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UNITED NATIONS

***Provisional Rules Governing Compensation
to Members of Commissions, Committees
or Similar Bodies in Case of Injury or
Death Attributable to Service with
the United Nations***

NOTE - In accordance with General Assembly resolution 458 (V) adopted 16 November 1950, compensation in case of injury or death attributable to service with the United Nations is provided by the United Nations solely for "those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive subsistence allowance from the Organization".

New York, March 1956

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I GENERAL ASSEMBLY RESOLUTION 458 (V) - "COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR SIMILAR BODIES IN CASE OF INJURY OR DEATH ATTRIBUTABLE TO SERVICE WITH THE UNITED NATIONS".

The General Assembly,

Taking into account the report of the Advisory Committee on Administrative and Budgetary Questions on the problem of compensation to members of commissions, committees or similar bodies in cases of injury or death attributable to service with the United Nations,

1. Approves the following basic points of the compensation plan proposed by the Advisory Committee on Administrative and Budgetary Questions:

- (a) That compensation be paid solely to those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive subsistence allowance from the Organization;
- (b) That compensation be payable only in the event of injury or death attributable to service with the United Nations, eligibility under this paragraph to be determined in accordance with the definition set out by the Advisory Committee on Administrative and Budgetary Questions in paragraph 342 (1) of document A/1312;
- (c) That the maximum compensation to be paid to a claimant will be \$25,000, to be awarded in case of death or total disability;

2. Instructs the Secretary-General to follow, in the settlement of claims, the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in document A/1312.

305th plenary meeting,
16 November 1950

II EXTRACT FROM "SECOND REPORT OF 1950 TO THE GENERAL ASSEMBLY"
- ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS
(Document A/1312).

342. The Advisory Committee concurs in the proposal of the Secretary-General that the following plan for dealing with service-incurred illness, injury or death or persons included in the categories specified in paragraph 337 above should be adopted:

(1) Definition of "Service-Incurred Disability" - Eligibility for Claims

- (i) Compensation in accordance with the provisions of this chapter shall be paid with regard to every commission member who suffers death, injury or other disability arising out of and in the course of performing official duties on behalf of the United Nations without regard to fault as a cause of such death, injury or other disability, except that no compensation shall be paid when such death, injury or other disability has been solely occasioned by the wilful intention of any such commission member to bring about the death, injury or other disability of any such member or of any other person;

(ii) Without restricting the generality of section (i), death, injury or other disability shall be deemed to have arisen out of and in the course of performing official duties on behalf of the United Nations in the absence of any wilful intent when:

- (a) The death, injury or other disability resulted as a natural incident of performing official duties on behalf of the United Nations; or
- (b) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations in any area which the Secretary-General has declared to be a danger area as a direct result of any special hazards in any such danger area; or
- (c) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations while and as a direct result of travelling by means of transportation furnished by or at the expense of the United Nations.

(2) Per Diem

In case of injury or sickness involving hospitalization, the commission member will be paid one-third of the regular per diem. Where hospitalization is not involved, the normal per diem will be paid in full.

(3) Medical Assistance and Hospitalization (*)

All reasonable costs resulting from service-incurred sickness or accidents (such as medical, hospitalization and related expenses) shall be borne by the United Nations from the date of the accident or sickness until recovery or establishment of disability.

(4) Disability

- (i) Determination. Disability (degree and duration) will be determined by a medical board appointed by the Secretary-General;
- (ii) Benefits. Following the determination of disability, a lump-sum payment will be made to the commission member, in accordance with a scale to be worked out by the Secretary-General in consultation with the Advisory Committee on Administrative and Budgetary Questions. (**)

(5) Death

- (i) Funeral and related expenses. The United Nations will pay reasonable expenses in connexion with preparing the remains and, where necessary, expenses of transportation home;
- (ii) Compensation to dependents. A lump-sum payment in the amount of \$25,000 will be paid. (***)

(6) Payment of Indemnities

The payment of indemnities provided in this scheme will be made regardless of any payments due to the commission member by any insurance scheme to which the United Nations does not contribute.

(*) The Health Services at New York and Geneva are equipped to carry out many of the usual tests, and to refer members for treatment at reasonable rates, in cases of injury or illness at these locations. Use of these services serves the purpose of economy for the Organization.

(**) The scale shown in Part III, page 3, has been worked out in consultation with the Advisory Committee on Administrative and Budgetary Questions.

(***) See sub-paragraph (c) of paragraph 1 of General Assembly resolution 458 (V).

