-class travel may be selected in limited circumstances, such as when ministers are obliged to conduct business shortly after deplaning, when there is no business class service on a given flight, for air travel in excess of nine hours, or for specific medical reasons.

6.4 Rail travel

Ministers may use the free railway travel afforded all members of Parliament and their families.

6.5 International travel (government business)

When considering travel arrangements abroad, ministers must seek the approval of the Prime Minister's Office. They must also consult with the minister of Foreign Affairs on the foreign policy aspects and with the leader of the government in the House of Commons and the deputy leader of the government in the House of Commons and chief government whip about the demands of the House of Commons.

The Prime Minister's Office, acting on behalf of the prime minister, will authorize the travel, as appropriate, bearing in mind government priorities and other ministerial absences from Ottawa. No

trip should be planned or in any way confirmed until it has been cleared through the Prime Minister's Office.

Once the trip is approved, procedural and substantive arrangements for the visit, including contact with host governments and program development, must be made through the minister of Foreign Affairs and Foreign Affairs Canada.

6.6 International travel (private)

When considering foreign private travel, ministers should, well before departure, inform the minister of Foreign Affairs in writing so that the department can advise them about any issues that could complicate their visit. This practice applies especially for countries that are designated by Canada as requiring special consideration or security precautions.

6.7 Ministers' spouses

Ministers, at their discretion, may be accompanied by their spouses on government-owned or -operated aircraft. There is no charge for the spouse's flight. All other travel expenses incurred by spouses will be reimbursed and charged against the minister's operating budget only if the attendance of the spouse at an official function is essential for reasons of protocol, the spouse is to act as host or hostess, or the spouse is to assist the minister in the conduct of his or her responsibilities.

When spouses are authorized to travel, their expenses are reimbursed by the department concerned, in accordance with the provisions of the Treasury Board *Travel Directive*. As indicated in Canada Revenue Agency's Interpretation Bulletin IT 470R (Consolidated), these reimbursements may be taxable, depending on the circumstances.

6.8 Travel by members of Parliament with or on behalf of a minister

Where a member of Parliament is travelling either with or on behalf of a minister on departmental business, subject to approval by the minister, these costs may be charged to the department. In accordance with the *Special Travel Authorities*, available at http://www.tbs-sct.gc.ca/Pubs_pol/hrpubs/TBM_113/STA_e.asp, when members of Parliament travel on such departmental business, their travel expenses are governed by the *Travel Directive*, specifically the provisions for "travellers," but such travel is subject to trip approval by the Privy Council Office. In addition, all such travel must be disclosed in accordance with proactive disclosure requirements.

6.9 Transportation allowance for staff overtime

When a staff member is required to return to work or to remain at work after normal and reasonable public transportation has ceased operating, the minister has the discretion to authorize a taxi or the kilometric allowance between the person's residence and the workplace, based on the province in which the vehicle is plated (as per the Treasury Board *Travel Directive*, Appendix B). Only the portion between work and home is reimbursed for contiguous after-hours work, and this is done only when reasonable public transportation is unavailable.

Part 7 Contracting

7.1 Introduction

Ministers operate in two distinct environments, each with separate budgets (sources of funds) and legislative and policy frameworks. Specifically, ministerial offices are subject to the *Financial Administration Act*, its regulations, and Treasury Board policies.

This differs from the requirement for the offices and budgets of MPs, which are subject to special provisions under the *Parliament Act*.

This includes ensuring that the *Government Contracts Regulations* are respected and that *Financial Administration Act* requirements are met. These include section 32 of the Act (making a commitment that the funds to pay for the work to be undertaken are available), section 33 (that all the necessary verification has taken place to ensure a payment is valid), and section 34 (that the work was performed in accordance with the contract).

Ministers' staff are encouraged to consult their departmental procurement specialists when making procurements. The complete text of the *Contracting Policy* is available on the Treasury Board's Web site at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Contracting/contractingpol_e.asp.

7.1.1 Treasury Board Contracting Policy

The *Contracting Policy* is based not only on ensuring that the services and products needed to deliver an office's responsibilities are delivered, but also on demonstrating fairness, openness, and obtaining best value in the spending of taxpayers' money. Key legislative, regulatory, and policy provisions govern government contracting activities. Government contracting must ensure prudence and probity, ensure the pre-eminence of operational requirements, and when possible support long-term industrial and regional development, as well as any other national objectives.

The *Government Contracts Regulations* require the solicitation of bids except where:

- (a) the need is one of pressing emergency in which delay would be injurious to the public interest;
- (b) the estimated contract expenditure is below \$25,000;
- (c) the nature of the work is such that it would not be in the public interest to solicit bids; or
- (d) only one supplier can do the work.

As well, the government is signatory to three trade agreements that affect government procurement and these establish thresholds for various types of procurement:

- (a) the North American Free Trade Agreement (NAFTA), Chapter Ten;
- (b) the World Trade Organization Agreement on Government Procurement (WTO-AGP); and
- (c) the Agreement on Internal Trade (AIT), Chapter Five.

The *Government Contracts Regulations* are found in Appendix B of the *Contracting Policy*. References and links to the trade agreements are provided throughout the Policy. In addition to outlining key policy aspects of tendering, the Policy also sets limits on a department's authority to contract without first seeking Treasury Board approval.

Contracting authorities must not split contracts or contract amendments in order to avoid obtaining either the approval required by statute and the *Contracting Policy* or appropriate management approval within the department or agency.

7.2 Employer-employee relationships

Except for those contracts of employment that are exempted pursuant to section 41 of the *Public Service Employment Act*, ministers shall not enter into contracts for the services of individuals when the terms of the contract or the actual work situation would result in an employer-employee relationship. Before entering into a contract, ministers should seek the advice of their departmental legal advisor and procurement specialist to ensure that there is no potential employer-employee relationship in the contract. For guidance in assessing an employer-employee relationship:

- ▶ consult Canada Revenue Agency's publications, e.g. "Employee or Self-Employed," publication number RC4110, or visit <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/README.html>;
- ▶ refer to sections 16.2 and 16.3 of the *Contracting Policy*; or
- ▶ seek legal advice from the Department of Justice Canada where it is not feasible for officials to determine whether a contract is a contract for services or a contract of employment in situations where employment status is not easily identifiable.

