

Irish Aid Guidelines for NGO Professional Safety & Security Risk Management



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Contents

Introduction	1
Guidelines / Standards	2
Legal & Moral Obligations	3
Complementarity	4
Guiding Principle: Access to Vulnerable Populations	5
Standard 1: Legal & Regulatory Compliance	6
Standard 2: Safety & Security Risk Management	8
Standard 3: Informed Consent	11
Standard 4: Competent Workforce	14
Standard 5: Responsibility	17

Introduction

In recent years, few issues have focused the attention of the humanitarian aid community more than the growing problem of insecurity. The last decade has seen aid workers increasingly targeted by armed groups and in 2012 alone, 187 humanitarian workers were victims of security incidents worldwide. A significant proportion of these incidents have involved NGO partners. Irish-based aid NGOs have not been immune to such difficulties, operating as they do in some of the most volatile and insecure environments in the world, including in Afghanistan, the Democratic Republic of the Congo, Somalia and Sudan.

Against this challenging backdrop, the guidelines presented here have been designed to help our NGO partners to fulfil their duty of care responsibilities towards their own staff, most especially through an enhanced implementation of their own existing governance processes and in view of their legal obligations as employers. They have been drafted with the active input of the Dóchas Humanitarian Aid Working Group and are based on extensive research carried out by Mr. Christopher Finucane and Mr. Maarten Merkelbach, two leading experts in the field of aid worker security, on behalf of Irish Aid.

A conceptual shift in our overall approach to safety and security underlines the approach taken within the guidelines presented below. Safety and security are not only an ethical and moral concern but are also an explicit legal obligation. This requires the recognition and acceptance of responsibility and accountability under the law, through a top-down approach driven by the organisation's governing bodies. As a result, institutional policy should not be a condensed version of amalgamated field practices. Finally, the guidelines also emphasise the interdependence between efforts to deliver programme objectives effectively and the development of a safety-conscious and competent workforce to help achieve these objectives.

Guidelines / Standards

While voluntary in nature, the guidelines are presented as standards which reflect the desired level of professional conduct to be attained. They should not however be considered as minimum requirements but instead as an effort to provide organisations with guidance on how to reach a high level of professionalism when fulfilling their mission objectives. By choosing to adopt and implement the standards, organisations will be better able to demonstrate their commitment to meeting their legal duty of care obligations.

Some NGOs may find they already meet the core standards, and are able to demonstrate their safety and security risk management is systematic and reflects relevant good practices. Others may find areas within their risk management systems that require improvement. Meeting the standards may require an investment in human or financial resources, but will primarily require an investment in organisational leadership to guide and build the organisation's workplace culture, ensuring the working environment is as safe and secure as possible, and that those working within it are conducting their activities in a safe, secure and professional manner.

Irish Aid plans to support sector-wide capacity building initiatives which will also assist our agency partners in this regard.

Format

Like the Sphere project's core standards¹, each standard is accompanied by key actions, indicators and guiding notes. Key actions list the activities to be considered to implement and attain the standards. Key indicators are the quantifiable results from decisions and processes that demonstrate whether or not the standards have been attained and/or maintained. Guidance notes explain, unfold and address issues, challenges or dilemmas related to attaining the standards. Together with the key actions and indicators, the guidance notes presented here are designed to assist managers in determining appropriate methods for assessing the level to which the organisation is meeting the core standards, and processes for addressing specific challenges.

¹ Sphere Project, *Humanitarian Charter & Minimum Standards in Humanitarian Response*, 3rd edition, 2011

More detailed guidance and information is available in the report prepared on behalf of Irish Aid by Mr. Christopher Finucane and Mr. Maarten Merkelbach, which forms the basis for this document².

Legal & Moral Obligations

Generally professional standards are not afforded a legal personality in the absence of explicit legal conformity requirements. Holding oneself accountable to industry standards is therefore an ethical decision achieved through self-regulation. While the nature of these standards is voluntary in terms of implementation, they are grounded in legal obligations by which employers and employees are bound.

Like any employer, organisations in receipt of Irish Aid funding have explicit legal obligations to demonstrate that they are taking reasonable steps to manage workplace hazards and reduce the risk of harm to employees (exercising the notion of 'duty of care'). Likewise Irish law places obligations on the organisation's employees to work cooperatively with their employers in this regard (such as abiding by internal risk management policies and procedures).

