

The Lowdown on Lobbying

A primer for BC non-profits in the community social services sector

August 2021

There's a lot to consider for our sector regarding the requirements under [BC's Lobbyists Transparency Act \(LTA\)](#) that came into effect in 2020. Board Voice seized the opportunity to ask many questions of the Office of the Registrar of Lobbyists while we were doing our own registration that year, and we put together this brief guide to help your non-profit do the same if you're required to report. It has been updated a year on to add in all that Board Voice has learned through a year of reporting on our lobbying activity.

If you're a BC charity or non-profit with paid staff whose job it is to occasionally try to influence the provincial government's thinking in ways that will lead to changes in process, procedure or law, you likely know by now that our organizations and the designated paid staff person, usually the CEO, are required to register and report out as soon as you begin activities that count as lobbying under the Act. (They're very specific and don't encompass every conversation you'll ever have with a BC political figure or bureaucrat, so keep reading to learn more.)

Admittedly, having to report on our lobbying is a confusing ask for a sector that largely exists to influence government and the public to improve social care in our communities. Aren't we always lobbying? But there's lobbying and "lobbying," and we want to set out the basics [as per the kind of lobbying](#) that the Office of the Registrar of Lobbyists now requires us to report on.

Up until laws changed in 2020, most charities and non-profits were exempt from having to report activities intended to influence change in the functions of government. Up until that point, non-profits and charities didn't have to report in BC unless they were exceeding 100 hours a year of lobbying activity. Virtually all of us did not have to report as a result.

The exemption is now gone for **paid employees doing this work** in our sector. However, that "paid" part is an important distinction, as the new legislation only requires us to report the lobbying activities of those who get paid to do this work.

Many BC non-profits and charities have had to register their most senior staff person as their in-house lobbyist. Many are also wondering whether they should quit the whole business of communicating with government, because one more confusing task added onto a long list of others is one too much. The provincial government is very concerned about that, and really hopes we keep connecting. The Office of the Registrar is an independent body in BC, so this requirement to register our activities came directly from the Registrar, not from the provincial government.

(Check out our appendix at the end of this report for real-life examples of the kind of engagement our sector does with the provincial government, and which ones will now have to be reported as lobbying.)

Let's hope for the sake of our sector that we can find the time for this work. We don't want to give up on lobbying. Our best chance of influencing the decisions of government to strengthen social care in BC is by meeting with them, sending them well-informed reports, encouraging them to rethink policies and philosophies, and jointly coming up with solutions for the social needs of a changing world.

That's the work that this registration is trying to capture. Board Voice does that kind of advocacy and lobbying work for its members, as does the Federation of Community Social Services and others. Is it really necessary for individual organizations to register when they're members of advocacy networks?

Well, yes, given that the new legislation says you have to do it even if your current lobbying encompasses nothing beyond an annual meeting with your MLA if you're seeking change in process, procedure or law. On the upside, there is nothing quite like the individual voices of agencies for keeping MLAs and other provincial officials informed of what's happening on the ground in their own regions and communities. Your voices and experiences are so important for influencing change.

So for those organizations who agree that this influencing business is critically important work, and have paid staff doing even a bit of it, you'll need to register and report. Read on for what you need to know about that.

Important to know: All of this applies only to activities by your paid employees attempting to influence senior public officials **at the provincial level and in specific roles** to make changes to law, policy, regulations or procedures. If the people meeting with these senior people are unpaid volunteers such as your board members, that does not have to be reported. If your senior staff is working at influencing the thinking of your municipal or regional government or your federal MP, that does not have to be reported, because this Act only covers provincial MLAs and provincial public officials. If you're just raising awareness and not seeking changes, that's not considered lobbying.

What counts as lobbying?

With our organization's missions almost universally about creating change, we are always trying to influence somebody to do something differently. Our sector in particular was largely born to change law, shift policy, deepen thinking and encourage action. We are round-the-clock lobbyists of someone or another.

For the purposes of the new act, however, we are required to report only on activities as done by **specific paid people** in our organizations aiming to influence **specific public officials** to change things in **specific ways**. Let's explore with what those specifics encompass.

