



Exemption Policy and Process for Individuals

Public Sector Compensation Transparency Act

The *Public Sector Compensation Transparency Act* (the Act) requires the Government of Alberta to disclose employees who earn a base salary or receive a severance that exceeds the annual threshold. Public sector bodies are also required to disclose employees whose compensation or severance exceeds the annual threshold and any compensation to public sector body board members. The annual threshold amounts are:

| Calendar Year Earnings | Annual Threshold for Government of Alberta Employees | Annual Threshold for Public Sector Body Employees |
|------------------------|--|---|
| 2018 | \$108,784 | \$129,809 |

The Exemption policy does not apply to a public-sector body or health entity exempt from the application of all or part of this Act under section 6(1).

An individual may be exempt from disclosure if the disclosure 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 Government of Alberta.

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

How to make an application?

- Individuals: [application form for individuals](#)
- Public-sector body in relation to an individual: [application form for public sector bodies](#)

Include all of the information you want considered in your application form, because there is no opportunity to provide additional information later. Applicants 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 available [online](#).

Deadline for application

For the June 30, 2019 disclosure: November 1, 2018.

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

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 that demonstrate the potential undue threat to the safety of the individual because of the salary disclosure. Whether disclosure could unduly threaten the safety of an individual depends on the facts in each case.

Examples of circumstances that may justify an exemption include:

- the person has long-standing harassment, spousal abuse, or stalking issues; and
- 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 that compensation disclosure will contribute to the inherent safety risks a person already faces in their position;
- the person is merely opposed to the concept of compensation disclosure; or
- 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 Deputy Solicitor General who will decide on applications on an individual basis. Applicants should include all appropriate facts that may be relevant to these points.

How is the exemption application reviewed?

The statutory test is whether the disclosure could unduly threaten the safety of the individual.

The applicant must provide sufficient information to establish a threat that is logically connected with, and could flow from, disclosure of the individual's information under the Act. Such threats are those that would not ordinarily occur because of the nature of the individual's employment.

Why are applications denied?

Too vague

The applicant states that disclosure will adversely affect them but the information supplied is too general to identify a specific threat to their safety. Under the Act, an applicant must provide concrete and realistic reasons for seeking an exemption, which must not be vague or speculative.

Threat not related to individual safety

The applicant states that disclosure will adversely affect them by, for example, breaching their privacy or impacting their peer relationships. Non-safety-related concerns are insufficient to meet the statutory test for an exemption.

Threat to individual's safety is not connected to disclosure

The applicant works in an environment where they must deal with difficult people or a minimal level of risk is inherent in the position. As noted above, the Act does not protect against all or any possible threats to safety. The threat must be undue and logically associated with the disclosure of an individual's salary information.

Designated contact with the public-sector body

Where an employee is applying for an exemption based on job-related safety circumstances, the Deputy Minister of Justice and Deputy Solicitor General may ask the applicant's employer (the public sector body or Government of Alberta) for supporting information. In job-related applications, the employee may wish to discuss the exemption application ahead of time with the contact person at his/her place of employment.

Each public sector body is required to designate a contact person for the purpose of providing information relating to exemption requests. 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:

- **Public sector body employee or member.** The assigned official will notify both the individual (i.e., the applicant) 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.
- **Government of Alberta employee.** The assigned official will notify the individual (i.e., the applicant), the employee's department, and the person in Service Alberta responsible for publishing the disclosure list for the Government of Alberta.

Expiry dates for exemptions

Exemptions are generally 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. Where an exemption expires, disclosure will resume for the succeeding years. It is the responsibility of the employee or member to monitor the expiry dates for the exemption and re-apply, if necessary.

| Calendar Year | Date of Required Disclosure | Deadline for Exemption Application | Exempt Earning Years, if Granted* | Disclosure Will Resume | Deadline to Re-Apply* |
|---------------|-----------------------------|------------------------------------|-----------------------------------|--------------------------------------|-----------------------|
| 2015 | June 30, 2016 | May 18, 2016 | 2015 – 2019 | June 30, 2021 (for 2020 earnings) | November 1, 2020 |
| 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 |
| 2018 | June 30, 2019 | November 1, 2018 | 2018 – 2022 | June 30, 2024 | November 1, 2023 |

** If a Government of Alberta employee with an exemption moves to a different department, the exemption will continue to apply. However, upon commencement, it is the employee's responsibility to notify their new department's assigned official of their current exemption status. If a Government of Alberta employee with an exemption moves to a public sector body, or an employee or member leaves one public sector body and moves to another public sector body, the employee or member must re-apply for an exemption. In accordance with the Act, exemptions are granted in relation to either the Government of Alberta or to a specific public sector body.*

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

If an exemption is granted after the public sector body or the Government of Alberta has already made its disclosure for that year, the public sector body or the Government of Alberta will be asked to remove the information from disclosure for the current year as soon as possible. Information relating to prior years will also be removed so long as it is possible to do so. However, the information may have been accessed by the public.

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. 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 should the applicant choose to do so. An individual may re-apply for an exemption in a subsequent year if the individual's facts or circumstances change.

Frequently Asked Questions

What is the purpose of the Act?

The Act increases transparency by requiring the disclosure of compensation and severance paid to public sector body employees and members, and base salary and severance paid to Government of Alberta employees.

Does FOIP apply to my application?

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 Act and related regulations. It is collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*, commonly known as FOIP, 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.

Why is the deadline so far in advance?

The Government of Alberta and a public sector body are required to disclose employees that exceed the annual threshold for the prior calendar year on or before June 30 of each year. This means, for 2019 and later years, the Government of Alberta and public sector body can disclose information anytime between January 1 and June 30. 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. Consequently, an application should be made as early as possible to increase the likelihood of being reviewed prior to the disclosure publication by the Government of Alberta or public sector body. An exemption received after 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 and may not guarantee exemptions from disclosure for that year.

There are security concerns where my extended family lives. What resources are available to assist identifying any risks associated with my salary disclosure?

The Government of Canada provides information and advice on travel situations that may affect the safety and well-being of Canadians. This information is available at <https://travel.gc.ca/>. Travel advisories list countries of security concern and provide advice to ensure informed decisions can be made by Canadian travelers.