7.3 Fee guidelines

There are no specific fee guidelines for contracts, which can be established through a variety of mechanisms. Information can be obtained from departmental specialists or PWGSC. When there is no competition, the onus is on the contractor to prove that any fees charged to the government are comparable or similar to those charged to or obtained from the private sector for comparable or

similar work. Contracts may also contain standard terms and conditions identifying an audit provision. Appendix J of the Treasury Board *Contracting Policy*—Selection process and establishment of fees for consulting and professional services—can be found at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Contracting/contractingpol_j_e.asp.

7.4 Former government officials

Contracts for the services of former government officials must be able to stand up to the closest public scrutiny. No contract for the services of a former official shall be entered into unless the individual minister is satisfied that it would be in the public interest to do so. Potential contractors may be subject to either the *Conflict of Interest and Post-Employment Code for Public Office Holders* (2006), which is available at <http://www.parl.gc.ca/oec-bce/site/pages/ethics-e.htm>, or the *Values and Ethics Code for the Public Service*, available at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_851/vec-cve_e.asp. Other considerations of a general nature are discussed in the *Contracting Policy* (section 16.8, Appendix C), which can be found at http://www.tbs-sct.gc.ca/Pubs_pol/dcgpubs/Contracting/contractingpol_e.asp.

7.5 Temporary help services

Government policy is that employees of temporary help agencies are to be used only in those situations where it is not feasible to assign exempt staff, departmental employees, or other public service employees. Temporary services are normally engaged when there is a short-term vacancy, when an exempt staff member or public service employee is absent for a short period, or when there is a temporary increase in workload for which staff are not available. Ministers must try to meet their short-term needs with existing staff or term appointments.

When contracting for temporary help services (administrative support and other categories), contracting authorities should give consideration to obtaining these services directly from companies with which PWGSC has entered into temporary help standing offers. Contracting authorities have the option of acquiring temporary help through a standing offer issued by PWGSC or by dealing directly by means of a separate departmental standing offer or a contract with other suppliers. Further information on the existence of temporary help standing offers may be obtained from PWGSC.

It should be noted that contract splitting is unacceptable and forbidden. Separate contracts should be entered into with temporary help firms each time a call-up is made against a standing offer for temporary help services.

Contracts for temporary help may pose the risk of creating employer-employee relationships; these must be avoided, as stated in section 7.2.

Additional information on temporary help services can be found in Appendix I of the *Contracting Policy—Temporary Help Services* (available at http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Contracting/contractingpol_i_e.asp).

7.6 Proactive disclosure of contracts over \$10,000

On March 23, 2004, the government announced a new policy on the mandatory publication of contracts over \$10,000, in order to enhance the role of Parliament and increase transparency so that Canadians are better able to hold Parliament and public-sector officials to account.

The new requirement consists of the disclosure of procurement contracts for goods and services dating back to April 1, 2004, for federal departments and agencies listed in schedules I, I.1, and II of the *Financial Administration Act* (FAA). Ministers' offices are subject to the FAA, its regulations, and Treasury Board policies.

Departments and agencies listed in schedules I, I.1, and II of the FAA are required to report the data on their Web sites (even where PWGSC has issued the contract on their behalf), within 30 days of the end of each fiscal period and to update it every three months. The contract information reported must include the vendor's name, the number used in the financial system, contract date, description of work, contract period for services, delivery date of goods, and contract value.

Please note that information that would normally be withheld under the *Access to Information Act* and the *Privacy Act* does not appear on this Web site. Contracts such as those relating to national security or law enforcement are exempt from the reporting requirement.

Ministerial staff are encouraged to discuss the requirements for proactive disclosure with departmental contracting officials. For more information on the posting of contract information on-line, please see the Treasury Board of Canada Secretariat's Web site at www.tbs-sct.gc.ca/pd-dp/index_e.asp.

Part 8 Services and Hospitality

8.1 Parking

A minister's vehicle, being the property of the Crown, is allotted a parking space at the minister's office.

A minister's chief of staff is entitled to a 50-per-cent rebate on his or her monthly parking charges at either Crown-owned or -leased premises, or commercially operated parking premises. However, the amount reimbursed for commercial parking premises shall not exceed 50 per cent of the established monthly rate for Crown-owned or -leased parking spaces in that area. Reimbursement for either private or Crown parking is deemed a taxable benefit where the rate paid by the employee is not fair market value.

All other staff members must pay for their parking in government parking areas at the same rates paid by public service employees.

8.2 Relocation

A minister may, at his or her discretion, reimburse the relocation expenses of appointees who accept employment as exempt staff at the EX-02 equivalent and above. Any benefits are negotiated between the minister and the individual. Any negotiated relocation assistance for those individuals would be paid from the minister's own operating budget. Relocation assistance may be up to the full provisions of the Integrated Relocation Program Directive (see http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_113/irp_e.asp).

A third-party service provider provides professional relocation assistance, which is co-ordinated through each departmental national co-ordinator, who should be the first point of contact for any relocation inquiries or assistance. The letter of offer or other correspondence to be placed on the appointee's file should clearly state the specific relocation expenses to be reimbursed to the appointee, including a provision for the pro-rated recovery of expenses for early voluntary termination of employment, consistent with Treasury Board policies. There are no provisions for reimbursing relocation expenses on completion of employment. No relocation expense should be incurred by the appointee prior to obtaining formal authorization.

8.3 Hospitality and gifts

8.3.1 Hospitality—ministers

The Treasury Board *Hospitality Policy* can be found at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_113/HOSP_e.asp. While events that a minister hosts personally are exempt from the Policy, the guidelines set out in the Policy are appropriate to hospitality extended on behalf of the

government. These guidelines list the appropriate occasions, the various forms of hospitality, and the types of facilities that should preferably be government-owned, but that must never be commercial facilities that engage in discrimination practices.

Because it might seem that ministers benefit personally from hospitality functions, they should be aware that high standards are expected of them. They should avoid giving the slightest impression of using public funds and facilities for anything other than purely official purposes.

