



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# LEGAL FEES POLICY OF THE BOARD OF INTERNAL ECONOMY



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## Effective Date

This policy was approved by the Board of Internal Economy and came into force on March 1, 2018. It was amended on January 28, 2021, and again on June 2, 2022.

# Introduction

## OFFICE OF THE LAW CLERK AND PARLIAMENTARY COUNSEL

The Office of the Law Clerk and Parliamentary Counsel (OLCPC) provides in-house legal services to the Speaker, the Board of Internal Economy (Board), committees of the House, its Members, the Clerk, and the officials of the House Administration. Under the [Parliament of Canada Act](#) and the Board's By-laws, funds, goods, services and premises provided to Members of Parliament may be used only for carrying out their parliamentary functions.

If a legal issue arises while Members of Parliament or their employees are carrying out parliamentary functions, they should first consult the OLCPC. Depending on the situation, the OLCPC may refer Members or their employees to outside counsel for representation. In such cases, Members or their employees may ask the Board to reimburse their legal fees.

## EXCLUSIVE AUTHORITY OF THE BOARD

Reimbursement of legal fees is at the sole discretion of the Board. In coming to a decision, the Board considers the [Eligibility Criteria](#) listed below, as well as the recommendation of the Law Clerk and Parliamentary Counsel.

If the Board grants a Member's or an employee's request for reimbursement of legal fees, the actual fees claimed are subject to review by the Law Clerk and Parliamentary Counsel and are reimbursed at rates pre-established by the Board (see [Appendix](#)). If the Board denies a request for reimbursement of legal fees, Members or their employees are required to personally assume the payment of legal fees. Any legal fees paid by Members or their employees that are greater than the rates allowed by the Board are the personal responsibility of the Member or the employee.

# Purpose

The purpose of this policy is to:

- Ensure that Members and their employees are supported in the carrying out of parliamentary functions;
- Provide clear guidance and expectations with respect to the reimbursement of legal fees; and
- Provide additional measures to ensure a harassment and violence-free workplace for employees and Members.

# Application

This policy applies to Members of Parliament, including House Officers and Members responsible for Research Offices, and their employees.

## Requirements

### ELIGIBILITY CRITERIA

Legal fees incurred by Members or an employee are only reimbursed by the Board if:

- A. The Member of Parliament or the employee who is making the request has not initiated the legal proceedings;
- B. The legal fees are incurred for a matter arising in the discharge of parliamentary functions;
- C. The request for reimbursement is made at the conclusion of the matter once all applicable recourse mechanisms have been exhausted;
- D. The allegations against the Member or the employee have not been substantiated at the conclusion of the matter;
- E. The Member or the employee has complied with this policy; and
- F. The Board determines that reimbursement is appropriate in the circumstances.

Despite criteria c) and d), a Member or an employee may make a request before the conclusion of the matter provided that the Member or the employee undertakes to reimburse the legal fees in the event that the allegations against them, if applicable, are substantiated at the conclusion of the matter.

The Board may, at its discretion, grant an exception if it determines that reimbursement of legal fees is appropriate and in the public interest. The decision to grant an exception and the amount reimbursed are reported in the minutes of the Board.

### PROCESS

#### i. Making a Request

To make a request that the Board reimburse their legal fees, Members or their employees must write a letter to the Speaker of the House of Commons describing the circumstances and demonstrating the basis for the request, including how the matter arose in the exercise of parliamentary functions.

The Speaker then provides the request to the OLCPC, which prepares a submission to the Board for presentation at one of its upcoming meetings. In preparing the Board submission, the OLCPC considers the [Eligibility Criteria](#), and may request additional information from the Member or the employee to ensure that the Board has all of the necessary information before coming to a decision. The submission will also include a recommendation to the Board from the Law Clerk and Parliamentary Counsel about whether the request should be granted in the circumstances.

The Board has final authority in determining whether to grant a request for reimbursement of legal fees.

**ii. If the Request is Granted**

If the Board grants a request for reimbursement of legal fees, the fees are reimbursed at rates pre-established by the Board (see [Appendix](#)), subject to a review by OLCPC.

Following the Board meeting at which their request is considered, OLCPC informs the Member or the employee of the Board's decision. OLCPC then liaises with the Member or the employee to ensure that all invoices are provided to OLCPC. The amounts claimed are reviewed by OLCPC to verify that they align with the rates pre-established by the Board (see [Appendix](#)) and are reasonable in the circumstances.

Any legal fees paid by the Member or the employee that are greater than the rates allowed by the Board are the personal responsibility of the Member or the employee. If the payment of legal costs forms part of any order or award to the Member or the employee from a court or tribunal, that amount is also deducted from the total amount reimbursed by the Board.

**iii. Request to the Law Clerk and Parliamentary Counsel**

If a request does not exceed \$10,000, the Member or the employee may make the request to the Law Clerk and Parliamentary Counsel who may grant the request provided that the Eligibility Criteria are met. The Member or the employee may appeal the Law Clerk and Parliamentary Counsel's decision to the Board. The Law Clerk and Parliamentary Counsel will refer to the Board any request that, in the Law Clerk and Parliamentary Counsel's opinion, exceeds \$10,000. For greater certainty, the Law Clerk and Parliamentary Counsel does not have the authority to grant an exception under this policy.