What is a lobbyist? Here's how it's defined under the act:

The lobbyist

1. *is paid*

2. *to communicate or to arrange a meeting for the purpose of lobbying*
3. *with a public office holder*
4. *in an attempt to influence any of the matters set out in the Lobbyist Transparency Act (LTA) definition of “lobby.”*

But before we explore that further, let’s also look at who ISN’T a lobbyist:

- Anyone who isn’t being paid – your organization’s board of directors, for instance, or others who do volunteer work. The definition of a lobbyist under the legislation is someone **who is paid** to do work that includes trying to influence the thinking of a very specific group of BC senior public officials whose positions are set out in the legislation and who are in roles at designated provincial entities.
- Any non-profit/charitable organization that meets **all three** of these exceptions: The organization employs fewer than six employees; it lobbies less than 50 hours a year; and whose primary purpose for lobbying doesn’t involve representing the interests of its members or promoting/opposing issues. (Board Voice meets the first two tests but not the third, so we are required to register and report our activities.)
- A citizen communicating with government officials on their own behalf.

In our sector, we will typically be designating our executive directors/CEOs as our in-house lobbyists. As the top paid senior staffers in our organization, they will be the ones listed on our organizations’ lobbyist registrations. (There’s also a category for consulting lobbyists, more commonly used in the private sector.) Here’s useful information from the Office of the Registrar of Lobbyists to help you consider whether the activities you’re contemplating are considered lobbying under the Act:

To describe activities that meet the definition of “lobby,” think about the questions below. This is the information your Registration Return should provide to the readers.

- What is the name or subject matter of the legislation or regulation, BC government program, policy, directive or guideline you are seeking to influence?
- What is the outcome your organization hopes to achieve as a result of the lobbying communications with the BC government?
- Are you seeking to influence a BC government decision about a contract, funding or any kind of financial benefit (outside of the formal established process that other applicants would follow)?

If you are not making a recommendation, seeking a change or you do not have a specific ‘ask’ of the BC government or a Provincial entity, you may not be lobbying. Simply “providing information”, “educating”, “keeping the Minister informed”, or “making the government aware” are not activities that meet the definition of “lobby” in the Act.

Who counts for the purposes of calling it lobbying?

Who are the “senior public officials” we’ll be meeting with, and the kinds of changes we’re seeking that we now must report? Not everyone is created equal in terms of considering any meeting with them lobbying, so here’s a summary of who qualifies in terms of having to be noted in your report.

If your paid CEO – your in-house lobbyist - is meeting with any of the following people, whether elected or holding positions at BC Crown corporations, school districts, public post-secondary institutes or health authorities, that activity may have to be reported as lobbying:

- Premier and ministers (members of the Executive Council)
- Any staff of the premier or ministers other than administrative support staff
- MLAs and their staff, other than administrative support staff
- Parliamentary secretary
- Deputy minister, chief executive officer or a position of comparable rank in a ministry
- Associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry
- Senior or next most senior ranking executive position of a provincial entity such as CLBC
- Chair or vice chair, or the equivalent position, of the governing body of a provincial entity

Not every meeting with your MLA or encounter with an ADM counts as lobbying under the legislation. The type of “influencing” that we need to report involves activities in which the goal is to achieve one or more of these objectives:

1. Development of any legislative proposal by the government of British Columbia, a provincial entity or a member of the Legislative Assembly,
2. Introduction, amendment, passage or defeat of any bill or resolution in or before the Legislative Assembly,
3. Development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,
4. Development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,
5. Awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,
6. A decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public
7. A decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity

Of note: Any engagement with BC’s three independent advocacy bodies ***is not considered lobbying***. You are free to converse with the Ombudsperson, the Seniors Representative, or the Representative for Children and Youth without having to report on that.

What doesn't count as lobbying?

We engage with our government partners frequently, and in so many ways. Many of those activities are not considered lobbying, regardless of whether they involve the senior public officials listed in the act. Review that green pullout box on page 3 of this guide when trying to determine whether you're engaging in lobbying, as well as the Office of the Registrar's own ["Getting Started" guide](#).

