



Federation of International
Civil Servants' Associations

Q & A Fortuna Legal Protection Insurance coverage

Exclusively for FICSA MEMBERS

PROTECT YOURSELF AND DON'T RELY ON ANYONE ELSE TO DO THIS FOR YOU!



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I. Why do I need insurance coverage for my workplace?

FICSA urges its members to consider the importance of having legal protective insurance that covers employment law in your international organizations. Legal protection insurance is a class of insurance that facilitates staff access to legal advice and justice, by covering the costs incurred in case of an unforeseen legal matter. Such costs normally include a lawyer's fees and related legal expenses.

Unfortunately, this issue is oftentimes only considered when a staff member approaches a lawyer for assistance about a potential legal dispute. At this point in time, the dispute may have already started, and the staff member may face deadlines, heightened stress and be in need of urgent help. When staff members do not have legal protective insurance, this may impede them from obtaining competent legal advice and justice.

FICSA's role as a Staff Federation is to provide adequate resources and assistance for its members throughout the world. Therefore, **FICSA has negotiated with Fortuna exclusive and attractive conditions for a legal protection package for its member organizations with headquarters in Switzerland.** If you are not yet covered, you now have the opportunity for equality of arms when issues require fighting for, such as changes to your contractual status, workplace conflicts, whistleblowing, selection process, among others.

FICSA invites all members who are interested in this legal protection solution to contact FICSA or Fortuna (alexandre.brunet@generali.com) and keep FICSA (ficsa@un.org) informed as soon as the contract is concluded.

II. ABOUT the insurance

- 1. Fortuna is a Swiss Legal Protection Insurance Company. Do Swiss Insurance companies adhere to international judicial rules?**
 - **Response:** Fortuna is a public limited company under Swiss law with its registered office in Adliswil. It is part of Generali (Switzerland) Holding Ltd. However, Fortuna is a legally independent company. Swiss insurance companies apply the rules of FINMA (Eidgenössische Finanzmarktaufsicht), which is an independent surveillance authority of the Swiss financial markets. Therefore, **only member organizations with headquarters in Switzerland can benefit from the solution.**
- 2. If I already have a legal protection insurance in Switzerland, would I need Fortuna?**
 - Common legal protection insurance products in Switzerland do not cover the ILO and UN Tribunals or the internal justice processes of the member organizations. Therefore, the answer is 'yes', if you were to take a case related to your UN-system workplace, you would need to be covered by an insurance scheme such as the solution negotiated by FICSA and offered by Fortuna.

III. REQUIREMENTS to join Fortuna Insurance

1. **What is the minimum number of adherents and how does the process work?**
 - **Response:** FICSA has negotiated the following exclusive conditions for its member organisations with headquarters in Switzerland: up to 1'000 adherents, the premium is CHF 100 per employee per year. If the number of adherents in the respective organisation exceeds 1'000, the premium is reduced to CHF 80 per employee per year.
 - Member organizations are encouraged to include direct coverage for all their members in their dues system (examples: WHO/HQ or UNAIDS).
2. **Is the insurance coverage independent from the place I work?**
 - **Response:** Fortuna insurance only covers appeals to either the UN or ILOAT Tribunals as well as internal justice appeals of the **FICSA member organizations based in Switzerland**. Your duty station could be London, Kuala Lumpur, Manila, Cairo, Brazzaville, Copenhagen, Vienna etc. The contract is between Fortuna and the respective FICSA member organization whose headquarters is based in Switzerland.
3. **What are the legal obligations of the claimant?**
 - **Response:** The claimant (i.e. the staff member who is seeking to benefit from the insurance) has the duty to cooperate with the insurer by providing all of the information available. If the staff member does not cooperate, Fortuna will not cover the case due to lack of relevant information. For the claimant's obligations, please refer to this [matrix](#).

