



Federation of International
Civil Servants' Associations

Q & A General/FORTUNA Insurance coverage Exclusively for all 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 negotiated an attractive legal protective insurance package for its members exclusively with Generali, FORTUNA Insurance.** If you are not yet covered, you now have the opportunity for equality of arms when issues require fighting for, such as your employment status, workplace conflicts, whistleblowing, selection process, among others.

II. ABOUT the insurance

1. **FORTUNA is a Swiss Insurance company. Do Swiss Insurance companies adhere to international judicial rules?**
 - **Response:** FORTUNA belongs to the Generali Insurance Group which is a Swiss insurance. Swiss insurances underly the rules of FINMA, which is an independent surveillance authority of the Swiss financial markets. The contract agreed-upon with FORTUNA, respects the FINMA rules.
2. **If I already have legal insurance in Switzerland, would I need FORTUNA?**
 - Legal insurance in Switzerland does not cover the ILO and UN Tribunals, neither the internal justice processes in FICSA 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 that offered by FORTUNA, negotiated by FICSA.

III. REQUIREMENTS to join FORTUNA Insurance

1. **What will be the minimum of adherents and how does the process work?**
 - **Response:** More than 1000 adherents would be desirable due to the (minimal) lower cost of CHF 80 per person per year versus CHF 100 per person per year if there are less than 1000 adherents.
 - Staff associations/unions are encouraged to include direct coverage for all their members in their dues system (example: WHO/HQ, or UNAIDS).

2. Is the insurance coverage independent from the place I work in the world?

- **Response:** FORTUNA insurance only covers appeals to either the UN or ILOAT Tribunals as well as internal justice appeals in FICSA member organisations. Your duty station could be London, Kuala Lumpur, Manila, Cairo, Brazzaville, Copenhagen, Vienna, etc. The contract is between FORTUNA and FICSA, and both are based in Switzerland. However, if your case goes to the highest court, the respective court needs to be either the ILO or the UN Tribunal (s), irrespective of its sessions held in Geneva, New York or Nairobi.

3. What are the legal obligations of the claimant?

- **Response:** The claimant has the duty to cooperate with the insurer by providing all of the information available. If the 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?

- **Response:** Either 80 CHF or 100 CHF per year, per person. If FICSA can gather more than 1000 adherents, the premium will be CHF **80**/head/year. Below 1000 adherents, the premium will be CHF **100**/ head/year. (Please check with your staff association as some membership dues already include legal insurance.)

2. Do the premiums increase if there are a large number of cases?

- **Response:** FORTUNA has the right to change the premium on an annual basis given that FORTUNA provides notice at least three months prior to the **Annual Due Date** agreed-upon with the Policyholder which is FICSA.

V. COVERAGE – what, who and how much?

1. FORTUNA Insurance covers:

- Issues that arose after the contract came into force, but not cases that started before payment of the first contribution to FORTUNA insurance.
- Assistance in disputes with the UN Pension Fund (accident, disability, illness) under the legal systems of the UN or ILO administrative tribunals.
- Formal or informal disputes or grievances (Internal Justice System) arising in the context of your employment with an organization that has a FICSA member staff association/union irrespective of location.
 - Cases must be assessed by the experts to be of merit in order to be covered!

2. Are we covered even if our headquarters is not in Switzerland?

- Yes, as long as your organization is under the ILO or UN Tribunals.

3. **Are we covered if we are not under ILO or UN Tribunal jurisdiction?**
 - **Response:** Yes, but only for the Internal Justice procedures for staff associations/unions that are FICSA member.
4. **Would staff in regional and country offices be covered by FORTUNA? Would FORTUNA help with regional and global appeals?**
 - **Response:** Yes, as long as your organization is covered either through the ILO or UN Administrative Tribunals, all staff in regional and country offices will be covered by FORTUNA.
5. **We have 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 and the staff associations/unions 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 your staff association/union.
4. **What is the ceiling covered by FORTUNA Insurance for an individual?**
 - **Response:** CHF 15,000 per member and per case which includes:
 - i. The cost of a lawyer
 - ii. Any compensation for legal fees awarded to the other party
 - iii. Cost of expert opinions commissioned or appointed by FORTUNA
 - iv. Cost of a mediation process and out-of-court negotiation cost (internal justice bodies).
6. **Is there a franchise (deductible) for me to cover?**
 - **Response:** No
7. **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).
8. **When will the insurance come into force?**
 - **Response:** Immediately upon payment of the contribution by the member.

