

# SAFETY FIRST

**Travis Vincent**, director of security services at International SOS, explores the challenges of implementing duty of care and best practice procedures

**B**usiness travel is increasing in range and frequency as multinational companies explore new business opportunities and develop existing operations in overseas markets. Even during the economic crisis, organisations are forging ahead with essential business travel. In the past year, more than 3.5 million international trips were made by employees, a quarter of which were to high or extreme risk destinations.

Away from familiar working environments, business travellers may encounter increased and unfamiliar threats to their health, safety and security. The basic unfamiliarity makes it more difficult for the business traveller to respond appropriately to the threats they face and further increases their exposure to risk and potential harm. Risk to the business traveller can include everything from illness, such as the H1N1 pandemic, to outbreaks of civil unrest, such as the strife in Guinea, and natural disasters along the lines of the events in South East Asia and the South Pacific.

The increased threat to business travellers heightens the liability of employers, who have a legal and moral duty of care for their employees, wherever they are based.

## What is duty of care?

The concept of duty of care for business travellers is that organisations must make efforts to avoid the risk of reasonably foreseeable dangers to the traveller. Employers are expected to take practical steps to safeguard the

business traveller against such threats. However, many organisations are operating across borders without fully understanding the obligations that surround duty of care.

While there is no data available for how many multinational companies have already implemented a duty of care strategy, it has been suggested that companies do not always seem to provide the right level of care. Even for organisations that have at least started the process, there are gaps in truly securing the wellbeing of their employees. In truth, a full view of this important component has fallen off the

radar screens of some corporates, an issue that must be addressed.

## Implementation challenges

Travel managers often encounter challenges in implementing successful and comprehensive duty of care strategies. A number of these challenges have been identified in terms of travel risk management. All too often, duty of care obligations to the business traveller are underestimated by the employer. Travel seems to be a blind spot when it

comes to duty of care, compared to the health and safety procedures in the permanent workplace.



Business travellers themselves can also underestimate the risks they face and may not comply with their organisation's travel risk policy. Travellers often have different risk behaviour, but it is worth noting that the business traveller has a personal responsibility to act prudently and must abide by the local laws in the country they have travelled to. In short, for the travel manager, employer and business traveller, ignorance is not an argument for non-compliance.

Second, duty of care does not sit neatly within one department in an organisation and there is often a fragmentation of responsibility. The challenge is to understand how departmental responsibilities – such as travel, legal, insurance, procurement, business continuity, occupational health and HR – fit together in order to fulfil duty of care obligations.

Financial objections from senior management can also present challenges in implementing duty of care practices and, with the current focus on controlling costs, even the most enlightened travel managers are finding it difficult to secure the investment in a duty of care and risk management strategy. The solution is to build a solid business case for justifying the development of an all-encompassing duty of care strategy.

This business case can be built around the 'carrot and stick' approach to duty of care. The stick is meeting legal compliance and reducing or avoiding negligence and liability, while the carrot is business continuity, reduced costs for avoidable expenses like medical care, evacuation, productivity loss and damages resulting from liability. In the most simplistic sense, the old adage that prevention is better and less costly than the cure is applicable here. Implementing good risk management strategies also helps to protect the reputation of the organisation for recruitment and retention purposes, and improving employee wellbeing and productivity by avoiding illness or injury.

## Best practice duty of care

How do those responsible for the health, safety and security of international assignees meet their



duty of care obligations? The answer to this question lies in prevention and risk management.

As workforces become increasingly mobile, fulfilling duty of care can seem like an overwhelming task for the travel manager or employer, but it doesn't have to be. The key to providing adequate duty of care is to demonstrate that steps have been

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taken to identify and assess all foreseeable risks and negate these through a comprehensive risk management strategy.

The employer's duty of care is an ongoing process. It should follow a cycle of assessing, informing, updating and assisting. Employers need to work with employees to mitigate risks and provide timely, proactive and efficient solutions.

The initial stage of fulfilling duty of care is to become familiar with the

travel needs of the employee, the duty of care requirements, and the policies and procedures organisations can put in place to ensure these requirements are met. For example, one important requirement is to undertake an assessment of the foreseeable risks associated with a particular location, and to ensure that this assessment is credible and documented.

The next step is to develop a comprehensive travel risk management plan. Acknowledging that it is impossible to predict exactly the type of crises or when these will occur, the integrated risk management approach to duty of care emphasises the importance of being prepared and having plans in place for when things go wrong. It is essential that all foreseeable risks are identified, assessed, mitigated and communicated to the employee, and then incorporated into the risk management strategy.

The travel manager must then educate and train the employee to ensure that they are appropriately prepared for travel before leaving, and inform business travellers of the hazards associated with the destination. Finally, the travel manager must be familiar with the travel itinerary and should track the travel of employees and know where they are at any given time.

Social and political situations around the globe are becoming increasingly fraught, which in turn has added to the risks of travel. At the same time, employers' responsibility towards business travellers has become ever more complex and organisations are facing difficulties in keeping abreast of their legal duties. However, if an organisation invests time and resources in risk management strategies it can protect itself against claims of negligence, while ensuring business continuity and increasing the wellbeing of their business travellers.

■ *International SOS has launched a new white paper entitled Duty of Care of Employers for Protecting International Assignees, their Dependants and International Business Travellers. Email [sukhi.gill@internationalsos.com](mailto:sukhi.gill@internationalsos.com).*

■ *For further information on International SOS, visit [www.internationalsos.com](http://www.internationalsos.com)*