Ireland's Health and Safety Authority guidance³ summarizes employer and employee legal obligations as:

"The Safety, Health and Welfare at Work Act 2005 (the 2005 Act) sets out the duties of employers and their employees regarding safety and health. The 2005 Act puts duties of care on employers to manage and conduct their undertakings so that they are safe for employees. In turn, the 2005 Act requires that employees work in a safe and responsible manner and co-operate with their employer in order to comply with the law."

"Under the 2005 Act responsibility for safety and health is placed directly on those in charge in the workplace. In other words, directors and managers who control the work being done must take on this responsibility."

National laws generally have geographical limitations, whereby the law applies to the territories of its origin. This text does not suggest extra-territoriality applies to the aforementioned Act. However it does recommend, in the absence of extra-territoriality or explicit legal frameworks

² A copy of the report is available on request from Irish Aid

³ Health and Safety Authority, *Guidance for Directors and Senior Managers on their Responsibilities for Workplace Safety and Health*, p.5, 2007

governing employee safety and security for situations where the place of work is another country to the place of employment, that these standards are informed by the intended protections contained within the Act.

Adopting and conforming to professional standards is a governance decision taken or explicitly endorsed by an organisation's board and executive bodies. Implementing these standards, and holding oneself accountable to them, may be considered as reasonable and meaningful steps towards exercising the duty of care owed to employees and associated personnel. Organisations in receipt of Irish Aid funding will be invited to use these voluntary standards and to demonstrate their willingness to work towards their application in the context of future funding and contractual relationships.

Complementarity

These standards are also informed by and are complementary to other governance and accountability frameworks. The standards therefore present a synthesis of relevant elements of other standards and good practices with guidance of specific relevance to safety and security risk management within the international aid sector.

Attaining these standards will strengthen an organisation's commitment to upholding the principles and values contained in the following codes and standards:

IFRC Code of Conduct

People in Aid Code of Good Practice (including Principle 7 – Health, Safety and Security)

Sphere Project, Humanitarian Charter & Minimum Standards in Humanitarian Response

International Non-Governmental Organisations Accountability Charter

Humanitarian Accountability Partnership (HAP)

Guiding Principle: Access to Vulnerable Populations

The standards are underpinned by the guiding principle of “access” whereby aid programs shall be designed, planned, budgeted and implemented bearing in mind requirements to ensure safe, secure and sustainable access to vulnerable populations.

A primary condition for sustainable and effective access, in particular in unstable and hostile environments, is safety and security. There can be no access if aid organisation employees do not benefit from some degree of protection that enables them to work, and be spared the excesses of violence, harassment or other hazards.



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Standard 1: Legal & Regulatory Compliance

Organisations demonstrate a commitment to abide by the national laws of the country in which they are formally registered. (In an Irish context, the relevant legislation includes the Safety, Health and Welfare at Work Act 2005)

Key actions

- > The governing bodies of the organisation explicitly state and communicate the organisation's legal responsibilities to all employees as to safety and security in the workplace
- > The governing bodies of the organisation explicitly delegate responsibilities to ensure legal and regulatory compliance as to safety and security in the workplace
- > The governing bodies and all relevant levels of decision-makers have taken note of and integrated applicable legislation and regulatory frameworks as to safety and security in the workplace into management processes
- > Employees are made aware of their legal rights and obligations as to safety and security in the workplace
- > Employees work in a safe and responsible manner, complying with the organisation's policies and procedures

Key indicators

- > Reasonable measures to ensure legal and regulatory compliance are demonstrated in organisational policies and procedures and actions to communicate and make accessible legal responsibilities can be demonstrated
- > Responsibility for legal compliance is known throughout the organisation and to other relevant stakeholders
- > Compliance mechanisms, processes and frameworks can be demonstrated
- > Compliance with laws and regulations is reviewed on a regular basis

Guiding Notes

National laws of the country in which NGOs are registered apply to organisations, associations, employers and employees. This includes national laws which address health and safety in the workplace. NGOs owe a legal responsibility to their employees to ensure a safe work environment, whatever and wherever that may be, and to take reasonable practical steps to protect them against any foreseeable risks. This responsibility is no less relevant to insecure field environments that often present context-specific risks and NGOs are subject to the same **legal obligations** and responsibilities as other organisations.

