

PREPARING YOUR REPORT FOR THE YEAR 2012

Public Sector Salary Disclosure Act

GUIDE

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Introduction

The *Public Sector Salary Disclosure Act, 1996* (PSSDA) and the *Public Sector Salary Disclosure Amendment Act, 2004* were passed to make Ontario's public sector more open and accountable to taxpayers. The PSSDA requires organizations that receive public funding from the Province of Ontario to disclose annually the names, positions, salaries and total taxable benefits of employees paid \$100,000 or more in a calendar year.

The PSSDA covers the Government of Ontario, crown agencies, municipalities, hospitals, boards of public health, school boards, universities, colleges, Hydro One, Ontario Power Generation, and other public sector employers who receive a significant level of funding from the Province.

Key Dates in 2013 for Reporting of 2012 Salaries

Date	Requirement
March 7, 2013	Deadline for all organizations to submit their records or statements to their funding
March 31, 2013	Organizations must make their records or statements public by the end of March each year. (The release date for 2013 is still to be confirmed.)

The purpose of this guide is to:

1. Help employers determine if they are covered under the PSSDA.
2. Explain what to disclose, how salaries and total taxable benefits are calculated and how to prepare the disclosure report.
3. Explain how to comply with the legislative requirements.

If you have any questions after reading this guide, please contact your responsible ministry. A list of contacts, phone numbers and e-mail addresses is available at the end of the guide.

Additional information can also be found at the Public Sector Salary Disclosure section of the Ministry of Finance website:

www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

The *Public Sector Salary Disclosure Act, 1996* and the related Regulations are available on the Ontario E-Laws website www.e-laws.gov.on.ca.

What's New This Year?



New Reporting Requirements

Beginning with salaries paid in 2012 that will be reported in March 2013, organizations subject to the PSSDA are required to report their employees receiving per diems and/or retainers, if the remuneration is \$100,000 or more. **In these cases, the employees' remuneration will be reported as salaries.** This information will be disclosed in the salary records made public by March 31, 2013.



Changes to the Act

Definition of "Salary"

The definition of "salary" in the PSSDA has been amended (Regulation 385/12).

- "Salary" now includes per diems and/or retainers paid by an organization to an individual who is a director or holder of office elected or appointed under the authority of an Act of Ontario.
- As of January 1, 2013, organizations subject to the Act will be required to disclose any remuneration paid to their employees, which includes directors or holders of office elected or appointed under the authority of an Act of Ontario, based on the amended definition of "salary".

Please refer to Section 2 for more information.

The *Public Sector Salary Disclosure Act, 1996* and the related regulations, including the amendments, are available on the Ontario E-Laws website:

www.e-laws.gov.on.ca.

Reporting Overview

Reporting Requirements

All organizations are required to submit to their funding ministry one of the following three records:

1. Prepare and make available to the public, salary records for your employees based on the amended definition of “salary” who were paid \$100,000 or more in the calendar year (refer to Section 3 for more information on how to complete this form).

OR

2. If you have no employees’ salaries to disclose, you must prepare and submit the “Statement of No Employee Salaries to Disclose.” You need to consider all your employees, including directors or holders of office elected or appointed under the authority of an Act of Ontario, when preparing this statement (refer to Section 2.3 for more information on how to complete this form).

OR

3. If you do not meet the funding condition, you must prepare and submit the “Statement that Organization Does Not Meet Funding Condition.” If your organization has only directors or holders of office elected or appointed under the authority of an Act of Ontario, you must still prepare and submit this statement (refer to Section 1.5 for more information on how to complete this form).

Reporting Deadlines

The *Public Sector Salary Disclosure Act* (Regulation 85/96) requires:

- all employers subject to the PSSDA to submit their disclosure records to their funding ministries by the **fifth business day of March** each year;
- employers subject to the PSSDA, other than the Crown, with an employee seconded to a ministry to provide by the fifth business day of March each year, the disclosure record in respect of that employee to the ministry where the employee is seconded. These employers will also report these employees on their own disclosure records.
 - The ministry the employee is seconded to is required to disclose the employee’s name, position title at the ministry, name of the employer, and the salary and taxable benefits the employer is reporting.
 - Please refer to Section 6 for more detailed instructions on reporting employees seconded to ministries.

