

INDEPENDENT SENATORS GROUP (ISG)



GRUPE DES SÉNATEURS INDÉPENDANTS (GSI)

SENATE | SÉNAT
CANADA

CHARTER OF THE INDEPENDENT SENATORS GROUP

Preamble

WHEREAS the *Constitution Act, 1867* provides that Senators are summoned by the Governor General in the King's name on the recommendation of the Prime Minister for the purpose of "giving advice and assistance in all weighty and arduous affairs concerning Canada".

WHEREAS His Majesty's Writ of Summons further commands that "all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit".

WHEREAS Senators carry out their duties and responsibilities in a variety of ways.

WHEREAS Senators' primary role is as legislators, applying sober second thought to proposed legislation and ensuring that it receives appropriate scrutiny.

WHEREAS Senators also assume an investigative role, a role representing regions, a role protecting and advocating for minorities, a parliamentary diplomatic role, and a public advocacy role.

THEREFORE, pursuant to the *Rules of the Senate* and the *Senate Administrative Rules*, some non-affiliated Senators have formed a parliamentary group known as the "Independent Senators Group" (ISG).

Official Languages

1. The official languages of the ISG are English and French.

Purpose

2. Members of the ISG have joined together for the purpose of affirming and protecting each Senator's freedom to vote as they see fit in respect of their parliamentary duties, and to enhance the ability of individual Senators to conduct their duties as parliamentarians. By sharing expertise, pooling resources and providing mutual support, ISG Senators:
 - (a) contribute to the planning and coordination of Chamber business and committee work;
 - (b) share information and assist ISG Senators with their administrative needs;
 - (c) coordinate collective action on issues related to Senate administrative processes and practices that the ISG has designated or may designate, as the case may be, as priorities or matters of common importance to all members of the ISG;
 - (d) respect that each Senator can only fulfill the role of Senator if they maintain their right to express views that reflect their best judgment;

- (e) contribute to ongoing efforts to modernize the Senate in terms of its culture, rules and practices, in order to strengthen the work of the Senate as an effective, respected, independent and non-partisan Chamber of sober second thought that is complementary to the House of Commons;
- (f) participate in building a more caring, respectful, inclusive, and prosperous Canada.

Principles

3. The Principles of the ISG are as follows:

- (a) Integrity: ISG Senators are dedicated to respecting the rules, policies and guidelines of the ISG and the *Ethics and Conflict of Interest Code for Senators*, the *Senate Harassment and Violence Prevention Policy*, the *Rules of the Senate*, and the *Senate Administrative Rules*. As members of the ISG, they demonstrate decorum and respectful behaviour, personally and professionally, and work to enhance and improve the Senate and its public confidence.
- (b) Equality: All Senators are equal before and under the *Rules of the Senate*, policies and guidelines and as such are entitled to be treated with impartially and justly without favouritism or discrimination, and respecting the rule of law.
- (c) Diversity and inclusion: ISG senators embrace diversity, equity and inclusion as fundamental values.
- (d) Independence and freedom of conscience: ISG Senators have the right and the duty to act in an independent and non-partisan manner according to their own judgment, values and freedom of conscience. They should refrain from conduct which would undermine the public's confidence in their independence.
- (e) Transparency: ISG Senators operate within the ISG in a transparent and open manner, with due consideration for confidentiality and privacy.
- (f) Efficacy and collaboration: ISG Senators understand the distinctive responsibilities of the Senate and of Senators within the Canadian Parliament, and they strive to contribute to the effective functioning of the legislative process. To this end, they adopt a collaborative approach as often as is compatible with their position as independent Senators.

LEADERSHIP

- 4. The Facilitator and Deputy Facilitator, the Chair of Group Deliberations, the Legislative Liaison, and the Deputy Liaison form a leadership team that is appropriate for the prevailing circumstances of the Senate and, in the spirit of distributed leadership, seek to involve as many members of the ISG as possible in positions of responsibility.
- 5. The leadership team will dedicate themselves to serving the ISG in achieving the purpose and principles of the ISG Charter and advancing the goals and objectives that the membership may set and agree to from time to time.
- 6. The Facilitator and Deputy Facilitator are also responsible for making representations and conducting negotiations on behalf of the ISG and in accordance with mandates agreed by its members, with the Speaker of the Senate and the leadership of other recognized caucuses and parliamentary groups.

