

# Canada

Overall score:

47

## Summary of Findings

### 1. Industry participation in policy development

There are no restrictions. In its policy consultations, the Federal Department of Health regularly invites policy proposals from all parties including the tobacco industry. The Ministry has accepted industry recommendations for delayed implementation of regulations on repeated occasions.

However, Health Canada reports that it is not using policies or legislation drafted by or in consultation with the tobacco industry, although there may be some specific amendments that arise as part of a public consultation process.

The Canadian government does not include any representative of the tobacco industry in its delegation to the Conference of the Parties (COP) or its other related meetings.

### 2. Industry CSR activities

Some government agencies continue to identify partnerships with the tobacco industry and accept funding. There are no prohibitions in place to prevent such violations.

### 3. Benefits to the industry

The government of Canada continues to give special privileges to tobacco companies despite maintaining a relatively robust tobacco control strategy. The government continues to grant delays on tobacco policy implementation at the request of tobacco companies.

It is not uncommon for Canadian governments to postpone the implementation of tobacco control laws when under pressure from the tobacco industry or its allies. While most plain packaging requirements have been implemented, new slide-

and-shell packaging has been delayed until October 2021 under pressure from the tobacco industry.

### 4. Unnecessary interaction

Limitations on interactions with tobacco companies only extend to the Federal Department of Health staff and officials. There is no such limitation on interactions with the Public Health Agency of Canada or any other government department, agency, board or institution.

The government reports that "generally in Canada the primary channels of communication between governments and the tobacco industry are limited to technical discussions in regard to both health and tax-related regulations and (ii) litigation related responses." Without stronger disclosure and reporting requirements for other federal government departments and other levels of government, it is not possible to conclude that this is generally the case.

Tobacco lobbyists report numerous and ongoing meetings with government officials in various government departments and agencies in the Federal Lobbyist Registry.

### 5. Transparency

The Federal Department of Health is now disclosing the details of meetings with tobacco companies but this does not apply to other government departments or entities. However, the Federal lobbyist register records the interactions but not with the same level of detail as the Department of Health.

### 6. Conflict of interest

The government continues to invest in tobacco companies through the Canada Pension Plan even though subnational governments are suing the same companies to recover health care costs resulting from industry negligence and deception.

## 7. Preventive measures

The Federal Department of Health recently launched a website that discloses the attendees and minutes of meetings with the tobacco industry. However, this disclosure is limited only to meetings with the Federal Department of Health and no other government Ministries or agencies. As of May 2020, no tobacco industry meetings have been reported since August 2018.

The Tobacco Reporting Regulations require disclosure of some, but not all, tobacco industry activities.

There is no code of conduct for interactions with tobacco companies.

## Recommendations

Although Health Canada limits its interactions with the tobacco industry and publicly reports these interactions, these controls do not extend to other federal government departments or agencies or to subnational governments. The tobacco industry continues to actively participate in Federal policy development through various means.

The Federal government needs to extend Health Canada's restrictions on tobacco industry lobbying to all government departments and agencies in order to fully comply with Article 5.3. These restrictions also need to be extended to subnational (provincial) governments. Only one provincial government (Alberta) has taken concrete steps to comply with Article 5.3.

Canada maintains a robust Federal lobbyist registry that allows for the tracking of tobacco industry lobbying activities although there are no restrictions placed on tobacco lobbyists that exceed the general requirements of the Lobbyist Registration Act. Additional restrictions on tobacco lobbyists are needed in order to fully comply with Article 5.3.

The tobacco industry continues to obtain significant implementation delays on key regulatory measures including plain packaging (2019) and the menthol flavor ban (2017).

The tobacco industry continues to partner with a number of Federal government departments and agencies on a variety of initiatives that are beneficial to the industry.

The Federal government continues to invest in tobacco industry holdings through the Canada Pension Fund.

Specific recommendations for the government of Canada:

1. Launch a government-wide initiative to fully implement Article 5.3 across all Federal departments and agencies with robust policies, instruments, monitoring and public reporting.
2. Assist subnational governments with the full implementation of Article 5.3.
3. Provide funding for independent monitoring of and reporting on industry actions and government adherence to Article 5.3.
4. Prohibit all Federal government partnerships and collaborations with the tobacco industry.
5. Divest tobacco industry holdings from the Canada Pension Fund and all Federal government investment vehicles.