VIII. JURISDICTION – which one applies?

1. **Which jurisdiction applies?**
 - **Response:** FORTUNA will only cover those cases that are treated by the ILO Administrative Tribunal (ILO AT) or the UN Tribunals (UN AT and UN DT).
2. **Can FORTUNA cover judicial procedures outside of Switzerland?**
 - **Response:** Yes, as long as the cases from your organization are under the ILO Administrative Tribunal (ILO AT) or the UN Tribunals.

VI. SIGNING UP

1. How can I join the insurance coverage?

- **Response:** Contact your staff association/union and ask them to add you to the list of interested staff that your President/Chair should send to the FICSA Secretariat as soon as possible after being acquainted with the conditions laid out here.

2. Is it necessary to put forward the names of all those members insured by a staff association/union?

- **Response:** Normally FORTUNA requires the names of the insured for control purposes. However, in case all members of your staff organization are insured via dues payment, a name is not required as long as the number of members are submitted yearly, or more frequently, to update FORTUNA's statistics.

3. Can we add an allowance of 5 extra members to ensure they're included?

- **Response:** Yes, you can. Although FORTUNA would prefer names. If names are not immediately known, they need to be submitted to the FICSA Secretariat as soon as they are available to be forwarded to FORTUNA who will hold this information to assess the level of the premium.

4. Is there a time limit to sign up for the insurance?

- **Response:** The countdown for the premium is as soon as the FICSA President has signed the contract, which will come into force on 1 August 2020. However, lists of new members can be sent to the FICSA Secretariat at any time. At the end of the year FORTUNA will adjust the fees including those that were added, but apply the annual premium starting 2 July 2020.

5. When will the insurance come into force for the member?

- **Response:** Upon payment of the contribution by the member.

6. If I win my case, will I receive the compensation?

- **Response:** This is a matter between the respective lawyer and FORTUNA. Normally, legal costs are recovered by FORTUNA.

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 would potentially be in agreement 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 [claims form](#) by the staff member. But please note that, a request to Generali/FORTUNA is mandatory before the staff member can contact the lawyer and start proceedings.

2. Who are the lawyers based in Geneva and who are knowledgeable of international administrative law?

- **Response:** Christopher Bollen, Mathis Kern, Edward P. Flaherty, Neil Fishman, and others

3. Are there other lawyer well-versed in international administrative law and who have been recommended by FICSA members recently?

- **Response:** Rishi Gulati, Ludovica Moro, Neha Dubey, Laurence C. Fauth, and others on the [FICSA List of Lawyers](#).

IX. CANCELLATION

1. If members wished 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 insurance must be provided at least 3 months prior to the Annual Due Date fixed with FORTUNA.

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 staff member, the President/Chair, the FICSA Secretariat and FORTUNA](#).
 - The staff member completes the online [claims form](#). A [word document](#) is uploaded on the FICSA website for easy completion. All available documentation needs to be attached.
 - The staff member contacts the President/Chair of the staff association/union and inform/discusses that a case needs to be submitted to FORTUNA.
 - The President/Chair will send the claim to FORTUNA and informing the FICSA Secretariat by copy within 5 days from the date of receipt.
 - FORTUNA lawyers will consider the merits of the case and revert back to the President/Chair of the staff association/union and the FICSA Secretariat within 5 days maximum.
 - The President/Chair of the staff association/union must relay such a decision to the respective staff member without any delay.

2. Why do we have to speak with the Insurance company and the lawyer through the staff association/union and not directly and confidentially with the FORTUNA agent?

- The SA/union is the entry point for staff who would like to put forward a legal issue. The President/Chair will need to sign off on the claims form to be sent to FORTUNA. There may be instances where there are conflicts of interest. In case of conflict of interest or perceived conflict of interest, you may submit the form directly to FORTUNA without the signature of the President/Chair of the staff association/union.

FORTUNA will confer with FICSA in an anonymous manner. Please note, any case can be rejected if Fortuna considers that it is frivolous.

XI. RESOURCE page

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