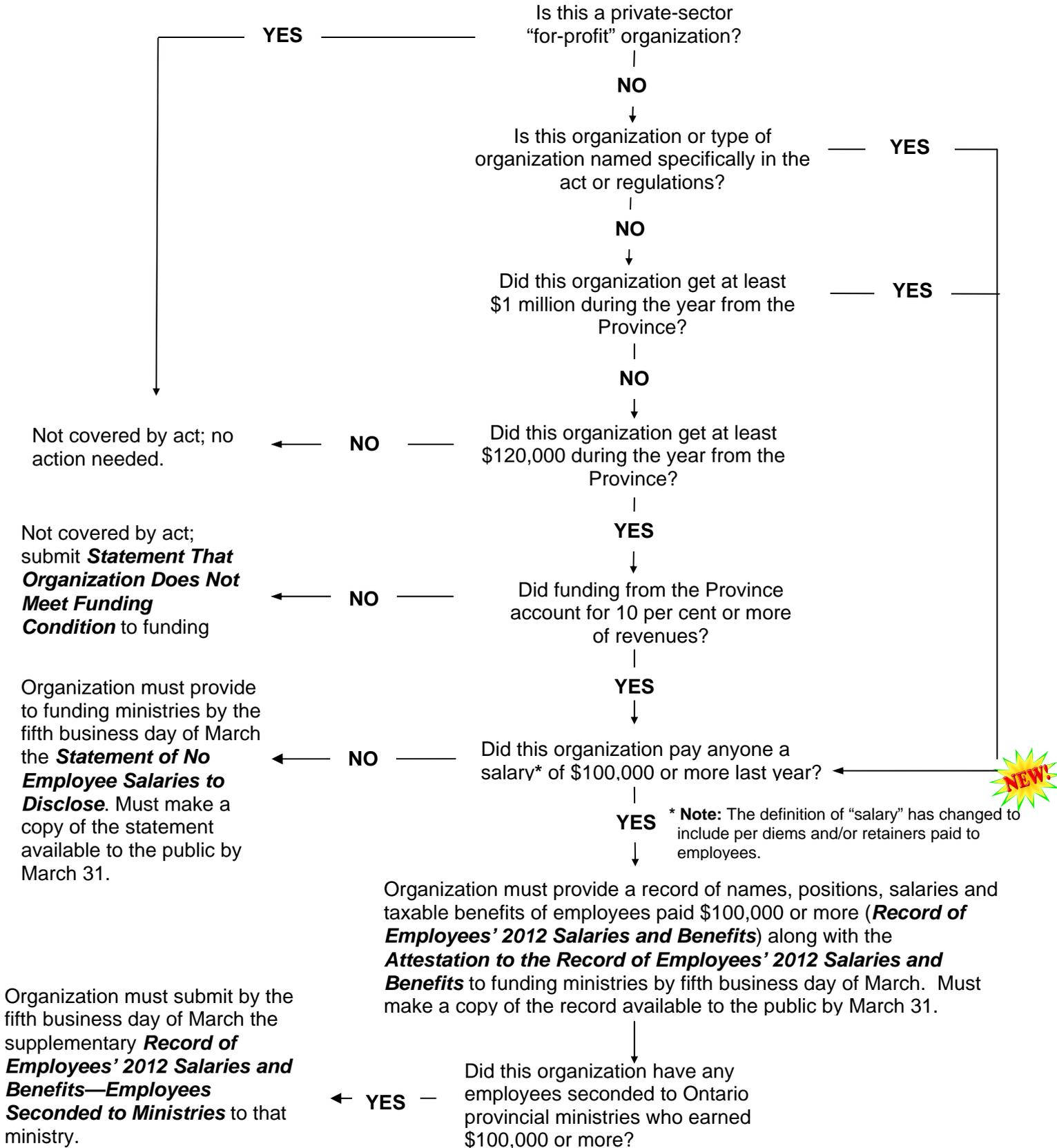
Reporting Requirements for Organizations Subject to the *French Language Services Act*

To meet the requirements of the *French Language Services Act*, organizations subject to the PSSDA that have salaries to report, and that are also subject to the *French Language Services Act*, must ensure that the organization name and employees' job titles are also reported in French.

Organizations that do not have salaries to disclose or that do not meet the funding condition, must ensure that the corresponding Statement of No Employee Salaries to Disclose or Statement That Organization Does Not Meet Funding Condition is submitted also in French.

All reporting templates are available in a bilingual format. Organizations are responsible for their translations. Please refer to Section 4 for more information.

Quick Guide to Public Sector Salary Disclosure



Section 1: Is My Organization Covered Under the PSSDA?

This section explains which organizations are covered and the funding condition.

1.1 Public Sector Organizations Specifically Listed as "Employers" in the Act

All these organizations are covered under the PSSDA:

- The Crown in Right of Ontario (the Provincial Government)
- Municipalities
- School boards
- Universities
- Colleges of applied arts and technology
- Post-secondary institutions in Ontario, the enrolments of which are counted for purposes of calculating annual operating grants entitlements
- Hospitals (as defined in the *Public Hospitals Act*, *Private Hospitals Act* and *Community Psychiatric Hospitals Act*)
- Boards of health
- Agencies established by the Province of Ontario
- Authorities, boards, commissions, corporations, offices and organizations where a majority of the directors, members or officers are appointed under the authority of the Lieutenant Governor in Council by Order in Council
- Office of the Lieutenant Governor in Council, Office of the Assembly, members of the Assembly and offices of persons appointed on an address of the Assembly
- Hydro One Inc., Ontario Power Generation Inc. and each of their subsidiaries.

1.2 Organizations Considered as "Employers" if They Meet the Funding Condition

Some organizations are covered only if they received a significant amount of funding from the Province during the calendar year:

- A local board of a municipality
- Corporations, with share capital, where at least 90 per cent of the issued shares are owned or held by any of the organizations listed above and every wholly-owned subsidiary thereof
- Corporations without share capital, the majority of whose members, directors or officers are appointed or chosen by any of the organizations listed above and every wholly-owned subsidiary thereof
- Not-for-profit organizations receiving funding from the Province.

1.3 Organizations Excluded from the Act

The following organizations are not covered under the act:

- Organizations that carry on their activities for the purpose of gain or profit to their members or shareholders
- Not-for-profit organizations, local boards of a municipality, corporations owned or controlled by the public sector organizations listed above (in Section 1.1), **if they do not meet the funding condition.**

1.4 The Funding Condition

Some organizations (such as not-for-profit organizations, local boards of municipalities, and corporations owned or controlled by the public sector organizations listed in the PSSDA) are covered if they received funding from the Province as detailed below.

Generally, funding refers to transfer payments. A transfer payment is a transfer of money to an organization for which the Province **does not**:

- receive goods or services directly in return, as would occur in a purchase or sale transaction;
- expect to be repaid in the future, as would be expected in the case of a loan; or
- expect a financial return, as would be expected in the case of an investment.

The major types of transfer payments are shared cost agreements and grants.

Funding received from the Province of Ontario in 2012	Requirements under the PSSDA
Under \$120,000	The organization is not covered under the PSSDA and does not have to disclose.
At least \$120,000 but under \$1 million	<p>The organization is covered under the PSSDA if the funding represents 10 per cent or more of the organization's gross revenues for the calendar year. In that case, the organization must disclose.</p> <p>If the funding represents less than 10 per cent of the organization's gross revenues for the calendar year, the organization is not required to disclose. Submit a Statement That Organization Does Not Meet Funding Condition to your funding ministries. The form is available on the Ministry of Finance website: www.fin.gov.on.ca/en/publications/salarydisclosure/2013/</p>
\$1 million and more	Organization is covered under the PSSDA and must disclose.
Total funding	An organization may receive funding from more than one ministry. Ultimately, it is the responsibility of the organization to determine whether it meets the funding criteria since the act refers to total funding from the Province, not just from one ministry.

