



Office of the Integrity Commissioner
Cathryn Motherwell, Commissioner

Bureau du commissaire à l'intégrité
Cathryn Motherwell, commissaire

CONFIDENTIAL

May 23, 2025

Jennifer Miller
Senior Paralegal, WSI Analyst
L.A. Liversidge, LL.B., Barrister & Solicitor
Professional Corporation
5000 Yonge Street, Suite 1901
Toronto, Ontario, M2N 7E9

Sent by email: jmiller@laliversidge.com

Dear Ms. Miller:

Re: Advisory Opinion

Thank you for your email dated May 13, 2025 in which you have sought clarification about the registration requirements of your employer, Leslie Liversidge, under the *Lobbyists Registration Act, 1998* (the “**LRA**”). Mr. Liversidge has been copied on this letter.

I am providing this advisory opinion pursuant to section 15 of the LRA. This advisory opinion is not binding. It is not a substitute for legal advice. The courts are responsible for final interpretation of the law.

Facts

Your email dated May 13, 2025 reads in part as follows:

This is in relation to the below noted registration (CL0536-20110509140504, Construction Employers Coalition on WSIB Health and Safety Prevention [“CEC”]).

Our relationship/role with the CEC has evolved over time and while at one time we were the direct contact with government/agency offices/officials on behalf of the CEC, our role has changed and we no longer communicate directly with government officials on behalf of the CEC. We now provide advise [*sic*] and guidance to our client, and our client then may reach out directly to the government agency/government office etc. as needed/required.

We have reviewed the OIOC [OICO]’s website and interpretation bulletins and it appears we may not be required to be registered as a lobbyist.

We are in the process of renewing our registration for the CEC, however as it appears we may no longer be required to be registered as a lobbyist. We are seeking an advisory opinion in this regard. We want to ensure we remain compliant.

Mr. Liversidge is a consultant lobbyist and has one active registration on the Ontario Lobbyists Registry for his client, Construction Employers Coalition on WSIB Health and Safety Prevention (“CEC”) (Registration #CL0536-20110509140504). I note that Mr. Liversidge has been registered for this client since May 11, 2011. The lobbying activity is currently listed on the registration as:

Bill or Resolution:

Communications with Minister of Labor with respect to Bill 229 Schedule 6.

Policy and/or Program:

Participating in WSIB consultation with respect to the WSIB 2026 premium rates; WSIB financial reporting inquiries and responsibilities; WSIB FOI requests, WSIB sufficiency and funding level inquiries and communications; communications with Minister of Labor with respect to Bill 229, timing of WSIB financial reports, proposals for WSIB periodic review, surplus distribution and other issues as they may arise.

Legislation

The LRA defines a “consultant lobbyist” as an individual who, for payment, undertakes to lobby on behalf of a client.¹

The LRA says that lobbying occurs when an individual or group of individuals communicate with Ontario public office holders² in an attempt to influence:

- a law or regulation
- a government policy or program(s)
- a government grant, contribution or other financial benefit
- the transfer of a Crown asset, good or service to the private sector.

Additional categories of paid communications, including “an attempt to influence the awarding of any contract by or on behalf of the Crown” and “arranging a meeting between a public office

¹ LRA, ss. 1(1).

² LRA, ss. 1(1). The term “public office holder” includes Members of Provincial Parliament, ministers, staff who work in ministers’ offices, ministry employees and officers, directors and employees of certain public bodies.

holder and any other person” fall under the definition of lobbying when they are made by “consultant lobbyists.”

Subsection 3(2) also exempts some lobbying communications from the registration requirement, as follows:

- (2) An individual is not required to register under section 4, 5 or 6 in respect of,
 - (a) any oral or written submission made in proceedings that are a matter of public record to a committee of the Legislative Assembly or to any body or person having jurisdiction or powers conferred by or under an Act;
 - (b) any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, with respect to,
 - (i) the enforcement, interpretation or application of any Act or regulation made under any Act by that public office holder and with respect to that person, partnership or organization, or
 - (ii) the implementation or administration of any policy, program, directive or guideline by that public office holder and with respect to that person, partnership or organization;
 - (c) any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, in direct response to a written request from a public office holder for advice or comment in respect of any matter referred to in clause (a) or subclause (b) (i) of the definition of “lobby” in subsection 1 (1); or
 - (d) any oral or written submission made to a member of the Legislative Assembly by an individual on behalf of a constituent of the member with respect to any personal matter of that constituent unless the submission is made in respect of a matter referred to in subclause (a) (i) or (ii) of the definition of “lobby” in subsection 1 (1) concerning a private bill for the special benefit of that constituent. 1998, c. 27, Sched., s. 3 (2); 2010, c. 25, s. 25 (5).

Opinion

It is my opinion that, if Mr. Liversidge is not communicating directly with public office holders in an attempt to influence as set out above, and only providing advice to his client, then he is not lobbying and is not required to register.

However, if Mr. Liversidge arranged a meeting with a public office holder (including by directing his staff to arrange a meeting) or attended a meeting between public office holders and his client, in his capacity as CEC’s counsel, he may still be required to register depending on what was discussed at the meeting. If his client was lobbying public office holders at the meeting, then it is my opinion that Mr. Liversidge would be required to register, even if his primary function in attending was to provide advice to his client. Mr. Liversidge is welcome to seek an advisory opinion if he is unsure whether a particular activity would trigger an obligation to register.

There are also certain types of communication that are always exempt from registration. Mr. Liversidge, in his capacity as counsel to CEC, would not be required to register his lobbying if he made a public submission to a government committee, or if he responded directly to a written request from a public office holder for advice or comment about a government law, policy or

practice. He also would not be required to register if he made submissions to a government decision-maker about how an existing law, program or policy applied to his client.

I trust this information is of assistance to you. If you have any further questions, please contact the Office.

Sincerely,

A handwritten signature in cursive script that reads "Cmotherwell".

Cathryn Motherwell,
Integrity Commissioner

c: Leslie Liversidge – lal@laliversidge.com