



May 11, 2010

TO ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY

Re: Letters of Reference and Support

Members are frequently called upon to write letters of reference or support on behalf of various individuals and organizations throughout their term of office. This is an activity that Members normally engage in on behalf of constituents, and is not prohibited under the *Members' Conflict of Interest Act*, within certain recommended parameters.

This letter outlines some suggested general guidelines to assist Members respond to such requests appropriately. It is provided in an effort to assist Members and their assistants. It is important, however, to note that these suggested general guidelines (while comprehensive) are not a substitute for questions that Members may have for reference to the COI Office in particular situations.

Letters of references generally

- It is prudent to only provide letters of reference for persons about whom you have personal knowledge, even if they are constituents.
- The recipients of letters of reference from Ministers or MLAs will likely attach greater weight to such letters because of the office you occupy. Care should therefore be taken in the preparation of such letters.
- All letters of reference should be addressed to a specific individual or organization, never "To whom it may concern". Otherwise there is the potential for a loss of control over the use of the letter.

Appropriate use of letterhead

- In the case of a reference letter for a person that you have known purely on a personal or professional basis, it is usually more appropriate to provide the reference on personal rather than official letterhead.
- Letters of reference may be drafted on constituency letterhead if you are recognizing a constituent's political support and assistance, or supporting a community organization or event.

- A letter of reference signed on Ministerial letterhead can be taken to imply the endorsement of the Government, and is generally inappropriate except as noted below.

Letters of references for employment purposes

- It is suggested that a letter of reference should only be written if you actually have sufficient personal knowledge of the person's qualifications and ability to perform the job for which they are applying.
- Generally, reference letters in support of an individual seeking employment (whether in the public or private sector) should be written on personal rather than official letterhead. An exception would be if the person seeking the reference reports directly to you in your official capacity as MLA or Minister. In that case, you are in the position of an employer and it is, therefore, appropriate for you to provide a letter of reference on either your constituency or ministerial letterhead, as the case may be.
- In their form, letters of reference should be focused on the position sought by the person seeking employment. This will avoid use of the letter for a purpose other than that for which it was intended.
- Although exceptions may arise, letters of reference should not be directed to the person asking for the letter, but should be directed to the would-be employer.

References for an appointment to a government board, agency or commission, or other OIC appointment

- No letter of reference should be sent on behalf of a private person by a Minister to any agency, board or commission falling under that Minister's portfolio (whether written by the Minister or by the Minister as MLA).
- Ministers should not write a letter of recommendation with respect to an appointment that can only ultimately be made by an Order in Council decision.

Character references in criminal cases

- It is suggested that no Minister or MLA provide a character reference in a criminal matter pending before the courts without prior discussion with the Commissioner.
- It is inappropriate to write to a court as an elected official or as one holding ministerial office. Accordingly, letters written to a court relating to character or expressing your views on factors for consideration in determining an appropriate sentence should be drafted on personal letterhead.

Letters of support for community organizations

- All MLAs can, of course, write general letters of endorsement for community endeavours or organizations, using their constituency letterhead.
- Generally, endorsements from Members should not be used directly or indirectly for fundraising purposes for an organization. However, it is acceptable for Members to write to an agency or branch of government in support of a grant application from a community group in your constituency for a project that you believe to be worthy and beneficial to the community.

Letters in support of a nomination for an award, application for a scholarship or acceptance to an educational program, etc

- MLAs may write letters of reference for candidates seeking admission to academic programs or applying for scholarships where the capabilities of the applicant are well known to the MLA.
- Ministers may properly make or support a nomination for an award, using Ministerial letterhead, where the achievements of the nominee merit the specific support of a particular government department, expressed through the person of the Minister. MLAs may also support nominations that reflect the nominee's contributions to their constituency, and use constituency letterhead to do so. Where, however, support is purely personal in nature, the Minister or MLA should use personal letterhead.

Requests for letters of reference and support will arise in a variety of ways, and there is no rigid list of rules that will cover all situations. Again, if you have any questions about the propriety of providing a letter of reference in a specific case, please contact me to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul D. K. Fraser', with a long horizontal flourish extending to the right.

Paul D. K. Fraser, Q.C.
Commissioner