



**WORKERS
TOGETHER**

Frequently Asked Questions (FAQs)

PLAYING BY THE RULES

This document is meant to act as a primer of what unions can and cannot do before and/or during an election. While this workshop and any materials we share with you are informed by legal opinions, they cannot explore every possibility, and any documentation is by no means a complete repository on the issue. Any specific concerns should be directed to your union’s own internal or external legal counsel.

Further, if you have questions or concerns about specific activities that may require registration, you can also consult Elections Canada in advance to obtain their view. The same goes with the CRTC regarding any voter contact calling.

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OVERVIEW OF RULES FOR THIRD PARTIES WITH ELECTIONS CANADA

The *Canada Elections Act* has undergone significant changes in recent years. In 2018, Bill C-76, the *Elections Modernization Act*, was adopted and has been in full effect since the 2019 election. Elections Canada enforces the *Canada Elections Act*.

Bill C-76 significantly expanded the scope of third-party political activities, which are now subject to the requirements of the *Canada Elections Act*. It is a major and substantive update with obligations for third parties. Labour councils, unions, provincial/territorial federations and the CLC are considered third parties.

OVERVIEW OF RULES FOR VOTER CONTACT BY PHONE WITH THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATION COMMISSION (CRTC)

The CRTC is responsible for establishing and maintaining the Voter Contact Registry, which was created to ensure that those who contact voters during an election do so transparently. The *Canada Elections Act* and the *Telecommunications Act* were amended in 2015 with these changes.

KEY POINTS

- Unions cannot donate money, materials or services (including people) to political parties.
- Unions can endorse political parties.
- Unions must register as third parties with Elections Canada if they spend more than the designated threshold conducting “election advertising” during the election period – whether the advertising involves “partisan advertising” (in support of a candidate or party, or against a candidate or party) or “issue-based advertising” (in support of an issue that may be associated with a candidate or party).
- Bill C-76 included new categories/regulations for “partisan activities” and “election surveys.” This means that engaging in “partisan activities,” and/or conducting “election surveys” are regulated activities, whether they occur during the election period or during the pre-writ period. Partisan activities are limited to promoting or opposing a candidate or party, meaning unions **can** engage in purely issue-based activities and non-partisan get-out-the-vote activities without registering as a third party.
- Elections Canada has adopted the position that a wide range of communications to **our members** (e.g., phone calls, emails, texts, websites, mailings, organic social media content, door-to-door canvassing and rallies), which promote or oppose a political party or candidate, are considered “partisan activities” under the *Canada Elections Act* (CEA). Elections Canada also said the definition of “election surveys” could include surveys by a union of **its own members**.

- **NOTE:** the CLC believes these interpretations infringe on the Constitutional rights of our members, do not reflect the original intent of the legislation, and create unreasonable and untenable consequences for unions. We have met with Elections Canada and recommended the categories of “partisan activity” and “election surveys” should be excluded as regulated activities under the CEA and we should be able to communicate with our members without restriction.
- Engaging in regulated activities (advertising, partisan activities, election surveys) requires registration **only when the spending threshold is met**. It is possible to engage in some regulated activities without requiring registration. [See table on page 7.](#)
- The current spending threshold to require third party registration with Elections Canada is \$500.
- The interim spending limits for the next federal election (2025) is \$602,700.00 overall, and \$5,166 in any given electoral district (riding). These limits will be finalized closer to the election but will not change significantly.
- Unions, like all third parties, are subject to additional reporting requirements during an election period. The election period includes a writ period as well as a pre-writ period.
- Unions, labour councils and provincial/territorial federations of labour that make phone calls to voters (including their membership) about the election must register with the CRTC within 48 hours of the first call being made. Registration with the CRTC must take place regardless of whether the calls are partisan, if the group is registered with Elections Canada as a third party, or if a provider (such as Stratcom) is making the calls.

GENERAL FAQs

Can my union contribute directly to the federal NDP or any other registered political party?

NO. Unions are prohibited from contributing any money, materials or human resources to federal political parties.

Can my local union contribute directly to a local campaign, riding association or nomination contestant?

NO. Unions are prohibited from contributing any money, materials or human resources to local candidates, campaigns or ridings.

Can union staff be released for election campaign purposes?

NO. Union staff cannot be released for elections. In the event union staff or members want to work on an election they must **NOT** be paid by their employer or union, nor can they be directed to do such work. If a federal party chooses to purchase the time of that employee to carry out party activities or elections, this is entirely possible.

However, if union members choose to take their unpaid leave, vacation or overtime, their time is their own and they would be defined as a volunteer, thereby allowable under the Canada Elections Act. Even in such circumstances, they **CANNOT** be directed to do partisan election work by their employer or union.

