Dealing with Lobbyists:

Practical Suggestions for Civil Servants

BY J. STEPHEN ANDREWS

If you are a senior civil servant in almost any government in Canada, it is a safe bet that you have encountered a lobbyist or two. Sometimes the encounters have been interesting and productive, but often they may have been frustrating and less than productive. While many lobbyists understand the pressures of public administration and the realities of policy development, some do not appear to be very informed. These lobbyists seem more interested in preventing government officials from doing their jobs than in contributing to the public policy process. In light of these realities how you can manage your relationships with lobbyists effectively?

Engaging with lobbyists is vital in many respects, since it is the job of most lobbyists to promote the interests of their organizations, clients or corporations in a way that builds positive working relationships with government, and it is important for government to consult with representatives of key stakeholders. In addition, often policy makers will need not just the formal input of various stakeholders through the official channels—pre-budget consultations, standing committees presentations and the like—but more informal discussions about the impact that one or more policy options will have on specific businesses within a sector.

Lobbying Defined

To take an obvious reference point, lobbyists are defined in Canadian federal law as persons paid to communicate with "designated office holders" in respect of:

- The development of any legislative proposal by the government of Canada or by a member of the Senate or the House of Commons;
- The introduction of any Bill, or resolution in either House of Parliamen,t or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament;
- The making or amendment of any regulation as defined in law;
- The development or amendment of any policy or program of the Government of Canada; or
- The awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada.[1]

Most provinces in Canada now have laws and regulations that define lobbying in similar ways and prescribe registration and disclosure requirements for lobbyists. Further, the federal and provincial statutes distinguish between three types of lobbyists:

- "In-house lobbyists-Corporations" or those who spend a "significant part of the duties"[2] lobbying government;
- "Consultant lobbyists" or those individuals who lobby governments on behalf of third parties such as business corporations and trade associations;
- "In-house lobbyists-Organizations" or those that spend a significant amount of time lobbying government on behalf of the trade or professional association they work for.[3]

Besides these legal categories of lobbyists, individual practitioners come in all shapes, sizes, and backgrounds with specific agendas and interests they are representing. Most have some experience in government as political staff or political consultant and/or have been involved in political party activity. Few have long histories within the ranks of the public service. In addition, "consultant lobbyists," that is those who are paid by third parties to lobby on their behalf, are not always professional lobbyists. Some are accountants, lawyers or others charged with communicating with government from time to time. In-house lobbyists can be public relations staff, policy experts or general managers.

Like all professions, there are good and poor practitioners of the art of lobbying. Good lobbyists are honest and straightforward in their attempts to understand and influence the policy process. They present the best arguments they can about the need for change or why a certain course of government action may negatively impact their constituencies. Good lobbyists or "government relations" practitioners also spend a lot of time explaining how the public policy process works, the roles of each level of government and how various external forces shape government issue agendas. Lobbyists also spend time identifying the objectives and drivers of different internal government agendas in order to shape coherent change strategies. These activities are pursued as a means to manage their clients' or organizations' expectations about the level of complexity generally involved in making public policy.

From the civil servant's perspective, it is key to understand that lobbyists tend to want something from you — background information about the government's intentions with respect to a particular sector, access to decision makers or face to face meetings with you or other senior civil servants in your department. With good lobbyists this activity is usually done with an eye to establishing a mutually beneficial dialogue on policy issues that are of concern to their clients or organizations.

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Principles for Managing Lobbyists Effectively

In order to make the most of the time you spend with lobbyists, here are a few basic rules:

Principle 1: Know who you are dealing with

First, determine if the lobbyist is registered as either a consultant or in-house lobbyist. At the federal level there is a whole range of requirements in law that impact senior civil servants because of the monthly reporting requirements on all "oral and arranged" communications with lobbyists. The federal Commissioner of Lobbying maintains a public registry of monthly communication returns and can ask for clarification about who, what and when a specific communication with a lobbyist occurred. So it is critical you know who you are dealing with.

In most provincial systems, it is also advisable to require those requesting meetings or otherwise trying to influence the work of policy makers to become registered as lobbyists. It ensures transparency of activities and adds legitimacy to the process. It also ensures that you are dealing with those professionals who have taken the time to understand and act in accordance with the disclosure and registration requirements of their profession.

Principle 2: Require lobbyists to disclose the nature of their meeting requests

Inevitably lobbyists will request face-to-face meetings on any number of issues. In this context, make sure that they disclosure the details of the meeting request, who will attend, the issue for discussion, background information on the subject matter and what they hope to achieve from the meeting. This will help you prepare and manage the lobbyist and his or her client or organization.

