Operational Instruction Ref. OI.LG.2018.02
Claims Reporting

Authority:

This Operational Instruction (OI) is promulgated by the General Counsel, Legal Group, under OD.LG.2018.01: Legal, on the basis of a delegation of authority from the Executive Director.

Purpose:

The purpose of this OI is to set forth an obligation for all UNOPS personnel to report any claim against UNOPS and its personnel, or any circumstance that might give rise to such a claim, as well as any loss suffered by UNOPS as a result of a theft of, or criminal damages to, a property for which UNOPS is legally responsible.

This OI applies to all UNOPS personnel.

Effective Date:

This OI shall become effective **immediately.**

Promulgation Date:

03 Apr 2018

Consequential changes:

This OI shall abolish and replace AI.LPG.2013.01: Claims Reporting Obligation of UNOPS Personnel.

[signature redacted]

James Provenzano
General Counsel, Legal Group

1. Introduction

1.1. As a result of its operations, UNOPS and its personnel are exposed to potential legal liability. In order to limit their financial exposure to such liability, UNOPS undertakes various insurance policies.

1.2. Under these insurance policies, UNOPS is subject to strict claims reporting requirements to be eligible for coverage. Compliance with those requirements is therefore essential to ensure that potential claims against, and losses suffered by UNOPS and its personnel are duly and timely reported to UNOPS's insurers.

2. Definitions

2.1. A "circumstance" shall be understood broadly to include any incident, occurrence, dispute, matter, act, error or omission that might give rise to a claim against UNOPS or its personnel.

2.2. A "claim" shall also be understood broadly, including the following:

2.2.1 any oral or written request of compensation against UNOPS or its personnel, or any notice of intention to do so;

2.2.2 any oral or written notice of administrative or legal proceedings, including all forms of legal process or dispute resolution. This definition also includes notice of intent to bring legal action of any type, and may directly or indirectly affect UNOPS or its personnel.

3. Scope

3.1. The legal obligations set out in this OI apply to all UNOPS personnel.

4. Personnel Obligation to Report Claims

4.1. Given the strict claims reporting requirements under the UNOPS insurance policies, UNOPS personnel shall report to a UNOPS Legal Advisor should any of the following circumstances arise:

4.1.1 any circumstance that might give rise to any claim against UNOPS or its personnel;

4.1.2 any claim, or notice of intention to make a claim, against UNOPS or its personnel;

4.1.3 any loss, injury, destruction or damage caused by UNOPS or its personnel to a third party;

4.1.4 any loss of, or damage to, money or property for which UNOPS is responsible.

4.2. In reporting any of the above matters, UNOPS personnel shall provide a UNOPS Legal Advisor with as much background information as possible, including where relevant:

4.2.1 a summary of the circumstances giving rise to a claim against or implicating UNOPS, including the date and location of the underlying events, the names and contact information of the parties involved, the financial amount potentially at stake, as well as any other relevant information;

4.2.2 a copy of any relevant documents;

4.2.3 a summary of any actions that might have already been undertaken in relation to the reported matter.

4.3. UNOPS personnel shall report all the above matters, regardless of percieved responsibility and liability. UNOPS will seek to cover UNOPS and its personnel first, and then may seek recovery from any other parties as may be appropriate.

5. Contracts for Works

5.1. In the specific case of contracts for works, a distinction shall be made between the usual project related “claims” or requests to the Employer’s Representative, and claims against UNOPS.

5.2. Project-related claims/requests to the Employer’s Representative are requests from a Contractor to the Employer’s Representative, such as requests for interim payments and time extensions, additional costs, etc. Such requests are part of regular project management, and need not be reported to a Legal Advisor. However, if the Employer’s Representative rejects such a request, and there is any indication that the Contractor might challenge the Employer’s Representative’s decision to the level of a dispute in accordance with the contract, then this shall be reported to a UNOPS Legal Advisor as soon as practicable.

5.3. In addition, if there is any indication that a claim or request is made, even partly, in relation to an act, error or omission of UNOPS or in relation to damage to persons or property, it shall be reported to a UNOPS Legal Advisor as soon as practicable.