Can union staff take paid leave from their employers to run as candidates?

YES. Any employer of a union or corporation is legally permitted to give a staff member **paid leave** during the campaign period to run for a nomination or to be a candidate. This is **NOT** considered a contribution to the political party by that union or business.

Can a local or national union office offer goods, services or the use of property to a candidate, riding or campaign without having to register as a third party? (i.e., photocopies, telephone usage, room rental, etc.)

YES, BUT not as a contribution (for free). Unions can provide use of their goods, services or property if they charge fair market value for that usage. Unions are prohibited from contributing any money, materials or human resources to federal political parties – including at the local level.

Can unions communicate with their membership and encourage them to support the NDP outside of elections?

YES.

Can a union or business pay its employees a special bonus that can be redirected as an individual contribution to the NDP?

NO. Funneling money through individuals is illegal. The same is true for a wealthy individual who wishes to bypass the limits on their personal contributions—they will not be permitted to give money to others for them to give it to a political party.

Is it possible for a union to purchase a table at a fundraising event?

NO. If the purpose of the event is to raise money and the other participants in the event will receive a tax credit for a contribution, the union cannot purchase a table for such a purpose. In addition, a union may not sponsor events of the party.

Is it possible for a union to purchase merchandise from the NDP such as mugs, t-shirts, etc.?

It depends. The union may purchase such merchandise so long as the purchase price does not exceed fair market value (i.e., there is no portion of the purchase price that could be deemed a contribution). It is important to note that if the union chooses to purchase the item(s) in bulk quantities—then the fair market value is determined as the bulk value, not the retail value.

THIRD PARTY REGISTRATION FAQs

Do the rules on third party advertising apply to unions and groups formed by unions?

YES. “Third party” refers explicitly to trade unions or a “group of persons acting together by mutual consent for a common purpose.”

Does it count as election advertising if my union promotes a party or position before a general election is called?

NO. Election advertising refers specifically to transmitting messages to the public during an election period. It includes advertising supporting or opposing a party or candidate and promoting issues or positions.

However, advertising that promotes or opposes a political party or candidate in the pre-election period (from June 30 to the start of the election period) will fall under partisan activities or partisan advertising, subject to the spending limit.

Does our union need to register if my union sends a newsletter or a leaflet directly to members during the election period?

It depends. Elections Canada adopted the position that a wide range of communications to our members (e.g., phone calls, emails, texts, websites, mailings, organic social media content, door-to-door canvassing and rallies), which promote or oppose a political party or candidate, are considered “partisan activities” under the Canada Elections Act. So, while the communication itself is allowed, it is regulated. Therefore, it must be registered if the union will incur more than the spending threshold in costs to produce and send it.

During this election, my union won’t be telling people which party or candidate to vote for—we’re only speaking to voters about the issues. Do we need to register as a third party?

It depends. If the issues are clearly associated with a party or candidate, then it is a regulated activity. In this case, regardless of the medium it will require registration if your union spends more than the threshold delivering this message – whether that is placing a paid advertisement, or using staff time to write, design and deliver an email.

However, if the issues are not directly tied to a party or candidate, this is not considered a regulated activity. Determining how closely a party or candidate is connected to an issue is subject to interpretation by Elections Canada and is therefore difficult to predict.

Does it count as regulated activity if my union contacts members and supporters just to urge them to vote?

NO. The definition of regulated activity has been changed to specifically exclude making telephone calls to electors only to encourage them to vote.

However, if it is during the election period, unions will have to register with the CRTC under voter contact calling rules if they plan to telephone members and supporters to urge them to vote.

What is the spending threshold for third parties at which unions are required to register?

The current spending threshold to require third party registration with Elections Canada is **\$500**.

What is the spending limit for third parties?

The interim spending limits for the next federal election (2025) is **\$602,700 overall**, and **\$5,166 in any given electoral district (riding)**. These limits will be finalized closer to the election but will not change significantly.

NOTE: The cost of producing messages that are transmitted to the public during the election period is counted, even if those production costs were incurred before the start of the election period. The same applies to acquiring the means to transmit messages during an election period (e.g., purchasing a billboard). See below for exceptions regarding websites, social media, emails and text messages.

If my union purchases a website for election advertising before or during the election, is the cost of that website included as an election advertising expense?