343. The Advisory Committee recommends that, if the above scheme is adopted by the General Assembly, the necessary expenditure for cases as they arise should be a charge to the regular annual budget of the United Nations.

III SCALE OF COMPENSATION IN RESPECT OF PERMANENT DISABILITIES.

DISABILITIES

	<u>Permanent</u>	<u>Loss of use</u>
	<u>Total loss or</u>	<u>Lump-sum</u>
	<u>Percentage</u>	<u>compensation</u>

1. COMBINED DISABILITIES

Total loss or loss of use of both hands or both arms, or both feet, or both legs, or both eyes, or any two such members

100 \$25,000

2. ARM

At or above elbow.....
Below elbow

80 20,000
70 17,500

3. HAND.....

65 16,250

4. THUMB

With metacarpal.....
With both phalanges
One phalanx.....

30 7,500
25 6,250
15 3,750

5. FINGERS

First (index)
Second (middle)
Third (ring).....
Fourth (little)

15 3,750
10 2,500
10 2,500
10 2,500

6. LEG

At or above knee
Below knee

75 18,750
60 15,000

7. FOOT.....

45 11,250

8. GREAT TOE

15 3,750

9. TOE OTHER THAN GREAT TOE.....

3 750

10. LOSS OF SIGHT - One eye)

)
LOSS OF ONE EYE)

40 10,000

11. LOSS OF HEARING - One ear.....

Both ears

20 5,000
70 17,500

12. DISFIGUREMENT.....

Exposed parts, 10 - 50%. Exceptional cases - Very severe facial disfigurement to 100%.

Principles of Assessment

- (1) Loss of binocular vision or 80 per cent or more of the vision of one eye shall be assessed as for the loss of sight of one eye.
- (2) Phalanges - Assessment for loss of more than one phalanx of a digit shall be the same as for loss of the digit; assessment for loss of the first phalanx shall be one-half that for the entire digit.
- (3) Two or more digits - Assessment for loss or loss of use, of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, shall be proportioned to the loss of use of the hand or foot occasioned thereby.
- (4) Total loss of use - Assessment for permanent total loss of use of a member shall be the same as for loss of the member.
- (5) Partial loss or partial loss of use - Assessment for permanent partial loss or loss of use of a member shall be proportionate to loss or loss of use of the member.
- (6) In any cases in which there is loss, or loss of use, of more than one member or parts of more than one member, assessment shall be made separately for each injury, except where the injury affects only two or more digits of the same hand or foot, in which case assessment will be made in accordance with item (3). Where partial bilateral loss of hearing is involved, assessment shall be computed upon the loss as affecting both ears.
- (7) Permanent disabilities arising from injuries not specified in the schedule above, or arising from disease, will be assessed having regard to the general level of assessments indicated by the schedule and these principles of assessment.
- (8) Where an injury is expected to result in disability of greater extent for a reasonably determinable period followed by a permanent disability of lesser degree, assessment of both conditions will be made, supported by complete details of the computation of both assessments.
- (9) Complete details of all disfigurements occasioned by the injury will be included¹ in each medical report.

IV CONDITIONS GOVERNING TEMPORARY CONTINUANCE OF PER DIEM.

The following rules shall govern the payment of per diem during temporary disability of a commission member:

- (a) Payment of per diem shall be continued only during such period as the commission member necessarily remains at a location other than his normal place of residence, provided that, subject to sub-paragraph (b) below, the Secretary-General may, in exceptional circumstances, authorize the continuance of per diem payments for such period as he may determine.
- (b) The maximum period during which per diem payments may be continued shall be 52 weeks.

V SCALE OF COMPENSATION IN RESPECT OF DEATH.

1. Widow or Dependent Widower

Where the commission member is survived by a widow or dependent widower, there shall be paid to such person a lump-sum compensation in the amount of \$25,000.

2. Widow or Dependent Widower and Dependent Child

- (a) Where the commission member is survived by a widow or dependent widower and one dependent child under 21 years of age, the lump-sum compensation shall, subject to the provisions of sub-paragraph (b) below, be allocated as follows:

<u>Completed years of age of child at time of death</u>	<u>Lump-sum compensation</u>	
	<u>Child</u>	<u>Widow or dependent widower</u>
11 years or less	\$10,000	\$15,000
12 years	9,000	16,000
13 years	8,000	17,000
14 years	7,000	18,000
15 years	6,000	19,000
16 years	5,000	20,000
17 years	4,000	21,000
18 years	3,000	22,000
19 years	2,000	23,000
20 years	1,000	24,000

- (b) Where the dependent surviving child is totally and permanently disabled, the compensation for such child, regardless of age, shall be \$10,000, and the compensation for the widow or dependent widower shall be \$15,000.

