

Why legal insurance for employment matters is essential

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If you are a United Nations staff member (and former staff or affected dependents) who wish to appeal an adverse administrative decision, or who are subject to disciplinary action, this article does not concern you as you luckily have access to the Office of Staff Legal Assistance (OSLA), which does not charge a fee for its services. OSLA can help if you are a UN System staff member and are a UN workplace victim of: harassment, abuse of authority, discrimination; facing disciplinary charges at the UN; have been denied United Nations contract renewal; and, are concerned about a promotion exercise at the United Nations. A UN staff member in New York said "OSLA provided me with the highest level of service at a very low point in my professional life."

But what about if you are not a UN staff member? What if you work for one of the UN-affiliated agencies and where access to the national justice system of your duty station is not an option? A standard legal protection insurance would not cover your work-related matters because there is usually a fine print provision in those policies that necessitate the use of the relevant national court, which precludes cases that would be adjudicated at the International Labor Organization Administrative Tribunal (ILOAT) or the United Nations Appeals Tribunal (UNAT).

Legal expenses insurance is a class of insurance that facilitates staff access to law 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 often only considered when a staff member approaches a lawyer for assistance about a potential legal dispute. At this point, the dispute may have already started, and the staff member may face

deadlines, heightened stress and require urgent help. When staff members do not have legal expenses insurance, this may impede them from obtaining competent and timely legal advice.

As most international organizations already have a cadre of administrative law legal officers in their human resources department plus an entire legal department, there is already a daunting inequality of arms. Legal insurance covering employment law is imperative to facilitate access to justice within your international organization. Legal insurance can cover matters within your organization that are unforeseen and affect your employment status, including workplace conflicts, whistleblowing, selection process, and investigations. With the administrative inequality in the workplace, having legal insurance itself can signal to your organization that staff will legally contest unfair or unjust administrative decisions. In order to protect yourself, it is imperative to sign up for legal insurance.

At WHO HQ in Geneva, the Staff Association offers, through CAP Protection Juridique, its dues-paying members legal protection coverage up to 10,000 CHF per case, less 500 CHF deductible, limited to two cases per head per year. For a mass litigation arising from the same facts, CAP covers up to 30,000 CHF, less 1,500 CHF deductible, limited to one mass litigation per year. The fee is 220 CHF per head per year provided there are 1,000 staff members enrolled. And then it is 230 per head per year for over 1,000 staff members. If you are a WHO HQ staff member and you are not yet a dues-paying member of your Staff Association, contact staffassociation@who.int to start your membership and avail of this necessary legal insurance coverage.



However, the above coverage is not possible if the membership is below 1,000 staff members. This is the reason why many UN-affiliated agencies here in Geneva do not have CAP Protection Juridique insurance. Therefore, the Federation of International Civil Servants Association (FICSA) has worked for over two years now to broker a deal with an insurance provider so that staff associations and unions who have less than 1,000 dues-paying members could still get legal protection coverage.

Under this insurance scheme with Fortuna Insurance, 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.

Without a deductible, Fortuna Insurance will cover up to 15,000 CHF per member and per dispute which includes:

1. The cost of a lawyer
2. Any compensation for legal fees awarded to the other party
3. Cost of expert opinions
4. Cost of a mediation process and out-of-court negotiation cost.

For mass litigation, defined as a case where there are ten or more staff filing against their administration on the same issue, Fortuna Insurance will cover up to 200,000 CHF and there is no deductible.

Under Fortuna Insurance through FICSA, the staff member does not have to be based in Geneva. The 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, the respective court (ILOAT or UNAT) needs to be in Geneva, or hold its session in Geneva.

If you are interested in signing up for Fortuna Insurance, contact your staff association/union and ask them to add you to the list of interested staff that should be sent to FICSA as soon as possible. The email of FICSA is ficsa@un.org.

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

- (a) The staff member needs to contact the President of the staff association/union who is responsible for informing the FICSA Secretariat and for passing the case to Fortuna within ten days from the date of receipt.
 - The staff member needs to provide proof that options within the organizations were exhausted to settle a conflict
- (b) Fortuna lawyers will consider the merits of the case and revert to the President of the staff association/union and the President of FICSA in another ten days maximum.
- (c) The President of the staff association/union has to relay such a decision to the respective staff member without any delay.

Don't be like David facing Goliath alone. Have access to a competent lawyer; sign up for legal insurance protection.

More information:

<https://ficsa.org/activities/projects/legal-insurance.html>