



UNITED NATIONS

Appendix D to Staff Rules

*Provisional Rules Governing Compensation
to Staff Members in the Event of Death,
Injury or Illness Attributable to the
Performance of Official Duties on
Behalf of the United Nations*

Secretary-General's Bulletin

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SECRETARY-GENERAL'S BULLETIN

To: Members of the Staff of the United Nations

Subject: PROVISIONAL RULES GOVERNING COMPENSATION TO
STAFF MEMBERS IN THE EVENT OF DEATH, INJURY
OR ILLNESS ATTRIBUTABLE TO THE PERFORMANCE
OF OFFICIAL DUTIES ON BEHALF OF THE UNITED
NATIONS

The rules annexed hereto are issued as Appendix D to the Staff Rules in accordance with Staff Rule 106.4, effective from 1 January 1953. The Rules (Appendix D) are provisional and may be amended following a period of operation and experience.

By direction of the Secretary-General



BYRON PRICE

Assistant Secretary-General
Administrative and Financial Services

**Provisional Rules Governing Compensation to Staff Members
in the Event of Death, Injury or Illness Attributable to the
Performance of Official Duties on Behalf of the United Nations**

SECTION I - APPLICABILITY

Article 1 - Applicability

(a) Subject to the provisions of this article, the provisional rules shall apply fully to all staff members holding:

- (i) Permanent appointments;
- (ii) Temporary indefinite appointments;
- (iii) Fixed term appointments (except as provided under sub-paragraph (d)).
- (iv) Mission appointments.

(b) In the case of staff members whose salaries or wages are fixed in accordance with Staff Rules 103.2, 103.3 or 103.4, appropriate adjustments in the minimum amounts of compensation may be made by the Secretary-General, taking into account the proportion which the staff members' salary or wage bears to Headquarters rates.

(c) The Secretary-General may, in appropriate cases, arrange for the coverage of staff members who are locally recruited under an applicable national social security scheme, in which case these provisional rules shall not apply to such staff members.

(d) Personnel engaged for conferences or other short term service shall be entitled to compensation payments in accordance with articles 10(a), 10(b), 10(c), 11.1(a) and 11.2(a), and to such additional compensation payment or payments as the Secretary-General, on the recommendation of the Advisory Board on Compensation Claims, may deem appropriate.

(e) These provisional rules shall not apply to Technical Assistance experts except as may be prescribed by the Secretary-General in accordance with decisions of the Technical Assistance Board.

(f) These provisional rules shall not apply to internes nor to persons under contract with the United Nations by Special Service Agreement.

SECTION II - PRINCIPLES OF AWARD AND GENERAL PROVISIONS

Article 2 - Principles of Award

The following principles and definitions shall govern the operation of these rules:

(a) Compensation shall be awarded in the event of death, injury or illness of a staff member which is determined to be attributable to the performance of official duties on behalf of the United Nations, except that no compensation shall be awarded when such death, injury or illness has been occasioned by:

- (i) the wilful misconduct of any such staff member; or
- (ii) any such staff member's wilful intent to bring about the death, injury or illness of himself or another.

(b) Without restricting the generality of (a), death, injury or illness of a staff member shall be deemed to be attributable to the performance of official duties on behalf of the United Nations in the absence of any wilful misconduct or wilful intent when:

- (i) the death, injury or illness resulted as a natural incident of performing official duties on behalf of the United Nations; or
- (ii) the death, injury or illness was directly due to the presence of the staff member, in accordance with an assignment by the United Nations, in an area involving special hazards to the staff member's health or security, and occurred as the result of such hazards; or
- (iii) the death, injury or illness occurred as a direct result of travelling by means of transportation furnished by or at the expense or direction of the United Nations in connection with the performance of official duties; provided that the provisions of this sub-paragraph shall not extend to private motor vehicle transportation sanctioned or authorized by the United Nations solely on the request and for the convenience of the staff member.

(c) Compensation with respect to a child shall be paid until the end of the month in which the child reaches eighteen years of age; provided that if the child is in full time attendance at a school or university (or similar educational institution) or is totally disabled, compensation shall be continued until the end of the month in which the child reaches twenty-one years. The Secretary-General may extend these age limits in the case of a child whose disability is total and where failure to grant an extension would work a severe hardship.

(d) "Dependents" shall mean and include only: a wife, dependent husband, dependent child, dependent parent, dependent brother or dependent sister.

(e) The term "net base pay" shall have the same meaning as "pensionable remuneration" under the Regulations for the United Nations Joint Staff Pension Fund in accordance with Staff Rule 103-16.