1.5 Statement That Organization Does Not Meet Funding Condition

Organizations that are subject to the funding condition and that received at least \$120,000 but less than \$1 million in funding from the Government of Ontario where the amount received **was less than ten per cent** of their gross revenues are asked to submit a **Statement That Organization Does Not Meet Funding Condition**. These organizations must submit the Statement by **March 7, 2013** to all the ministries from whom they received funding.

This form is available on the Ministry of Finance website at:
www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

Example:

The example below is a fictional situation and the sample statement has been provided for illustrative purposes only.

Organization 123 is an organization that meets clause (c), (g), (h) or (k) of the definition of public sector. In 2012, it received \$250,000 from the Government of Ontario. However, this amount made up less than 10 per cent of its gross revenues. Therefore it does not meet the funding condition and is not captured by the PSSDA.

It will complete and submit the Statement That Organization Does Not Meet Funding Condition to all its funding ministries.

Sample Record of Statement

STATEMENT THAT ORGANIZATION DOES NOT MEET FUNDING CONDITION

DÉCLARATION SELON LAQUELLE L'ORGANISATION NE RESPECTE PAS LA CONDITION RELATIVE À L'AIDE FINANCIÈRE

Organization 123

(Name of Organization / nom de l'organisation)

This organization is subject to the funding condition in subsection 2(2) of the *Public Sector Salary Disclosure Act, 1996*, ("the act").

To the best of my knowledge and belief, in the 2012 calendar year, this organization received at least \$120,000 but less than \$1 million in funding from the Government of Ontario, and the total amount received from the Government of Ontario equaled less than ten per cent of this organization's gross revenues for the 2012 calendar year. As a result, this organization does not meet the funding condition as defined in subsection 2(2) of the act.

L'organisation susmentionnée est assujettie à la condition relative à l'aide financière précisée au paragraphe 2 (2) de la *Loi de 1996 sur la divulgation des traitements dans le secteur public* (la « loi »).

À ma connaissance, au cours de l'année civile 2012, l'organisation susmentionnée a reçu au moins 120 000 \$, mais moins de 1 000 000 \$ du gouvernement de l'Ontario sous forme d'aide financière. Le montant total de l'aide financière reçue du gouvernement de l'Ontario était inférieur à 10 pour 100 des revenus bruts de l'organisation pour l'année civile 2012. En conséquence, l'organisation susmentionnée ne satisfait pas à la condition relative à l'aide financière précisée au paragraphe 2 (2) de la loi.

John Doe _____

Name / Nom

(Highest Ranking Officer)

(dirigeant / dirigeante de l'organisation qui occupe le rang le plus élevé)

Chief Executive Officer _____

Position Title / Poste

(signature) _____

Signature / Signature

March 7, 2013 _____

Date / Date

If your organization meets clause (c), (g), (h) or (k) of the definition of public sector, then you must fill out this form. If your organization does not meet any of those clauses, then you do not need to fill out this form.

Refer to Section 1.4 of the guide **Preparing Your Report for the Year 2012, *Public Sector Salary Disclosure Act*** for more information on the funding condition.

Si votre organisation satisfait à l'alinéa c), g), h) ou k) de la définition du terme « secteur public », vous devez remplir la présente formule. Si elle ne satisfait à aucun de ces alinéas, vous n'avez pas besoin alors de remplir la formule.

Pour un complément d'information sur la condition relative à l'aide financière, consulter la section 1.4 du guide intitulé « **Préparation du rapport de 2012 aux fins de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*** ».

Section 2: How Do I Know if My Organization Has Any Employees Whose Salary Should be Disclosed?

This section explains how to identify the employees captured by the PSSDA and how to calculate their salary paid. Ultimately, it is the organization that will know if it has to either disclose employee salaries or complete a Statement of No Employee Salaries to Disclose.

An “employee” is a director or officer of an employer, or a holder of office elected or appointed under the authority of an Act of Ontario.



For the purposes of the PSSDA, organizations may have two types of individuals to disclose:

- Employees receiving salaries, as reported on T4 slips; and
- Employees receiving remuneration in the form of per diems or retainers.

Note: If an organization has paid an individual a per diem and/or retainer in the 2012 calendar year, as well as issued a T4 for 2012, **all amounts** must be included when calculating the “salary paid.”

2.1 SALARIES REPORTED ON T4 SLIPS

2.1.1 Employees Receiving T4 Slips

Everyone to whom your organization issues a T4 slip is considered an employee.

Employees on secondment or temporary assignment are considered employees of the organization that issued their T4.

2.1.2 Calculation of the “Salary Paid”

When an employee's **salary** is at least \$100,000, an organization is required to disclose the salary amount and the value of taxable benefits. The \$100,000 salary cut-off does not include taxable benefits. To calculate the salary paid and taxable benefits, use the amounts in specific boxes on the T4 slip as shown below.

Salary Calculation

**Salary Paid = (Box 14 of T4 slip) - (Boxes 30+32+34+36+38+40 of T4 slip)
Amounts reported in boxes 66, 67, 68 and 69 of the T4 continue to be exempt
from the Salary Calculation.**

For information on what is reported in the T4 boxes, please visit the Canada Revenue Agency website:

www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/rtrns/t4/slps/cmpltng-eng.html

Example:

Box 14 of T4 slip = \$101,000.00

Sum of boxes 30+32+34+36+38+40 of T4 slip = \$1,200.00

**Salary Paid = \$101,000.00 - \$1,200.00
= \$99,800.00**

This employee is not reported because the salary paid is less than \$100,000.00.

2.1.3 Difference Between Salary Rate and Salary Paid

The salary paid on the T4 slip may not be the same as the salary *rate* for the position, or the salary *earned* in 2012. There may be differences due to payments such as retroactive pay, grievances prior to 2012, etc. Payment for overtime, which is usually paid on top of the annual salary, pushes the amount of salary *paid* above the annual salary *rate*.



2.2 REMUNERATION PAID AS PER DIEMS/RETAINERS

2.2.1 Employees Receiving Per Diems/Retainers

Starting for the 2012 *calendar year*, retainers and/or per diems paid to a director or holder of office elected or appointed under the authority of an Act of Ontario are subject to disclosure.

