

Reporting Guide

Nova Scotia

Public Sector Compensation Disclosure Act



Reporting Guide: *Public Sector Compensation Disclosure Act*

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Background

The *Public Sector Compensation Disclosure Act* ('PSCDA' or 'the Act') has been in force since December 10, 2010. The purpose of the PSCDA is to enhance accountability and transparency in the use of public funds by requiring public sector bodies to report compensation of \$100,000 or more, paid to persons during the fiscal year. The reporting requirements are set out in the Act and regulations. The information must be disclosed in an audited statement, submitted to the Department of Finance and Treasury Board (DOFTB) in the format outlined in this Guide by the deadline specified by the Minister of Finance and Treasury Board, and posted on a publicly accessible website.

This Guide is intended to help public sector bodies meet their reporting obligations under the PSCDA. The Guide describes compensation that should be reported, the reporting format and the timing of release.

DOFTB has assumed certain administrative responsibilities with respect to the PSCDA on behalf of the Minister of Finance and Treasury Board. However, the PSCDA does not provide DOFTB with the authority to make binding rulings on disclosure or content. Binding requirements are contained only in the PSCDA and its regulations, and public sector bodies are urged to carefully review these authorities. Although DOFTB can provide public sector bodies with an interpretation of PSCDA requirements and the principles applied in arriving at the interpretation, final decisions with respect to disclosure rests with the public sector body within the context of the PSCDA and regulations.

Section 7 of the PSCDA provides that disclosure of information required by the Act and regulations is not in contravention of the *Freedom of Information and Protection of Privacy Act*. However, Section 7 protections are only applicable to disclosure required by the PSCDA and regulations. The template for PCDA Compensation Reports, as outline in this Guide, requires only the first and last name of the person being compensated and the amount of compensation. Should a public sector body disclose information beyond what is required under the PSCDA or the regulations, it is the responsibility of the public sector body to ensure it is in compliance with privacy and other laws, including the *Freedom of Information and Protection of Privacy Act*. It is recommended that a public sector body consult with its legal counsel prior to publishing compensation information beyond that required by the Act and regulations.

- The PSCDA can be found on the Government of Nova Scotia website at: <http://nslegislature.ca/legc/statutes/pubseccd.htm>
- Regulations under the PSCDA can be found at:
 - <http://www.gov.ns.ca/just/regulations/regs/pubsecdesig.htm>
 - <http://www.novascotia.ca/just/regulations/regs/psctime.htm>

Who Must Disclose

Under the PSCDA, it is public sector bodies that are required to report compensation information. Public sector bodies are defined in section 2(f) of the Act. Public sector bodies required to report fall into three categories:

1. Members of the Government Reporting Entity

Members of the Government Reporting Entity (GRE), as defined in the *Finance Act*, are public sector bodies under the PSCDA. Schedule 10, Volume 1 of the Public Accounts provides a list of GRE organizations. Members of the GRE who report compensation information in Volume 3 of the Public Accounts are exempt from the reporting requirements of the PSCDA. To view the most recent Public Accounts documents, please visit: <https://www.novascotia.ca/public-accounts>

2. Post-secondary Institutions Designated by Regulation

The *Public Sector Body Designation Regulations*, enacted in 2011, designate post-secondary institutions in Nova Scotia as public sector bodies required to report under the PSCDA. To view these regulations, please visit: <http://www.gov.ns.ca/just/regulations/regs/pubsecdesig.htm>.

The list of post-secondary institutions that are required to report under the PSCDA is included in Appendix B of this Guide.

3. Certain Not-for-Profit Organizations

Under Subsection 2(f)(iii) of the PSCDA, a person, organization or body, incorporated or not, is considered a public sector body if it:

- Is a not-for-profit;
- receives at least \$500,000 in funding from one or more public sector bodies in a fiscal year; or
- receives at least \$200,000 in funding from one or more public sector bodies and that amount represents fifty per cent or more of the organization's total revenue in a fiscal year.

Under section 2(d) of the PSCDA funding is defined as an appropriation from government or a combination of grants or contributions received during the fiscal year related to the operation of the organization, but does not include payments to a not-for-profit which represents:

- a grant for a capital purpose;
- an exchange of goods or services;
- a loan which requires repayment; and
- an investment with the expectation of a financial return.