IV. PREMIUM

1. **What will be the yearly premium? When is it due?**
 - **Response:** If the respective member organization can gather more than 1'000 adherents, the premium will be CHF 80 per employee per year. Below this limit, the premium will be CHF 100 per employee per year. The premium is to be paid annually and, in advance, no later than 31 January of each year of coverage.
2. **Do the premiums increase if there are many cases?**
 - **Response:** Fortuna has the right to unilaterally adjust the terms and conditions (and the premium calculated per insured employee) on the annual due date (i.e. 31 December of each year). Adjustments must be notified both the respective member organization and FICSA at least three months before the end of the contract. All details are regulated in the contract between Fortuna and the respective member organization.
3. **Our member organization cannot pay the full premium at the beginning of the year. What are our options?**
 - **Response:** Fortuna issues an annual invoice to the respective member organization. There is the possibility to agree on a half-yearly payment.

V. COVERAGE – what, who and how much?

1. Fortuna Insurance covers:

➤ Response:

- Informal negotiations of employment disputes or grievances, or disputes or grievances concerning the United Nations Joint Staff Pension Fund (accident, disability, illness).
- Formal employment disputes or grievances, or formal disputes or grievances concerning the United Nations Joint Staff Pension Fund (accident, disability, illness), brought before the internal justice bodies of the organization or authorities of the subject international organization or of the United Nations Joint Staff Pension Fund.
- Disputes brought before the tribunals/courts of the United Nations or the International Labour Organization Administrative Tribunal (ILOAT). The coverage applies to UN jurisdictions. These sessions are largely held in Geneva.

➤ Important Conditions:

- Cases must be assessed by a legal expert to be of merit to be covered!
- The insurance does not cover legal cases in which the event or action leading to the dispute or grievance occurred before the contract entered into force or before an employee is contractually insured. This is especially relevant if certain conditions are agreed in the contract between Fortuna and the respective member organization (such as a requirement that the employee must have paid a membership fee for a certain time).

2. Are member organizations covered even if their headquarters are not in Switzerland?

- **Response:** No. Due to regulatory requirements, only member organizations with headquarters in Switzerland can benefit from the solution. Sub-organizations (e.g. WHO / EURO) can be insured through a member organization that has its headquarters in Switzerland (e.g. WHO / HC, which is based in Geneva). However, the contractual relationship is always between a member organization based in Switzerland (policyholder) and Fortuna (insurer).

3. Are employees covered if they are not under ILO or UN Tribunal jurisdiction?

- **Response:** Yes, but only for the internal justice procedures for member organizations that are members of FICSA with headquarters in Switzerland.

4. Would employees in regional and country offices be covered by Fortuna? Would Fortuna help with regional and global appeals?

- **Response:** Yes, as long as the headquarters are on Swiss grounds and the respective court is the ILOAT or the UN Tribunal(s).

5. There is a high turnover of staff as 90% are on short-term contracts. Does the payment still only happen once a year or how would this work?

- **Response:** Payment is annual, usually at the beginning of the insurance year, and the member organizations must keep their accounts up to date. Fortuna cannot sign off on contracts for less than a year. This is a relatively low fee keeping in mind the very high costs that a case might ensue. Note that short-term staff need to be members of the respective member organization.

6. What is the ceiling covered by Fortuna Insurance for an individual?

➤ **Response:**

- A maximum amount of CHF 15'000 per member and per case which includes:
- The cost of a lawyer
- Any compensation for legal fees awarded to the other party
- Cost of expert opinions commissioned or appointed by Fortuna
- Cost of out-of-court negotiations (internal justice bodies).

7. Is there a franchise (deductible) for me to cover?

- **Response:** No, there is no franchise.

8. What is the ceiling covered by Fortuna Insurance for mass litigation?

- **Response:** CHF 200'000. Mass litigation is when there are 10 or more staff filing against their administration on the same issue(s).

9. When will the insurance come into force?

- **Response:** Usually, the insurance comes into force after the contract between the respective member organization and Fortuna has been signed by both parties. The exact date can be discussed.

VI. JURISDICTION – which one applies?

1. Can Fortuna cover judicial procedures outside of Switzerland?

- **Response:** From a regulatory point of view, Fortuna can only cover disputes brought before the tribunals/courts of the United Nations or the International Labour Organization Administrative Tribunal (ILOAT).