## Board Rates of Reimbursement

Legal fees are reimbursed at rates pre-established by the Board (see [Appendix](#)). The Law Clerk and Parliamentary Counsel, acting under the authority of the Board, will review and adjust these rates periodically to ensure that they are aligned with those of the Department of Justice.

In exceptional circumstances, the Board may exercise its discretion to reimburse legal fees at rates greater than those pre-established by the Board.

## Reporting of Legal Fees

All reimbursed legal fees are included in the amounts published annually in the Public Accounts of Canada. When payments of more than \$100,000 are made to an individual or organization, the name and location of the payee, and the amount paid, are published.

Legal fees paid to outside counsel that are reimbursed to a Member are also proactively disclosed quarterly in accordance with the Access to Information Act. This disclosure includes the Member's name, the supplier of the legal services, the date and amount reimbursed.

In addition, the Board will publish the aggregate amount of legal fees reimbursed to Members and employees under this policy each quarter, and report the number of requests for reimbursement of legal fees it has received during that time.

## Harassment and Violence

In cases involving allegations of harassment and violence against Members of Parliament, the Board offers the following support to employees and Members involved.

### **PART A: FINANCIAL SUPPORT**

Employees and Members involved in a case of harassment and violence may write to the Law Clerk and Parliamentary Counsel directly or via the designated recipient under *Members of the House of Commons Workplace Harassment and Violence Prevention Policy* requesting financial support up to a maximum amount of \$5,000 to be applied to the hourly rates of outside counsel for the purpose of obtaining independent legal advice at the outset.

The Law Clerk and Parliamentary Counsel reviews the matter and approves the appropriate financial support up to the maximum amount of \$5,000. Either the Member or employee may appeal the Law Clerk and Parliamentary Counsel's decision to the Board.

Any amount of financial support provided under this Part is deducted from the total amount of legal fees that may be reimbursed to the Member or the employee by the Board pursuant to this policy.

### **PART B: REIMBURSEMENT OF LEGAL FEES**

If a complainant's allegations of harassment and violence are found to be substantiated at the end of the matter, or if the matter is resolved, the complainant may write to the Speaker, as Chair of the Board, requesting that the Board reimburse the hourly rates of outside counsel and disbursements, subject to the relevant [Eligibility Criteria](#), above.

The Speaker sends the request to OLCPC, which prepares a submission to the Board for presentation at one of its upcoming meetings. Ultimately, it is up to the Board to determine whether to grant such a request.

If the Board grants a request for reimbursement, the fees are reimbursed at rates pre-established by the Board (see [Appendix](#)), subject to a review of the invoices by OLCPC.

Following the Board meeting at which their request is considered, OLCPC informs the complainant of the Board's decision. OLCPC then liaises with the complainant to ensure that all invoices are provided to OLCPC.

The amounts claimed are reviewed by OLCPC to verify that they align with the rates pre-established by the Board (see [Appendix](#)) and are reasonable in the circumstances. In exceptional circumstances, the Board may exercise its discretion to reimburse hourly rates greater than those pre-established by the Board. Any hourly rates paid by the complainant that are greater than the rates allowed by the Board are the personal responsibility of the complainant. Any amount of financial support previously provided to the complainant under Part A above, is deducted from the total amount reimbursed to the complainant by the Board. If the payment of legal costs forms part of any order or award to the complainant from a court or tribunal, that amount is also deducted from the total amount reimbursed to the complainant by the Board.

## Definitions

**Employee:** A person employed by a Member of Parliament, including a House Officer or Member responsible for a National Caucus Research Office. Employee also includes, for the purposes of the section on "Harassment and Violence", interns (paid and unpaid) and volunteers.

**Legal fees:** Hourly rates of outside counsel, disbursements and other legal costs such as judgments, cost awards or settlements.

**Harassment and violence:** As defined in the [Canada Labour Code](#).

**Parliamentary Functions:** As defined in the [Members By-law](#).

## Contacts

For further information on this policy, please contact the Office of the Law Clerk and Parliamentary Counsel by telephone at 613-996-6063, or by e-mail at [LC-BL@parl.gc.ca](mailto:LC-BL@parl.gc.ca).

To contact the Speaker of the House of Commons, please do so by telephone at 613-992-5042, or by e-mail at [Speaker.President@parl.gc.ca](mailto:Speaker.President@parl.gc.ca).

To contact the designated recipient under the [Members of the House of Commons Workplace Harassment and Violence Prevention Policy](#), please do so by telephone at 613-996-2068, or by e-mail at [RW.RMT@parl.gc.ca](mailto:RW.RMT@parl.gc.ca).

# APPENDIX

## Remuneration for Outside Counsel as Approved by the Board of Internal Economy on December 9, 2014

Years at Bar	Hourly Rate
Student / paralegal	\$50
First 2 years of Call	\$100
3rd and 4th year of Call	\$120
5th and 6th year of Call	\$140
7th and 8th year of Call	\$160
9th and 10th year of Call	\$180
11th and 12th year of Call	\$200
13th and 14th year of Call	\$220
15th and 16th year of Call	\$240
17th and 18th year of Call	\$260
19th and 20th year of Call	\$280
21st year of Call and more	\$350