8.3.1.1 Accounting

When seeking reimbursement for hospitality expenditures, ministers must make a statement that includes the following sentence:

“I certify that the foregoing expenditures have been incurred by me on official business in [month] [year].”

[minister’s signature]

This certification is pursuant to section 34 of the *Financial Administration Act*.

Ministers are required to post all hospitality expenses on their departmental Web site. These must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- ▶ the total amount of hospitality incurred; and
- ▶ the establishment or restaurant where the hospitality occurred.

All parliamentary secretaries and exempt staff members of ministers will also be required to post all hospitality expenses on the departmental Web site (see section 8.3.2).

Ministers should maintain complete records of each hospitality occasion so that they can respond to any questions that may arise later.

8.3.2 Hospitality—ministers’ staff

There may be instances when a minister requires a parliamentary secretary or staff member to extend hospitality on behalf of the minister or department. Such hospitality may be necessary because it will economically facilitate the business of the department or agency or because it is considered essential as a matter of courtesy or protocol. In these instances, such hospitality shall be extended in accordance with the *Hospitality Policy* and all the requirements for documentation shall be met. Claims for reimbursement should be approved by the chief of staff or minister, as appropriate.

Separate claims should be submitted when a member of a minister's staff claims reimbursement for his or her own hospitality expenses and for hospitality disbursements made on behalf of the minister. The latter should be accounted for separately, included in any reports of ministerial office expenses, and accompanied by the ministerial certification.

Parliamentary secretaries and ministers' exempt staff are also required to post all hospitality expenses on their departmental Web site. These must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- ▶ the name of the staff or exempt staff member who provided the hospitality;
- ▶ the total amount of hospitality incurred; and
- ▶ the establishment or restaurant where the hospitality occurred.

8.3.3 Gifts, hospitality, or other benefits received

There may be restrictions on ministers, parliamentary secretaries, and exempt staff receiving gifts, hospitality, or other benefits. For details, please consult the *Conflict of Interest and Post-Employment Code for Public Office Holders*, available at <http://www.parl.gc.ca/oec-bce/site/pages/ethics-e.htm>.

8.3.4 Gifts given

It has been government practice that official gifts and mementoes are presented only on occasions where:

- ▶ they further international relations;
- ▶ official hospitality abroad is involved; or
- ▶ foreign visitors or delegations are hosted in Canada.

Whenever any of these circumstances arise, a minister's staff should contact the Gift Bank, which is operated by the State Ceremonials Directorate of Canadian Heritage. The Gift Bank also ensures that official gifts are distinctively Canadian. Appropriate gifts include contemporary arts and crafts or items representative of Canadian culture, arts, and cultural products or Canadian manufacturing. The Gift Bank can provide advice on appropriate types of gifts and will ensure that official gifts are of a value suitable to the status of the recipient.

If a gift other than those from the Gift Bank is being considered, and as a last recourse and under exceptional circumstances, certain authorities may be needed. These may include the authority to make the acquisition of the gift a legitimate expenditure of public funds, and the authority to transfer the gift. A submission to the Treasury Board for a recommendation to the Governor in Council may be required to secure such authorities.

8.4 Memberships

In accordance with the Treasury Board *Membership Fees Policy*, part of employee entitlements, (available at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_113/CHAP6_1_e.asp), the department or agency may reimburse ministers' exempt staff for memberships and registrations. Memberships are limited to departmental requirements and should be held in the department's name whenever possible. Memberships that are not a legal requirement of the position and whose main purpose is to increase the public's contact with departmental operations should be authorized only in the most exceptional circumstances. The reasons justifying these memberships must be beyond question, particularly when they include social or recreational facilities, considering exempt staff may have specific requirements in the course of their political duties that are distinct and separate from departmental requirements.

8.5 Conferences

Participation in major international government conferences headed by a minister should be limited to a delegation of eight Canadian representatives, where possible. These eight include the minister's staff, but not essential technical personnel.

The deputy minister of Foreign Affairs should be advised of delegations where representation may include more than one department, in order to co-ordinate the overall Canadian representation.

The lead departmental minister heading the delegation has the final decision as to the number of representatives.

8.6 Legal services

Under the *Government Contracts Regulations*, contracts to perform legal services may be entered into only by or under the authority of the minister of Justice.

8.6.1 Indemnification and legal assistance

This protection is currently identical to those covering Crown servants, as set out in the *Policy on the Indemnification of and Legal Assistance for Crown Servants*, which can be found at www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_851/pila_e.asp. Ministers and their exempt staff will be entitled to indemnification against personal civil liability and will be eligible for legal assistance, provided they meet basic policy requirements, which are to have acted honestly and without malice within the scope of their duties and met reasonable expectations. This need may arise from any act or omission of the minister or staff member in the conduct of portfolio or other official government business.

Part 9 Official Languages

9.1 Official languages

Ministers, as well as their staff, must act in accordance with the prescriptions and requirements of the legislative, policy, and program framework described here. Provisions and requirements applicable to ministers' parliamentary, departmental, and constituency offices respectively can differ.

9.2 Background

The *Canadian Charter of Rights and Freedoms* states that English and French are the official languages of Canada and have equal rights and privileges in all institutions of Parliament and government and sets out several other provisions on official languages.

The *Official Languages Act* (1988) gives effect to the Charter provisions on English and French as official languages. The Act and the *Official Languages (Communications with and Services to the Public) Regulations* govern the provision of service to the public in both official languages. There are also policies concerning the application of the Act and Regulations, as well as mechanisms in support of the Official Languages Program, most notably access to language training and the provision of translation and interpretation services.

Together, the Act and Regulations set out the circumstances in which communications with the public are to take place and services are to be provided in either official language, as the public chooses.

Section 22 of the *Official Languages Act* applies to those offices of ministers located in the National Capital Region (NCR). The Regulations apply to those offices that are not located in the NCR. The Directory of Offices and Service Points (BUROLIS) identifies all offices and service points obligated to provide services and communications in both official languages; it is found at <http://www.burolis.gc.ca/>.