Article 3 - Sole Compensation

The compensation payable under these rules shall be the sole compensation to which any staff member or his dependents shall be entitled in respect of any claim falling within the provisions of these rules.

Article 4 - Relation to Benefits Under the United Nations Joint Staff Pension Fund

(a) For the purpose of this article, the compensation provided for by these rules shall be grouped as follows:

(i) compensation under articles 10(a), 10(b), 10(c), 11.1(a), 11.2(a) and 11.3;

(ii) other compensation payments.

(b) Compensation awarded under these rules is intended to supplement benefits awarded under the Regulations for the United Nations Joint Staff Pension Fund. If the benefits payable under the Regulations for the United Nations Joint Staff Pension Fund are smaller than the compensation to which the staff member or his dependents are entitled under group (ii), the United Nations shall pay the compensation to which the staff member or his dependents are entitled under

group (i), plus such additional amount as is necessary to provide the compensation to which the staff member or his dependents are entitled under group (ii).

(c) If the benefits payable under the Regulations for the United Nations Joint Staff Pension Fund are equal to or greater than the compensation to which the staff member or his dependents are entitled under group (ii), the United Nations shall pay the compensation to which the staff member or his dependents are entitled under group (i), but no compensation shall be paid under group (ii).

Article 5 - Relation to non-United Nations Compensation Payments or Entitlements

In determining the amount of compensation under these rules, the Secretary-General may take into account any compensation payment or benefits under governmental, institutional or industrial schemes for which the staff member or his dependents may qualify; provided that this article shall not operate to reduce compensation payments under these rules below the level provided by these rules. No account shall be taken in determining the amount of compensation of commercial insurance carried by the staff member and of which he or his dependents may be the beneficiaries.

Article 6 - Claims against Third Parties

(a) If a death, injury or illness for which compensation may be awarded under these rules is caused in circumstances which, in the opinion of the Secretary-General, create a legal liability in a third person to pay damages therefor, either to the staff member or to another person who is entitled to compensation under these rules in respect of the death, injury or illness, the Secretary-General may, as a condition to granting such compensation, require the member of the staff or such person to assign to the United Nations any right of action to enforce such liability, or to participate with the United Nations in prosecuting such action.

(b) The staff member or such person shall furnish the United Nations with such data and evidence as may be available to him for prosecuting such action and render the United Nations all other assistance which may be required for prosecuting such action. The staff member or such person shall not settle any claim or action against such third person without the consent of the United Nations, but the United Nations shall be entitled to settle or require the staff member or such person to settle any claim or action against such third person upon such terms as seem reasonable to the United Nations.

(c) If the staff member or such person, or the staff member or such person and the United Nations prosecute to judgment or settle any claim against such third person or make any settlement of such claim, the proceeds derived therefrom shall be used (i) to defray the costs of the suit or settlement, including reasonable attorney fees, and (ii) to reimburse the United Nations for any compensation including expenses of medical services provided under these rules with respect to the death, injury or illness. The balance, if any, shall be paid over to the staff member or such person and the United Nations' liability under these rules shall to that extent be reduced.

Article 7 - Non-Assignment

A person who may be entitled to compensation under these rules may not assign his rights under these rules to another person.

Article 8 - Minors

All awards of compensation required to be made to minors under these rules shall be paid to or for the benefit of such minors. The Secretary-General may require the appointment of a guardian in any such case.

Article 9 - Re-opening of Cases

The Secretary-General, on his own initiative or upon the request of a person entitled to or claiming to be entitled to compensation under these rules, may re-open any case under these rules, and may, where the circumstances so warrant, amend in accordance with these rules any previous award with respect to future payments.

SECTION III - COMPENSATION PAYMENTS

Article 10 - Death

In the event of death of a staff member attributable to the performance of official duties on behalf of the United Nations, the United Nations shall pay:

(a) a reasonable amount for the preparation of the remains and funeral expenses;

(b) the expenses of return transportation of the deceased staff member and his dependents (i) either to the place where the Organization would have had an obligation to return the staff member on separation, (ii) or to another place provided that the maximum expense borne by the United Nations shall not exceed the amount under (i).

(c) all reasonable medical, hospital and directly related costs.

