

Ex Gratia Payments

Policy Statement

The purpose of this policy is to expedite small claims made against the County and to provide a prompt resolution to the Claim, in the form of an *Ex gratia* Payment, where appropriate. An *Ex gratia* Payment may be made to a group or individual who has suffered a financial detriment where, by not admitting fault or wrongdoing, the County may avoid higher costs arising out of settlement negotiations and legal and other expenses.

Ex gratia Payments will be considered on their individual merits and the fact that an *Ex gratia* Payment has been made previously in a similar situation shall not be regarded as a precedent for future payments.

Nothing in this policy precludes Administration seeking a legal or other opinion on said Claim.

Definitions

Administration means the Employees, officers and volunteers of Strathcona County.

Associate Commissioner means the person that occupies the position responsible for the overall supervision of a division.

Chief Commissioner is the chief administrative officer of Strathcona County.

Claim means a request for an *Ex gratia* Payment in an amount not to exceed One Thousand Five Hundred (\$1,500.00) Dollars.

Claimant means a group, individual or Employee making a Claim.

Director means the Director of a Department.

Employee means a person employed by Strathcona County and includes officers and volunteers working on behalf of Strathcona County.

Ex gratia Payment means a payment made without legal acknowledgement of fault or liability and used in lieu of financial settlements that imply wrongdoing or contractual responsibility by Strathcona County.

Guidelines

1. *Ex gratia* Payments may be considered on their individual merits to groups or individuals who have suffered a loss or financial detriment in an amount not exceeding \$1,500.00.

2. *Ex gratia* Payments may be considered on their individual merits to an Employee whose personal items used in the performance of their duties are damaged, lost, stolen or destroyed in an amount not exceeding \$1,500.00.
3. *Ex gratia* Payments may be used to constitute liability-free compensation to groups or individuals for reasons of:
 - a. Bypassing higher settlement expenses and/or legal costs;
 - b. Avoiding future liability for which non-*Ex gratia* Payment would create a precedent or argument for;
 - c. Avoiding higher expenses by providing timely *Ex gratia* Payment for reasons such as waiver of liability, undue hardship or for contract mismanagement;
 - d. Circumstances are such that there is a strong moral obligation to do so to alleviate hardship and as a gesture of goodwill.
4. The amount of the payment may be reduced when the acts or omissions of any group or individual, including persons for whom a payment is being considered, contributed to the damages or loss incurred.
5. A release in consideration of payment for a negotiated settlement must be obtained in respect of an *Ex gratia* Payment.
6. The Chief Commissioner, in his sole discretion, may approve *Ex gratia* Payments for a Claim.

Roles and Responsibilities

A. CLAIMANT

1. A Claimant shall provide the following information to the Chief Commissioner who shall forward the Claim to the appropriate Director(s):
 - A detailed statement of the facts upon which the Claim is based,
 - A statement showing how the Claim is calculated,
 - Original copies of documents confirming all disbursements, and
 - Any other information the Chief Commissioner considers necessary.
2. If an Employee makes a Claim for effects damaged, lost, stolen or destroyed during the course of their duties, they shall provide to their Director:
 - A detailed statement of the facts upon which the Claim is based,
 - A statement showing how the Claim is calculated, and
 - Original copies of documents confirming all disbursements.

B. DEPARTMENT DIRECTORS

1. Directors are responsible to make inquiries within the Department(s) to ascertain the circumstances surrounding the Claim and to make an initial recommendation for payment or non-payment to the appropriate Associate Commissioner for review and recommendations.
2. Where an *Ex gratia* Payment has been approved and prior to delivering the cheque to the Claimant, a Director shall ensure the Claimant signs a Release acknowledging payment in full satisfaction of all Claims.

C. ASSOCIATE COMMISSIONER

1. An Associate Commissioner shall review the recommendation of the Department Director, and if in agreement with the Director, forward the recommendations to the Chief Commissioner.

D. CHIEF COMMISSIONER

1. The Chief Commissioner is responsible for final approval or denial of a recommendation for an *Ex gratia* Payment for a Claim. The Chief Commissioner's decision on a Claim is final and binding and is not subject to an appeal.
2. If the Chief Commissioner does not approve a Claim, he shall return the documentation, with an explanation as to the refusal, to the appropriate Director. The Director will then advise the Claimant in writing that the Claim was denied and provide the reasons for the denial.
3. Approved *Ex gratia* Payments shall be forwarded to Corporate Finance for processing.
4. The Chief Commissioner shall report to Council, on an annual basis, on the implementation of this policy.

E. CORPORATE FINANCE

1. Where a Claim is approved, Corporate Finance shall process the Claim for payment and shall forward the cheque and all related correspondence back to the Director.

F. LEGISLATIVE & LEGAL SERVICES

1. Releases under this Policy shall be prepared by Legislative & Legal Services and shall be maintained in accordance with the County's Corporate Records and Information Management Policy.

Policy Record

Date of Approval by Council: September 10, 2013 **Resolution No:** 476/2013

Next Review Date: May 7, 2021 **Policy No:** FIN-001-028

Last Review Date: May 7, 2018 **Replaces:** N/A

Administrative Review: Corporate Finance

Special Note: This Policy applies only to Claims in an amount not exceeding One Thousand Five Hundred (\$1,500.00) Dollars.