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Employer's liability Duty of Care

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In het hart van de gezondheidszorg.

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Article 7:658 Care duty of the employer

- 1. The employer must arrange and maintain the spaces, rooms, machines and tools in which or with which work is performed under his responsibility and give instructions and take safety measures as is reasonably necessary to prevent that the employee suffers damage during the performance of his work.
- 2. The employer is towards the employee liable for damage which the employee has suffered from activities performed in the course of his work, unless he shows that he has complied with the obligations mentioned in paragraph 1 or that the damage to a substantial degree results from an intentional act or omission or from wilful recklessness on the part of the employee.
- 3. It is not possible to derogate to the disadvantage of the employee from paragraph 1 and 2 and from the statutory provisions of Title 6.3 of the Civil Code with regard to the liability of an employer.
- 4. A person who in the course of his professional practice or business enables other persons, with whom he has not concluded an employment agreement, to perform work, is liable towards these other persons in accordance with the previous paragraphs of the present Article for damage which these other persons have suffered from activities performed in the course of that work. The Subdistrict Court has jurisdiction to give a judgment on legal claims as referred to in the first sentence of this paragraph.

..... during course of work.



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- No liability:**
- duty of care was reached
 - makes no difference

Duty of care,.....

an undisputable guarantee?



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Questions?