These individuals are captured by the PSSDA regardless of having received any tax reporting slip (i.e. T4, T4A, etc.) from the organization.

2.2.2 Calculation of the “Salary Paid”

Only when the remuneration (per diem/retainer) is at least \$100,000 is an organization required to disclose the “salary paid” amount (and the value of taxable benefits, if applicable). The \$100,000 cut-off does not include taxable benefits.

Organizations may need to use financial records to calculate these individuals’ salaries.

2.2.3 Remuneration Paid vs. Remuneration Earned

Only per diems/retainers *paid* to the individual in the 2012 calendar year are to be included in the “salary paid” as reported for PSSD. Do not include any amounts paid before January 1, 2012 or after December 31, 2012.

Do not include payments paid outside the 2012 calendar year, even if they were *earned* during that time.

Example:

Financial records indicate sum of per diems paid to a director or holder of office elected or appointed under the authority of an Act of Ontario in 2012 = \$97,650.00

Salary Paid = \$97,650.00

This employee is not reported because the salary paid is less than \$100,000.00.

2.3 No Employee Salaries to Disclose

An employer covered under the PSSDA is required to produce a Statement of No Employee Salaries to Disclose if it has no employees to disclose (i.e. no employee was paid \$100,000 or more). Employees include directors or holder of office elected or appointed under the authority of an Act of Ontario. Submit the completed statement to the responsible ministry. This form is available on the Ministry of Finance website at: www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

Submit the statement by fax or e-mail to the funding ministry or ministries by **March 7, 2013.*** Section 5 of this guide provides more information on where to send your statement. A list of ministry contacts is available at the end of this guide.

Example:

The example below is a fictional situation and the sample statement has been provided for illustrative purposes only.

Organization ABC is captured by the PSSDA, however it did not pay any of its employees at least \$100,000 in 2012. It will complete and submit the Statement of No Employee Salaries to Disclose to all its funding ministries.

* Regulation 85/96 of the *Public Sector Salary Disclosure Act* requires that organizations submit their records to their funding ministries no later than the fifth business day of March.

Sample Record of Statement

STATEMENT OF NO EMPLOYEE SALARIES TO DISCLOSE

DÉCLARATION SELON LAQUELLE IL N'Y A PAS DE TRAITEMENT D'EMPLOYÉS À DIVULGUER

Organization ABC

(Name of Organization / nom de l'organisation)

To the best of my knowledge and belief, no employees of the above organization were paid a salary as defined in the *Public Sector Salary Disclosure Act, 1996*, in the calendar year 2012, of \$100,000 or more.

À ma connaissance, aucun employé de l'organisation susmentionnée n'a reçu un traitement, au sens de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*, au cours de l'année civile 2012, de 100 000 \$ ou plus.

John Doe

Chief Executive Officer

Name / Nom

Position Title / Poste

(Highest Ranking Officer)

(dirigeant / dirigeante de l'organisation qui occupe le rang le plus élevé)

(signature)

March 7, 2013

Signature / Signature

Date / Date

Prepared under the *Public Sector Salary Disclosure Act, 1996*

Préparée en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Section 3: How Does My Organization Disclose the Employees Earning \$100,000 or More?

This section explains how to complete the Record of Employees' 2012 Salaries and Benefits when an organization has employees to disclose.

3.1 Record of Employees' 2012 Salaries and Benefits

If your organization has employees who were paid \$100,000 or more, complete a Record of Employees' 2012 Salaries and Benefits. Employees include directors or holders of office elected or appointed under the authority of an Act of Ontario. The template is available at:

www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

Submit the record to the funding ministry or ministries, preferably in electronic Excel format, by **March 7, 2013**.^{*} Section 5 explains where to send the record. A list of ministry contacts is also available at the end of this guide.

3.2 How to Complete the Excel Template

The Record of Employees' 2012 Salaries and Benefits consists of seven fields that must be completed for each employee.

1. Sector

Choose from one of the following in the dropdown menu:

- Government of Ontario - Legislative Assembly and Offices
- Crown Agencies
- Municipalities and Services
- Hospitals and Boards of Public Health
- School Boards
- Universities
- Colleges
- Hydro One and Ontario Power Generation
- Other Public Sector Employers

2. Employer

Provide the organization's legal name spelled in full. Do not abbreviate. Please be consistent with the name appearing in last year's disclosure, if applicable. Ministry of Finance will abbreviate where necessary. Organizations subject to the *French Language Services Act* must ensure that this field is also reported in French.

^{*} Regulation 85/96 of the *Public Sector Salary Disclosure Act* requires that organizations submit their records to their funding ministries no later than the fifth business day of March.

3. Surname

- Use the employee's surname, as shown on the 2012 T4 slip, or other financial record if this individual was not issued a T4 slip.
- Do not use "Estate of" in the case where an employee is deceased.
- Use all upper case text.

4. Given Name

- Use the employee's full given name (not just first initial), as shown on the 2012 T4 slip, or other financial record if this individual was not issued a T4 slip.
- Do not use "Estate of" in the case where an employee is deceased.
- Use all upper case text.
- Although middle initials are not required, if you do include them, insert a period after each initial.
- If there are two employees with the same first and last names, include a middle name or initial to differentiate between them.

5. Position Title

Use the position title held on December 31, 2012. If the employee was no longer with the employer at the end of 2012, use the position title last held by the employee.

- Spell the position title in full (no abbreviations or acronyms).
- Do not use all upper case text. Use regular sentence case text (i.e., Director of Finance).
- Organizations subject to the *French Language Services Act* must ensure that this field is also reported in French.

Certain expressions should not be used in the position title as they provide extra information that is not required by the PSSDA. Adding these expressions to a position title is an infringement of the *Freedom of Information and Protection of Privacy Act*.

Some examples are:

- Do not use the words "temporary" or "former."
- Do not use the word "Acting." The **only** exception is when there is an official contract or paper trail which officially designates the position as acting.
- Do not indicate that the employee is on a temporary assignment unless you receive written consent from the employee. (Special provisions apply to employees seconded to ministries. See Section 6 for more information)

6. Salary Paid

Amount paid by the employer to the employee in 2012.

