DIRECTIVE

Compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the International Renewable Energy Agency (IRENA)

The Director-General hereby promulgates the following:

Section 1
Purpose

The purpose of this directive is to implement staff rule 107.2 and to set out the regime under which a staff member, or his or her surviving spouse or dependents, shall be entitled to compensation in the event of illness, injury or death attributable to the performance of official duties on behalf of the Agency.

Section 2
Applicability

2.1 This directive shall apply to all staff members of the Agency.

2.2 It shall not apply to interns or to individuals under consultant or other type of non-staff contract with the Agency unless otherwise expressly provided by the terms of their contract.

Section 3
Definitions

3.1 "Dependents" means a spouse recognized by the Agency, and a child, parent, brother or sister who are recognized as dependents by the Agency under staff rule 104.1(f).

3.2 "Pensionable remuneration", as defined in staff rule 104.1(c), means the amount set by grade and category of staff for pension purposes in the United Nations common system on the basis of which contributions by the staff member and the Agency to the pension scheme are calculated.
Section 4
General principles

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

(a) The willful misconduct of the staff member; or
(b) The staff member's willful intent to bring about his or her death, injury or illness or the death, injury or illness of another person;

4.2 Without restricting the generality of section 4.1, death, injury or illness of a staff member shall be deemed to be attributable to the performance of official duties on behalf of the Agency in the absence of any willful misconduct or willful intent when:

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

4.3 Compensation with respect to a child shall be paid until the end of the month in which the child reaches eighteen years of age unless the child is in full-time attendance at a school or university (or similar educational institution) or is totally disabled, in which case compensation shall be continued until the end of the month in which the child reaches twenty-one years. The Director-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.

4.4 The compensation payable under this directive shall be the sole compensation to which any staff member or his or her dependents shall be entitled from the Agency in respect of any claim relating to service-incurred death, injury or illness.

4.5 If an event for which compensation is payable under this directive is caused in circumstances which, in the opinion of the Director-General, create on the part of a third party a legal liability to pay damages to a person entitled to compensation, the Director-General may require such person to assign to the Agency any right of action against the third party as a condition for the Agency to grant compensation.
4.6 A person who has the right to claim compensation under this directive may not assign such right to another person.

4.7 All compensation amounts payable to minors under this directive shall be paid to or for the benefit of such minors. The Director-General may require the appointment of a guardian in any such case.

Section 5
Compensation payments in case of death

5.1 In the event of the death of a staff member that is determined to be attributable to the performance of official duties on behalf of the Agency, the Agency shall pay the following:

(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 or her dependents either:

(i) To the place where the Agency would have had an obligation to return the staff member on separation; or

(ii) In cases where the staff member was serving on an official assignment away from his or her duty station at the date of death, to the place of his or her official duty station; or

(iii) To another place provided that the maximum expense borne by the Agency does not exceed the amount under sub-paragraph (i);

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

5.2 In addition, the Agency shall pay to the surviving spouse of the deceased staff member and/or dependents the compensation specified below, provided that the total annual compensation so payable shall not exceed two-thirds of the final annual pensionable remuneration of the staff member plus the annual dependency allowances to which he or she was entitled at the time of death.

(a) With respect to the surviving spouse of the deceased staff member:

(i) The surviving spouse shall receive until death or remarriage an annual compensation equal to two-fifths of the staff member's final annual remuneration. Upon remarriage, the surviving spouse shall receive a lump sum equivalent to two years' compensation;

(ii) If the deceased staff member leaves more than one surviving spouse, the annual compensation payable under sub-paragraph (i) shall be divided equally among the spouses. Upon the death or remarriage of one of the spouses, her share shall be divided among the remainder.
(b) With respect to children recognized as dependents under section 3.1, each such child will receive compensation as follows for the period during which the child qualifies under section 4.3:

(i) If there is a surviving spouse, each child will receive annual compensation of one third of the invalidity pension under section 6.2(c), subject to a minimum of $300 per annum and a maximum of $1,000 per annum, provided that if there are more than three dependent children, the total amount paid to the Agency shall not exceed $3,000 per annum to be divided equally among the eligible children.

