

Terre des hommes
Helping children worldwide.

General Duty of Care Policy

201811_DutyOfCarePolicy_v1_En

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Context

Goals

In line with its core aims, Terre des hommes – Child aid (hereinafter referred to as “Tdh”) often operates in situations where safety, health, psychosocial and other risks are high. Tdh is therefore especially committed to its duty of care towards employees, in particular when they are sent to particularly risky areas.

The goals of this policy are to:

- Define the concept of duty of care at Tdh;
- Reaffirm Tdh’s duty of care commitment to its staff;
- Introduce the pillars of duty of care and their implementation within Tdh.

Reference Framework

In Switzerland, Tdh’s duty of care obligations stem from Swiss labour law, specifically Article 328 of the Code of Obligations.

These obligations also stem from the Tdh General Code of Conduct, which reaffirms the organisation’s obligation and commitment to act responsibly towards employees.

Scope

The duty of care policy applies to all staff working at head office or in the field, as well as volunteers and interns, and covers all work contracts without distinction as to status, part-time hours or rank. It must be followed and applied in all countries where Tdh operates, independently of any local legislation that may be more lenient.

The documents that stem directly from this policy (specific policies, guidelines or procedures) also apply to all of the abovementioned categories of staff. Staff are therefore expected to make sure they have a copy of the most recent version of these documents provided to them by Tdh, and that they respect them.

The concept of Duty of care

Definition of Duty of care

There are two types of duty of care — legal and moral (ethical).

Legal duty of care is the legal obligation of individuals and companies to act with prudence and vigilance with regard to others and particularly their employees, in order to avoid any risk of predictable damage.¹

Moral or ethical duty of care is any action (or omission) that goes beyond the legal duty of care required of an individual or company towards their employees. The organization has a moral duty to take care of the physical and/or psychological well-being of its employees.

In both cases, duty of care requires resources and not results.²

Components of Duty of care

Under Article 328 of the Code of Obligations, “within the employment relationship, the employer must acknowledge and safeguard the employee’s personality rights, have due regard for his/her health and ensure that proper moral standards are maintained. In particular, the employer must ensure that employees are not sexually harassed and that any victim of sexual harassment suffers no further adverse consequences.”

“In order to safeguard the personal safety, health and integrity of employees, the employer must take all measures that are shown by experience to be necessary, that are feasible using the latest technology and that are appropriate to the particular circumstances of the workplace or the household, provided such measures may equitably be expected of him/her in the light of each specific employment relationship and the nature of the work.”

Tdh takes into account its specific field of intervention and adapts its duty of care obligations accordingly. In this respect, duty of care at Tdh mainly focuses on the health and safety of its employees, and Tdh devotes all necessary resources to ensuring they are protected.

The employer, in this case Tdh, has duty of care responsibilities that can be divided into four main areas: the duty to inform, the duty to protect, the duty to oversee and the duty to intervene. The components of each of these pillars are non-exhaustive, and listed in the figure below:

¹ « Pouvez-vous être poursuivi en Suisse », 2012, Michel Chavanne, Etude R et Associés, Lausanne.

² *Ibidem*.



Responsibilities

The human resources department

The Human Resources Department:

- Clearly defines the role of supervisors in terms of their prevention, instruction and supervision obligations to protect employees;
- Ensures that staff receive the necessary training related to duty of care, ensure that the appropriate tools and procedures in this field are up to date and that duty of care decisions and methods are applied and implemented.

The risk management sector

The main aim of the Risk Management Division is to protect employees.

As such, the Division follows the duty of care cycle, by:

- Supporting its implementation (duty to inform);
- Developing tools and processes (duty to protect);
- Ensuring rules are applied (duty to oversee);
- Handling individual situations (duty to intervene).

The risk management division ensures that the reporting procedure — an essential element in reporting incidents — functions correctly and conducts checks and reviews. It also ensures the General Code of Conduct is respected.

Other responsibilities

1. The **Foundation's Supervisory Board** will ensure this policy is implemented and request any adjustments required.
2. **General direction** ensures that the relevant duty of care standards (policies, procedures, etc.) are issued, adequately implemented and respected. It promotes this policy and ensures that it is applied.
3. **Supervisors** make sure that staff are informed of Tdh's protection standards, contribute to prevention, information and supervision in terms of employee protection, take action for risk prevention and take the necessary measures in the event of a breach of personal integrity.
4. **Employees** are required to be aware of and follow all of Tdh's indications in terms of duty of care, to help reduce the risks related to their work, to avoid situations that expose them or others to danger and to inform their supervisors without delay of any information related to safety or health or report the information via another other appropriate channel.

Preparation, validation and enforcement procedure

This Duty of Care Policy has been drawn up by the Duty of Care steering committee and validated by the Supervisory Board on November 29th, 2018. It will be reviewed at least every two years.



*Every child in the world
has the right to a childhood.
It's that simple.*

Duty of Care Global Policy

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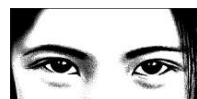
Other related documents:

General Code of Conduct; Staff Health Policy; Safety and Security Policy



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