Do not provide any breakdown of the components of the salary.

Salaries Reported on T4 Slips

- To calculate the salary paid, subtract boxes 30, 32, 34, 36, 38, and 40 from box 14 of the T4 slip.
- **Salary Paid = [Box 14] - [Boxes 30+32+34+36+38+40]**

Remuneration Paid as Per Diems/Retainers

- Total of per diems/retainers paid in 2012 calendar year, as indicated on financial records.

If an individual was paid per diems and/or retainers in the 2012 calendar year, as well as issued a T4 for 2012, **all amounts** must be included in “salary paid” calculation.

7. Taxable Benefits

Taxable Benefits Reported on T4 Slips

Amount paid by the employer to the employee in 2012 as reported on the T4 slip. (Total of boxes 30, 32, 34, 36 and 40).

- Do not provide any breakdown of the specific taxable benefits.
- **Taxable Benefits = Boxes 30+32+34+36+40**

If an individual who received per diem and/or retainer remuneration, also received taxable benefits, then these taxable benefits are also reported.

Travel and meal expenses incurred by the individual and reimbursed by the employer are not considered a taxable benefit. Do not include these amounts in the calculation of taxable benefits.

3.3 Attestation to the Record of Employees' 2012 Salaries and Benefits

The disclosure record is to be accompanied by an Attestation to the Record of Employees' 2012 Salaries and Benefits signed by the highest ranking officer. This form is available on the Ministry of Finance website at:

www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

Examples:

Examples of fictional situations and sample disclosures have been provided below for illustrative purposes only.

Example 1

Jane Doe is the chief of staff for Red Hospital. In 2012, she earned a regular salary of \$97,000.00 and taxable benefits of \$525.16. She also received a retroactive salary payment of \$4,500.00 for 2011, as a result of settlement of negotiations for a salary increase beginning in 2009. Jane's T4 for 2012 reflects a salary paid of \$101,500.00 (\$97,000.00 + \$4,500.00) in the year 2012.

Jane Doe's T4:

- Box 14 amount is \$102,025.16
- Box 30 = 0, Box 32 = \$525.16, Box 34 = 0, Box 36 = 0, Box 38 = 0 and Box 40 = 0
- **Salary paid** = [Box 14] - [Boxes 30+32+34+36+38+40]
= \$102,025.16 - \$525.16 = **\$101,500.00**
- **Taxable Benefits** = Boxes 30+32+34+36+40
= 0 + \$525.16 + 0 + 0 = **\$525.16**

Example 2

Rose Lee is a registered nurse and a permanent employee at Red Hospital. She is on a temporary assignment to Blue Hospital to work on a special project from May 2012 to December 2013. Rose is still paid by Red Hospital during that time but Blue Hospital reimburses part of her salary to Red Hospital.

At the end of the year:

- Red Hospital issues a T4 for Rose for 2012.
- The calculation of her salary paid for the PSSDA is over \$100,000.
- Rose's position title at Red Hospital is registered nurse but the payroll system reported her as "Registered Nurse on temporary assignment to Blue Hospital."
- Blue Hospital does not issue a T4 for Nurse Rose.

In this case, Rose will be disclosed under Red Hospital. Her position title will be "Registered Nurse." If Red Hospital wants to mention that Rose is on temporary assignment with Blue Hospital, Rose needs to give written consent. If she accepts, her position title will be "Registered Nurse (on temporary assignment to Blue Hospital)."

Example 3

David Jones is a part-time member of the board at Red Hospital and is paid on a per diem basis. In 2012, the sum of per diem payments paid to David for the calendar year is \$103,750.00.

At the end of the year:

- Red Hospital does not issue a T4 for David for 2012.
- Red Hospital's financial records indicate that the calculation of his salary paid is over \$100,000.

In this case, David will be disclosed under Red Hospital. His position title will be "Board Member".

Example 4

Robert Smith was a Vice President of Red Hospital until his retirement in September 2012. He was paid a salary of \$96,785.23 and \$1,345.55 in taxable benefits in 2012. Upon his retirement, he was appointed as a part-time member to the board at Red Hospital and was paid on a per diem basis for the remainder of 2012. In 2012, the sum of per diem payments paid to Robert for the calendar year is \$5,125.00. Both amounts are subject to disclosure and must be added together when calculating the salary paid.

At the end of the year:

- Red Hospital issues a T4 for Robert for 2012 reporting a salary of \$96,785.23 and \$1,345.55 in taxable benefits.
- Red Hospital's financial records indicate he was paid \$5,125.00 in per diems.
- The total salary that will be reported for Robert is \$101,910.23. The total taxable benefits that will be reported for Robert is \$1,345.55.
 - **Salary Paid** = T4 amounts + per diem amounts
= \$96,785.23 + \$5,125.00 = **\$101,910.23**
 - **Taxable Benefits** = T4 amounts
= **\$1,345.55**

In this case, Robert will be disclosed under Red Hospital. His position title will be "Board Member", which is the title he held on December 31.

Sample record of disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012						
Sector / Secateurs	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Hospitals and Boards of Public Health	Red Hospital	DOE	JANE	Chief of Staff	\$101,500.00	\$525.16
Hospitals and Boards of Public Health	Red Hospital	JONES	DAVID	Board Member	\$103,750.00	\$0.00
Hospitals and Boards of Public Health	Red Hospital	LEE	ROSE	Registered Nurse	\$101,040.00	\$200.00
Hospitals and Boards of Public Health	Red Hospital	SMITH	ROBERT	Board Member	\$101,910.23	\$1,345.55

This record has been approved by: / Ce registre a été approuvé par :

Name / Nom _____ **Position Title / Poste** _____
Phone Number / Téléphone _____ **Date / Date** _____

Prepared under the *Public Sector Salary Disclosure Act, 1996*
 Préparé en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Sample record of attestation

ATTESTATION TO THE RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS ATTESTATION RELATIVEMENT AU REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012

Red Hospital

(Name of Organization / nom de l'organisation)

To the best of my knowledge and belief, the information provided on the Record of Employees' Calendar Year 2012 Salaries and Benefits is complete, accurate, reliable, is in accordance with the *Public Sector Salary Disclosure Act, 1996*, and meets the filing requirements as provided by the Ministry of Finance.