Here are some examples of engagement that doesn't have to be reported:

- Providing information to public officials without any attempt to influence their thinking in ways that you hope could lead to changes in law, regulation, practices, etc. If you're just giving them the straight goods, that's not lobbying.
- Contract negotiations. But if you hire a consultant to engage with public officials who aren't in the negotiations, that is considered lobbying.
- Attempts to lobby that don't lead to a meeting or engagement – for instance, you called trying to set up a meeting and it never happened.
- Communications with public office holders such as a request for information or responding to a written request from a public office holder for advice or comment.
- Submissions made in proceedings that are a matter of public record to a committee of the Legislative Assembly, or to an authority having jurisdiction or powers conferred under legislation, do not require registration. (If your organization sends a yearly submission to the Select Standing Committee on Finance and Governance, for instance, that work does not have to be reported.)
- The following of an established process with the government or a provincial entity that any other member of the public would follow, such as:
 - An application for government funding
 - An application for a permit
 - A labour negotiation with government bodies
 - The negotiation of a lease between a commercial landlord and a government body as the tenant
 - A procurement or sales process, such as submitting a bid in response to a request for proposals (RFP)
- In general, anything that your organization would classify as "business as usual." But that is trickier to determine than we thought. We came up with some examples of real-life activities over the past year involving Board Voice or one of its members and sent the list to Registrar of Lobbyists staff for their thoughts on which constituted lobbying, and were surprised by some of the answers. Find those in the appendix.
- Note: "Raising awareness" is not considered to be lobbying for the purposes of reporting

Are there public office holders who "don't count" for the purposes of having to record our lobbying efforts? Yes, there are:

- Anyone in a ministry below the level of assistant/associate deputy minister;
- Anyone below the two most senior ranking executive positions in a provincial entity. Using CLBC as an example, for instance, any activities intended to influence CLBC CEO Ross Chilton or

interim COO Lynn Davies would have to be reported as lobbying, but trying to influence others below them in the organizational chart would not have that requirement.

- Anyone below the level of chair or vice chair in the governing body of a provincial entity. Again, using CLBC as an example, activities that attempt to influence Board Chair Michael Prince must be reported as lobbying, but those same activities do not need to be reported if they involve board directors below the level of chair/co-chair.

What is the registration process?

The process starts with acquiring a [BC-eID](#), but most likely your senior staff person already has one if you're registered with the BC Societies Registry. You will likely need a few back-and-forths with the FAQs on the Lobbyist site during the process, so might as well bookmark that page.

You do not have to register until you're ready to begin lobbying. What they want to know about is specific lobbying that is underway, or will be very soon. We'd recommend thinking maybe six months to a year out as you complete your registration – what are you likely to be meeting with government on in which you'll be trying to influence them to do something differently and make changes? [Here's the Board Voice public-facing registration](#), which we have made some additions to this past year as new issues arise.

You have to submit your registration again for approval by the Registrar's office every time you add a new lobbying topic, so you want to settle on topics that are broad enough to cover off small shifts in issues, but specific enough to meet the demands of the Registrar's office. Board Voice included a topic in our own registration that included the phrase "raising awareness," but raising awareness is not considered lobbying and the Office of the Registrar asked us to change that.

Your lobbying issues need to tie into the various legislated pieces that you'll choose from at a drop-down menu while registering. The Office of the Registrar was very kind in helping Board Voice get this one right, so check out that table on our [registration page](#) in terms of style. If you're confused, send them an email – info@bcorl.ca – as they are really helpful and quick to respond.

Coalitions

One of the registration questions is whether you belong to a coalition. If you answer yes, you'll then be told to list the names of all the members of the coalition and their business addresses. That can be a "Yikes!" moment if your agency is a member of, say, the BC Poverty Reduction Coalition, which has 100-plus members.

Happily, that is not the kind of coalition the Registrar is talking about. The Poverty Reduction Coalition, the Child and Youth Advocacy Coalition (First Call), the Greater Victoria Coalition to End Homelessness – those are not "coalitions" in terms of how the legislation defines that word. We recently clarified this with the Registrar's office after a Board Voice member doing their first-time registration got worried.

The kinds of coalitions that our sector typically gets involved with are permanent bodies that are actually either networks, associations, or incorporated non-profits that just happen to use the word "coalition" in their name. Or they are unincorporated organizations with characteristics of a member-based association – they have their own board, membership fees, regular meetings, etc.

If such organizations have someone on staff who meets the test of being an “in-house lobbyist,” then those organizations do have to register and report on their own lobbying. If your organization engages in lobbying as part of belonging to the local homelessness coalition, then you report that lobbying as part of your own activities. But these kinds of bodies are NOT coalitions as defined under the lobbying act, so you – as a member of one - do not have to click “yes” to that registration question, nor do you have to go on to list everybody’s names and addresses.