The duty of care is a legal obligation imposed on an individual or organisation requiring them to adhere to a standard of reasonable care while performing acts that present a reasonably foreseeable risk of harm to others.

Negligence is often defined as a failure to adhere to (or breach) a standard of reasonable care, resulting in loss, damage or injury. The standard of reasonable care is typically assessed by reference to the actions of a person exercising reasonable care and skill in the same or similar circumstances.

The standard of reasonable care will vary from country to country.

Standard 2: Safety & Security Risk Management

The organisation has a safety and security risk management framework and systematic processes of implementation, committed to by all employees at all levels of management.

Key actions

- > Define safety and security risk and the organisation's safety and security risk attitude, risk criteria and risk ownership in relevant policies and procedures
- > Formulate and commit to a safety and security risk management policy adapted to the organisation's culture
- > Safety and security risk management objectives are aligned with the organisation's mission objectives
- > Employees actively contribute to safety and security risk assessments
- > Employees are explicitly required to comply with the organisation's safety and security risk management policies and procedures
- > Communicate disciplinary mechanisms to treat non-compliance of policies and procedures



Key indicators

- > Safety and security risk management policies clearly states the organisation's definition of risk, risk attitude, risk assessment criteria and risk ownership
- > Safety and security risk management policies clearly state the organisation's risk management objectives, the rationale for managing safety and security risks and make clear links to the organisation's overall mission and objectives
- > Accountability and responsibility for risk management are defined in relevant policies
- > The organisation has allocated necessary resources to develop a safe and secure workplace and takes measures to manage foreseeable risk
- > The organisation can demonstrate that the benefits of safety and security risk management have been communicated to employees and associated personnel
- > Necessary resources are allocated and available to employees and periodic reviews, adaptation and system improvements are demonstrated

Guiding Notes

Security risk management can be defined as 'the culture, processes and structures that are directed towards maximising benefits or advantages and minimising disadvantages in security, consistent with achieving business objectives'. Organisational standards regarding safety and security risk management are not limited to the operational or field environment; nor can they be restricted to a technical response. Risk management should be seen as a strategic and governance issue, which therefore needs to be part of overall institutional policies and managerial processes.

An organisation's security risk management is a part of its overall risk management efforts. The latter covers many other issues (e.g. financial or reputational). Security risk management cannot be reduced to a security specialist's prerogative but requires the active involvement of a range of staff, including expatriate and national employees; executives and

managers, drivers and guards; security, administrative and program staff. Safety and security risk management also requires guidance and formal oversight from an organisation's governing body.

While risk assessment looks at identifying and analyzing threats, and assessing or evaluating the risk these threats may present, risk treatment is the "process for modifying risk" specifically tailored to the organisation, its mission and objectives, as well as its access requirements. Crucial to both will be the definition by the NGO of their attitude or approach to wards risk, which will also depend on the NGO's overall mission and objectives. (An NGO with a primary mission of delivering immediate life-saving medical services (e.g. surgical or emergency medical care) is likely to have a noticeably different risk attitude to an NGO with a primary mission to improve a beneficiary group's livelihood, or to develop civil society capacity).

Emergency response (or contingency) planning

The balance between the probability of an incident actually occurring and the objectives one wishes to attain will sooner or later be tested by a foreseeable or unforeseen event. In order to manage such an event, it is essential that a crisis or emergency plan has been articulated. Such a plan should allow for the possibility of a medical evacuation. The crisis team should also participate in dry-run exercises in order to ensure their smooth collaboration in an emergency scenario.

Redress measures

Most emergency or crisis events will cause some kind and degree of physical or psychological damage to employees or others. Preparedness and means to redress damage and/or injury of a critical event such as health insurance, war risk insurance, invalidity insurance, psychological follow-up, treatment and therapy, loss of income compensation, are some of the issues that need to be considered.

Standard 3: Informed Consent

Employers ensure their employees and associated personnel understand and accept workplace contexts, objectives and the tasks to be performed, and the related safety and security risks and risk treatment measures.