(ii) If, or at such time as, there is no surviving spouse, and there is only one dependent child, the annual compensation payable to that child will be one-half of the compensation that would have been payable to a surviving spouse under section 5.2(a).

(iii) If, or at such time as, there is no surviving spouse, and there are two or more dependent children, the annual compensation payable to the children will be the full amount of the compensation that would have been payable to a surviving spouse under section 5.2(a). Such amount shall be divided in equal shares among all the children entitled, and shall be recalculated at such times as any one of such children ceases to qualify under section 4.3.

(c) With respect to a dependent father, mother, brother or sister in respect of whom a dependency allowance was paid by the Agency at the time of death of the staff member, compensation is payable as provided below, provided there is no surviving spouse or dependent children:

(i) A dependent mother or dependent father shall receive compensation in the same amount and subject to the same conditions as provided for a surviving spouse under section 5.2(a);

(ii) A dependent brother or dependent sister shall receive, during such time as he or she is a child within the meaning of section 4.3, a child's compensation in the same amount and subject to the same conditions as provided under article 5.2(b)(i).

Section 6
Compensation payments in case of injury or illness

6.1 This section is applicable in the event of an injury or illness of a staff member which is attributable to the performance of official duties on behalf of the Agency.
Total disability

6.2 In the case of injury or illness resulting in disability which is determined by the Director-General to be total, and whether or not the staff member is continued in the employment of the Agency:

(a) The Agency shall pay all reasonable medical, hospital and directly related costs;

(b) Without prejudice to the staff member's entitlements under other provisions of the Staff Regulations and Rules, the salary and allowances which the staff member was receiving at the date on which he or she last attended at duty (excluding any special post allowance under staff rule 104.3(e)) shall continue to be paid to the staff member until either:

(i) He or she returns to duty; or

(ii) If, by reason of disability, the staff member does not return to duty, then until the date of the termination of his appointment or the expiry of one calendar year from the first day of absence resulting from the injury or illness, whichever is the later. However, if the staff member dies before the expiry of such period, the payments shall cease on the date of death.

(c) Immediately following the date on which salary and allowances cease to be payable under the Staff Regulations and Rules and paragraph (b) of this section, and for the duration of the staff member's total disability, the staff member shall receive annual compensation payments equivalent to two-thirds of his or her final pensionable remuneration plus one-third of such annual rate in respect of each unmarried child of the staff member qualifying under section 4.3, subject always to the successive application of the three limitations set out below:

(i) Payments in respect of each such child shall not be less than $300 per annum or more than $1,000 per annum. The total compensation payable in respect of the children of one staff member shall not exceed $3,000 per annum;

(ii) The total annual compensation payments under section 6.2(c) shall not be less than the smaller of the following two amounts:

- The pensionable remuneration applicable to the salary level of G.1, step 1, or its equivalent in the General Service category at the last permanent duty station of the staff member, plus $300 for each of his dependents in respect of whom a dependency allowance was payable; or

- The maximum amount specified in section 6.2(c)(iii);
(iii) The total annual compensation payments under section 6.2(c) shall not exceed the amount of the final annual pensionable remuneration of the staff member plus the annual dependency allowances to which he was entitled at the date of the cessation of his employment.

Partial disability

6.3 In the case of injury or illness resulting in disability which is determined by the Director-General to be partial:

(a) The Agency shall pay all reasonable medical, hospital and directly related costs, whether or not the staff member remains in the employment of the Agency;

(b) The provisions of section 6.2(b) shall apply:

(i) During such time as the staff member is incapacitated by the injury or illness from the performance of his official duties; and

(ii) Whenever the disability of the staff member results in the termination of his appointment on the ground that he is for reasons of health incapacitated for further service;

(c) Where, as a result of his partial disability, a staff member who remains in the employment of the Agency is reassigned to a post at a lower salary level than that which he held prior to the injury or illness:

(i) Compensation shall be paid at an annual rate equal to two-thirds of the difference between his salary rate before reassignment and the salary rate at which he is reassigned. The compensation amount shall be added to the salary, and the total shall be the basis for determining the pensionable remuneration of the staff member;

(ii) The payment of compensation under section 6.3(c)(i) shall not affect the salary increments applicable to the lower salary level at which the staff member is reassigned.