Coalitions for the purposes of having to answer “yes” to this question are ad hoc, short-term bodies that come together around a specific issue or two for a short period of time. So if your organization and two others strike up an ad hoc coalition for the next six months and hire part-time staff to get out there and lobby about, say, wage equity issues in the community social services sector, then you would click yes to the question on the registration. (But if your ad hoc coalition has no paid staff and the lobbying work is being done by volunteers, then you still click no, because people who aren’t being paid are free to lobby long and hard without having to report any of it.)

[Click this link to learn more about coalitions](#), direct from the Registrar’s office.

Government funding – yes or no?

You will also see that the registration requires you to choose “yes” or “no” as to whether you received government funding.

The kind of funding they’re referring to does NOT include funds received as part of a contract to provide services. You only need to click “yes” if you have received unconditional funding, like the kind you might get at the end of the fiscal year when ministries discover they have surpluses they need to spend quickly and give you, say, \$100,000, just because they like you. That’s the kind of government funding you need to report for the Registrar’s purposes.

Staying current with your list of lobbying topics

Once you are registered and actively lobbying, you’re committed to filing reports to the Registrar of Lobbyists on defined activities that your “in-house lobbyist” engaged in during the previous month that were intended to influence the thinking of certain senior public officials (check that list we included here on pages 5-6) in order to change law, policy, regulations or directives.

From time to time, you’re going to find yourself needing to file a report on a lobbying activity that was not in your registration. You can add this new lobbying goal in your report as a temporary solution, but the Registrar will want you to then add it to your registration at a later date not too far in the future (Board Voice learned this the hard way) and then resubmit that registration for approval.

Why is this happening?

From the point of view of the Registrar, the purpose of requiring our sector to report on lobbying is to increase transparency across the board for British Columbians curious about who is whispering in the ears of senior public officials, and what they’re whispering about. (Browse through the [Office of the](#)

[Registrar of Lobbyists](#) monthly lobbying reports by clicking the “Who’s Lobbying Who” link on the website.)

For-profit companies and corporations are old hands at all of this, having had to report their own lobbying activities in BC for more than 18 years. It’s all brand-new for our sector, and arguably more of a challenge to get our heads around given that so much of our work is about changing people’s thinking in the name of better social care. We practically exist for the purpose of always trying to influence somebody to think differently about something!

But fear not – you can still carry on much of your vital work without having to document every minute of it. And remember, it only counts as lobbying for the purposes of reporting when **specific paid people** in our organizations aim to influence **specific public officials in the provincial government** to change **specific things in specific ways**.

Here are four questions from the registrar’s office that will be helpful for your organization in thinking about how we summarize lobbying activities for the purpose of reporting out. The questions are also useful for helping clarify which of our activities are reportable.

- What result am I lobbying for?
- What am I seeking from the BC government on behalf of my organization?
- What is the intended outcome I hope to achieve as a result of my communication with the BC government?
- If I’m not seeking a change and don’t have a specific “ask” of the BC government, why am I communicating with the public office holder?

And here’s a [90-minute webinar](#) with Registrar of Lobbyists Michael McEvoy.

We will continue to follow this issue, and hope that you’ll keep us informed about your own experiences. We are aware of pushback within government itself due to concerns raised by many organizations in the non-profit sector, but at this point the Registrar’s office is independent and government is not able to override this requirement.

Yes, it’s more work. But on the upside, it could ultimately mean a higher profile for our sector’s goals and work. We have such amazing stories to tell, and a public that often has no idea what a treasure exists in the BC non-profit sector. Might our acknowledged presence in the halls of government increase understanding of that? Let’s go forth and influence!

Appendix

Is it lobbying? Real-life examples from our sector

Thank you to the Office of the Registrar of Lobbyists for taking our real-life examples of government-related activities over the past year and helping us understand what's reportable as lobbying and what isn't. Examples have been provided by Board Voice and our members.

At the request of a mutual acquaintance, the health minister calls your CEO to talk about rationale for changing home-support contracts

Likely not lobbying, BUT: in every instance, organizations need to make the determination about whether a communication needs to be reported, by referring to the exact wording of the legislation.

In this case, you need to determine whether each of the elements in Section 2(2)(c) are met http://www.bclaws.ca/civix/document/id/complete/statreg/01042_01. It is not sufficient that the Minister asks for the meeting – for certainty, the organization should have a written request for advice or comment.

An email is sufficient, as long as it is clear that the Ministry or provincial agency is requesting advice or comment, and it is clear whether it covers all communications, or just particular topics of communication.