Also, employees of federal institutions have the right to work in the official language of their choice in regions designated bilingual for that purpose when they are not serving the public, if their position is bilingual or unilingual in their own language.

The government is committed to achieving, with due regard to the merit principle, equitable participation, as well as equal opportunities for employment and advancement of English-speaking and French-speaking Canadians in federal institutions.

Each institution that is subject to the Act is responsible for its implementation within its area of responsibility.

The Public Service Human Resources Management Agency of Canada (PSHRMAC) is responsible for general direction and co-ordination regarding the Act's requirements of service to the public, language of work, and equitable participation in all institutions subject to the *Official Languages Act*. The Senate, the House of Commons, and the Library of Parliament are subject to the Act, but are not required to follow PSHRMAC policies on official languages and are not accountable to PSHRMAC for their performance.

9.3 Service to the public

Ministers' offices located in the NCR must have the capacity to communicate with and serve the public in both official languages. This obligation must effectively be discharged in all aspects of their interface with the public, whether written or oral. Ministers' offices must therefore have enough qualified staff to meet these requirements, which range from simple bilingual reception, in person or on the telephone, to the ability to deal with the public on substantive issues in both official languages.

9.4 Language of work

The NCR is one of the regions designated as bilingual for language of work. In ministers' offices that are located in the NCR, a work environment must be created that allows employees to use the official language of their choice when they are not serving the public. This must be reflected in the conduct and character of meetings, in the acceptance of documents and presentations in either official language, and in the issuing of instructions. Employees occupying bilingual positions or positions requiring the use of either English or French exclusively must be supervised or have supervision available to them in the language(s) of the position(s) supervised so that employees can speak and write in the official language of their choice.

9.5 Equitable participation

The *Official Languages Act* commits the federal government to ensuring that English-speaking and French-speaking Canadians have equal opportunities for employment and advancement within federal institutions without regard to their ethnic origin or their first language. The composition of the workforce of federal institutions should therefore reflect the presence of both linguistic communities. Ministers' offices should take these principles into account when establishing the composition of the personnel that will enable them to meet their needs and the office's obligations as regards service to the public and language of work.

9.6 Support mechanisms

Ministers' exempt staff should consult the deputy head of their respective department for additional general information on official languages. Departments have a director of official languages or another official responsible for official languages. This person can answer specific questions on departmental official languages programs, policies, and issues. More general questions may also be directed to the Office of the Vice-President, Official Languages Branch of PSHRMAC at (613) 952-2932.

There are support mechanisms to help meet official-language requirements in federal institutions, including language training and translation services. There are Treasury Board policies on determining the language requirements of positions and the staffing of bilingual positions (see http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/OffLang/dsbp-ddpb_e.asp), as well as a directive on language training and learning retention (see http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/OffLang/dltrl-dflma_e.asp). There is also a guide for the use of translation services. Language training can be made available to ministers and their staff to enable those who require a knowledge of both official languages to perform their duties. Translation and interpretation services are also available. These services, when provided within departments and agencies, are on a cost-recovery basis through departmental operating budgets. The cost-recovery principle does not apply when these services are provided through the Senate, the House of Commons, or the Library of Parliament.

Part 10 Information Management

10.1 Information management

Ministers will usually have papers in their offices that fall into four general categories: Cabinet documents, institutional records, ministerial records (as defined in section 2 of the *National Archives Act*), and personal and political records. Each of these categories has its own set of considerations under the *Access to Information Act*, the *Privacy Act*, and the *Canada Evidence Act*.

Ministers should maintain separate information systems for Cabinet documents, institutional records, ministerial records, and personal and political records. Ministerial records must be transferred from the office of the minister to Library and Archives Canada in accordance with schedules approved by the Librarian and Archivist of Canada. Deputy ministers should advise ministers and their staff on these matters. The Treasury Board *Policy on the Management of Government Information* can be accessed at http://www.tbs-sct.gc.ca/pubs_pol/ciopubs/TB_GIH/mgih-grdg_e.asp. Advice can also be obtained from the Government Records Branch at Library and Archives Canada, which publishes *Guidelines for Managing Recorded Information in a Minister's Office*, available at http://www.collectionscanada.ca/06/docs/minister_e.doc. Library and Archives Canada *Multi-Institutional Disposition Authorities and Retention Guidelines* may be accessed at http://www.collectionscanada.ca/information-management/0604_e.html. Special precautions must be taken to guarantee the security of Cabinet documents, in accordance with procedures established by the Privy Council Office on the prime minister's behalf. Most importantly, when a Cabinet item has been dealt with, the associated Cabinet documents must be returned to the Privy Council Office. Successive prime ministers have also agreed that the clerk of the Privy Council, with deputy ministers, will ensure that Confidences of the Queen's Privy Council for Canada contained in records left in government custody by Cabinet ministers will be protected from access by successive governments.

10.1.1 New information technologies

Guidelines for the use of new technologies, such as e-mail, the Internet, and local area networks, are evolving within the Public Service. Ministers and their exempt staff should seek guidance on their use from the appropriate departmental officials. Ministers and their staff should consider electronic recorded information as identical to physical recorded information such as prints, photographs, documents, etc.

In designing information systems, ministers must provide for the proper processing, handling, and storage of classified and other sensitive information. Advice and assistance on meeting government-wide standards for physical, communications, and electronic data processing security is available from the departmental security officer.

10.1.2 Leaving office

Ministers and their exempt staff have a responsibility to ensure that all Cabinet documents and official records are left in the custody of appropriate authorities. On leaving office, ministers must use the secure storage facilities and archival services offered by Library and Archives Canada for their personal and political papers. They should also take steps to remind individuals leaving their jobs of their continuing responsibilities to maintain the confidentiality of the sensitive information to which they have had access, cancel all their authorities (e.g. access authorities, keys, and locks), and return all sensitive information to the appropriate authority. The designated security official in the minister's office should terminate employment in person, and the process should be formally documented.

