



SECURAXIS POLICY PAPER

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DUTY OF CARE

By Maarten Merkelbach

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What is duty of care?

In English duty of care has a moral and a legal connotation; other languages use two distinct terms. Here we refer to the legal connotation:

'Duty of care is a legal obligation imposed on an individual or organization requiring that they adhere to a standard of reasonable care while performing acts (or omissions) that present a reasonably foreseeable risk of harm to others.'

Why is this relevant?

Every country has laws that address health and safety at the work place, even though the related legal demands and regulations may differ from country to country. Workplace may be where the organization has its headquarters, where it has activities abroad, and where an employee is sent on business travel.

What law applies (jurisdiction) will differ from case to case. A contractual relationship often stipulates jurisdiction. However, it may be more complicated. Take, for example, the situation in which an organization in country A, hires a national from country B, who is then sent to country C. Also, international law and treaties, such as EU law, may also apply.

What various jurisdictions have in common is the requirement that reasonable and practicable measures are taken relative to foreseeable event.

What this entails concretely in a specific context and case is open to interpretation.

About the author

Maarten Merkelbach is a renowned consultant in Security risk management & ISO 31000 and legal liability/duty of care, working today for various companies, organizations and governments. His clients has been the Swiss Federal Department of Foreign Affairs, the UK's Stabilisation Unit, the OSCE among others.

He is a member of the Securaxis Advisory Board.

What are the responsibilities and liabilities?

An employer is responsible for an act or omission as required by law, the related regulations. Often, sector-wide common good practice can serve as guide.

An employer may be liable when it is responsible for loss or damage by act or omission as required by law and the obligation to repair and/or compensate for any loss or damage caused by that act or omission and/or other sanction imposed by a court.

These notions are relevant in case of an emergency or crisis, and in particular when an employee suffers damage.

What can Securaxis do?

Part of the legal obligation is to have a management plan in place in case things go wrong for an employee, and then be able to act effectively to resolve the problem, emergency or crisis.

Essential is that the organization knows exactly where the employee is and where the problem is. The Securaxis platform does precisely that. Moreover, in an emergency time is of the essence. Securaxis provides the relevant information in real-time, thus cutting reaction time to the absolute minimum. What Securaxis provides is a management tool that is reasonable and practicable relative to a range of foreseeable events that may occur and demand a rapid response.

SECURAXIS

Securaxis provides people travelling and working in hostile or volatile environments with geo-localized and mapped security information in real time. A unique bottom up, networked, and top down approach to share security information with all the necessary features for the security management of people in at-risk contexts.

CONTACTS

Securaxis SA
Avenue du Rhône 69
Cp 23
1211 Geneva 12
Switzerland
contact@securaxis.com
+41 78 867 83 70