



COMMUNICATIONS

LEGAL PROTECTION INSURANCE FOR FICSA MEMBERS

49/20

Geneva
22 July 2020

To: All members

From: Evelyn Kortum, General Secretary

Dear colleagues,

Last week, on 14 July, we held an online session to inform you about the negotiated deal FICSA has concluded with FORTUNA, Generali Insurances. FICSA was tasked by its members to provide global legal insurance for our workplaces.

We are pleased to inform you that FICSA will sign the contract with FORTUNA starting 1 September 2020. This provides some time for your to inform all your members and have them consider getting this cover, particularly if you do not have legal insurance for your workplace yet through the staff association/union.

In any case, we strongly recommend you read the documents on our [webpage dedicated to Legal Insurance](#), and consider signing up, preferably before 1 September 2020.

Online session: you can now access the [Recording](#) (password: FICSA), the [PPT presentation](#), the [responsibility chart](#) and the [updated Q&A](#).

Based on many questions concerning submission of a claim, please find below a summary of the process:

1. Staff members are encouraged to consider discussing their issue with the President/Chair of the staff association/union or a delegate. The President/Chair will ensure that the staff member has consulted one or more of the options for informal resolution of staff concerns (Ombudsman, a Dignity at Work Adviser, Staff Counsellor, Ethics Adviser, Staff Psychologist, etc).
2. If the issue remains unresolved and the staff member requires legal advice that cannot be directly provided by a staff representative, your staff association/union might be able to provide a free consultation with an experienced lawyer working with the staff association/union. Alternatively FICSA also has MoUs with lawyers for free consultation time. The objective of the initial legal consultation is to determine what options a staff member has, including whether there is legal merit to formally contest any action affecting the staff member.
3. The lawyer shares that analysis with the staff member and also the President/Chair and/or Vice Chair of the staff association/union.



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4. In order to be eligible for legal coverage under the terms and conditions of FORTUNA insurance, the staff member completes the FORTUNA [CLAIM FORM](#) which should include evidence demonstrating that all reasonable efforts for informal resolution have been made to (for example, records of discussions with HRM, first and or second level supervisor, mediation through the Office of the Ombudsman, or any available proof of engagement of relevant forms of support within the organization.
5. The President/Chair will forward the analysis and the claim form to FORTUNA insurance who will consider the report from the initial legal consultation. If they assess the case has merit, they will cover further legal costs to a maximum cost of CHF15,000 per case.
6. If FORTUNA approves the claim, the staff member may choose a lawyer from [the FICSA list of lawyers registered with the insurance company](#), or, at the request of the staff member the staff association/union or FICSA can recommend one from the list. The insurance provider reserves the right to select the lawyer, but in practice it has allowed the staff member to choose. It is important to note that Fortuna has to approve the choice of lawyer before proceedings commence.

	Activities / Steps	Staff Member	President of Staff Association/Union	FICSA	Fortuna
Administration	Administer the master agreement between FORTUNA and FICSA			✓	
Request	Complete Legal Insurance Claim Form	✓			
	Through the claim form, identify informal options already exhausted (OMB, SA Representative, HR Officer/Director, Medical Service, Counsellor, ...)	✓			
	Submit the request through the SA President/Chair.	✓			
	<i>In exceptional cases, i.e., conflict of interest with the President/Chair, the staff member can submit the claim directly to a Vice-President/Chair. If there is still conflict of interest which can be demonstrated/explained, the staff member might submit the claim directly to</i>	Exceptionally when need is demonstrated			
	Review and confirm staff member is a SA member and is subscribed to FORTUNA		✓		
Review	Initial review and confirm merit of the case and it is not frivolous		✓		✓
	President/Chair signs form and submits to FORTUNA (5 days turn-around-time)		✓		
	File the case in FICSA's records (confidentially)			✓	
	Approve or Reject the request by the staff member (5 days turn-around-time)				✓
	Send back to the SA President/Chair or to the delegate				✓
Approve	Convey the approval or rejection to the staff member (without delay)		✓		
	The case will be processed if accepted				✓