10.2 The *Access to Information Act* and the *Privacy Act*

10.2.1 Background

The *Access to Information Act* gives the public the right of access to information in records controlled by government institutions. A minister's office is considered separate and distinct from the government institution; thus, ministers and their exempt staff are not considered employees or officers of the institution. This interpretation is being examined in light of a recent decision by the Federal Court of Canada. The impact of this judgment is still being assessed and the question of whether or not the Act applies to ministerial records has yet to be resolved. Prior to making decisions on the disclosure of any records (including expense claims of ministers and their exempt staff), ministers' offices should consult with their institution's legal services unit.

The *Access to Information Act* is based on two principles:

- ▶ government information should be available to the public; and
- ▶ necessary exceptions should be limited and specified by law.

The *Access to Information Act* complements the *Privacy Act*.

The *Privacy Act* governs the use, disclosure, collection, retention, and disposal of personal information and expands previous statutory protection of personal information held by a government institution. The *Privacy Act* gives individuals the right of access to information about themselves that is held by a government institution. While the offices of ministers are not considered to be part of a "government institution" for the purposes of the *Privacy Act*, the following principles should nevertheless govern those offices:

1. personal information should be used or disclosed only for a purpose consistent with the purpose for which it was obtained, unless the individual concerned consents to the new use or disclosure, or the disclosure is required by law;

2. access to personal information should be strictly limited to individuals who have a legitimate need to know;
3. appropriate security safeguards shall be put in place and maintained to protect personal information from unauthorized disclosure; and
4. personal information that is no longer needed should be disposed of unless its retention is required by law.

Records relating to ministers and exempt staff that are located in an institution may contain personal information that must be protected under the *Access to Information Act* and the *Privacy Act*. Such records should not be disclosed unless in accordance with these acts.

Expense claim records about ministers and exempt staff

All travel and hospitality expenses for ministers, parliamentary secretaries, and exempt staff are to be published on institutional Web sites to promote transparency and to facilitate public access.

Ministers' offices are required to disclose hospitality and travel expenses publicly, through departmental Web sites. Reports cover a 90-day period, and ministers and their offices must report within 30 days of the end of the period being reported. This policy also applies to parliamentary secretaries. A guidance document for posting the information on an institution's Web site can be found at http://publiservice.tbs-sct.gc.ca/dthe-dfva/guidance_e.asp.

Other records about expense claims of ministers and their exempt staff may contain personal information that must be protected under the *Access to Information Act*, unless consent to disclose is received from the individual(s). In view of jurisprudence that supports this position, the Secretariat issued Implementation Report No. 78, dated March 30, 2001 (see http://www.tbs-sct.gc.ca/gos-sog/impl-rep/impl-rep2001/Imp.Report78_e.htm) and Information Notice No. 2002-2004, dated March 18, 2002 (see http://www.tbs-sct.gc.ca/gos-sog/atip-airp/in-ai/in-ai2002/2002-04_e.asp) to provide guidance concerning this matter. As well, in March 2002, the Secretary of the Treasury Board wrote concerning this matter to his counterparts at all institutions subject to the *Access to Information Act*. All three documents outline the government's position on records relating to ministers and their exempt staff and inform institutions that records relating to expense claims of ministers and their exempt staff may contain personal information, as well as that other information might require protection under another exemption provision, and recommend that institutions take reasonable steps to seek consent for the disclosure of such records directly from the individual concerned.

Canada Evidence Act

The amendments to the *Canada Evidence Act*, known as Specified Public Interest rules, apply to the disclosure of records in instances where a court of law seeks information from the government that is relevant to a case.

10.2.2 Monitoring disclosure

Decisions on disclosing government information under the *Access to Information Act* and the *Privacy Act* can be reviewed independently of the government. Depending upon the applicable legislation, either the information commissioner or the privacy commissioner conducts the first level of review. The Federal Court, Trial Division, conducts the next level of review, and cases can be brought before the Federal Court of Appeal and, ultimately, the Supreme Court of Canada.

Within a department or an agency subject to the legislation, a designated departmental co-ordinator administers one or both acts. This officer receives requests from the public, advises the minister and departmental officials about what should or should not be released, and ensures that a response is prepared. The co-ordinator also ensures that personal information is protected, as required by the *Privacy Act*. In addition, departmental legal services provide legal expertise on access and privacy matters.

Both acts specifically recognize the rights of access of individuals with sensory disabilities.

The following suggestions are designed to help ministers meet the requirements of this legislation:

- ▶ assign a single senior contact within the minister's office who is knowledgeable about the acts and their impact on departmental operations, and who can deal directly with the departmental co-ordinator regarding ministerial records;
- ▶ keep institutional records segregated from personal and political records and put in place the conventions set out in this document, especially the accounting procedures;
- ▶ review delegation orders under the acts to ensure that the specific powers, duties, and functions are set out and delegated to the appropriate level;
- ▶ ensure that appropriate reporting on the nature and progress of access requests is in place in the department; and
- ▶ support sound departmental information management practices.

10.2.3 Cabinet confidences

The *Access to Information Act* and the *Privacy Act* do not apply to records that fall under the category of Confidences of the Queen's Privy Council for Canada. Confidences of the Queen's Privy Council for Canada are generally excluded for 20 years, while discussion papers are excluded for up to four years. When an access request involves Cabinet confidences, ministers must consult the Privy Council Office before responding. The deputy minister or access to information co-ordinator in each department can arrange this consultation.

