	<b>INSURANCES</b>	<b>Human Resource Manual</b>
	<b>Indemnification</b>	<b>Section 1609</b>

## INDEMNIFICATION

### PURPOSE

1. From time to time, Government employees may face legal action as a result of performing their duties with the Government. The Government recognizes the importance of protecting its employees and former employees from these actions.
2. Employees should be able to perform their duties knowing that the Government will protect them in legal actions that may result.

### APPLICATION


3. These guidelines and procedures apply to all employees.

### DEFINITIONS

4. **Indemnification** means that the Government will protect its employees from certain liability if legal actions are brought against them in the performance of their duties.

### PROVISIONS

5. Bargaining unit employees are indemnified as outlined in the appropriate Collective Agreement.
6. Excluded and senior management employees receive indemnification under Government policy.
7. Employees may receive help and protection in the following circumstances:
  - (1) they are sued for negligence or other civil wrong doings apparently committed by them in the performance of their duties; and
  - (2) the conduct which led to the action was not a gross disregard for or neglect of duties.
8. Employees served with legal proceedings related to the performance of their duties must tell their Deputy Head immediately. Employees who do not tell their Deputy Head under this guideline will not receive the benefit of this directive.

	
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9. The Deputy Head contacts the Deputy Minister of Justice to determine what action to take.
10. The matter is examined to decide if the employee will receive help and protection. The criterion outlined in item 7 above will be used.
11. If the provisions of item 7 are met, the Government accepts full responsibility for the action and the employee agrees to cooperate with appointed legal counsel.
12. The Deputy Head and the employee agree on appropriate legal counsel. If they cannot agree, the Deputy Head consults with the Deputy Minister of Justice and appoints legal counsel.
13. The employing department pays legal fees and damages or costs in a legal action.
14. The employee's department pays any sum needed to settle the claim. The employee's Deputy Head must approve settlements.

**AUTHORITIES AND REFERENCES**

15. Collective Agreement with the NTA  
Appendix B5 – Civil Liability
16. Main Collective Agreement with the NEU  
Article 45 – Civil Liability

**CONTACTS**

17. For further information or clarification, please contact:

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