(d) Where, upon the separation of a staff member from the Agency, it is determined that the staff member is partially disabled as a result of the injury or illness in a manner which adversely affects his or her earning capacity, the staff member shall be entitled to receive such proportion of the annual compensation provided for under section 6.2(c) as corresponds to the degree of the staff member's disability, assessed on the basis of medical evidence and in relation to loss of earning capacity in the staff member’s normal occupation or an equivalent occupation appropriate to his or her qualifications and experience.
Permanent disfigurement or permanent loss of a member or function

6.4 In the case of permanent disfigurement or permanent loss of a member of function:

(a) There shall be paid to the staff member a lump sum, the amount of which shall be determined by the Director-General on the basis of the schedule set out in paragraph (c) below, and in accordance with the principles of assessment set out in paragraph (d) below, and applying, where necessary, proportionate and corresponding amounts in those cases of permanent disfigurement or loss of member or function not specifically referred to in the schedule;

(b) The payment of lump-sum compensation under paragraph (a) shall be made in addition to any other compensation payable under section 6, whether or not the staff member remains in the employment of the Agency, and whether or not the permanent disfigurement or loss of member or function affects the staff member's earning capacity;

(c) Schedule applicable in cases of permanent disfigurement or permanent loss of member of function:

<table>
<thead>
<tr>
<th></th>
<th>Loss or total loss of use</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Both arms or both hands, or both legs or both feet, or sight of both eyes</td>
<td>Twice the annual amount of pensionable remuneration at grade P-4 step V*</td>
</tr>
<tr>
<td>(ii)</td>
<td>Arm - at shoulder</td>
<td>60% of (i)</td>
</tr>
<tr>
<td></td>
<td>- at or below elbow</td>
<td>57% of (i)</td>
</tr>
<tr>
<td>(iii)</td>
<td>Hand (at or below wrist)</td>
<td>54% of (i)</td>
</tr>
<tr>
<td>(iv)</td>
<td>Thumb</td>
<td>22% of (i)</td>
</tr>
<tr>
<td>(v)</td>
<td>Fingers:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- First (index)</td>
<td>14% of (i)</td>
</tr>
<tr>
<td></td>
<td>- Second (middle)</td>
<td>11% of (i)</td>
</tr>
<tr>
<td></td>
<td>- Third (ring)</td>
<td>5% of (i)</td>
</tr>
<tr>
<td></td>
<td>- Fourth</td>
<td>3% of (i)</td>
</tr>
<tr>
<td>(vi)</td>
<td>Leg:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- with short thigh stump</td>
<td>40% of (i)</td>
</tr>
<tr>
<td></td>
<td>- at or below knee</td>
<td>36% of (i)</td>
</tr>
<tr>
<td>(vii)</td>
<td>Foot:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- at or below ankle</td>
<td>28% of (i)</td>
</tr>
<tr>
<td></td>
<td>- Great toe</td>
<td>5% of (i)</td>
</tr>
<tr>
<td></td>
<td>- Any other toe</td>
<td>1% of (i)</td>
</tr>
<tr>
<td>(viii)</td>
<td>Loss of sight (in one eye, assuming other is normal)</td>
<td>24% of (i)</td>
</tr>
<tr>
<td>(ix)</td>
<td>Loss of hearing</td>
<td>35% of (i)</td>
</tr>
</tbody>
</table>

* In the case of General Service staff, appropriate adjustments in the amount of compensation provided for in this schedule shall be made by the Director-General.