Principle 3: Conduct formal meetings only during office hours

This may seem a bit strict or formal, but this will signal that you want useful, productive meetings that will accomplish specific objectives. Even introductory meetings where policy matters are discussed at a minimum level should be formally arranged and conducted. Another benefit of formalizing all interactions with lobbyists is that discussions can stay focused on the policy matter under review. Conducting meetings over dinner or lunch may introduce a degree of familiarity that could lead to information leaks or rumours that are distracting or worse.

Principle 4: Provide background briefings on a regular basis about the government's agenda

It is key to making effective use of everyone's time that lobbyists have the information resources to advise their clients and organizations about the government's overall agenda and how it relates to specific sectors. Many external groups will not automatically understand the multitude of competing pressures on policy makers and what is a priority at any given moment. Keeping lobbyists informed will assist in minimizing pointless meetings and submissions on matters that are irrelevant to the government's or department's work plan.

Principle 5: Ensure that lobbyists have a basic knowledge of policy development

This may sound like you are being asked to do the job of a lobbyist, but the degree of knowledge about policy processes is very mixed among lobbyists. Providing a basic sketch of how things are done and the kinds of research, analysis and information requirements you have will help to ensure that lobbyists don't waste your time with demands that are unjustified from a public policy perspective. You may even get some research that helps the department with its own policy objectives as well!

Principle 6: Debrief lobbyists on the effectiveness of any meeting

Typically, lobbyists will call you after a meeting to discuss your perceptions of how things went. Be honest and straightforward. Don't shy away from indicating if the meeting was not valuable, diverted from the agenda or was otherwise unhelpful. Many times, lobbyists brief their clients on the agenda to follow and various issues for discussion. But sometimes their clients bring up a wide range of issues that no one is prepared for. If this is the outcome, let the lobbyist know that you expect a more focused discussion in the future. Lobbyists use this information to let their clients know how to be more effective in meetings with government officials.

Principle 7: Tell lobbyists that leakage of information is unacceptable

This may seem obvious or trivial, but sometimes lobbyists or their clients learn something in meetings that they feel compelled to share with trade associations, contacts or the media. Inform them up front that leakage of sensitive information to third parties will not be tolerated and could jeopardize their relationship with the department and government.

Principle 8: Remember that business organizations have limited policy capacity

It is important to keep in mind that most businesses in Canada have limited capacity for public policy debate. Even in businesses where working cooperatively with government is core to their business strategy, managing their relations with government is usually limited to defensive campaigns designed to prevent the government from moving in a certain direction. This means too that business will continue to rely on lobbyists to assist them in navigating the public policy process.

Conclusion

Effectively managing relationships with lobbyists is one key element of a good public administration strategy. This article has aimed to provide senior government officials with a few practical suggestions for developing a guiding framework for working with lobbyists. Since the success of a policy initiative is often dependent on anticipating the needs and concerns of stakeholders, working effectively with their representatives is also critical. Properly prepared, lobbyists can also save public administrators and policy makers from fruitless discussions with business and other interests. To achieve this objective lobbyists and public servants must respect and work with each other to ensure successful policy outcomes.

References

1 See the *Lobbying Act of Canada*, 2006 section 7. On July 2 2008, the Lobbying Act and its associated regulations came into effect. For a full overview of the Act and the various requirements for lobbyists and public servants see the Commissioner of Lobbying web site at www.ocl-cal.gc.ca

2 Generally, "significant part" of the duties of the in-house lobbyists means that if an employee spends at least 20% of his or her time lobbying government, then they meet the threshold for registration as a lobbyist in Canada.

3 In Quebec, In-house lobbyists are described as "enterprise lobbyists". For a full description see the Lobbyist Commissioner of Quebec web site at http://commissairelobby.qc.ca

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EN D'AUTRES MOTS

Traiter avec les lobbyistes : quelques suggestions pratiques aux fonctionnaires

La gestion efficace des relations avec les lobbyistes est un élément fondamental d'une bonne stratégie d'administration publique. Dans cet article, des dirigeants gouvernementaux offrent quelques suggestions pratiques pour élaborer un cadre directeur dans la façon de travailler avec les lobbyistes. Huit principes clés qui pourraient servir de base à ce cadre y sont énumérés : demander aux lobbyistes de s'inscrire en tant que lobbyiste conformément à la loi ; fournir périodiquement aux lobbyistes de la documentation de base sur le programme du gouvernement ; veiller à ce que les lobbyistes aient une connaissance élémentaire des processus d'élaboration des politiques ; obliger les lobbyistes à divulguer la nature de leurs demandes de réunion ; conduire des réunions officielles pendant les heures de bureau ; donner un compte rendu aux lobbyistes de l'efficacité des réunions ; informer les lobbyistes que les fuites de renseignements sont inacceptables et retenir que les entreprises ont une capacité limitée d'élaboration des politiques.

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