

DUTY OF CARE

Could this happen to you? Several years ago a major Canadian Corporation (bank) was presented with a class action law suit brought on by its own employees. The suit alleged the Corporation fail in its Duty of Care by not to providing adequate security for the staff of one of the Corporate branches. This particular branch had been robbed several times and the staff had been traumatized by these robberies. A similar bank branch a few blocks away and owned by a different Corporation had never been robbed. This location had an extensive training program for the staff and had installed a good video camera system. The victimized location had no cameras and rarely did the staff receive any direction on what to do in case of a robbery.

After the Corporation consulted with expensive experts in the security field and receiving advice from their legal department the civil suit was settled out of court but the cost to the Corporation was over \$100,000.

What is duty of care? The simple definition is an obligation to conform to a certain standard of conduct for the protection of another against an unreasonable risk of harm.

Jewellery store robberies tend to be of a much more violent nature than a note passer in a bank. Takeover robberies involving smashing of showcases, masked individuals and guns, whether real or not pointed at store staff can be very traumatic. A jewellery store in a strip mall in Calgary had been victimized several times by criminals and on one occasion a top sales person had a gun pointed at her head. She was so shaken up that she resigned after the incident. A salesperson that sold close to a million a year. A loss no jeweller or jewellery industry owner would want to suffer.

In May of this year I attended a security seminar held at the Royal York Hotel. A civil lawyer spoke on duty of care. A very good and enlightening presentation. He presented a hypothetical situation to the audience. JVC's Director of Loss Prevention had spoken earlier and had told the group of a recent rash of serious armed robberies which had taken place between the cities of Toronto and Hamilton and JVC had sent out alerts to all members in the area. The lawyer suggested that if there were jewellers in that area that did not bother to receive JVC alerts and did not instruct their staff on how to protect themselves they were failing to provide proper Duty of Care and may be liable if an incident happened in the store and their employees were injured or traumatized by the event.

I have spoken to some people in the jewellery and watch industry and they have suggested they do not get JVC alerts and instruct their staff on what to do if criminal activity should take place in their location because they do not want to scare their staff. These people are not swayed by the facts. I have heard comments that they have been in business for many years and nothing has

ever happened in their location. On occasion they have even gone into a tirade against police, the courts and even JVC.

The position of JVC is clear and requires no defence. These types of occurrences can happen anywhere and at any time. We do not engage these people who choose to be wilfully blind to what is going on around them other than to wish them good luck.

Albert Einstein once wrote "The world will not be destroyed by those who do evil but by those who watch them without doing anything."