The PSCDA requires that not-for-profit organizations assess whether they are, or are not considered a public sector body under the Act. Therefore it is the responsibility of the not-for-profit organization to self-identify as a public sector body and to post their compensation reports with DOFTB within six months of the end of their fiscal year.

Compensation Requiring Disclosure

Definition of Compensation

Compensation is the sum of the payments received and the value of benefits received, by a person during the fiscal year. Common types of compensation are detailed in Section 2(b) of the PSCDA.

Section 2(b) defines compensation as the total amount or value of all cash and non-cash salary, wages, payments, allowances, bonuses, commissions and perquisites, other than a pension, pursuant to any arrangement, including an employment contract, and includes, without restricting the generality of the foregoing,

- (i) all overtime payments, retirement or severance payments, lump-sum payments and vacation payouts,
- (ii) the value of loan or loan-interest obligations that have been extinguished and of imputed-interest benefits from loans,
- (iii) long-term incentive plan earnings and payouts,
- (iv) the value of the benefit derived from vehicles or allowances with respect to vehicles,
- (v) the value of the benefit derived from living accommodation provided or any subsidy with respect to living accommodation,
- (vi) payments made for exceptional benefits not provided to the majority of employees,
- (vii) payments for memberships in recreational clubs or organizations, and
- (viii) the value of any other payment or benefit prescribed in the regulations.

Description of Certain Items in Section 2(b) of the PSDC Act

Exceptional Benefits: Section 2(b)(vi) of the PSCDA is intended to ensure that any payment to a person, or on behalf of a person, not specifically listed elsewhere in Section 2(b), is embedded as an exceptional benefit. The Public sector bodies are responsible for deciding whether a benefit provided to a person constitutes an exceptional benefit.

Perquisites: the value of any special right or privilege received by an individual as a result of their position in addition to income, salary, or wages should be included in a person's compensation. Examples might include awards or gifts at retirement.

Value of Loan or Loan-Interest Obligations That Have Been Extinguished: a payment provided by a public sector body to a person, or to a lender on behalf of a person, in order to extinguish a loan or the interest obligation associated with a loan should be disclosed as part of the person's compensation.

Imputed-Interest Benefits from Loans: the difference between the interest rate charged to the person versus a reasonable market-based rate. This difference is a benefit to the person and should be included in the compensation reported.

Long-Term Incentive Plan Earnings and Payouts: performance bonuses or reward payments designed to improve employee performance should be included in the calculation of a person's compensation.

Professional Association Dues: the payment of professional association dues by a public sector body on behalf of a board member, officer, employee, contractor or consultant should be included in compensation.

Cash Payments versus accrued compensation: with the exception of imputed interest benefits from a loan and vehicle benefits from an employer-owned vehicle, compensation should include payments actually made by the public sector body to a person or on behalf of the person.

Items Excluded from Compensation

Employer-sponsored Pension Plan and other Benefit Contributions: employer contributions to employer-sponsored pension plans and group benefit plans (e.g., health benefits, group life insurance) should not be included in the calculation of a person's compensation.

Supplementary Executive Retirement Plans (SERPs): Section 2(b) of the PSCDA specifically excludes pensions. SERPs are a form of pension and therefore employer contributions to them should not be included in the calculation of a person's compensation.

Reimbursement for Occasional Use of Personal Vehicle: the value of the benefit derived from a vehicle or permanent vehicle allowance should be included in the calculation of a person's compensation. However, reimbursement for occasional use of a personal vehicle is not considered compensation and does not require disclosure under the PSCDA.

Fee for Service (FFS) and Alternative Funding Arrangement (AFA) Payments to Physicians: FFS or AFA payments to physicians are not included in the compensation that public sector bodies are required to report.

HST Payments: The HST portion of a payment to an individual represents a tax remittance. The HST portion of the payment is not compensation to a person and is not required to be reported under the PSCDA.

Persons Compensated Who Require Disclosure

Section 3 of the PSCDA requires the disclosure of compensation provided to or paid on behalf of any person equaling or exceeding \$100,000 during the fiscal year. Persons are defined as board members, officers, employees, contractors and consultants.

Payments to corporate or business entities are not included in the PSCDA. Only compensation paid to persons that are individuals requires disclosure under the PSCDA.

Specific Items

Contractors and Consultants: Contractors or consultants who are persons and who receive compensation equaling or exceeding \$100,000 in a fiscal year should be included in the public sector body's compensation report.