Appendix A: Exempt Staff Position Structure

Chief of Staff (EX-02, EX-03, or EX-04— one per minister's office)

- ▶ is the most senior political advisor to the minister;
- ▶ is responsible for the overall management of the minister's office, including managing the office budget and staff;
- ▶ is responsible for developing and implementing strategic plans in order to assist in delivering the department's and minister's mandate;
- ▶ is responsible, on behalf of the minister, for liaising with senior departmental officials in order to ensure a positive working relationship between the minister and the Public Service;
- ▶ must ensure that the minister is properly briefed and advised on all issues that relate to the government's mandate and the department's objectives; and
- ▶ must liaise, on behalf of the minister, with the Prime Minister's Office and other ministers' chiefs of staff in order to address government-wide issues

Senior Policy Advisor (EX-02)

- ▶ is responsible, in collaboration with the department, for overseeing policy development on behalf of the minister;
- ▶ is also responsible for advising and briefing the minister on all relevant policy issues;
- ▶ needs to work closely with the Prime Minister's Office and other ministers' offices in order to co-ordinate the development of policies and programs within the government;
- ▶ must ensure that policy development within the minister's responsibilities is consistent with the broad policy goals of the government, as laid out in key documents, such as the Speech from the Throne and the budget;
- ▶ should work closely with the department to ensure that policies and policy development are consistent with the minister's objectives and the government's mandate; and
- ▶ should liaise with key stakeholders in order to inform or consult on important policy initiatives within the minister's purview

Director of Communications (EX-02)

- ▶ is responsible for providing strategic planning and communications advice to the minister;
- ▶ is also responsible for leading comprehensive communication plans on behalf of the minister;
- ▶ must consult regularly with the Prime Minister's Office in order to better co-ordinate government-wide communications;
- ▶ should oversee, and co-ordinate with the department, the development of communications initiatives to ensure that they are consistent with the minister's objectives and the government's mandate;
- ▶ should establish and maintain a professional relationship with the media; and
- ▶ is the leading official spokesperson for the minister; at the behest of the director of communications, the role of spokesperson to the minister may be assigned to the special assistant, communications

Director of Parliamentary Affairs (EX-02)

- ▶ is responsible for advising and briefing the minister on all legislative issues;
- ▶ is responsible, on behalf of the minister, for overseeing all phases of the legislative approval process from the development of legislation within the department to Royal Assent;
- ▶ is the point person within the minister's office for implementing the government's parliamentary reform initiative, which includes consulting committee members on proposed legislation;
- ▶ is responsible for liaising with caucus and the office of the minister's parliamentary secretary to discuss the department's legislative agenda;
- ▶ must liaise with the Prime Minister's Office, other ministers' offices, and caucus members to ensure co-ordination of government-wide legislative issues; and
- ▶ must work closely with the senior policy advisor to ensure consistency between policy and legislative initiatives

Policy Advisor (AS-08)

- ▶ is responsible, working under the direction of the senior policy advisor and in collaboration with the department, for policy reviews on specific issues;
- ▶ is also responsible for advising and briefing the minister on relevant policy issues;
- ▶ needs to work closely with the Prime Minister's Office and other ministers' offices in order to co-ordinate the development of policies and programs within the government;
- ▶ must ensure that policy development within the minister's responsibilities is consistent with the broad policy goals of the government, as laid out in key documents, such as the Speech from the Throne and the budget;
- ▶ should work closely with the department to ensure that policies and policy development are consistent with the minister's objectives and the government's mandate; and
- ▶ should liaise with key stakeholders in order to inform and/or consult on important policy initiatives within the minister's purview

Senior Special Assistant (AS-07)

- ▶ provides political advice and support on particular policy issues, communications, and parliamentary affairs at a greater level of complexity and responsibility than special assistant; and
- ▶ provides political advice and assistance in relation to regional responsibilities

**Special Assistant,
Communications (AS-05)**

- ▶ is responsible for providing communications support to the minister and director of communications;
- ▶ is responsible for overseeing the timely development of communications products by the department, such as press releases and speeches;
- ▶ must consult, in collaboration with the director of communications, with other minister's offices in order to better co-ordinate government-wide communications;
- ▶ should establish and maintain a positive relationship with the media; and
- ▶ may report to the director of communications

**Special Assistant,
Parliamentary Affairs (AS-05)**

- ▶ provides general support to the minister and the director of parliamentary affairs;
- ▶ is responsible for briefing and preparing the minister for Question Period;
- ▶ assists the director of parliamentary affairs in implementing the government's Parliamentary Reform initiative;
- ▶ liaises with caucus and the office of the minister's parliamentary secretary to discuss the department's legislative agenda;
- ▶ liaises, in collaboration with the director of parliamentary affairs, with the other ministers' offices and caucus members to ensure co-ordination of government-wide legislative issues; and
- ▶ may report to the director of parliamentary affairs

**Special Assistant,
Regional Affairs / Regional
Desk (AS-05)**

- ▶ is responsible for providing political advice and support to the minister for an assigned specific province or region of the country;
- ▶ will liaise extensively with caucus members within their province or region of responsibility in order to advise and consult them on departmental policies and programs;
- ▶ is responsible for liaising with stakeholders within their province/region of responsibility to ensure a thorough understanding of departmental policies and programs;
- ▶ is responsible for all logistical, travel, and advance operations when the minister travels in the province or region of the assistant's responsibility; and
- ▶ under the guidance of the senior policy advisor, may be required to manage policy files, especially files with a provincial or regional focus

Parliamentary Secretary's Assistant (AS-05)

- ▶ is responsible for advising and briefing the parliamentary secretary on all legislative issues;
- ▶ is responsible, on behalf of the parliamentary secretary, for working closely with the minister's office on all phases of the legislative approval process from the development of legislation within the department to Royal Assent;
- ▶ is the point person within the parliamentary secretary's office for ensuring adherence to the government's Parliamentary Reform initiative, which includes consulting committee members on proposed legislation; and
- ▶ is responsible for liaising with caucus and the office of the minister to discuss the department's legislative agenda

Regional Affairs Director (EX-01)

- ▶ senior ministerial staff member in a minister's regional office assisting the regional minister with the role of senior government spokesperson for the region;
- ▶ is responsible, in collaboration with regional offices of federal departments, for overseeing policy integration on behalf of the minister;
- ▶ is also responsible for advising and briefing the minister on all relevant regional issues;
- ▶ works closely with other ministers and MPs in the region in order to assist in the co-ordination of policies and programs within the region; and
- ▶ is responsible for briefing and preparing the minister on regional issues

Regional Communications Advisor (IS-05)

- ▶ senior communications staff member in the minister's regional office assisting the regional minister with the role of senior government spokesperson for the region;
- ▶ is also responsible for environmental scans and advising and briefing the minister on all relevant regional concerns and threats;
- ▶ works closely with other ministers and MPs in the region in order to assist in the co-ordination of messaging within the region; and
- ▶ is responsible for preparing communiqués, press releases, and communication strategies for the minister on regional issues