3. Widow or Dependent Widower and Dependent Children

Where the commission member is survived by a widow or dependent widower and two or more dependent children who are under the age of 21 years, or, regardless of age, if totally and permanently disabled, the lump-sum compensation for each child shall be determined in accordance with paragraph 2 above, provided that if the combined total of such compensation for dependent children shall exceed \$15,000, the amount for each child shall be reduced in the proportion which \$15,000 bears to such combined total; the amount of compensation payable to the widow or dependent widower shall be \$25,000 less the amount allocated, in accordance with the above, to the children.

4. Dependent Child

- (a) Where the commission member is survived by a child under the age of 21 years, a lump-sum compensation shall be paid as follows:

<u>Completed years of age of child at time of death</u>	<u>Lump-sum compensation</u> <u>Child</u>
11 years or less	\$25,000
12 years	22,500
13 years	20,000
14 years	17,500
15 years	15,000
16 years	12,500
17 years	10,000
18 years	7,500
19 years	5,000
20 years	2,500

- (b) Where the dependent surviving child is totally and permanently disabled, the compensation for such child, regardless of age, shall be \$25,000.

5. Dependent Children

Where the commission member is survived by two or more children who are under 21 years of age, or, regardless of age, if totally and permanently disabled, the lump-sum compensation for each child shall be determined in accordance with paragraph 4 above, provided that if the combined total of such compensation shall exceed \$25,000, the amount for each child shall be reduced in the proportion which \$25,000 bears to such combined total.

6. Other Dependents

Where the total compensation under the preceding paragraphs amounts to less than \$25,000 and the commission member had, at the time of his death, dependent—other than those referred to above, a lump-sum compensation may be paid to such other dependents in such amount as may be determined by the Secretary-General, provided that the total compensation for all dependents shall not exceed \$25,000.

VI GENERAL PROVISIONS.

1. Rules Not Applicable to Staff Members

In any case where a member of a commission, committee or similar body is also a staff member of the United Nations, his entitlements as to amount of compensation shall be determined in accordance with the applicable Staff Rules rather than in accordance with the provisions of these rules.

2. Sole Compensation

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

3. 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 commission 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 commission member 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 commission 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 commission 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 commission member or such person to settle any claim or action against such third person upon such terms as appear reasonable to the United Nations.
- (c) If the commission member or such person, or the commission 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 commission member or such person and the United Nations' liability under these rules shall to that extent be reduced.

4. Non-Assignment

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

5. Awards to Minors

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

VII ADMINISTRATION

1. Time Limit for Entering Claims

Claims for compensation under these rules shall be submitted within sixty days of the death of the commission member or of 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.

2. Medical Examination

The Secretary-General may require the medical examination of any commission member claiming a compensation for injury or illness under these rules. In case of refusal or failure of such commission member 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 commission member from receiving compensation in full or in part.

3. Type and Degree of Disability - Determination

- (a) Temporary Disability. The determination of the injury or illness and of the type, degree and duration of disability shall be made on the basis of reports obtained from a qualified medical practitioner or practitioners.
- (b) Permanent Disability. The determination of permanent disability and of the type and degree of such disability shall be made on the basis of a report of a medical board comprised of three qualified medical practitioners appointed by the Secretary-General, one of whom shall be nominated by the commission member. If, in any case, the appointment of such a board shall not prove practical or feasible, determination shall be made on the basis of other competent medical opinion which in all cases shall include a medical opinion on behalf of the commission member.

4. Designation of Dependents

- (a) The commission member shall designate his dependents for the purpose of these rules by filing with the principal secretary of the commission or committee concerned a "Declaration of Dependents" in a form prescribed by the Secretary-General, and may file with the principal secretary amended forms from time to time, as may be appropriate.
- (b) Statements in the "Declaration of Dependents" shall be taken into account by the Secretary-General in determining entitlements to compensation under these rules, but shall not be binding on him.

5. 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.

6. Advisory Board

The Secretary-General shall appoint an Advisory Board on Compensation Claims to review claims filed under these rules and to report to him regarding such claims.