PROTOCOL CONCERNING THE ELECTION OF ISG LEADERSHIP

Eligibility

7. All ISG Senators are eligible to present themselves as candidates for election. Membership is based on the official listing of ISG Senators as reported by Senate Administration on voting day.

Election and Votes

8. One month prior to the expiration of the mandate of the leadership team, during an ISG Weekly Meeting, up to 3 (three) volunteers are sought to form the Leadership Renewal Team.
 - (a) Elections will be held for the Facilitator, Deputy Facilitator, Chair of Group Deliberations, Legislative Liaison, and Deputy Liaison.
 - (b) Members of the Leadership Renewal Team are not permitted to present themselves as candidates but are permitted to vote in the election.
9. Working with the Secretariat, one member of the Leadership Renewal team is appointed to manage the election process.
10. The duration of the campaign period and the date of the election are established by the Leadership Renewal Team.
11. All ISG Senators are eligible to vote. Membership is based on the official listing of ISG Senators as reported by Senate Administration on voting day.
12. Voting for the positions of Facilitator and Deputy Facilitator occurs on the same day, with the election of the Facilitator to occur first, followed by the election of the Deputy Facilitator, once the Facilitator is known.
13. Voting is by secret ballot and the threshold for an elected candidate is 60 percent of eligible ballots.
 - (a) If no candidate receives 60 percent support in the first round of voting, the candidate receiving the smallest number of votes is removed from the ballot and a second round of voting is held. This process is repeated until one candidate achieves at least 60 percent of the votes.
 - (b) In the event that there are only two candidates, or when there are only two candidates remaining, the candidate with the most votes is acclaimed, even if it is less than 60 percent.

Duration of Mandate

14. Members of the leadership team may serve for a 2-year term and may not be re-elected for more than one additional term to the same position.
15. In the event that a member of the leadership team is unable or unwilling to complete their term, a by-election is held to fill the vacant position until the end of the 2-year term.
 - (a) A by-election follows the procedure outlined in sections 7 through 14.
 - (b) Terms served as a result of a by-election are excluded from the limits in section 14.

Administration

16. The ISG is supported by the ISG Secretariat (hereafter referred to as ‘the Secretariat’), which serves all ISG Senators equally, transparently and in an impartial manner. The Secretariat provides a variety of shared services to ISG Senators, relating to Senators’ activities in the Senate Chamber and in committees, including but not limited to the preparation of briefing notes, legislative analysis and procedural notes, and organizing ISG meetings and events.
17. The Facilitator and Deputy Facilitator are responsible for the oversight of the ISG Secretariat, including infrastructure, staffing, budgets and work planning.

Allotment of committee seats to the ISG

18. The number of committee seats allotted to the ISG as a group use the following guidelines:
 - (a) The rules regarding the appointment of Senators to Committees are established in the *Rules of the Senate*. The Facilitator and Deputy Facilitator are responsible for ensuring ISG compliance with these rules.
 - (b) The number of seats allotted to the ISG is determined, in keeping with current Senate practice, by agreement following discussions between the Facilitator or Deputy Facilitator and the Leaders of other parties and groups recognized in the Senate. The objective of the Facilitator or Deputy Facilitator in respect of committee membership is to ensure the proportional representation of ISG Senators on Senate Committees.

Allotment of ISG Senators to committees

19. ISG Senators are invited to submit ranked requests indicating their committee preferences to the Secretariat.
20. Senators’ choices are, where possible, allocated based on preference. ISG Senators have the opportunity to review their allotment and discuss committee memberships with other ISG Senators. However,
 - (a) if too many ISG Senators select the same committee, the Facilitator or Deputy Facilitator may make membership recommendations to all ISG Senators based on Senators’ seniority, experience, expertise, and attendance record, taking into consideration gender parity and regional representation, among other equity considerations, in order to optimize the ISG’s representation on committees.
21. Once finalized, the Facilitator or Deputy Facilitator submits the committee membership list to the Clerk of the Senate.