(d) compensation to the staff member's widow and/or other dependents as follows:

- (i) to the staff member's widow until death or remarriage, an annual compensation equal to $33\frac{1}{3}$ per cent of the staff member's final annual net base pay, provided that the compensation shall not be less than \$1500 per annum. Upon remarriage of the widow, a lump sum equivalent to two years compensation under this sub-paragraph shall be paid to her.
- (ii) to the staff member's dependent widower during the continuance of serious incapacity until death or remarriage, an annual compensation equal to $33\frac{1}{3}$ per cent of the staff member's final annual net base pay, provided that the compensation shall not be less than \$1500 per annum. Upon remarriage of the dependent widower, a lump sum equivalent to two years compensation under this sub-paragraph shall be paid to him. Whenever payments with respect to a child or children under the provisions of the Regulations for the United Nations Joint Staff Pension Fund are larger than provided for under

sub-paragraph (iii), the higher amount payable under such Regulations shall prevail, and the compensation otherwise awardable to the dependent widower shall be reduced accordingly while such larger payments are made. Such interim reduction shall not affect the lump sum amount otherwise payable to the dependent widower on re-marriage.

- (iii) for each child, if there is a surviving widow or widower of the deceased, an annual compensation equal to 5 per cent of the staff member's final annual net base pay, provided that the compensation for each child shall not be less than \$300 per annum. Upon the re-marriage of a surviving widow or dependent widower, the compensation for children shall be re-calculated in accordance with this sub-paragraph. Upon the death of the surviving widow or widower, compensation shall be paid for each child in accordance with sub-paragraph (iv).
- (iv) if there is one surviving child of the deceased staff member and no surviving widow or widower, there shall be paid for such child the compensation provided for the widow under (i) above. If there are two or more children of the deceased staff member and no surviving widow or widower, there shall be paid for such children the compensation provided for the widow under (i) above for the first child and 10 per cent of the staff member's final annual net base pay for each of the other children, provided that the latter amount shall not be less than \$600 per annum for each child. The total amount of compensation under this sub-paragraph shall be divided in equal shares among the children of the staff member.
- (v) the total annual compensation payable under sub-paragraph (d) shall not exceed 86-2/3 per cent of the final annual net base pay of the staff member, plus the children's allowances which were paid by the United Nations at the cessation of the staff member's employment, provided that the total compensation shall in no case be less than \$1500 per annum if there is one beneficiary or \$1800 per annum if there are two or more beneficiaries.
- (vi) where the annual compensation otherwise payable under sub-paragraph (d) is less than 66-2/3 per cent of the staff member's final annual net base pay, plus the children's allowances which were paid by the United Nations at the cessation of the staff member's employment, and the staff member had other dependents at the time of his death, such dependents shall be awarded a lump sum payment the amount of which shall be determined by the Secretary-General, provided that such an amount shall not exceed twice the staff member's final annual net base pay or \$10,000 whichever is smaller. Where dependency is established by two or more separate claimants, the Secretary-General may allocate compensation to the claimants in such manner as appears to him fair and equitable.

Article 11 - Injury or Illness

In the event of an injury or illness of a staff member attributable to the performance of official duties on behalf of the United Nations, the following provisions shall apply:

- 11.1 In the case of injury or illness resulting in incapacity which is determined by the Secretary-General to be total, the United Nations, regardless of whether the staff member is continued in the employment of the Organization or is separated, shall pay:
- (a) all reasonable medical, hospital and directly related costs.
 - (b) the following compensation for the period of such total incapacity:
 - (i) during the first year following the occurrence of the injury or the onset of the illness, compensation payments equal to the staff member's salary and allowances, but not including Special Post Allowance under Staff Rule 103.11
 - (ii) after the first year, compensation payments equivalent to 66-2/3 per cent of the staff member's net base pay plus 5 per cent of such net base pay for each child, provided that payments with respect to each child shall not be less than \$300 per annum.
 - (iii) the total annual compensation payments under sub-paragraph (ii) shall not exceed the total of the staff member's final annual net base pay plus the children's allowances to which he was entitled, provided that the compensation payments shall in no case be less than \$1500 per annum for a staff member without dependents and \$1800 per annum for a staff member having one or more dependents.
- 11.2 In the case of injury or illness resulting in incapacity which is determined by the Secretary-General to be partial, the United Nations shall pay:
- (a) regardless of whether the staff member is continued in the employment of the United Nations or is separated:
 - (i) all reasonable medical, hospital and directly related costs,
 - (ii) if the injury or illness results in permanent disfigurement, or permanent loss of a member or function, irrespective of whether it affects earning capacity, a lump sum the amount of which shall be determined by the Secretary-General on the basis of the schedule immediately hereunder.