NO. Elections Canada has clarified that the cost to host and update a third party’s **own website** is not a placement cost, meaning that content placed on a third party’s website is not election advertising, notwithstanding that such content promotes or opposes a party or candidate (note: this is the opposite position of some provincial election laws such as in Ontario). This includes articles as well as videos hosted on a third party’s own website. While a banner advertisement directing voters to the third party’s website would constitute election advertising (because it has a placement cost), the costs associated with the website itself, including any costs associated with producing and hosting the content of videos on the site that promotes/opposes candidates/parties, would not be treated as election advertising.

However, content on that website published during the election would be considered “partisan activity” if it promotes/opposes candidate/parties or issues they are associated with and therefore subject to regulation. As with all regulated activities, if the third party spends more than the threshold they must register.

NOTE: Elections Canada has also taken the position that a **separate** website (like a campaign microsite) a third party may develop other than its own usual website, that contains content pertaining to elections would be treated the same described as above.

My union purchased radio ads two years ago. Is this included as an election advertising expense if our two-year-old radio ads are broadcast during the next election?

YES. The legislation specifically says, “if election advertising is transmitted during an election period, it shall be considered an election advertising expense, regardless of when it was incurred.”

Can unions who have separately registered as third parties (to engage in issues, partisan voter contact or advertising) work together to promote a party or their issues to non-members?

NO (but it's complicated). The language introduced by Bill C-76 prohibits “collusion,” which includes sharing information to **influence** another third party in partisan activities, advertising or election surveys.

Sharing information is not the same as collusion. **Collusion, as defined by Elections Canada, requires agreement and coordination.** Unions can share information with one another, but unions cannot ask or coerce one another to act in a certain way to benefit themselves or to get around spending limits.

An individual who holds a role at two different third parties should not be involved in election matters for both, to avoid any possible suggestion of unlawful collusion. Decisions should be well documented, including any individuals involved.

Can unions who have registered as third parties engage with political parties or candidates to plan activities?

It depends. Unions who register as third parties should not seek or receive information from parties/candidates (or those working with them) concerning themes, needs, or other matters relevant to the third party’s potential political activity with the purposes of using that information to inform the unions plans. As described above, sharing information is not the same as collusion. Collusion, as defined by Elections Canada, requires **agreement and coordination.**

However, inviting parties or candidates to participate in an event or activity is allowed. Be sure that meetings concerning planning for political activity are well documented, including who attended, in the event of a review by Elections Canada.

What happens if my union fails to follow the rules for third parties?

Fines can range from \$1,000 up to \$50,000 and may be accompanied by 1-5 years in prison. Should the prosecutor feel the union knowingly broke the rules, fines and prison time will increase significantly.

VOTER CONTACT BY PHONE FAQs

Do the new rules on voter contact calling apply to unions and third-party groups, or just political parties?

YES. The voter contact calling rules apply to third parties whether or not they officially register as a third party (e.g., unions and labour groups).

During the next election, my union wants to contact voters by telephone about the issues. Do we have to register?

YES. During an election period, a union that contacts voters by telephone, through either live calls or recorded announcements, on an issue that a party or candidate is associated with, must register with the CRTC.

During the election, we will be calling voters to urge them to vote. Do we have to register?

YES. Unions must register with the CRTC (within 48 hours of making the first call) if they make calls (either live calls or recorded announcements) urging voters to vote, provide voting information (e.g., polling station locations and hours), or ask voters about their voting intentions or views on issues or political parties. This applies whether unions make the calls internally, or contract with a voter contact service provider and authorize others to make the calls.

During the election period, my union will only be calling members, and not the general public, on the issues at stake in this election. Do the rules on voter contact calling apply?

YES. The *Canada Elections Act*’s definition of electors (voters) includes every person who is a Canadian citizen and is 18 years of age or older on polling day. This definition includes union members.

So just to be clear, a telephone town hall meeting with members during the election period to discuss election issues would fall under the rules of voter contact calling and my union must register with the CRTC Voter Contact Registry?

YES.

Do the rules apply to just telephone calls, or other forms of communication (e.g., email blasts, texts, etc.)?

The rules only apply to live voice calls and automatic dialing-announcing calls (robocalls) made to telephone numbers, whether they are delivered by internal services — via an external voter contact calling service — or a combination of the two.

So, just to be clear, a web poll or mass emailing or mass texting during an election period is not covered by the rules on voter contact calling?

CORRECT, the rules on voter contact call services apply only to voice messages (live or recorded) transmitted to telephone numbers.

My union is calling Canadians **before** the election period. Do we have to register with the CRTC?

NO. This requirement only applies to calls made during an election period.

If my union hires a pollster during the election period, does the pollster have to register with the CRTC? Does the union also have to register with the CRTC?

YES. Both the union and the calling service provider (the pollster, in this case) would have to register with the CRTC.