Selection of Committee Chairs

22. Where the ISG is allotted either the position of Committee Chair or Deputy Chair, ISG Senators who are members of that Committee are responsible for determining who among them is to hold that position.
23. The selection of Committee Chairs and Deputy Chairs must also take into account gender parity and regional representation. The Facilitator and Deputy Facilitator works with Committee members and makes recommendations, where necessary, with the objective of ensuring these factors are given due consideration.

Weekly ISG Meeting

24. When the Senate is in session, the ISG Senators meet on a weekly basis to discuss important legislation and other issues facing them in the Chamber or in committees, as well as to address any concerns or opportunities within the ISG.
25. Attendance at this meeting is expected – although not mandatory – as the subject matters discussed pertain to the business and functioning of the Chamber and its committees.

ISG Commons

26. A second, informal, weekly meeting is scheduled so that Senators have the opportunity to have in-depth discussions about particular bills or other issues, for which the weekly ISG meeting does not allow.
27. All ISG Senators are eligible to submit items for discussion during the ISG Commons.

Other meetings

28. The Chair of Group Deliberations may, on their own accord or at the request of a member of the ISG, call additional meetings of ISG Senators.

MEMBERSHIP

Eligibility

29. Any Senator is eligible to join the ISG and to remain a member of the ISG as long as they are not a member of a caucus of the House of Commons.

PROTOCOL FOR THE ACCESSION OF MEMBERS

Notice of Application

30. A non-affiliated Senator (hereafter, “the Senator”) must give written notice to the Facilitator or Deputy Facilitator of the ISG that they wish to become a member of the ISG.

Accession

31. Upon receipt of written notice, the Facilitator or Deputy Facilitator initiates a decision making process pertaining to the interested Senator’s membership:
 - (a) the Secretariat ensures that the candidate meets the eligibility requirements established in section 29 of the ISG Charter.
 - (b) the Secretariat undertakes an anonymous electronic survey to all ISG Senators in order to vote on the membership request.
 - (c) ISG Senators will have a maximum of two sitting days to cast their vote and four working days when the Senate is not in session.
 - (d) Membership requests are approved if 60 percent of votes have been cast in favour of the applicant.
 - (e) The voting record must, upon request, be made available to the candidate. The public result of the vote will only state whether the Senator’s request for membership was accepted or rejected.

PROTOCOL FOR THE RESIGNATION OR WITHDRAWAL OF MEMBERS

Resignation

32. A Senator in breach of the ISG Charter or the Ethics and Conflict of Interest Code for Senators is relied upon to voluntarily resign from the ISG.

Withdrawal or resignation procedure

33. A Senator may withdraw on a temporary basis or resign from the ISG by providing written notice to the leadership team of the ISG. The withdrawal takes effect on the later of a date specified in the notice or the date the notice is received by the leadership team.

Breach of the ISG Charter

34. ISG Senators are expected to respect the ISG Charter and its principles. If any disputes between members should arise, mediation is always the preferred option. Hence, mechanisms such as suspension and expulsion are provided for as exceptional measures of last resort.

Mediation, Suspension, or Expulsion

35. In certain cases, the ISG maintains an internal process for conflict mediation and for the suspension or removal of a member, which includes notice, a hearing, the presentation of the case, an opportunity for the member to respond, and a decision made by a 60% majority vote of ISG members.

AMENDMENTS TO THE ISG CHARTER

Notice

36. Notice of proposed amendments to the ISG Charter must be provided to the Facilitator or Deputy Facilitator and all ISG Senators in writing, two weeks prior to their consideration at a meeting of the ISG Senators.

Consideration

37. Upon receipt of the notice, the Secretariat ensures consideration of the amendment request by making it a matter of business at a weekly ISG meeting.

Decision

38. Proposed amendments are approved if 60 percent of votes have been cast in favour of the amendment.