

EMPLOYER-PROVIDED LEGAL ASSISTANCE TO MEMBERS

While unlikely, it is possible that individual federal public service workers may be named in lawsuits against the federal government as a result of actions taken in the course of their duties.

In such cases, our members have the right to request legal representation from the employer at public expense.

The relevant information can be found in Treasury Board's *Policy on the Indemnification of and Legal Assistance for Crown Servants*. The Policy covers all federal public service workers. It reads, in part:

Section 4 - Policy Statement

(a) Provided the Crown servants acted honestly and without malice within their scope of duties or employment and met reasonable departmental expectations, it is government policy:

- i. to indemnify Crown servants against personal civil liability so incurred;
- ii. to make no claim against servants based upon such personal liability;
- iii. to authorize the approval authority identified in section 7.2 to indemnify Crown servants;
- iv. to authorize the approval authority identified in section 7.2 to provide legal assistance to Crown servants in the following circumstances:
 - when they are required to appear before or be interviewed in connection with a judicial, investigative, or other inquest or inquiry;
 - when they are sued or threatened with a suit;
 - when they are charged or likely to be charged with an offence; or
 - when they are faced with other circumstances that are sufficiently serious as to require legal assistance.

The full directive can be accessed at the following Web site URL:
http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_851/pila_e.asp

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