

Iraq: Guidance for DFID on its duty of care

This document provides guidance for DFID on its duty of care responsibilities for DFID staff (UK based and local), solo and singleton consultants, consultants working for consultancy organisations, and non-governmental organisations (NGOs) in receipt of DFID funding. It is not exhaustive and the details of the various actions that that DFID and its employees should take will be context- and situation-specific. For the purposes of this document, the terms 'safety' and 'security' are defined as follows:

Safety. Maintaining a person's physical and psychological well-being - *not* related to an insecure or politically unstable operating environment (ie, avoidance of harm caused by poor electrical wiring, fire risks or unhealthy living conditions, etc).

Security. Maintaining a person's physical and psychological well-being in an operating environment defined by insecurity or political volatility.

A. DFID Staff (UK based, visitors to Iraq and those posted in Iraq)

DFID has a responsibility to take reasonable measures to protect its employees from risk of injury (physical, psychological) or death. DFID is no different from any other prudent employer in this respect. Thus DFID does *not* guarantee that an employee will not be injured. All reasonable measures for those legitimately working in and visiting Iraq will be undertaken by the UK Government, including a place in emergency contingency plans. In taking reasonable care, DFID will only be liable if there is some lack of care on its part for failing to prevent something that was reasonably foreseeable. DFID cannot be held liable for every incident that takes place.

All employees have a duty to take all reasonable steps to mitigate any risks to their safety and security to which they may be exposed. This includes acting in accordance with all lawful and reasonable instructions from DFID, Embassy and other bodies, and strictly observing rules on embargoes, curfews and journey restrictions, including the wearing of body armour.

All UK based DFID staff visiting or working in Iraq are volunteers and are under no obligation to travel to Iraq and can leave Iraq at any time without penalty providing the prevailing security situation enables a safe departure.

DFID Provisions for Staff. DFID will:

1. take reasonable steps to identify the potential risks to its employees and warn them clearly about these prior to departure and on arrival.
2. provide body armour and instruction on its use.
3. arrange for all employees visiting Iraq to undertake pre-deployment hostile environment training, including emergency first aid training.
Please note that clearance for travel to Iraq will only be given

when each individual staff member has undertaken the required training and equipment briefing.

4. arrange all flights and accommodation.
5. take all reasonable steps to ensure that its employees are provided with suitable accommodation in Iraq.
6. provide all employees in Iraq with suitable transport and protection for authorised travel outside of designated operating areas. This may include bodyguards where risk assessments suggest this is necessary.
7. provide all employees with communications equipment (satellite phones/mobile phones/radios as appropriate) which must be taken to Iraq and local advice on use provided.
8. provide a security briefing on arrival in Iraq, including awareness procedures in the event of an attack or evacuation, and appropriate behaviour in the areas of operation.
9. provide timely risk and procedures updates (note that DFID cannot be held liable if it is not informed of any relevant advice from other authorities).
10. make telephone counselling available to all staff working in Iraq. Counselling is also available on return from Iraq, and for families during and after deployment, if required.
11. All employees must take due care of equipment and return it in good condition to DFID in London. If damaged/lost through carelessness or neglect, the employee will be responsible for replacement costs.
12. Any flights made to/from Iraq by all DFID staff, UK based and Staff Appointed In Country (SAIC), must be on aircraft equipped with Defence Aids Suites (DAS), which protect against surface-to-air missile attacks. In practice, this means the RAF flight from Kuwait.
13. All UK based DFID staff working in Baghdad and Basra will be accredited to the British Embassy or the Office of the British Embassy and will have diplomatic privileges and immunities.
14. All UK based DFID employees will receive full access to UK medical resources in Iraq, including evacuation to the UK or Germany if appropriate. Locally employed contractors are eligible to receive emergency care in theatre from UK medical assets in Iraq, and following medical stabilisation would be referred to a local facility.
15. All UK based DFID employees posted to Iraq must undertake standard DFID medical and dental clearance procedures.

Employees must comply with the provisions above, including attending appropriate briefings and training. All employees must read, agree to abide by, and sign a copy of prevailing the Security Procedures on arrival in Iraq. Any employee who has concerns about any of the above should discuss their concerns with their line manager and/or their local security manager immediately.