Secondments and Temporary Work Assignments: Compensation of employees seconded or on a temporary work assignment to another organization should be reported in the compensation report of the public sector body that bears the cost of the compensation in their financial statement. If the cost of compensation is reflected in the expenses of another organization the reporting responsibility rests with that organization.

Staff Recorded by a Government Department in Volume 3 of Public Accounts: Some GREs and small public sector bodies that do not have staff of their own rely on staff from government departments to do work for them. If a GRE or other public sector body relies on staff from a government department and the cost of compensation for their work is reflected in the expenses of the government department then the reporting responsibility rests with that department. Government departments report staff compensation in Volume 3 of the Public Accounts.

Disclosure Reporting - Content and Format

Public sector bodies may disclose compensation information either in a stand-alone report (see below under Compensation Report Format) or in a schedule which forms part of the body's audited financial statements.

Compensation Report Format

If a public sector body chooses to post a stand-alone report separate from their audited financial statements, the report must be in the format found in Appendix C of this Guide.

Please note that Appendix C includes a section for "Auditors Comments".

The template for Compensation Reports requires the first and last name of the person being compensated and the amount of compensation.

If there are special circumstances which the public sector body believes requires additional disclosure or explanation, these may be included as an explanatory note in the Compensation Report.

Please note that Section 7 of the PSCDA only addresses disclosure of information required by the Act and regulations. Should a public sector body disclose information beyond what is required under the PSCDA or the regulations, it is the responsibility of the public sector body to ensure it is in compliance with privacy and other laws, including the *Freedom of Information and Protection of Privacy Act*. It is recommended that a public sector body consult with their legal counsel prior to publishing compensation information beyond that required by the PSCDA and regulations.

Audit Requirement

Public sector bodies must ensure their Compensation Report is audited by an independent auditor, whether it is in a separate document or included as a separate schedule within their audited financial statements. The Compensation Report should include comments from the public sector body's auditor.

No Compensation to Disclose

Organizations that are public sector bodies are required to submit a No Compensation to Disclose Report if they have no board member, officer, employee, contractor or consultant that received compensation of \$100,000 or more in a fiscal year. Appendix D of this Guide provides a template for a No Compensation to Disclose Report. No Compensation to Disclose reports require the signature of the Chief Financial Officer of the organization.

When and How to Disclose

Coordinated Release - Members of the Government Reporting Entity and Public Sector Bodies Designated by Regulation

Public sector bodies that are members of the GRE or are designated by regulation are required to release their Compensation Report on a date determined by the Minister of Finance and Treasury Board in a consistent format under the Time and Manner of Disclosure Regulations made under Section 9 of the PSCDA. The release date will normally coincide with the release of the province's Public Accounts, which usually occurs in mid-summer. Public sector bodies are required to submit their audited Compensation Reports directly to DOFTB annually by June 30th.

To view these regulations, please visit:

<http://www.novascotia.ca/just/regulations/regs/psctime.htm>

In cases where a public sector body plans to release audited financial statements prior to the date determined by the Minister of Finance and Treasury Board, the entity *should refrain* from including any compensation information in its audited financial statements. In this case, compensation information should be disclosed in a stand-alone report on the date determined by the Minister of Finance and Treasury Board.

Public sector bodies which release financial statements on or after the date determined by the Minister of Finance and Treasury Board may include compensation information within their audited financial statements.

Members of the GRE and those designated by regulation are required to submit their compensation report or no compensation to disclose report directly to DOFTB in the specified electronic format (see page 11 under Specified Electronic Format) by June 30th of each year. Reports should be sent by email to pscda@novascotia.ca.

Organizations are also required to post their compensation reports or no compensation to disclose reports on their own publicly accessible websites on the date determined by the Minister of Finance and Treasury Board.

Not-for-Profit Organizations

Not-for-profit organizations that self-identify as public sector bodies are required to post compensation reports within six months of the end of their fiscal year.

Not-for-profit organizations are required to submit their compensation reports or no compensation to disclose reports directly to DOFTB within six months of the end of their fiscal year. Not-for-profit organizations are also required to post their compensation reports or no compensation to disclose reports to their own publicly accessible website within six months of the end of their fiscal year.