Schedule (Permanent Partial Incapacity)

<u>Loss or Total Loss of Use</u>	<u>Amount</u>
Arm	
At or above elbow	\$10,500
Below elbow	9,000
Hand	7,500
Thumb	2,250
Fingers	
First (index)	1,350
Second (middle)	900
Third (ring)	750
Fourth (little)	450
Leg	
At or above knee	9,750
Below knee	8,250
Foot	6,000
Great toe	1,200
Other toe	375
Loss of sight, one eye	4,950
Loss of hearing, one ear	1,950
both ears	6,750
Serious disfigurement of face, head or neck, not exceeding	3,500

In the case of staff members whose salaries or wages are fixed in accordance with Staff Rules 103.2, 103.3 or 103.4, or in the case of personnel engaged for conferences or other short term service at locations other than Headquarters, appropriate adjustments in the schedule amounts may be made by the Secretary-General, taking into account the proportion which the staff members' salary or wage bears to Headquarters rates.

(b) to a staff member remaining in the employment of the United Nations, in addition to such payments as he may be entitled to receive under (a):

- (i) for such period as the staff member is totally incapacitated, compensation payments as provided for under 11.1;
- (ii) upon the return to duty of the staff member, if as a result of the incapacity the staff member is not placed in his former post or in a post of equivalent level, a compensation corresponding to two-thirds the difference between his last net base pay before re-assignment and that payable to him in respect of his new post.*
- (iii) upon separation, if the staff member's earning capacity is adversely affected by the injury or illness, such amount of annual compensation as may be determined by the Secretary-General on the basis of the provisions of sub-paragraph (c).

(c) to a staff member not remaining in the employment of the United Nations, if his earning capacity is adversely affected by the injury or illness, in addition to such payments as he may be entitled to receive during total incapacity under 11.1, and in respect of permanent disfigurement or permanent loss of a member or function under 11.2(a), such amount of annual compensation as may be determined by the Secretary-General, on the recommendation of the Advisory Board on Compensation Claims, on the basis of the medical assessment of the degree of incapacity, the staff member's occupation, training and experience, and such other factors as may be pertinent.

(d) in every case where a compensation has been awarded in respect of a permanent incapacity under sub-paragraph (b)(iii) or (c), the Secretary-General may commute the annual compensation award to a lump sum payment which is

* The amount of net compensation shall be fixed at the time of re-assignment, and shall be added to the net base pay of the new post for commutation to a gross basis for assessment under the Staff Assessment Plan.

Annual increments or increases in salary on promotion shall be payable at their normal net values, provided that at such time as the combined net base pay plus net compensation reaches the level of the net base pay immediately preceding re-assignment, the net compensation shall be reduced in amounts equal to one half of the net amount of each subsequent increment or other increase in net base pay.

Whenever compensation is payable to a staff member assigned to a duty station where a differential applies, the compensation shall be adjusted for differential as from time to time applicable at such duty station.

The combined total of net base pay plus compensation, exclusive of any adjustment for differential, shall be considered pensionable remuneration for the purposes of the United Nations Joint Staff Pension Fund and normal contributions to the Fund shall be paid by the United Nations and the staff member accordingly.

the actuarial equivalent of such payment, using annuity tables established under these rules for that purpose.

11.3 Notwithstanding any other provisions of article 11, the Secretary-General may, on recommendation of the Advisory Board on Compensation Claims, award additional compensation as follows:

(a) After the first year, in any case where, owing to the staff member's total blindness or having lost both hands or both feet or the use thereof, or being paralyzed and unable to walk, or by reason of other incapacity resulting from an injury or illness attributable to the performance of official duties on behalf of the United Nations, he is so helpless as to require constant attendance, such additional amount as may be determined by the Secretary-General, but not exceeding \$75 per month.

(b) In any case of permanent partial incapacity, where the staff member's earning capacity has been affected by an injury or illness attributable to the performance of official duties on behalf of the United Nations, such allowance as may be determined by the Secretary-General to assist in financing the costs of an approved course of vocational rehabilitation, but not exceeding \$50 per month.

SECTION IV - ADMINISTRATION AND PROCEDURES

Article 12 - Time Limit for Entering Claims

Claims for compensation under these rules shall be submitted within four months of the death of the staff member or the injury or onset of the illness; provided, however, that in exceptional circumstances the Secretary-General may accept for consideration a claim made at a later date.

Article 13 - Type and Degree of Incapacity

The determination of the injury or illness and of the type and degree of incapacity shall be made on the basis of reports obtained from a qualified medical practitioner or practitioners.

Article 14 - Medical Examination

The Secretary-General may require the medical examination of any person claiming or in receipt of a compensation for injury or illness under these rules. In case of refusal or failure of a claimant or beneficiary to undergo such examination at such time or times as, in the opinion of the Secretary-General, may be reasonably necessary, the Secretary-General may bar the claimant or beneficiary from receiving compensation in full or in part.