The total compensation may not in any case exceed that under (i) above.
(d) Compensation under the immediately preceding provisions shall be determined in accordance with the following principles of assessment, where these are applicable:

(i) The assessment for the loss, or loss of use, of two or more digits, or one or more phalanxes of each of two or more digits, of a hand or foot, shall be proportioned to the loss of the use of the hand or foot occasioned thereby;

(ii) The assessment for permanent total loss of use of a member shall be the same as for the loss of the member;

(iii) The assessment for permanent partial loss, or loss of use, of a member shall be proportionate to the degree of loss or loss of use of the member.

6.5 Notwithstanding any other provisions of section 6, the Director-General may award additional compensation as follows:

(a) Where the injury or illness of a staff member has resulted in total disability of such a nature that the staff member is obliged to depend, for his essential personal needs, on the attendance of another person, either constantly or occasionally, and such attendance entails expense, additional compensation may be paid, in such amount as may be determined by the Director-General, not exceeding the reasonable cost of such attendance;

(b) In any case of permanent partial disability, 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 Agency, an additional allowance may be authorized, in such amount as may be determined by the Director-General, to assist in financing the cost of an appropriate course of vocational rehabilitation approved in advance by the Director-General.

6.6 In any case where annual compensation has been awarded for disability under sections 6.2 or 6.3, the Director-General may decide to make instead an appropriate lump-sum payment.

Section 7
Administration and procedures

Time limits

7.1 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. In exceptional circumstances the Director-General may accept for consideration a claim made at a later date.
Advisory committee

7.2 The Director-General may establish a committee to advise him on claims for compensation made under this directive. The committee shall be composed of one member selected by the Director-General, one member selected by the staff representative body, and a chairperson appointed by the Director-General after consultation with the staff representative body. The committee shall be assisted by a Secretary designated by the Director-General.

Type and degree of disability

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

Medical examination

7.4 The Director-General may require the medical examination of any person claiming or in receipt of a compensation for injury or illness under this directive. 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 Director-General, may be reasonably necessary, the Director-General may bar the claimant or beneficiary from receiving compensation in full or in part.

Documentary evidence

7.5 Every person claiming compensation under this directive or being in receipt of such compensation shall furnish such documentary evidence as may be required by the Director-General for the purpose of determination of entitlements under this directive.

Appeals in case of injury or illness

7.6 After receiving notification of the determination by the Director-General of the existence of an injury or illness attributable to the performance of his or her official duties, or of the type and degree of disability, a staff member may request reconsideration of the decision within thirty days. In exceptional circumstances, the Director-General may accept a request for reconsideration made at a later date.

7.7 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 paragraph 7.8.

Medical Board

7.8 A medical board shall be convened to consider and to report to the Director-General on the medical aspects of the appeal. The medical board shall consist of:

(a) A qualified medical practitioner selected by the claimant;

(b) A medical practitioner selected by the Director-General; and
(c) A third qualified medical practitioner who shall be selected by the first two.

7.9 The medical board shall submit its report and recommendations to the Director-General through the advisory committee established under section 7.2. The Director-General shall make the final determination.

7.10 If the Director-General decides on the appeal to revise the initial decision in favour of the claimant, the Agency will bear the medical fees and incidental expenses of the appeal. If the initial decision is maintained, the claimant 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 Agency.

Section 8
Special leave provisions in compensation cases

8.1 In any case of death, injury or illness recognized under these rules as attributable to the performance of official duties on behalf of the Agency, authorized absences occasioned by the injury or illness shall be charged to the 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 under staff rule 106.6. Special leave granted under this paragraph covering the period when the staff member is paid compensation equivalent to salary and allowances in accordance with section 6.2(b) or 6.3(b) shall be deemed special leave with pay, while any period of subsequent special leave shall be deemed special leave without pay.

8.2 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.

Section 9
Final provisions

The present directive shall enter into force on 14 February 2012.

Adnan Z. Amin
Director-General