

# What is Duty of Care?

If you manage other people, you'll likely have come across the term "duty of care." But what does that phrase really mean? Chances are you understand that it means providing your people with a safe working environment.

But, do you know what it means in a practical or legal sense? In this article, we'll explore your responsibilities as a manager for your team members' wellbeing.



## What it means to have a duty of care

Put simply, having a duty of care means being responsible for your people's health, safety and wellbeing.

This usually means protecting the welfare of your team members while they're at their regular workplaces, or while they're on official business off-site and even abroad.

A manager's duty of care to their people typically involves the following:

- Providing and maintaining **safe physical work environments**.
- Ensuring **compliance** with appropriate industry standards and statutory safety regulations.
- Ensuring that people work a **reasonable number of hours**, and have adequate rest breaks.
- Conducting work-based **risk assessments**.
- Protecting people from **discrimination, bullying and harassment**.
- Providing individuals with clear **job descriptions** detailing their work remit and the limits of their roles.
- Providing appropriate **training**, learning and development.
- Providing team members with opportunities to raise concerns and offer **feedback**.

# Is a duty of care a legal requirement?

An employer's or organization's duty of care depends on the country – and sometimes the part of the country – in which it operates.

In the U.S., for example, there are several legal obligations set out by the Department of Labor's [Occupational Safety and Health Administration](#). Other duty of care laws, such as those concerning rest breaks and family leave, are largely set at the state level.

In the UK, health and safety laws are regulated by the [Health and Safety Executive](#). In both countries, employers must comply with legislation, such as conducting risk assessments for anybody in a high-risk category. For example, pregnant women, manual workers and people with disabilities.

Employers must also provide equipment, training and policies to minimize threats to their people's well-being. Employees in the U.K. have an additional legal responsibility to keep themselves and their co-workers safe from harm.

## Moving beyond the legal obligation

Some organizations will provide only the minimum level of care required by law. But many others provide an enhanced degree of care such as subsidized health checks. Moreover, a 2018 survey revealed how much people appreciate managers who truly care about their well-being. [1]

A more robust level of care can make a team **feel valued and engaged**, and lead to improved productivity, engagement and commitment.

On the flipside, failure to provide an effective duty of care for your employees can cause serious reputational damage, as well as put your organization at risk of legal punishments and potential lawsuits.

## Creating a duty of care policy

Many organizations develop their own duty of care policies. If yours is considering doing this, here are a few steps to follow:

### 1. How do you define 'duty of care'?

There is no single, universally-accepted interpretation of 'duty of care'. You need to define it within your organization's unique context.

Your first action should be to seek legal advice to ensure that your organization complies with all the required legislation. Then you can explore what enhanced options to introduce. For example, healthcare provision.

### 2. What do your employees need and expect?

Explore what the concept of "duty of care" means to the people in your team. Ask what they need and want from you to feel safe, supported and able to do their jobs well.

You can also do this across your business to help you build an organization-wide manifesto that establishes three or four guiding principles for an acceptable level of duty of care.

### 3. What duty of care do you already provide?

Ask yourself what you already do to keep your team members safe. You may find – based on your organization's compliance with regulatory frameworks, as well as its own definition of duty of care, and feedback from employees – that you already do enough. If so, great!

If not, consider what measures you need to implement to do so. For instance, offering flexible working to help people have a **better work-life balance**.

Also, think about the people in your team who might require a particular level of care and support. For example, those with disabilities or lone workers. How can you ensure they have equal protection, opportunity and access to help?

### 4. Who is accountable?

Establish and share who is responsible for what type of care, and in what situations. For example, who is responsible for ensuring fire regulations are adhered to, and regular fire evacuation checks are carried out?

Your team members may have a duty of care toward their co-workers to communicate potential risks (such as when travelling to certain places in the world), and to ensure particular policies are enforced.

**Tip:** Be sure to establish clear, specific procedures to follow if team members want to raise concerns, or to offer suggestions about any issues relating to a duty of care.

Once you've thought about these issues, you can start listing your ideas for a duty of care policy, and working out how you'll be able to fulfil your obligations. This may include **prioritizing tasks**, and devising action plans for putting your new duty of care principles in place.

Also, consider where you might meet resistance, such as concerns over costs, time to implement, and possible interference with work schedules.

Providing a duty of care shouldn't be seen as an exercise in dealing with red tape and implementing required regulations. Instead, it should be seen as a positive and important part of ensuring the overall health, safety and well-being of your people – and enjoying the benefits that come with that.

## Key points

'Duty of care' describes a situation where you have a responsibility to maintain the health, safety and well-being of others. That can include issues such as providing safe working conditions and offering constructive feedback.

If you want to provide a higher level of care to your workers, first check you're fulfilling your legal obligations. Then, ask people what they need and consider what you already offer before deciding on any new measures.

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[1] Zameena Mejia, 'The 25 companies with the best managers in America, according to 3 million employees' (2018). Available at: <https://www.cnbc.com/2018/06/07/the-25-us-companies-with-the-best-managers-according-to-employees.html> (accessed 18 June 2010).