Key actions

- > Employers analyse the context, identify threats and assess risks, and define and implement risk treatment measures (i.e. the risk management processes)
- > Outcomes from the risk management process are communicated to employees and associated personnel at the beginning of, and throughout their employment
- > Employees commit themselves to comply with the organisation's safety and security risk management policies and implementing procedures
- > Changes to the safety and security risk assessment and treatment are communicated to employees
- > Employees actively review their individual position with respect to the safety and security risk assessment and bring concerns to the attention of their management

Key Indicators

- > Employers demonstrate that informed consent has been formally obtained through written acknowledgement by employees
- > Safety and security risk assessment and risk treatment procedures are clearly communicated and available to all employees and associated personnel
- > The organisation has means of compliance verification and enforcement concerning safety and security attitudes and behaviours
- > Employers and employees actively seek inclusion of safety and security in professional development and appraisal programmes

Guiding Notes

The information on which informed consent is given must be framed and provided by the employer. Informed consent cannot be implicit or assumed. Nor can it be argued that the employee could have obtained best available information on his or her part. It is the employer's responsibility to actively fully inform the employee on the basis of the best available information.

An employee should be fully informed of the context, risk and mitigating measures taken by the employer and must have accepted such knowingly and freely. However, even when this informed consent has been formalised, the question of whether voluntary assumption of the risk (by the employee) can be a defence to a claim of negligence, is dependent on applicable legal frameworks and varies from country to country.

Generally speaking, it must be shown that the acceptance of the risk (by the employee) has been entirely voluntary. An employee's **voluntary assumption** of the risk may be difficult to prove in an employer/employee relationship where an employee is often considered not to be in a position to choose freely between acceptance and rejection of a risk because he/she is acting under the compulsion of a duty to the employer. Voluntary assumption may be easier to establish in an independent contractor relationship.

It is advisable that the employer documents the employee's informed consent. Often this requires that in addition to simply signing a document explaining their assumption of the risk, they must also certify that they received training or received a verbal explanation of what it means to assume the risk of travelling and working in insecure environments. This may be documented by way of a signed informed consent form following training or induction in relation to the work activity.



Image © Arjan Ottens

Standard 4: Competent Workforce

The organisation has experienced, skilled and competent employees enabling effective organisational performance.

Key actions

- > Organisations define skills and competencies for specific employment positions and determine learning, training and development strategies to address gaps and provide for professional development
- > Competencies inform and guide hiring practices throughout the organisation (head office and field)
- > Organisations assign an individual with responsibility for integrating safety and security issues into new or existing learning, training and development strategies
- > Organisations make pre-deployment safety and security training available to all employees and relevant associated persons
- > Organisations allocate appropriate resources (such as financial and human resources) to meet safety and security related training, learning and development needs

Key Indicators

- > An explicit safety and security orientated training, learning and development program is proactive and promoted in the workplace (at head office, regional, country and field levels)
- > A core competency framework that explicitly includes safety and security competencies, is communicated to all employees
- > Employees feel adequately prepared to respond to and manage safety and security incidents
- > Hiring policies and practices clearly demonstrate application of the core competencies when selecting candidates for employment

Guiding Notes

Core competency frameworks are widely used in the public and private sectors as a means of communicating the behavioural attributes and skills individuals require (or are expected to acquire) in order to perform their duties to a satisfactory level. Managers should always consider the competencies required of themselves and their workforce in order to ensure safe and secure deployment and programming. Behaviours, combined with experience, skills and knowledge, are essential for an organisation to develop a workforce capable of delivering mission objectives effectively and efficiently. Furthermore, developing the internal capacity of the organisation to manage safety and security risks is a reasonable step to demonstrate the employer's concern with duty of care.

Competencies relevant to the management of safety and security may include leadership and management, decision making, the ability to manage oneself and self-resilience, contextual awareness and cultural sensitivity, communicating and influencing and developing and maintaining collaborative relationships. A useful guide to assist NGOs to develop internal competency frameworks is the Core Humanitarian Competency Framework published by the Consortium of British Humanitarian Agencies (CBHA) and part of the Emergency Capacity Building Project.⁴



4 <http://www.ecbproject.org/the-consortium-of-british-humanitarian-agencies-cbha/cbhaframework>

Training, Learning & Development

Human resources are often considered the primary asset to an organisation. Employee experience is a valuable asset of aid organisations. Combining this with a structured professional development programme, an organisation can strengthen its capacity to operate in unsafe and insecure environments. Training of employees is essential to ensure their technical competence and individual ability to respond to safety and security issues. Equally important are learning and development strategies designed to continually improve employee skills and knowledge.

