



31 July 2015

Family status report and application for dependency benefits

Introduction

1. Each year officials are asked to submit a family status report form (ILO 1411 which is mailed separately to each official), providing current information relating to their spouse and children. They are invited by means of the same form to apply for dependency benefits for the coming year in respect of any of these family members who are dependent on them for their support. They may also, if the spouse is not recognized as a dependant, apply for an allowance in respect of a dependent parent or dependent unmarried brother or sister. This Procedure supersedes Office Procedure, *Family status report and application for dependency benefits for 2009*, IGDS No. 61 (version 1) of 16 January 2009.
2. This revision of the Procedure introduces a new principle for the determination of family status for the purposes of statutory family entitlements.
3. This Procedure is effective as of the date of issue and applies in respect of recognition of family status after that date.

Scope

4. This Procedure applies to all staff eligible to receive family and dependency benefits (established officials, officials under fixed-term contracts and short-term officials subject to Rule 3.5 of the Rules Governing Conditions of Service of Short-Term Officials).

Rules and assumptions

5. In line with the policy adopted by the United Nations¹ and other organizations of the UN common system, an official's family status for the purpose of entitlements under the Staff Regulations will no longer be determined by reference to the law of the country of nationality of the official, but by reference to the law under which the status was established.

¹ ST/SGB/2004/13/Rev.1 of 26 June 2014.

6. Officials who applied for the dependency benefits in the past will receive a personalized form ILO 1411 with certain basic data that have already been filled in by computer according to the information on file in HRD:
 - these data should be examined carefully to ensure that they are accurate and up to date;
 - any changes should be indicated on the form together with the effective date of the change; and
 - any relevant documents should be attached (please refer to paragraph 18 below).

Officials applying for dependency benefits should complete the remainder of the form, then sign, date and return it. Given the confidential nature of the information furnished, it will be treated with all due respect.

7. The completed form is to be returned to HRD.
8. *Payment of family benefits is contingent on the existence of legally established family ties, as well as on certain financial conditions as specified below. The burden of proof of the existence of those ties and required financial conditions is on the official claiming the benefit. Failure to submit, by the required deadline, form ILO 1411 together with the necessary supporting information (e.g. family certificates in respect of new dependants or evidence of the gross earnings of a dependent spouse or the “main and continuing support” to a secondary dependant), will result in delays in the payment of new benefits and in the automatic discontinuance of dependency benefits.*

Benefits payable

9. The dependency benefits payable are summarized below; amounts and conditions of entitlement are set out in the documents indicated.

Professional category and above

(articles 3.1, 3.9, 3.11, 3.12 of the Staff Regulations)

For a dependent spouse – family rate of net salary, post adjustment and, where applicable, the mobility, hardship and non-removal allowance.

For dependent children – family allowance or, for the first child where there is no dependent spouse, family rate of net salary and post adjustment and, where applicable, the mobility, hardship and non-removal allowance.

For a dependent parent or dependent unmarried brother or sister – family allowance, where there is no dependent spouse.

General Service category

- (a) ***For non-locally recruited General Service staff***
(article 3.11 of the Staff Regulations)

Mobility, hardship and non-removal allowance.

- (b) ***For General Service category in Geneva***
(article 3.13 of the Staff Regulations)

For a dependent spouse – family allowance.

For dependent children – family allowance and, where there is no spouse, a head of family allowance for the first dependent child.

For a dependent parent or dependent unmarried brother or sister – family allowance where no spouse allowance or head of family allowance is paid.

Short-term officials

Other than those subject to Rule 3.5 of the Short-Term Rules, such officials are not entitled to dependency benefits.

