

Employment and Social Development Canada

Delegation of Spending and Financial Authorities – Restrictions

1.13 Claims against the Crown

This is the authority to initiate and approve expenditures for the settlement of liability claims against the Crown. A claim against the Crown is a request for compensation to cover losses, expenditures or damages sustained by the Crown. Claims can be settled in or out of court for monetary compensation to, or indemnity for, the loss, detriment, or injury of the claimant.

A liability claim is a recognized liability at which the Crown is at fault. The claimant must provide a statement of facts on the claim at the earliest reasonable opportunity. A release is required in the case of a liability payment.

For claims by and against servants of the Crown, the department must ensure that the indemnification and legal assistance policies are considered at the earliest opportunity.

Claims for public servants' effects must not be treated as *ex gratia* payments but as claims against the Crown. For a claim against an employee, the [TB Policy on Legal Assistance and Indemnification](#) must be consulted.

Specific restrictions

The director and manager positions for Service Canada centers and Passport offices have been delegated the authority to approve Claims against the Crown for low value (up to \$200) refunds to citizens, for lost or damaged passport photos and documentary evidence of citizenship.

A legal opinion must be obtained for all claims against the Crown over \$25,000 and any settlement between \$25,000 and \$100,000 must be approved by both the Assistant Deputy Minister and the Senior General Counsel. RCMs must obtain a release in consideration of payment for a negotiated settlement, except when it would not be administratively expedient.

For dispute resolution cases please refer to the [Instrument of Human Resource \(HR\) Signing Authorities](#).