À ma connaissance, les renseignements figurant dans le Registre des traitements et avantages versés aux employés pour l'année civile 2012 sont complets, exacts, fiables et conformes à la *Loi de 1996 sur la divulgation des traitements dans le secteur public*. De plus, ils respectent les exigences en matière de présentation de documents fixées par le ministère des Finances.

John Doe _____

Name / Nom

(Highest Ranking Officer)

(dirigeant / dirigeante de l'organisation qui occupe le rang le plus élevé)

Chief Executive Officer _____

Position Title / Poste

(signature)

Signature / Signature

March 7, 2013 _____

Date / Date

Prepared under the *Public Sector Salary Disclosure Act, 1996*

Préparée en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Section 4: Organizations Subject to the *French Language Services Act*

This section provides guidance on how organizations subject to the *French Language Services Act* (FLSA) can complete their disclosure records to ensure that the organization name and employees' job titles are also reported in French.

The Ontario government has a bilingual knowledge-based website that contains Ontario government terminology and information. Organizations may wish to use this database to access job titles that are already translated from English to French. The database is available at: www.onterm.gov.on.ca

Example:

The example below is a fictional situation and the sample disclosure record has been provided for illustrative purposes only.

Organization X is captured by the PSSDA and is also subject to the FLSA. To meet the requirements of the FLSA, it will include its organization name and its employees' job titles in French when it completes and submits its Record of Employees' 2012 Salaries and Benefits to all its funding ministries.

Sample record of disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012						
Sector / Secteur	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Other Public Sector Employers	Organization X / Organisation X	BROWN	JOHN	Manager / Chef	\$101,284.00	\$523.16
Other Public Sector Employers	Organization X / Organisation X	SMITH	RAMONA	Director / Directrice	\$117,027.00	\$50.00

This record has been approved by: / Ce registre a été approuvé par :

Name / Nom _____ Position Title / Poste _____

Phone Number / Téléphone _____ Date / Date _____

Prepared under the *Public Sector Salary Disclosure Act, 1996*
Préparé en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Section 5: What Should I Do With My Reporting Documents?

This section explains the requirements for disclosure under the PSSDA.

5.1 Submit the Reporting Documents to the Funding Ministry

Submit to your funding ministry either:

- the Record of Employees' 2012 Salaries and Benefits accompanied by the signed Attestation to the Record of Employees' 2012 Salaries and Benefits
- or**
- the Statement of No Employee Salaries to Disclose
- or**
- the Statement That Organization Does Not Meet Funding Condition.

Please include an electronic Excel version of the Record of Employees' 2012 Salaries and Benefits. Submit your reporting documents to your funding ministry as shown below.

Employer	Ministry Receiving Record
Agencies and other bodies owned or controlled by the Province of Ontario	Every ministry that provided funding and/or has oversight
Municipalities and services	Ministry of Municipal Affairs and Housing
School boards	Ministry of Education
Universities	Ministry of Training, Colleges and Universities
Colleges	Ministry of Training, Colleges and Universities
Hospitals	Ministry of Health and Long-Term Care
Boards of health	Ministry of Health and Long-Term Care
Hydro One Inc., Ontario Power Generation Inc. and each of their subsidiaries	Ministry of Energy
Employers subject to the funding condition	Every ministry that provided funding. <u>You may have to report to more than one ministry.</u>

Please submit your record by **March 7, 2013*** to your funding ministry. A list of contacts for each ministry is available at the end of this guide. Each year the Ministry of Finance publishes a compendium of statements and records.

* Regulation 85/96 of the *Public Sector Salary Disclosure Act* requires that organizations submit their records to their funding ministries no later than the fifth business day of March.

5.2 Make the Record or Statement Available on the Premises of Your Head Office

Your organization's record or statement must be available for inspection without charge during your normal business hours from March 31 to December 31 of the same year. Copies are required to be available on request during and after the above period. You may charge 20 cents per page for providing a copy. However, you may waive this fee at your discretion. No separate fee is allowed for postage.

Section 6: What Are My Responsibilities as an Employer With Employees Seconded to a Ministry?

This section outlines additional filing requirements as a result of the amendments made to Regulation 85/96 regarding employees seconded to ministries by organizations subject to the PSSDA.

6.1 Complete Your Salary Disclosure as Explained in Section 3

All organizations subject to the PSSDA will report **all employees** captured by the PSSDA on their Record of Employees' 2012 Salaries and Benefits, as described in Section 3, and submit this record to their funding ministries as described in Section 5.

6.2 Identify Your Employees that Were Seconded to Ministries

The amendments made to the regulation affect only those employees:

- who were seconded from an organization subject to the *Public Sector Salary Disclosure Act* (the “Home Position Employer”); and
- who were issued a T4 from their Home Position Employer where the salary paid was at least \$100,000; and
- who were seconded to an Ontario provincial ministry for all or part of 2012.

The regulation does not capture other secondment relationships, nor does it capture employees seconded from private sector employers or other organizations not subject to the PSSDA.

For the purposes of s. 2.1(2) of O. Reg. 85/96, as amended, a person who is employed by a designated employer as defined in the regulation, is seconded if the employee is temporarily assigned to a ministry to perform services for the ministry while remaining an employee of the designated employer and the ministry reimburses the designated employer for some or all of the employee's salary and benefits as defined in the *Public Sector Salary Disclosure Act, 1996*.

6.3 Submit Secondment Information to the Ministry to Which the Employee is Seconded

In addition to the reporting requirement explained in Section 6.1, you must also provide information **pertaining only to seconded employees** to the ministry to whom the employee is seconded to, by **March 7, 2013**. Complete the Record of Employees' 2012 Salaries and Benefits—Employees Seconded to Ministries. This form is available on the Ministry of Finance website at:

www.fin.gov.on.ca/en/publications/salarydisclosure/2013/.