Are there any rules regarding contracting with calling service providers?

YES. Before entering an agreement, the client (e.g., the union) must tell the calling service provider it is for voter contact calling services. The union must also provide (and the calling service provider must obtain) the name, address and telephone number of the individual representing the union, and provide a copy of a piece of CRTC-authorized ID. The service provider must keep this information for a year after the election day.

My union is using internal services to call voters during the election period. Does it have to register with the CRTC?

YES.

What is the deadline for registering with the CRTC?

Registration must be filed with the CRTC **no later than 48 hours after the first call is made**.

What information must be included in the registration filing?

Both the calling service provider (e.g., a polling firm) and the client (e.g., a union) must provide the calling service provider's name, the name of the group contracting with the calling service provider, and the type of calls to be made. Where a union uses internal resources to make live or recorded calls, it must file a statement that it is making live calls or making calls using an automated calling device. At the time of filing, the person providing the registration must give the CRTC their name, address and telephone number as well as show an authorized piece of ID.

What if we register but don't provide complete information?

The information provided must be complete. The union is deemed not to have registered if the information is not complete, and the union would then be in violation of the act.

What will the CRTC do with this information?

The CRTC will maintain a Voter Contact Registry, which it will publish 30 days after election day.

Do scripts and recordings have to be provided to the CRTC? Will the CRTC publish these scripts and recordings?

NO. There is no requirement to provide scripts and recordings to the CRTC and the CRTC will only publish the registration information.

What documents need to be kept by unions that use internal services or calling service providers to contact voters?

Unions must keep **a copy of each unique script** used in live voice calls and **a record of every date on which the script was used**. They must also keep **a recording of each unique message** conveyed by an automatic dialing-announcing device, **a record of every date on which it was conveyed, and a list of every telephone number called**.

How long do unions have to retain these?

For **one year** after the election period.

What happens if my union fails to keep each live-voice call script or recording of an automatic-calling message for one year after the election?

The union (or the official representative of the union) would be guilty of a strict liability offence, with a maximum punishment of a **\$2,000 fine and/or three months imprisonment**. If, however, prosecutors prove that the union **knowingly** violated the law, the maximum penalty following a summary conviction rises to a \$20,000 fine and/or imprisonment for one year. If indicted for the offence, the maximum penalty rises to a \$50,000 fine and/or five years imprisonment.

| Activity during the election period | Only takes a position on an issue | Also identifies a candidate or party |
|--|---|--------------------------------------|
| Election advertising Examples: <ul style="list-style-type: none"> • radio, television, newspaper ads • promoted (paid) social media • signs, billboards, flyers | Regulated , if the issue is clearly associated with a party or candidate | Regulated |
| Partisan activity Examples: <ul style="list-style-type: none"> • calls, emails, texts, websites • organic (free) social media, including online videos • door-to-door canvassing, rallies, demonstrations • get-out-the-vote activities | Not regulated | Regulated |

NOTE: An election survey that asks voters about an issue clearly associated with a registered party or candidate is regulated if the results are used to decide whether or how to carry out other regulated activities.

NOTE: This table was adapted from the one available in [Elections Canada's Political Financing Handbook for Third Parties, Financial Agents and Auditors – June 2021](#).

GUIDE TO THIRD PARTY REGISTRATION WITH ELECTIONS CANADA

Unions must register as third parties with Elections Canada if they spend more than the designated threshold conducting “election advertising” during the election period – whether the advertising involves “partisan advertising” (in support of a candidate or party, or against a candidate or party) or “issue-based advertising” (in support of an issue that may be associated with a candidate or party). The current spending threshold to require third party registration with Elections Canada is \$500.

A basic overview of the registration and reporting process:

- You will need a resolution from your Executive Board authorizing third party spending. This will need to be signed by the President of your union and submitted with your registration.
- Registering requires the completion of [this document](#), the assignment of a Financial Agent, the assignment of an auditor (should you anticipate spending more than \$10,000) and the opening of a separate bank account.

- Your Financial Agent will need to file both interim and final returns. If you have spent more than \$10,000, they will also need that financial return to be audited prior to submission to Elections Canada.
- It should be noted that all information shared with Elections Canada, either through the registration process or in financial returns, will be made public.

You can find additional information, tools and the forms you need to register on the [Elections Canada website](#).

As noted previously, this workshop and any materials provided (including this guide) are informed by legal opinions. However, these materials cannot explore every possibility, and any documentation is by no means a complete repository on the issue. Any specific concerns should be directed to your union's own internal or external legal counsel.

Further, if you have questions or concerns about the registration process for third parties, you can consult Elections Canada directly.