Specified Electronic Format

Please provide Compensation Reports or No Compensation to Disclose Reports in a searchable PDF document format (Tagged PDF in the PDF/A-1a specification). This means the PDF document must be generated from the original word processing document, not a scanned document or image. This type of searchable PDF document can be created using Adobe Acrobat Pro software, newer versions of Microsoft Word/Excel, and Corel WordPerfect/Quattro Pro. For assistance, please see the Adobe PDF Accessibility Guide: <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

Annual Report Deadline

The annual deadline to submit a Compensation Report or No Compensation to Disclose Report to DOFTB for a given fiscal year is **June 30**. Reports should be sent via email in the electronic format specified above to: pscda@novascotia.ca

Please note: Public sector bodies that are Not-for-Profit organizations are not required to release their Compensation Report or No Compensation to Disclose Report on the date determined by the Minister of Finance and Treasury Board. Rather, such public sector bodies should disclose compensation information within six months after the end of their fiscal year in accordance with Section 3 of the Act.

Department of Finance & Treasury Board Contact

Questions regarding the PSCDA may be sent DOFTB using the following email address:
pscda@novascotia.ca

Please note: The PSCDA contains no authority for DOFTB to make binding rulings on disclosure or content. Although the Department can provide public sector bodies with an interpretation of PSCDA requirements, and the principles applied in arriving at the interpretation, final decisions with respect to disclosure rests with the public sector body within the context of the Act and regulations.

Appendices

Appendix A - Frequently Asked Questions

Q – Same day publication: Are members of the GRE and those designated by regulation required to coordinate the public release of their compensation reports with the Provincial Public Accounts?

A: Yes. Public sector bodies that are members of the GRE or are designated by regulation are required to release their Compensation Report on a date determined by the Minister of Finance and Treasury Board. It is intended that the release date determined by the Minister of Finance and Treasury Board will coincide with the release of the province's Public Accounts, which usually occurs in mid-summer. Therefore, GREs and public sector bodies designated by regulation are required to submit their audited Compensation Reports directly to DOFTB annually by June 30th. Public sector bodies that are Not-for-Profit organizations are not required to release their Compensation Report or No Compensation to Disclose Report on the date determined by the Minister of Finance and Treasury Board. Rather, such public sector bodies should disclose compensation information within six months after the end of their fiscal year in accordance with Section 3 of the Act.

Q – Separate document or included in financial statements: Is there a requirement for Public Sector Compensation Disclosure information to be reported in a document separate from the financial statements of the public sector body?

A: Public sector bodies may disclose compensation information either in a stand-alone report separate and apart from their audited financial statements or in a separate schedule which forms part of the body's audited financial statements. If a public sector body wishes to, or is required to, release their audited financial statements prior to the date determined by the Minister of Finance and Treasury Board for the release of Compensation Reports, then the body should disclose its compensation information via a stand-alone report. The stand-alone report should not be publicly released until the date determined by the Minister of Finance and Treasury Board. Public sector bodies which release financial statements on or after the date determined by the Minister of Finance and Treasury Board for the release of Compensation Reports may include compensation information as a separate schedule within their audited financial statements.

Q – Reporting Format: Is there a specific format for reporting compensation?

A: Yes, compensation information must be in the format approved by the Minister of Finance and Treasury Board. The template for compensation reports requires the first and last name of the person being compensated and the amount of compensation. Please note that Section 7 of the PSCDA only addresses disclosure of information required by the Act and regulations. Should a public sector body disclose information beyond what is required under the PSCDA or the regulations, it is the responsibility of the public sector body to ensure it is in compliance with privacy and other laws, including the *Freedom of Information and Protection of Privacy Act*. It is recommended that a public sector body consult with their legal counsel prior to publishing compensation information beyond that required by the Act and regulations. All compensation reports must be submitted in a searchable PDF document format (Tagged PDF in the PDF/A-1a specification). This means the PDF document must be generated from the original word processing document, not a scanned document or image. This type of searchable PDF document can be created using Adobe Acrobat Pro software, newer versions of Microsoft Word/Excel, and Corel WordPerfect/Quattro Pro.

Q – Posting and public access: Are all PSCDA documents posted on the same website?

A: Public sector bodies that are members of the GRE or are designated by regulation are required to submit their Compensation Report or No Compensation to Disclose Report to DOFTB in the electronic format specified in this Guide to be posted on the DOFTB website on the date determined by the Minister of Finance and Treasury Board to facilitate public access to compensation information. Public sector bodies must also post their Compensation Report or No Compensation to Disclose Report on their own website.