We recommend that organizations briefly document the circumstances and their determination about how the wording of the legislation applies to the circumstances, so that if questions arise down the road, everyone can understand why the decision was made to register/not register the communications as lobbying activity.

In cases where organizations need to seek guidance from our office, a key question is which element of the wording of the legislation are they not sure about? For example, is the concern that you did not receive a written request from the public office holder for advice or comment regarding this project? Can that be rectified by asking someone in their office to send your organization a written request (email or letter) for advice or comment regarding this matter or project?

Hopefully it will get easier as the ministries you deal with come to understand the requirements of the new *Lobbyists Transparency Act*, and why organizations are asking that the request for advice or comment be clear and in writing.

You meet with your MLA in her constituency office to bring her up to date on challenges for Board Voice members

Yes, the lobbying effort can be a fairly high-level attempt to influence any program, policy, directive or guideline, or a decision to have non-profits provide goods or services to the government

Meeting with senior staff of BC's Civil Resolution Tribunal to better understand changes in new Societies Act around membership rights

First, if the non-profit is simply obtaining information from the public office holder, it doesn't sound like the communications meet any element in the definition of "lobby."

Second, organizations should consider whether the public office holder is employed by or serving in a ministry of the government of British Columbia or a Provincial entity. See [guidance document **Provincial Entities**](#). It is my understanding that the Civil Resolution Tribunal is an independent administrative tribunal; it is not part of a Ministry and not a Provincial entity.

This is important because the LTA only requires filers to report lobbying of a "public office holder employed by or serving in a ministry of the government of British Columbia or a Provincial entity" [Section 4(1)(k)] or a "senior public office holder" [Section 4.2(1)].

I send an email or make a phone call requesting meeting with a cabinet minister, a DM, the head of a political committee, etc

You only need to report that you "arranged a meeting" if you arrange a meeting for someone else with a designated senior public office holder. If the meeting is for yourself, you don't report the "arranged a meeting" part. You only report the actual lobbying communications.

But yes, if in fact you arranged a meeting for someone else being paid to meet with a senior public office holder for the purpose of attempting to influence/lobby, then you need to report that you arranged that meeting.

Letter to all MLAs introducing the work of your organization and highlighting concerns in particular around procurement and in-roads of for-profit corporations in this work.

Yes, because the goal of the letter is to influence thinking and change procurement practices

Regular meetings of Social Services Sector Roundtable, which bring together various high-level people from social ministries along with six umbrella organizations representing community social service agencies, also DM and minister of Social Development

See the answer to the first question, about the elements of Section 2(2)(c). The written request for advice or comment can be embodied in the terms of reference for a working group.

Meeting with ADM of procurement services and team to explain Board Voice concerns re current procurement process

Yes if you are trying to influence thinking to change the process

Social Services Sector Roundtable conversations to share our points of view and proposals in proportioning of \$10 million in one-time funding to address recruitment/retention issues in the sector

There might be communications that qualify as lobbying, which take place in the context of consultations that would not otherwise be considered lobbying. It really depends on the scope or parameters of the written request for advice or comment.

Does the scope of the request for advice or comment include opinions on the best causes for spending the money on? If not, then those communications should be reported as lobbying activities.

It is really important that participants be clear about the parameters/scope of the written request for advice or comment, and which side of the line their communications fall on.

I bump into a minister at a meeting and grab the chance to promote a project, change in process, etc

In BC, all communications must be considered. Whether it is casual conversation and happenstance is not relevant – you need to determine if the conversation meets the test of lobbying as defined under the Act.

I meet with a Member of Parliament or senior federal staff to inquire about infrastructure funding

No, because the Act covers only provincial public office holders

I meet with a city councillor or senior staff on a municipal concern for the organization

No, because the Act covers only provincial public office holders

Meeting with local MLA to ask for support for the redevelopment of property to allow for a service expansion helping vulnerable community members

Yes

Regular meetings of a multi-stakeholder group that includes ministry representation

See the answer to the first question, about the elements of Section 2(2)(c). The written request for advice or comment can be embodied in the terms of reference for a working group.

Regular meetings with ministry contract manager that might include messaging that tries to affect change in problematic areas.

First, consider whether the communication meets any element in the definition of "lobby"?

If so, does it fall within the wording of Section 2(2)(b)(ii)?

(2) This Act does not apply in respect of an oral or written submission made as follows:

(b) made to a public office holder by an individual on behalf of a person or organization concerning

(ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;