

Public Sector Compensation Transparency Act
Exemption Policy and Process for Individuals

Employees or members of public sector bodies and Government of Alberta¹

Background

The *Public Sector Compensation Transparency Act* requires public sector bodies to disclose the compensation paid to employees earning over the threshold for the given year. Any compensation paid to board members, regardless of the amount must be disclosed. The act also requires the Government of Alberta (GoA) to disclose the remuneration of employees who earn a base salary of more than the threshold. The threshold amounts are:

Calendar year (earnings)	Threshold: GOA employees	Threshold: public sector body employees
2015	\$104,754	\$125,000
2016	\$105,906	\$126,375
2017	\$107,071	\$127,765

An individual may be exempted from disclosure if it could unduly threaten the safety of that individual. There are no other grounds for granting exemptions to individuals.

Who can make an application?

An application for an individual exemption may be made by:

- a public sector body in relation to an individual employee or member of that body;
- an employee of a public sector body;
- a member of a public sector body; or
- an employee of the GOA (note that certain GOA employees with an existing exemption may not need to re-apply; see page three below).

How to make the application

By an individual

- Select the [application form for individuals](#).

By a public sector body in relation to an individual

- Select the [application form for public sector bodies](#).

An applicant must complete and sign the relevant application form and submit it to the assigned official for their department or public sector body. A list of assigned officials is [online](#).

¹ Exemptions under 6(1) of the Act for organizations are not covered by this policy.

What could be considered undue threat to a person's safety?

The onus is on the applicant to set out, in the application form, facts and circumstances that demonstrate the potential undue threat to the safety of the individual as well as a link between the disclosure and the threat to safety. Whether disclosure could unduly threaten the safety of an individual depends on the facts and circumstances in each particular case.

Examples of circumstances that may justify an exemption include:

- if the person has long-standing harassment, spousal abuse or stalking issues; and
- if the person has received specific and credible threats against their personal safety where the disclosure could be linked to the threat.

Generally, exemptions are less likely to be granted when:

- a potential threat appears to be purely speculative;
- it is unlikely compensation disclosure will contribute to the safety risks a person already faces in their position; and/or
- the person is merely opposed to the concept of compensation disclosure.

Exemptions are also less likely to be granted if the person's name is already published on an employee list, particularly where the organization's salary ranges are also public or readily accessible.

These examples are for illustration only and are not binding on the Deputy Minister of Justice and Solicitor General, who will decide applications on an individual basis. Applicants should include all appropriate facts, including anything that may be relevant to these points.

Important: Make sure all of the information you want the Deputy Minister to consider is included in your application form. You will not get another opportunity to provide information.

An individual may not make an application on behalf of another individual. Each individual must make their own application based on their own personal circumstances.

Deadline for Application

For the June 30, 2018 disclosure: November 1, 2017

For future disclosures: November 1st of the year preceding disclosure.

Why is the deadline so early?

A public sector body is required to disclose compensation information for the prior calendar year on or before June 30th of each year. This means, for 2018 and later years, the public sector body can disclose information anytime between January 1st and

June 30th. Therefore, it is possible that an exemption request may not be considered prior to the disclosure, and disclosure could occur for that employee despite the subsequent request. Therefore, an application should be made as early as possible to increase the likelihood it will be reviewed prior to the publication of that body's disclosure.

An exemption received later than the deadline may be accepted if extraordinary circumstances prevented the individual from making an application on time. However, because of the flexibility in the timing of the disclosure as noted above, late applications may not be completed in time to avoid the disclosure for that year.

Designated contact with public sector body

Where an employee is applying for an exemption based on job-related safety circumstances, the Deputy Minister will ask the individual's employer (the public sector body or GOA) for supporting information. In job-related applications, the employee may wish to discuss the exemption application ahead of time with the contact person at their employer.

- Each public sector body is required to designate a contact person for the purpose of providing information relating to exemption requests, and the public sector body should let their employees know who that is. The contact person's name and contact information should be posted on the employer's disclosure website.
- The public sector body should advise their assigned official of the contact person.

What happens when an exemption is granted?

Once an exemption has been granted for:

- **a public sector body employee or member**, the assigned official will notify both the individual in question and the public sector body employing that individual. It is the responsibility of the relevant public sector body to ensure that disclosure is not made in relation to that individual.
- **a GOA employee**, the assigned official will notify the individual, the employee's department and the person in Service Alberta responsible for publishing the disclosure list for the GOA.

Expiry Dates for Exemptions

Exemptions that are granted will have an expiry date. The exemption will generally be valid for five years unless the circumstances warrant an earlier expiry date. This allows the exemption to be reviewed in order to ensure it is still required. An employee or member must re-apply at the end of the term to have the exemption continue.

Year of earnings	Date of required disclosure	Deadline for exemption application	If granted, exempt earning years *subject to below	Disclosure will resume	Deadline to reapply*
2015	June 30, 2016	May 18, 2016	2015 - 2019	June 30, 2021 (for 2020)	November 1, 2020

				earnings)	
2016	June 30, 2017	November 1, 2016	2016 – 2020	June 30, 2022	November 1, 2021
2017	June 30, 2018	November 1, 2017	2017 – 2021	June 30, 2023	November 1, 2022

***Important:**

If the employee leaves a public sector body or a department of the GOA and moves to another public sector body or to another department of the GOA, the employee must re-apply for an exemption. This is because, in accordance with the act, the exemption is granted to the employer in relation to the employee, and if the employer changes, the exemption no longer applies.

Where an exemption expires, disclosure will resume for future years only.

It is up to the employee or member to monitor the expiry dates for the exemption and re-apply if necessary.

What happens if an exemption is granted after the information has been disclosed?

If an exemption is granted after the public sector body or GOA has already made its disclosure for that year, the public sector body or the GOA will be asked to remove the information from disclosure as soon as possible for the current year. However, the information may have been accessed by the public in the meantime.

Information relating to prior years will be removed as long as it is possible to do so.

What happens when an exemption is denied?

The Deputy Minister's decision is final and there is no opportunity for the applicant to provide additional information after the decision. Further, there is no appeal from a denied exemption. However, the applicant's employer will be asked to withhold disclosure for a period of six months from the date of the decision. This is to allow time for the applicant to apply to the court for a judicial review of the decision.

An individual is entitled to re-apply for an exemption in a subsequent year if the individual's facts or circumstances change.

The personal information that you provide on the exemption application form for individuals will be used for the purpose of making a determination under section 6(2) of the *Public Sector Compensation Transparency Act* and related regulations. It is collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act* and is protected by the privacy provisions of that act. If you have any questions about the collection of this information, you can contact the assigned official for your department or public sector body.