In a case where an employee was seconded to more than one ministry in the year, the employer must submit the record to the last ministry to which the employee was seconded that year.

Please note that the ministry to which the employee is seconded may not necessarily be the ministry to whom you are required to submit the complete disclosure record. A list of ministry contacts is available at the end of this guide.

In a case where an organization's employees were seconded to different ministries, it must submit a Record of Employees' 2012 Salaries and Benefits—Employees Seconded to Ministries for each ministry.

6.4 Include the Seconded Employee's Information in Your Organization's Disclosure Record

Remember that Home Position Employers must still continue to include that employee's salary information in the disclosure record that they submit to their funding ministries and make this record available to the public for inspection.

Examples:

Examples of fictional situations and sample disclosures have been provided below for illustrative purposes only.

Example 1

Sam Smith, an employee of Blue Hospital, is seconded to the Ministry of Labour in 2012 and Blue Hospital continues to pay his salary. Blue Hospital issues Sam a T4 with a salary paid of \$129,113.23 and \$39.34 in taxable benefits. The Ministry of Labour does not issue a T4 to Sam.

Blue Hospital will include Sam Smith in its disclosure report that it submits to its funding ministry as illustrated below (highlighted for emphasis):

Sample Record of Disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012						
Sector / Secteur	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Hospitals and Boards of Public Health	Blue Hospital	BROWN	RAMONA	Manager	\$101,254.76	\$23.65
Hospitals and Boards of Public Health	Blue Hospital	SMITH	SAM	Director, Communications	\$129,113.23	\$39.34
Hospitals and Boards of Public Health	Blue Hospital	YOUNG	ANNE	Registered Nurse	\$108,345.57	\$123.65

This record has been approved by: / Ce registre a été approuvé par :

Name / Nom _____ **Position Title / Poste** _____

Phone Number / Téléphone _____ **Date / Date** _____

Prepared under the *Public Sector Salary Disclosure Act, 1996*
 Préparé en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Blue Hospital will also submit the information pertaining to Sam Smith to the Ministry of Labour as illustrated below:

Sample Record of Disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS - EMPLOYEES SECONDED TO MINISTRIES REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012 - EMPLOYÉS EN DÉTACHEMENT AUPRÈS D'UN MINISTÈRE						
Sector / Secteur	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Hospitals and Boards of Public Health	Blue Hospital	SMITH	SAM	Director, Communications	\$129,113.23	\$39.34
<p>To the best of my knowledge and belief, this information is complete, accurate, reliable and is in accordance with the Public Sector Salary Disclosure Act, 1996, and meets the filing requirements as provided by the Ministry of Finance.</p> <p>À ma connaissance, les renseignements figurant dans le Registre des traitements et avantages versés aux employés pour l'année civile 2012 sont complets, exacts, fiables et conformes à la Loi de 1996 sur la divulgation des traitements dans le secteur public. De plus, ils respectent les exigences en matière de présentation de documents fixées par le ministère des Finances.</p> <p>This record has been approved by: / Ce registre a été approuvé par :</p> <p>Name / Nom _____ Position Title / Poste _____</p> <p>Phone Number / Téléphone _____ Date / Date _____</p> <p style="text-align: center;">Prepared under the <i>Public Sector Salary Disclosure Act, 1996</i> Préparé en vertu de la <i>Loi de 1996 sur la divulgation des traitements dans le secteur public</i></p>						

Example 2

Jane Brown, an employee of Red Hospital, is seconded to the Ministry of Health and Long-Term Care (MOHLTC) for the first part of the year and then to the Ministry of Labour (MOL) for the other part of the year. Red Hospital pays the salary while on secondment and both ministries reimburse Red Hospital for the respective periods Jane Brown is at their ministries. On December 31 Jane Brown is at MOL.

Red Hospital issues Jane a T4 for \$300,000.00 in salary and \$325.78 in taxable benefits. MOHLTC reimburses \$150,000.00 and MOL reimburses \$150,000.00. Neither ministry issues a T4 to Jane.

Red Hospital will include Jane Brown in its disclosure report that it submits to its funding ministry as illustrated below (highlighted for emphasis):

Sample Record of Disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012						
Sector / Secteur	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Hospitals and Boards of Public Health	Red Hospital	BROWN	JANE	Chief Financial Officer	\$300,000.00	\$325.78
Hospitals and Boards of Public Health	Red Hospital	JOHNSON	BOB	Physician	\$145,231.23	\$259.22
Hospitals and Boards of Public Health	Red Hospital	PETERS	SAM	Manager, Communications	\$103,245.87	\$236.45

This record has been approved by: / Ce registre a été approuvé par :

Name / Nom _____ **Position Title / Poste** _____

Phone Number / Téléphone _____ **Date / Date** _____

Prepared under the *Public Sector Salary Disclosure Act, 1996*
Préparé en vertu de la *Loi de 1996 sur la divulgation des traitements dans le secteur public*

Red Hospital will also submit the information pertaining to Jane Brown to the Ministry of Labour as illustrated below:

Sample Record of Disclosure

RECORD OF EMPLOYEES' 2012 SALARIES AND BENEFITS - EMPLOYEES SECONDED TO MINISTRIES REGISTRE DES TRAITEMENTS ET AVANTAGES VERSÉS AUX EMPLOYÉS EN 2012 - EMPLOYÉS EN DÉTACHEMENT AUPRÈS D'UN MINISTÈRE						
Sector / Secteur	Employer / Employeur	Surname / Nom de famille	Given Name / Prénom	Position Title / Poste	Salary Paid / Traitement versé	Taxable Benefits / Avantages imposables
Hospitals and Boards of Public Health	Red Hospital	BROWN	JANE	Chief Financial Officer	\$300,000.00	\$325.78
<p>To the best of my knowledge and belief, this information is complete, accurate, reliable and is in accordance with the Public Sector Salary Disclosure Act, 1996, and meets the filing requirements as provided by the Ministry of Finance.</p> <p>À ma connaissance, les renseignements figurant dans le Registre des traitements et avantages versés aux employés pour l'année civile 2012 sont complets, exacts, fiables et conformes à la Loi de 1996 sur la divulgation des traitements dans le secteur public. De plus, ils respectent les exigences en matière de présentation de documents fixées par le ministère des Finances.</p> <p>This record has been approved by: / Ce registre a été approuvé par :</p> <p>Name / Nom _____ Position Title / Poste _____</p> <p>Phone Number / Téléphone _____ Date / Date _____</p> <p style="text-align: center;">Prepared under the <i>Public Sector Salary Disclosure Act, 1996</i> Préparé en vertu de la <i>Loi de 1996 sur la divulgation des traitements dans le secteur public</i></p>						

Section 7: What Are My Other Responsibilities as an Employer Under PSSDA?