7. Appeals in Case of Injury or Illness

- (a) Reconsideration of the determination by the Secretary-General of the existence of death, injury or illness attributable to service with the United Nations or of the type and degree of disability 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. In all appropriate cases, request for reconsideration shall be accompanied by the name of the medical practitioner chosen by the commission member to represent him on the medical board provided for under (b).
- (b) Whenever the medical aspects of the case are cited as grounds for the request for reconsideration a medical board shall be convened to consider and to report on the medical aspects of the appeal. The medical board shall consist of: (i) a qualified medical practitioner selected by the commission member, (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 Secretary-General, after reviewing the report of the medical board and such other evidence as may be pertinent, shall make the final determination.
- (d) If, after reviewing the report of the medical board and such other evidence, 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 appellant 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.

VIII PROCEDURES FOR FILING CLAIMS

1. Reporting of Death, Injury or Illness of a Commission Member at Headquarters

- (a) Deaths which appear to be attributable to service with the United Nations shall be reported forthwith to the principal secretary of the commission or committee concerned, who shall notify the Health Service and the secretary of the Advisory Board on Compensation Claims.
- (b) Injuries or illnesses deemed to be attributable to service with the United Nations shall be immediately reported to the principal secretary and to the Health Service. If the commission member is unable to report his injury or illness to the Health Service, a report shall be prepared as soon as possible after the occurrence of the injury or illness by the principal secretary of the commission or committee concerned, and forwarded to the Health Service.

2. Reporting of Death, Injury or Illness of a Commission Member at Established Offices Away from Headquarters

- (a) In the case of fatal or other critical accidents or illnesses, the principal secretary of the commission or committee concerned shall advise the secretary of the Advisory Board on Compensation Claims by cable of the essential facts of the occurrence. The cable shall be followed by an airmail letter setting out the details.
- (b) In addition, in the case of all fatal and other serious accidents, the principal secretary of the commission or committee concerned shall arrange for a Board of Inquiry, which shall meet as soon as practicable following the accident, and shall investigate and report upon the accident, giving in particular:
 - (i) Date, time and place of the accident,
 - (ii) Names of all persons present,
 - (iii) Details of actual duties being performed at the time of the accident,
 - (iv) Reports of witnesses,
 - (v) Fulllest obtainable medical reports or information,
 - (vi) Names of all persons injured, distinguishing between the commission member or members and others,
 - (vii) Report of any pending proceedings or actual findings of local courts.

The report of the Board of Inquiry shall be forwarded to Headquarters through the principal secretary of the commission or committee concerned. Such report shall be accompanied by the comments of the principal secretary.

- (c) At the European Office, all injuries or illnesses shall be reported to the principal secretary and to the Health Clinic which, after rendering first aid and referring the commission member to a medical practitioner if necessary, will report on the injury or illness in accordance with such procedures as may be from time to time prescribed.

- (d) At other established offices away from Headquarters where medical services have been arranged, injured commission members will be referred to such services. Where no such arrangements exist, the commission member will be referred to an approved medical practitioner.
- (e) In any such case, the commission member shall obtain from the institution or attending medical practitioner detailed billings for services rendered, and a medical report showing diagnosis, treatment and prognosis.
- (f) Reports in respect of all such injuries or illnesses which are deemed attributable to service with the United Nations shall be forwarded to Headquarters (attention: Secretary, Advisory Board on Compensation Claims) in such form as may be from time to time prescribed.

3. Reporting of Death, Injury or Illness of a Commission Member at a Mission or Conference.

In the case of death, injury or illness of a commission member deemed attributable to service with the United Nations which occurs at the location of a mission or session of a commission or committee, the principal secretary of the commission or committee shall follow the procedures prescribed under paragraph 2 above.

4. Official Travel and Other Cases

- (a) In all cases possible, the procedures prescribed under paragraph 2 above shall be followed.
- (b) In all other serious cases, the commission member or other appropriate person shall communicate with the principal secretary of the commission or committee concerned, the European Office, Geneva, or with the United Nations Headquarters, for instructions.
- (c) In all cases of injury or illness, the commission member shall obtain from the institution or attending medical practitioner detailed billings for services rendered, and a medical report showing diagnosis, treatment and prognosis, which shall be transmitted by the commission member through the principal secretary of the commission or committee in making any claim under these rules.

5. Alternate to Principal Secretary of Commission or Committee

In any case where the principal secretary of a commission or committee is absent, the Administrative Officer or other appropriate officer shall perform the duties assigned to the principal secretary under paragraphs 2, 3 and 4 above.

6. Administrative Channels

All reports required to be made by the principal secretary in accordance with paragraphs 2, 3 and 4 of these rules shall be transmitted through the appropriate administrative channels.