VII. SIGNING UP

1. How can I join the insurance coverage?

- **Response:** This requires a contract between your member organisation and Fortuna on terms agreed with FICSA. The member association informs Fortuna periodically on persons to be insured (at least once a year until the end of November). The exact terms and conditions for employees to become insured under the policy are determined by the respective member organisation.

2. Is it necessary to put forward the names of all those employees insured by a member organization?

- **Response:** Normally Fortuna requires the names of the employees insured for control purposes. However, in case all members of the respective member organization are insured via dues payment, a name is not required as long as the number of members are submitted yearly, or more frequently.

4. **Is there a time limit to sign up for the insurance?**
 - **Response:** No, there is no time limit to sign up for the insurance. The special conditions apply from 1 October 2020. The contract between the respective member organization and Fortuna can be concluded at any time.
5. **When will the insurance come into force for the member?**
 - **Response:** Usually, the insurance comes into force after the contract between the respective member organisation and Fortuna has been signed by both parties. The exact date can be discussed (refer to 4.d. of Master Contract).
6. **If a member under insurance coverage needs to leave the organization in the middle of the contract, will the insurance reimburse the remaining amount of the premium?**
 - **Response:** No, the insurer will not reimburse any premium that has been paid.
7. **In addition to any remedy awarded if I win my case, will I also receive compensation for legal costs?**
 - **Response:** No, any compensation awarded as legal costs (expenses) must be refunded to Fortuna up to the amount of the services provided.

VIII. Which LAWYER?

1. **If a staff member wants to use a particular lawyer proposed by FICSA who is well-versed on the case at hand, what are the conditions?**
 - **Response:** Fortuna is obliged to use any lawyer on the [FICSA list of lawyers](#) who has the relevant competencies in international administrative law, if the required justification was provided on the [claim form](#) by the staff member. But please note that, a request to Fortuna is mandatory before the staff member can contact the lawyer and start proceedings. Fortuna must be notified by FICSA of any changes to the FICSA list of lawyers.
2. **Who are the lawyers based in Geneva and who are knowledgeable of international administrative law?**
 - **Response:** Please refer to the FICSA list of lawyers.

IX. CANCELLATION

1. **If members wish to withdraw from the insurance, what would be the modalities (and penalties, if any)?**
 - **Response:** There is no penalty. A notice of cancellation of the Fortuna legal protection insurance must be provided at least 3 months prior to the respective member organization.

X. You have a CLAIM – What to do?

1. What is the overall process of bringing a case to Fortuna?

➤ **Response:**

- Please see the responsibilities of the employees insured, the President/Chair of the Staff Association of the respective member organization and Fortuna.
- The insured employee completes the online [claim form](#). The form is available on the [FICSA website](#) for easy completion. All available documentation needs to be attached to the email while submitting the claim form.
- The insured employee contacts the President/Chair of the Staff Association of the respective member organization and informs them about the case. They respectively discuss the case and the President of the Staff Association validates the request (reviews and confirms that the staff member is affiliated, initial review and confirmation of merit of the case, signing and sending the form to Fortuna).
- The President/Chair of the Staff Association of the respective member organization will send within 5 days from the date of receipt the claim to Fortuna. Lawyers from Fortuna will consider the coverage of the case and revert back to the President/Chair of the Staff Association of the respective member organization within 5 days.
- The President/Chair of the Staff Association of the respective member organization must relay such a decision to the respective employee insured without any delay.

2. Why do we have to speak with the insurance company and the lawyer through the member organization and not directly and confidentially with a Fortuna agent?

- **Response:** The Staff Association of the respective member organization is the entry point for staff who would like to put forward a legal issue.
- The President/Chair of the Staff Association of the respective member organization will need to sign off on the claim form to be sent to Fortuna. There may however be instances where there are conflicts of interest. In such a case of a perceived conflict of interest, you may submit the form directly to Fortuna without the signature of the President/Chair of the Staff Association. Fortuna will confer with the respective member organization in an anonymous manner. Please note: any claim for insurance can be rejected if Fortuna considers that it is frivolous (refer to Art. 8, para 3).

XI. RESOURCE page

<https://ficsa.org/topics/legal-topics.html>