This section explains how to deal with some of your employees' questions or concerns regarding the disclosure of their salaries. It also informs employers of their responsibilities.

7.1 Inform your Employees

We recommend that you inform your employees about the disclosure of their salaries before you release the information. This will provide them with the opportunity to confirm the information before it is published. They will find more information on the PSSDA on the Ministry of Finance website.

www.fin.gov.on.ca/en/publications/salarydisclosure/2013/

7.2 Answering Questions on the Components of the Salary Paid or Taxable Benefits

The PSSDA authorizes employers to disclose the value of the salary paid and the taxable benefits as defined by the Canada Revenue Agency. It does not authorize employers to disclose what is specifically included in the salary paid, nor whether it was paid as a per diem or retainer, nor the specifics of the benefits.

7.3 Privacy of Individuals and Personal Information

Employers cannot be held liable for making this disclosure if they reasonably believed that they were required to make the disclosure. A non-disclosure clause in an employment contract cannot be used to avoid disclosure. If you have any doubts about what you are required to disclose, check with your funding ministry. The PSSDA only covers information that it specifically authorizes employers to release, as explained in Section 3 of this guide.

7.4 Penalties For Not Making the Required Disclosure

The PSSDA allows Management Board of Cabinet to direct a ministry to withhold part or all of the transfer payment to an employer if the employer has failed to comply. The funds will be paid once the employer complies. If the employer fails to comply after one year (by March 31 of the following year), the employer ceases to be entitled to the payment withheld. Management Board of Cabinet can also withhold funds if an organization fails to provide evidence regarding revenues under the funding criteria (i.e. whether at least 10 per cent of gross revenues came from the Province or not).

Schedule 50 of *Bill 55: Strong Action for Ontario Act (Budget Measures), 2012*, which received Royal Assent in June 2012, amended the *Public Sector Salary Disclosure Act* to authorize a minister of the Crown to appoint a public accountant to audit the records of an employer subject to the PSSDA for the purpose of determining the salary and benefits paid to its employees.

- Within 30 days of receiving the audit results, the minister will disclose the amount

of salary and benefits of any employee who was paid at least \$100,000 as salary.

- If the audit indicates that no employee was paid at least \$100,000 as salary, the minister shall disclose a statement confirming this.
- The Act is amended to include financial consequences for employers that fail to cooperate with an auditor appointed by a minister.

7.5 Deadline for Disclosure

Employers covered under the act must make public the Record of Employees' 2012 Salaries and Benefits or the Statement of No Employee Salaries to Disclose by March 31.

These records must be submitted to the funding ministries by **March 7, 2013**.*

7.6 Salary Disclosure in Annual Reports

Employers that normally issue an annual report are required to include the salary disclosure with their annual report unless that disclosure is made available on a public website (a corporate website or on the Ministry of Finance website as part of the PSSD Compendium).

* Regulation 85/96 of the *Public Sector Salary Disclosure Act* requires that organizations submit their records to their funding ministries no later than the fifth business day of March.

List of Contacts

Ministry	E-Mail Address	Phone Number	Fax Number
Aboriginal Affairs	Carolanne.Allen@ontario.ca	416-326-4749	416-212-1644
Agriculture, Food and Rural Affairs	pssd.omafra@ontario.ca	519-826-3192	519-826-4130
Attorney General	pssd.mag@ontario.ca	416-326-4506	416-326-2298
Children and Youth Services	pssd.css@ontario.ca	416-326-8006	416-325-5125
Citizenship and Immigration	Janinne.Strain@ontario.ca Sam.Cangialosi@ontario.ca	416-325-6136 416-325-6142	416-325-6387
Community and Social Services	pssd.css@ontario.ca	416-326-8006	416-325-5125
Community Safety and Correctional Services	pssd.jus@ontario.ca	416-326-3146 416-326-5034	416-325-3465
Consumer Services	Adelia.Neblett-Johnson@ontario.ca	416-325-2154	416-325-6715
Economic Development and Innovation	Adelia.Neblett-Johnson@ontario.ca	416-325-2154	416-325-6715
Education	pssd.met@ontario.ca	416-327-9113 416-212-4862	
Energy	Navjeet.Nahal@ontario.ca	416-325-4116	416-314-3354
Environment	pssdene@ontario.ca	416-314-9385	416-314-9313
Finance	pssd.finanreven@ontario.ca	905-433-6716	905-433-6232
Francophone Affairs	pssd.jus@ontario.ca	416-326-3146 416-326-5034	416-325-3465
Government Services	Krista.Lanthier@Ontario.ca	416-325-9903	416-326-8776
Health and Long-Term Care	pssd.moh@ontario.ca	416-327-8737	416-327-7580
Infrastructure	Navjeet.Nahal@ontario.ca	416-325-4116	416-314-3354
Labour	Franky.Chan@ontario.ca	416-326-7227	416-326-7241
Municipal Affairs and Housing	pssd.mah@ontario.ca	416-585-7124	416-585-7230
Natural Resources	pssd.mnr@ontario.ca	705-755-5149	705-755-3120
Northern Development and Mines	Sandra.Ferguson@ontario.ca	705-564-7415	705-564-7447
Tourism, Culture and Sport	Janinne.Strain@ontario.ca Sam.Cangialosi@ontario.ca	416-325-6136 416-325-6142	416-325-6387
Training, Colleges and Universities	pssdctu@ontario.ca	416-326-6719 416-212-4862	
Transportation	Karen.L.Gray@ontario.ca	905-704-2313	905-704-2747