Article 15 - Documentary Evidence

Every person claiming under these rules or in receipt of a compensation under these rules shall furnish such documentary evidence as may be required by the Secretary-General for the purpose of determination of entitlements under these rules.

Article 16 - Advisory Board on Compensation Claims

(a) An Advisory Board on Compensation Claims shall be established to make recommendations to the Secretary-General concerning claims for compensation under these rules.

(b) The Advisory Board may be consulted by the Secretary-General on any matter connected with the implementation and administration of these rules.

(c) The Advisory Board may decide on such procedures as it may consider necessary for the purpose of discharging its responsibilities under the provisions of this article.

(d) The Board shall consist of:

(i) The three members of the United Nations Staff Pension Committee appointed by the Secretary-General in accordance with the Regulations for the United Nations Joint Staff Pension Fund.

(ii) The three members of the United Nations Staff Pension Committee elected by the participants of the Fund in accordance with the Regulations for the United Nations Joint Staff Pension Fund.

(e) A Secretary shall be designated by the Secretary-General. He may not, at the same time, be a member of the Advisory Board on Compensation Claims.

Article 17 - Appeals in case of Injury or Illness

(a) Reconsideration of the determination by the Secretary-General of the existence of an injury or illness attributable to the performance of official duties, or of the type and degree of incapacity may be requested within thirty days of notice of the decision; provided, however, that in exceptional circumstances the Secretary-General may accept for consideration a request made at a later date. The request for reconsideration shall be accompanied by the name of the medical practitioner chosen by the staff member to represent him on the medical board provided for under (b).

(b) A medical board shall be convened to consider and to report to the Advisory Board on Compensation Claims on the medical aspects of the appeal. The medical board shall consist of: (i) a qualified medical practitioner elected by the claimant; (ii) the Medical Director of the United Nations or a medical practitioner selected by him; (iii) a third qualified medical practitioner who shall be selected by the first two, and who shall not be a medical officer of the United Nations.

(c) The Advisory Board on Compensation Claims shall transmit its recommendations together with the report of the medical board to the Secretary-General who shall make the final determination.

(d) If after reviewing the report of the medical board and the recommendations of the Advisory Board on Compensation Claims, the Secretary-General alters his original decision in favour of the claimant, the United Nations will bear the medical fees and incidental expenses; if the original decision is sustained, the participant shall bear the medical fees and the incidental expenses of the medical practitioner whom he selected and half of the medical fees and expenses of the third medical practitioner on the medical board. The balance of the fees and expenses shall be borne by the United Nations.

(e) Whenever an appeal under this article involves also an appeal against a decision of the Joint Staff Pension Board, the medical board established under

the rules and regulations of the Joint Staff Pension Board and such medical board's report, shall be utilized to the extent possible for the purposes of this article.

Article 18 - Relation to Other Benefits Under the Staff Rules

In any case of death, injury or illness recognized under these rules as attributable to the performance of official duties on behalf of the United Nations, the following provisions shall apply:

(a) Authorized absences occasioned by the injury or illness shall be charged to sick-leave of the staff member. Following the exhaustion of sick leave and subject to any prior separation, the staff member shall be placed on special leave (Staff Rule 105.2). Any special leave granted under this sub-paragraph covering the period when the staff member is paid compensation equivalent to salary and allowances in accordance with article 11.1(b)(i), shall be deemed special leave with pay, while any period of subsequent special leave shall be deemed special leave without pay.

In any case where hardship is subsequently occasioned by the prior use of sick leave as the result of injury or illness attributable to service, a special sick leave credit may be granted, if and as required in the individual case, equal in whole or in part to the authorized sick leave previously so utilized.

(b) In the case of serious incapacity, where the absence of the staff member from his duties is likely to last six months or longer, the Secretary-General may, on request of the staff member, provide travel for the staff member and his eligible dependents to the place of entitlement as determined in accordance with Staff Rules 107.1(b) and 107.2(c), and for their return travel when the staff member returns to duty, provided that, in appropriate cases, the travel expenses involved shall be counted as travel expenses related to the next home leave entitlement of the staff member, or where the staff member does not return to duty, as travel on separation. Travel expenses and other conditions relating to such travel shall be as provided for home leave in accordance with Chapter VII of the Staff Rules.

(c) The provisions of Staff Rule 104.3 relating to reinstatement following retirement on disability under the Joint Staff Pension Fund Regulations shall also apply to staff members separated for reasons of health as the result of injury or illness attributable to the performance of official duties on behalf of the United Nations.

(d) In the case of separation as the result of death, injury or illness attributable to the performance of official duties on behalf of the United Nations, the two years requirement for removal expenses on separation under Staff Rule 107.27(a)(iv) shall not apply.