Q – Contract services and incorporated entities: Do payments made to incorporated entities fall within the present PSCDA if they exceed the (\$100,000) reporting limit?

A: Payments to corporate or business entities are not included in the PSCDA. Only compensation paid to persons that are individuals requires disclosure under the PSCDA. However, contractors or consultants who are persons and who receive compensation as an individual equaling or exceeding \$100,000 in a fiscal year should be included in the public sector body's compensation report.

Q- Staff Paid by a Government Department on Behalf of a GRE or Public Sector Body: If a GRE or public sector body has no staff of their own and relies on work from staff at a Government Department, who reports the compensation?

A: If a GRE or other public sector body relies on staff from a Government Department and the cost of compensation for their work is reflected in the expenses of the Government Department then the reporting responsibility rests with that department. Government Departments report staff compensation in Volume 3 of the Public Accounts.

Appendix B – Post Secondary Institutions Designated by Regulation as Public Sector Bodies

Acadia University
Atlantic School of Theology
Cape Breton University
Dalhousie University
Mount Saint Vincent University
Nova Scotia College of Art and Design University
St. Francis Xavier University
Saint Mary's University
Université Sainte-Anne
University of King's College

Appendix C – Compensation Report Template

ENTITY NAME

Statement of Compensation

Required Pursuant To The Public Sector Compensation Disclosure Act

Year Ended March 31, 20XX

Section 3 of the *Public Sector Compensation Disclosure Act* of the Province of Nova Scotia, requires public sector bodies to publicly disclose the amount of compensation it pays or provides, directly or indirectly, to any person in the fiscal year if the amount of compensation to that person is one hundred thousand dollars or more including compensation paid to, or for the benefit of, each of its board members, officers, employees, contractors and consultants.

Auditor Comments

(To be compiled by the auditor of the public sector body.)

Board Members, Officers and Employees, Contractors and Consultants

For the year ended March 31, 20XX, the following board members, officers and employees received compensation of \$100,000 or more:

Board Members, Officers, Employees, Contractors and Consultants	
Last Name, First Name	Compensation Paid (\$) (Rounding to nearest (\$) is permissible)
Doe, Jane	\$110,000.00
Doe, John	\$150,000.25

Notes to the Statement of Compensation

(Please add any notes on compensation items that warrant further explanation)

Basis of Reporting

This statement has been prepared by **ENTITY NAME**, a public sector body, required to report compensation information pursuant to the Public Sector Compensation Disclosure Act (the Act) of the Province of Nova Scotia.

The management of **ENTITY NAME** is responsible for the preparation of this statement in accordance with the Act.

Section 4 of the Act requires that the information reported in this statement be disclosed in the body of the audited financial statements of **ENTITY NAME** or in a statement prepared for the purposes of the Act and certified by its auditors.

Compensation

Section 2(b) of the Act defines compensation as the total amount or value of all cash and non-cash salary, wages, payments, allowances, bonuses, commissions and perquisites, other than a pension, pursuant to any arrangement, including an employment contract, and includes, without restricting the generality of the foregoing,

(i) all overtime payments, retirement or severance payments, lump-sum payments and vacation payouts,

(ii) the value of loan or loan-interest obligations that have been extinguished and of imputed-interest benefits from loans,

(iii) long-term incentive plan earnings and payouts,

(iv) the value of the benefit derived from vehicles or allowances with respect to vehicles,

(v) the value of the benefit derived from living accommodation provided or any subsidy with respect to living accommodation,

(vi) payments made for exceptional benefits not provided to the majority of employees,

(vii) payments for memberships in recreational clubs or organizations, and

(viii) the value of any other payment or benefit prescribed in the regulations.

Appendix D – No Compensation to Disclose Report Template

ENTITY NAME

Statement of No Compensation to Disclose
Required Pursuant to the Public Sector Compensation Disclosure Act
Year Ended March 31, 20XX

ENTITY NAME is a public sector body as defined by Section 2(f) of the *Public Sector Compensation Disclosure Act*.

To the best of my knowledge and belief, no board members, officers, employees, contractors or consultants of the above organization were paid compensation as defined in the *Public Sector Compensation Disclosure Act*, in the fiscal year **20XX-20XX** of \$100,000 or more.

Name:

Position Title:

Signature:

Date: