

## **VI. General**

### **Section 14 – Board Liability**

#### **14.1 Indemnity of Board Members**

The Legislation governing the Public Service Superannuation Plan (PSSP, the Plan) does not specifically authorize the payment of any indemnity for liability incurred by the Public Service Superannuation Board (PSSB, the Board) or any of its members. Any entitlement to an indemnity can only arise through the operation of the common law. In that event, the indemnity is properly characterized as an expense that may be charged to party normally responsible for the payment of the expenses of the Board.

As appointees of the Lieutenant Governor in Council, Board members who become liable to a third party as a result of actions taken in good faith in the course of discharging their duties as a Board member may look to the Government of Saskatchewan for indemnity. In the event that a claim is made against any Board member that might result in a liability for which the member would intend to seek an indemnity from the Government of Saskatchewan, the member must bring the claim to the attention of the Executive Secretary for the Board. The Executive Secretary will consult with legal counsel for the Board to determine:

- If the claim is one for which indemnity is available;
- Whether legal counsel will be provided for the member or whether the member should retain his or her own counsel; and
- In the event that the member retains his or her own counsel, whether an advance of funds should be made to the member on account of the member's legal expenses.

The Board member must provide the Executive Secretary with any information that the Executive Secretary may require for the purpose of administering this provision, and the Executive Secretary may share that information with legal counsel for the Board.

#### **14.2 History**

Approval date:	December 8, 2005, December 6, 2007, and November 30, 2012
Last review:	November 22, 2018
Next scheduled review:	November 2019