Appendix B: Current Provisions—Salaries for Exempt Staff

Salaries

Title	Salary range (\$)				
	Effective February 6, 2006				
	Minimum			Maximum	
Position (Minister's Office)					
Chief of Staff (EX-04) or (EX-03) or (EX-02)	132,200 115,110 102,800			155,600 135,500 121,000	
Senior Policy Advisor (EX-02)	102,800			121,000	
Director of Communications (EX-02)	102,800			121,000	
Director of Parliamentary Affairs (EX-02)	102,800			121,000	
Policy Advisor (AS-08)	79,662			93,767	
Senior Special Assistant (AS-07)	77,151	80,085	83,126	85,622	
Special Assistant, Communications (AS-05)	65,801	68,302			71,140
Special Assistant, Parliamentary Affairs (AS-05)	65,801	68,302			71,140
Special Assistant, Regional Desk (AS-05)	65,801	68,302			71,140
Special Assistant (AS-05)	65,801	68,302			71,140
Support Staff (CR-05)	42,757	43,932	45,116		46,290
Position (Ministers with regional representation budgets)					
Regional Affairs Director (EX-01)	91,800			108,000	
Regional Communications Advisor (IS-05)	73,294	76,079			79,069
Special Assistant, Regional Affairs (AS-05)	65,801	68,302			71,140
Position (Ministers with a parliamentary secretary)					
Parliamentary Secretary's Assistant (AS-05)	65,801	68,302			71,140

Appendix C: Budgets and Staff Complements for Ministers

C.1 Exempt staff

A.	Ministers	
	Budget for annual salaries	from \$322,000 to \$875,000*
B.	Ministers with regional representation budgets	
	Budget for annual salaries	\$175,000
C.	Ministers with a parliamentary secretary	
	Additional budget for annual salaries (per parliamentary secretary)	\$71,140

Departmental staff

A.	Ministers	
	Budget for annual salaries	from \$203,000 to \$511,000*

Operating Budgets

A.	Ministers	
	Annual operating budget	from \$200,000 to \$505,000*
B.	Ministers with regional representation budgets	
	Annual operating budget	\$100,000
C.	Ministers with a parliamentary secretary	
	Operating budget for additional overhead costs (per parliamentary secretary)	\$10,000

Student Budget

A.	Ministers	
	Budget for annual salaries	\$29,000

* Budgets are set through written communication.

C.2 Description of budgets

A. Exempt staff salary budgets

Only direct personnel costs, such as the following, can be charged to the exempt staff salary budget:

- (a) salaries (includes pay while on leave);
- (b) vacation pay for unused vacation leave on termination of employment or paid out at the end of the fiscal year; and
- (c) salary for the 30 days' employment to which persons are entitled when a minister ceases to be a minister.

B. Ministers' operating budgets

A minister's operating budget covers all operating expenditures related to the conduct of portfolio or other official government business, whether incurred by exempt staff or departmental staff in the minister's office. Expenditures include:

- (a) gifts, travel, hospitality, and other services;
- (b) conference and training costs for exempt staff;
- (c) relocation of exempt staff (on appointment only);
- (d) office furniture and furnishings for ministers and their private secretaries that are over and above normal departmental standards;
- (e) fees for professional outplacement services;
- (f) cost of professional and temporary help services; and
- (g) all other expenses.

C. Departmental staff salaries budget

Salaries including overtime, equalization pay, and bilingual bonuses for departmental staff in the minister's office will be charged to the department's salary budget.

D. Other costs related to exempt staff

Other costs related to exempt staff including maternity leave payments (Supplemental Employment Benefit) and severance pay will be funded centrally, as they are for public service employees.

C.3 Total budgets**A. Ministers' total budgets**

	\$
Budget for exempt staff salaries	between 322,000 and 875,000
Operating budget	between 200,000 and 505,000
Budget for departmental staff salaries	between 203,000 and 511,000
Students	29,000
Total	between 725,000 and 1,920,000
	Transfer limits between \$50,000 and \$100,000

NOTE: Ministers may transfer between \$50,000 and \$100,000 from the budget for exempt staff salaries to the operating budget or vice versa in proportion to the size of the budget granted to the minister via written communication (see Part 2, Financial Management, section 4.2, Transferring Funds).

B. Ministers with regional representation budgets

	\$
Budget for exempt staff salaries	175,000
Operating budget	100,000
Total	275,000

C. Ministers with a parliamentary secretary

	\$
Budget for exempt staff salaries	71,140
Operating budget	10,000
Total	81,140

Appendix D: National Defence Guidelines for the Use of Government Administrative Aircraft

D.1 Description of administrative flight services

National Defence (ND) operates the Administrative Flight Service (AFS) for members of the royal family, the governor general, the prime minister, former prime ministers travelling for purposes related to their former office, Cabinet ministers, foreign dignitaries visiting Canada, parliamentary committees or delegations on official business and, when authorized by a minister, senior federal officers on government business. The service consists of one 12-passenger Challenger aircraft and three nine-passenger Challenger aircraft and is capable of providing air transportation on a national and on a limited international basis.

The AFS will operate throughout the year, seven days a week, 24 hours a day, from 412 Squadron of National Defence, which is located at the Shell Aerocentre adjacent to the Ottawa Airport.

Flight Co-ordination Centre

The Flight Co-ordination Centre (FCC) at 412 Squadron in Ottawa provides a central co-ordination and scheduling service. The telephone number of this centre is (613) 990-5085.

D.2 Guidelines for use

Government administrative aircraft are to be used only for government business and when:

- ▶ the flight is being made to a point where there is no commercial air service, when no space is available on a commercial air service, or when, because of difficulties in routings or timetables, substantial savings of essential time can be made by using administrative aircraft in place of commercial services;
- ▶ sudden changes in plans require emergency air transportation and no commercial air service is available; and
- ▶ official parties of some size need to travel together and significant advantage can be gained by using a government aircraft.

D.3 Approving authority

The Minister of National Defence is the sole approving authority for flights conducted under the provisions of these guidelines.