B. DFID Staff Appointed In Country (SAIC)

SAIC must comply with the provisions below, including attending appropriate briefings and training. SAIC also have a duty to take all reasonable steps to mitigate any risks to which they will be exposed. This includes acting in accordance with all lawful and reasonable instructions from DFID, Embassy and other responsible staff in Iraq, strictly observing rules on embargoes, curfews and journey restrictions. Any employee who has any concerns about any of the above should discuss their concerns with their line manager and/or their local security manager immediately.

DFID Provisions for SAIC. DFID will:

- Provide a security briefing by Security Managers as part of the induction process and provide updates about new or amended risks and any changes in procedure or advice as necessary.
- provide a flak jacket which can be worn overtly or covertly and helmet and instruction on their use. Staff can decide if and when they will wear this equipment, taking account of their customs and circumstances.
- provide a local mobile phone and instruction on its use.
- allow all staff the option to travel in an armoured vehicle with armed protection or if staff feel this will draw undue attention, to travel by taxi when travelling outside of secure areas for work purposes.
- in the event of a specific incident involving intimidation of a locally engaged staff member, decide on a case-by-case basis, the most appropriate course of action. Currently the staff member will be entitled to a month off work with full pay and then the option of returning to work or resigning with a further one month's full pay.
- meet 50% of the cost of prescriptions and 75% of doctors' fees up to a maximum of \$1000 per annum for the officer and entitled dependants.
- make telephone counselling available to all staff working in Iraq.

C. Solo and Singleton Consultants

Individual consultants are not the employees of DFID and are ultimately responsible for their own well-being and security arrangements. However, bearing in mind the prevailing security conditions and difficulty of working in Iraq, DFID aims to provide solo and singleton consultants with the same levels of security, logistical and counselling support as it does for its own staff and which are detailed above. Accordingly, solo and singleton consultants will be accorded and subject to Provisions 1. – 15. above. In addition to this, solo and singleton consultants should note that:

16 they are currently accredited to the British Embassy as advisers, with similar privileges, immunities and responsibilities as Embassy staff. It is essential that DFID be notified of future deployments as soon as possible so that diplomatic immunity can be arranged. Advisers also receive certain privileges and immunities under CPA Order 17.

17. they must have a letter from their GP confirming their fitness to travel.

18. DFID does not pay additional insurance costs for personal equipment, such as laptops, to be taken out to Iraq. If personal insurance policies have a exclusion of loss or damage by war and terrorism clause, and in the event of damage to personal equipment outside of the consultants control, DFID would exceptionally consider a valid claim from Consultants for damage to personal equipment while in Iraq and under contract to DFID.

D. Consultancy Organisations

Consultancy Organisations are responsible for the well-being and security arrangements of their staff deployed to Iraq. Consultancy Organisations are strongly advised to follow the same rules and procedures as DFID does for its own staff (Provisions 1 – 15 above). In terms of provisions for consultancy organisations' personnel, Provisions 5, 6, 14, 16, 17 and 18 above apply. Note that whilst DFID's telephone counselling service is available to all consultants in Iraq, including those employed by consultancy firms, counselling for employees of consultancy organisations on return from Iraq and for their families is the responsibility of their employer.

E. Non-Governmental Organisations

The responsibility for duty of care provisions and the security of NGO employees working in Iraq is held by the NGO. DFID will offer to meet the reasonable costs of proving the same level of security to NGO staff working on a DFID-financed project as DFID does for its own staff. As a condition of accepting financial support from DFID, the NGO must follow FCO travel advice. We also recommend that the NGO ensure its employees are familiar with the potential operating environment in Iraq, to a degree of awareness at least as comprehensive as that expected from a relevant hostile environment training course. All other security and operational decisions are at the NGOs

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own discretion and subject to the NGOs own policy decisions. This document is shared so that NGOs are aware of DFID's position on Duty of Care issues.

DFID will update NGOs about new or amended risks at the regular DFID/NGO meetings. However, DFID cannot be held liable if it is not informed of any relevant advice from other authorities. NGOs are responsible for ensuring that they regularly check with FCO travel advice to appraise themselves of the current security situation and threats.

International NGO staff of organisations supported by DFID will receive the same level of medical care in country as DFID staff (details above). Locally employed NGO staff are eligible to receive emergency care in theatre from UK medical assets in Iraq and, following medical stabilisation, would be referred to a local facility.

Iraq Directorate

Department for International Development
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