Performance benchmarks can be adopted to demonstrate commitment to achieving this standard. For example an organisation may aim to maintain a certain level of its workforce as being qualified in first aid. Allowing for staff turnover, this may take the form of an average benchmark of e.g. 75% of field staff to have completed a first aid training course; or 100% of employees with field travel requirements (as part of their job) will have received first aid training. Similar benchmarks may be applied to positions with explicit safety and security management responsibilities. Applying performance benchmarks not only indicates an investment towards improving workforce capacity, but also provides a means of forecasting human and financial resourcing relevant to safety and security.

As well as improving responses to safety and security challenges, a dedicated commitment to training, learning and development has the potential to improve employee attitudes and behaviours towards safety and security risk management, improve employee retention, and strengthen the organisation's reputation as an employer-of-choice within the international aid sector.

Attaining this standard may be achieved through modifications to existing learning and development content such as integrating safety, security, and crisis (or emergency) themes and scenarios into leadership, management and mentoring programmes. Providing a coherent systematic training approach relevant to the organisation's mission objectives and operating environments is advisable.

Standard 5: Responsibility

Organisations act responsibly to ensure their own identity, actions and perception instil trust and confidence in themselves and the international aid sector as a whole.

Key actions

- > Developing a safety and security culture within the workforce that enables effective programmes
- > Organisations demonstrate self-discipline and self-regulation towards all applicable codes of conduct and good practice to which they are signatory
- > Public communications bear in mind the impact of public statements on beneficiaries and on perceptions of the sector as a whole
- > Organisations operate in a transparent manner and have a published accountability statement against which their actions can be assessed
- > Organisations cooperate with other stakeholders in the sharing of information and resources relevant to safe and secure access
- > Organisations demonstrate their mission objectives and programme implementation are aligned with the principle of Do No Harm



Key Indicators

- > The level of employee knowledge and awareness of the organisation's safety and security risk management system and associated policies is assessed and evaluated
- > Employees receive training and awareness of all relevant codes of conduct and good practice which the organisation supports or is signatory to
- > Where co-location exists, NGOs proactively share safety and security training opportunities and other resources
- > External communications issued by the NGO are constructive, bear in mind the principle of Do No Harm, and are received positively by stakeholders
- > A published accountability statement exists and is communicated to relevant stakeholders
- > Organisations commit to and are engaged in inter-agency safety and security forums
- > Mission objectives and programme implementation specifically refer to the principle of Do No Harm and where applicable are accompanied by relevant assessments

Guiding Notes

The notion of describing 'responsibility' as a core standard intends to emphasize and reinstate the 'Do No Harm' principle. Many NGOs have experienced situations where their programmes have been interrupted due to the actions or inaction of another NGO, or as a consequence of their own failures to accurately assess and treat risks in the operating environment. Acting in a responsible manner during all phases of programme delivery requires competent leadership and a commitment by both the employer and the employees, to be conscious of their individual and collective attitudes and behaviours.

Formal self-assessment processes and monitoring of how the organisation's presence and programmes are perceived by others demonstrates a

proactive approach to responsible, professional behaviour, and allows short-falls to be identified and addressed before they create self-generated risks and potentially cause harm to the organisation or others.

As overall guidance, many NGOs subscribe to codes of conduct both on an individual basis and collectively. The IFRC's *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief* and People in Aid's *Code of Good Practice in the Management and Support of Aid Personnel* are two examples. Both of these governing frameworks contain references to employee safety.

At times NGOs and their employees face dilemmas requiring swift and difficult decisions to be made. Certain contexts will present conditions that challenge individual and organisational principles and values. One example would be a rapid-onset emergency with a clear and immediate need for a humanitarian response; in which access is being hampered due to the host authority's reluctance to issue entry visas, and payment of a bribe would facilitate immediate access. In the event that payment of a bribe would facilitate immediate access the decision-maker on the ground faces a choice of whether to place the humanitarian need above the organisation's anti-corruption policies, and laws prohibiting the payment of bribes (which may pertain in the organisation's home country as well as the host country). Either payment or no payment may in fact do harm, foreseeable or not.

Working towards this standard will assist employers and employees to better understand the safety and security aspects of the relevant governing frameworks that their organisation has agreed to follow.