D.4 Charges

Charges are not levied for use of the Challenger aircraft of the AFS or for special flights, those that carry members of the royal family, the governor general, the prime minister, or former prime ministers travelling for purposes relating to their former office.

Charges are levied for flights using other types of ND aircraft (such as Airbus, etc.) when a flight is arranged by the governor general, the prime minister, the speaker of the House of Commons or the Senate or involves a minister of the Crown, members of parliamentary committees or delegations on official business, foreign heads of state, visiting dignitaries, and senior officials travelling on government business.

The charges levied will be the incremental costs of the flight for the particular aircraft type used, as determined by ND.

D.5 Booking procedures

The office of the minister requesting the flight should telephone the FCC at 990-5085 at the earliest opportunity to give a preliminary indication of the requirement, including a tentative itinerary and the number of passengers to be carried.

The minister requesting the flight must also forward a formal written request for the flight to the Minister of National Defence, except in cases of emergency; the written request should reach the minister at least 48 hours before the time of departure.

The written request must include:

- ▶ an itinerary of the trip indicating all points of departure and arrival;
- ▶ the reason why the use of government-owned aircraft is requested;
- ▶ the reason why commercial air service cannot be used;
- ▶ a complete passenger list showing departure and arrival points of passengers and their affiliation;
- ▶ the contact person (and telephone number) in the requesting minister's office;
- ▶ in addition, the following statement must be included immediately above the signature block:

-
- ▶ “I [or my minister] request[s] the use of this aircraft, fully cognizant of the guidelines for use of the AFS, consistent with the government’s commitment to financial restraint and consistent with the *Conflict of Interest and Post-Employment Code for Public Office Holders*”; and
 - ▶ the signature of the minister requesting the flight or the signature of the minister’s chief of staff on behalf of the minister.

Flight arrangements will conform to the information contained in the written request to the Office of the Minister of National Defence or as subsequently arranged by the FCC (with approval from the Office of the Minister of National Defence, if there are substantial changes to the written request).

D.6 Restrictions

Requests will normally be handled on a first-come, first-served basis. Conflicting priorities and unforeseen requirements will be referred to the Minister of National Defence for resolution. The order of precedence in the Cabinet will be used to resolve conflicts. To optimize the scheduling of aircraft, restrictions on changes to previously co-ordinated itineraries are necessary. Operational constraints, such as crew duty time and the availability of airport services, could disrupt future schedules and have an impact on the services offered or promised to other ministers.

Additionally, stops not contained in the original itinerary should not be planned at intermediate points to pick up or discharge passengers. If such stops or itinerary changes are necessary, they must be co-ordinated with and agreed to by the FCC (which will in turn contact the Office of the Minister of National Defence for approval).

The FCC or the Office of the Minister of National Defence will inform ministers requesting air transportation of the availability of aircraft proceeding on compatible flight schedules. Ministers should make every effort to make joint use of aircraft in the interests of efficient use of government resources; however, no more than eight ministers of the Crown are to travel on the same aircraft at the same time.

D.7 Reporting

National Defence will make information on the use of administrative aircraft available to the public in a monthly report that provides:

- ▶ the name of the minister requesting the aircraft;
- ▶ the date(s) of trips and the location(s) visited;
- ▶ the name(s) of the passenger(s);
- ▶ the purpose of the trip(s); and
- ▶ the number of hours flown.

Enquiries regarding any particular trip will be referred to the office of the minister requesting the trip.

Appendix E: Letter from the Minister of Finance to Cabinet
Ministers, December 1963

Ottawa, December 5, 1963.

LETTERS TO CABINET MINISTERS

Dear Mr.

The Cabinet discussed at a recent meeting the manner in which Ministers should account for moneys advanced and expended for travelling on official business.

In accordance with the decisions reached as a result of our discussions, I would ask that in the future you account for moneys advanced to cover travelling expenses by submitting for each trip a statement under two headings:

- (a) transportation expenses (if any); and
- (b) other expenses.

The statement should also include the period covered by the trip and the places visited.

The statement, which should be sent to your Chief Treasury Officer, should be certified by you as follows:

“I certify that the foregoing expenditures have been incurred by me on official business.”

(signed).....

The difference between the amount of the advance and the amount covered by your certificate should be returned to your Chief Treasury Officer in the form of cash or your personal cheque.

Yours sincerely,

(Sgd.) W. L. Gordon.

Appendix F: Letter from the Secretary of the Treasury Board With Respect to Access to Information Requests of Ministerial Expense Claims

I am writing further to the announcement in Parliament on March 15, 2002, by the President of the Treasury Board with respect to the treatment of requests made under the *Access to Information Act* for records of ministerial expenses under the control of government institutions.

As you are no doubt aware, the Prime Minister asked his Ministers and their exempt staff to consent to the release of information contained in travel and hospitality expense records.

Enclosed is a copy of an Information Notice to Access to Information and Privacy (ATIP) Coordinators issued by the Treasury Board Secretariat (TBS) to clarify the government's policy on the handling of access requests for records of ministerial expenses, and to request that Coordinators seek consent for the release of information in travel and hospitality expense records. The Information Notice and the practice of disclosing such records with consent are matters that were discussed at the bi-monthly ATIP Community Meeting hosted by TBS on March 19, 2002.

Each time an access request is received for expense claim information that relates specifically to travel and hospitality claims of Ministers and their exempt staff while on government business, all Ministers and their exempt staff will be asked by their Access to Information and Privacy Coordinator to sign a consent form authorizing the disclosure of such information. This applies only to expense claim records that are under the control of the government institution, and specifically to ministerial expense certificates (a monthly summary record of expenses) and to individual claims of exempt staff. This does not include travel records held exclusively in a Minister's Office, as these are not subject to the *Access to Information Act*.

Consent means that information such as the names of the Minister along with their monthly summary record of expenses, and the names of the exempt staff members, along with their position titles, travel destinations and reasons for travel, the nature of the hospitality, and amounts will be disclosed. Personal information that does not relate to the position or function of the individual, such as home addresses, personal phone or credit card numbers would continue to be protected.

This practice will ensure that the balance between the public's right to know and an individual's right to privacy is maintained.

Yours sincerely,

Frank Claydon