Eligibility and conditions

Spouse benefits

10. In accordance with the principles set forth in paragraph 5 above, the ILO will recognize a marriage or a registered domestic partnership for the purpose of establishing the relevant entitlements under the Staff Regulations, provided that the claimed family status is recognized under the law under which the status has been established and, in the case of a domestic partnership, that this law provides for comparable benefits and entitlements for that status as for marriage. Benefits in respect of recognized domestic partners will be paid under the same conditions as those applicable to spouses. For the purposes of this Procedure the word "spouse" includes a recognized domestic partner, and "married status" includes status under a recognized domestic partnership. For purposes of benefits that depend on personal status under the United Nations Joint Staff Pension Fund, officials are advised to seek information directly from the Fund, which separately determines recognition of personal status.²
11. For officials in the Professional category and above and officials in the General Service category in Geneva, a spouse is defined as dependent if their *gross* occupational earnings are less than the *gross* salary attaching to G.1, step 1, of the Geneva General Service category scale.
12. When an official's spouse is an official of the ILO, United Nations, or another specialized agency, the *gross* earnings are those of the relevant grade and step shown on the salary scale of the organization in question, to which is added the post adjustment amount and the mobility, hardship and non-removal allowance, as the case may be. For the calculation of the *gross* earnings of a spouse working on a part-time basis, they will correspond to the part-time percentage of the *gross* earnings of an official of the same grade and step working full time, and the comparison is made between these *gross* earnings and the *gross* salary attached to a G.1, step 1, of the Geneva General Service category scale.
13. ***Special note for officials who are claiming benefits in respect of a spouse who had occupational earnings in the preceding year:*** a statement of *gross* earnings from the spouse's employer or, if self-employed, the tax authorities, should be provided in order to confirm the entitlement for the preceding year or to determine whether any retroactive adjustment in entitlements is required.
14. Benefits in respect of a dependent spouse are paid *provisionally* if they are found to be due on the basis of the official's estimate of the *gross* earnings of the spouse during the coming calendar year. *Final* determination of entitlement is made at the end of the year when the actual earnings are reported. If they are found to be different from the amount estimated by the official, an adjustment will be made without awaiting the year end. Should the likelihood of such a difference become evident *during the*

² See in particular the Survivor's Benefits Booklet and the related Guidelines available on the Fund's website: http://www.unjspf.org/UNJSPF_Web/page.jsp?role=part&page=DocumentsPart&lang=eng.

course of the year, HRD should be informed immediately so that any necessary adjustment can be made with a minimum of retroactivity, both to the official's allowances and to his/her Staff Health Insurance Fund contribution.

15. If the official's ILO service or married status covers only part of the calendar year, the spouse's earnings during that part of the year only will be taken into account, and the cut-off figure will be proportionally reduced.

Child benefits

16. If the official or their spouse is receiving an allowance in respect of a child from a source outside the Office, the official is requested to indicate the amount and source on the form. The family allowance payable by the Office will be reduced by that amount.
17. It is the official's sole responsibility to comply with any applicable national law under which external allowances may be received. In this regard, it should be noted that certain national laws prohibit the receipt of national child benefits where the recipient or their spouse is entitled to similar benefits from an international organization such as the ILO.

Procedural steps

First declaration

18. In the case of a first declaration in respect of a particular family member, the documents listed below under (a)–(g) should be submitted. Upon receipt of a request for benefits, the Office may request the Permanent Mission to the United Nations and the other international organizations in Geneva, or other competent authorities of the country under whose law the personal status has been established to advise whether the status in question is recognized under the law of that country for the purposes of granting benefits and entitlements, and whether the documentation provided would be sufficient to establish the existence of such a status.
19. The official may be required to obtain relevant registration documentation before the personal status can be recognized by the Office.
20. A copy of relevant bank transfers or permanent orders, or evidence of similar forms of payment, is the usual basis relied on by the Office for establishing proof of main and continuing financial support:
 - (a) For a spouse or domestic partner – birth certificate and marriage certificate or certificate of registration.

If legally separated – court decree.

In the case of application for dependency benefits for a legally separated spouse or domestic partner, proof of main and continuing support is required.
 - (b) For a dependent child – birth certificate.

If the child is adopted – adoption papers.

If the child has a disability – a medical certificate.
 - (c) In the case of applications for an allowance for a stepchild, the official will be requested to send a legal document relating to the custody of the child, together with proof of main and continuing support.

- (d) If the official is divorced, legally separated or not married to the child's mother or father, and the child does not reside with the official, proof of main and continuing support will be requested.
- (e) For a dependent father or mother – birth certificate, proof of financial support from the official and details of parent's income from all sources. *Such financial information is expected to be provided annually.*
- (f) For a dependent unmarried brother or sister – birth certificate, and, if over 18 years of age and incapacitated, a medical certificate, as well as proof of financial support from the official and details of the dependant's income from all sources. *Such financial information is expected to be provided annually.*
- (g) If a child or unmarried brother or sister for whom the official claims an allowance is between 18 and 21 years of age, evidence of full-time attendance at an educational institution will be required in due course.

Subsequent declarations

- 21. The official may be called upon to furnish additional information or documentary evidence in support of a claim for dependency benefits.
- 22. *Officials are strongly advised to consult HRD without delay if their dependency situation changes, as failure to do so may lead to suppression, if necessary retroactive, of the dependency benefits.*

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