

Far Away and Cannot Be Forgotten: Managing OSH-related Risks for Expatriates / Employees Travelling Abroad

**Eldeen E. Pozniak CSSE, CHSC, CRSP, CHSMSA
Pozniak Safety Associates Inc.
Saskatoon, Saskatchewan, Canada**

Introduction

International work and travel are an integral part of the daily operations of a multinational company and an increasing numbers of employees are now being required to work outside their countries of residence as expatriates or international business travelers. This exposes both employees and employers to greater risks. Away from familiar surroundings, employees may encounter precarious environments, presenting increased and unfamiliar threats to their health, safety, and security.

The Basics of Safety

When we explore the basics of safety – the core of it, as professionals we should be able to identify the Hazard, assess the Risk and then ensure the right Controls are in place.

Hazards and Risks of Working Abroad:

There are many hazards and risks associated with the tasks that we do. Some are inherent with our occupation – they are a part of the process, they are a byproduct of what we do... So, let's take a welder for example. He is a certified underwater welder from Florida who has gotten a job in Bahrain with a gas and oil company. The hazards and possible outcomes of his occupation – welding and cutting – burns, explosions, fires; chemicals – exposure to fumes; and water – drowning would be to name a few. But there are additional hazards that our Safety Management System needs to address because he is working abroad such as:

- Health issues while travelling or when in a foreign country
- Vehicle accidents – as a passenger and as an operator
- Natural or Environmental disasters – flash floods, snow storms, hurricanes, tornados, mudslides, earthquakes, tsunamis, and other extreme weather conditions...
- Chemical exposures – lack of air quality or areas of contamination
- Biological exposures – animals and diseases
- Infectious diseases and pandemics – influenza, SARS, avian flue and H1N1
- Travel related infections – malaria, respiratory infections, hepatitis, typhoid fever, dengue fever, and other medical emergencies
- Political unrest – coups, war insurgency and political upheaval

- Terrorism, kidnapping, hijacking and piracy
- Lawlessness, violent crimes, threats, opportunistic crime, organized crime, imprisonment,
- guidelines for the development of an appropriate risk management strategy for their organizations.
- Language and cultural estrangement
- Hotel or housing issues – standards of Hygiene, fires
- Breaking foreign laws
- Common travel problems such as lost luggage, invalid / expired. Forgotten passports, pickpockets and scheduling delays
- Immigration and visa challenges...

Duty of Care Defined:

The legal concept of Duty of Care presumes that individuals and organizations have legal obligations to act toward others and the public in a prudent and cautious manner to avoid the risk of reasonably foreseeable injury to others.¹

With in some countries there are legal implications to this where common and even criminal law outline duty of care and state that either by act or omission people can be liable. There is also a cultural and social expectation of a standard of care – so a moral obligation as well.

Each country has legislation and case law that speaks to Duty of Care. Some examples are:

- Australia – employer Duty of Care is legislated through the occupational Health and safety laws from various states, workers compensation laws of the various states and the commonwealth and common law, where they are obligated to ensure so far as reasonably practicable the health and safety and welfare of its employees at work.
- Belgium – the work accidents law of 1971 – “Arbeidsongevallenwet” holds employers responsible for work accident during work as well as to and from work.
- Canada – the duty of care is reflected both within the common law - within the jurisdictional OH&S authority - and holds employers to ensure so far as reasonably practicable the health and safety of its employees at work. But, recent changes to the Criminal Code of Canada also outline reasonable steps to ensure the safety of employees and the public and touch on negligence through either actor or omission.
- France – there is a general duty to ensure that employees are working in a safe environment whether French or foreign and are covered by the provisions of the 1910 French Labour Code and applied through the Social Security Code.
- Germany – has an overall duty of concern, protection and welfare and in the case of international assignees may extend to the interests of the employee’s immediate family members, at least in the cases where the employer provided assistance to family members as well.
- United Kingdom – has a highly and extensively developed duty of care found in both criminal and civil actions. THE HSE – Health and Safety Executive administer the Health and Safety at Work act of 1974 and the Corporate Manslaughter and Corporate Homicide act of 2007
- United States – has several sources of law that require health, safety and security considerations within an employer’s duty of care. OSHA 1970 outlines it within its general duty clause as well as specific codes. Whereas OSHA is focused on imposing a direct obligation upon employers proactively, Workers Compensation laws are more reactive – post incident focus.

Travel Management – Best Practices²:

Risk Assessment:

- Carry out a formal and proper risk assessment
- Understand the relative health, safety and security risks in locations where employees frequently travel / reside
- Identify and inventory risks that are associated with the job responsibilities in the specific location

Strategy / Planning

- Assess if you are meeting your Duty of Care obligations within home base country, as well as within the foreign country.
- Show your company's commitment to safety of employees
- Develop and maintain a current crisis management plan
- Proactively manage employee travel
- Have a travel contingency plan in case of an emergency
- Pay attention to detail completeness and applicability of benefits packages offered to global workers
- Pay attention to family issues in international assignments
- Investigate cost / benefits of travel / emergency / medical insurance / kidnapping insurance
- Investigate the use of third parties for medical and security assistance and global emergency medical / travel insurance
- Investigate the use of third parties for global tracking systems
- Use vendors with the right tools, experience and infrastructure to support global workers
- Consider international vendors to achieve the best international results
- Design the organizations structure that supports travel management and duty of care requirements
- Make sure the organizations culture supports travel management and duty of care requirements
- Develop a clear policy that governs employees who are traveling and working abroad(international business travel, short term international assignments, and expatriate long term assignment)

Policies & Procedures:

- Consider how travel policies on a worldwide basis protect employees
- Develop privacy policies
- Have employees sign risk assessment forms (informed consent: know, understand, and accept the risk)
- Do not force employees to work in hostile environments

Travel Planning:

- Check whether basic safety conditions are met for lodging and establish a company preferred hotel program
- Understand local medical practices
- Have a proper travel security program in place
- Have a procedure to follow in the event of a natural disaster, war, terrorist act, medical emergency, or epidemic

- Arrange a full and complete schedule for the traveler
- Include all relevant details in the itinerary, including local office contact details
- Use the local/host office to help with arrangements, as they know the city and local scene
- Organize a car rather than using taxis
- Use the available support services provided by the travel industry
- Make sure that the vehicles employees use for work are taxed and insured
- Check roadworthiness of vehicles for employees using their own cars for work purpose
- Check whether employees have valid driver's licenses and are fit to drive
- Be aware of the danger for employees when driving after long-haul flights
- Be aware of the unfamiliarity of drivers with different conditions (such as driving in a new environment, on different sides of the road, in various road conditions, and with changing traffic rules)
- Establish rest breaks and maximum driving hours/distances for employees
- Allow employees to stay in a hotel when needed
- Cover both domestic and international trips in your travel policy
- Select international assignees using careful assessment and selection techniques
- Register with appropriate embassies

Communicate / Education / Train

- Ensure that employees are appropriately prepared for travel before leaving
- Provide pre-trip information
- Educate employees on the hazards of the travel/assignment
- Inform employees of endemic threats and suitable mitigation measures before departure
- Communicate sanitation and hygiene issues
- Inform employees of driver regulations such as speed limits, alcohol limits, use of mobile phones, and road tolls
- Inform travelers of significant risk changes during their travel period
- Brief employees on political, security, and travel risks
- Train employees on preventive security and health procedures and outline emergency response procedures
- Train and educate employees on precautionary methods to safeguard them from the spread of communicable diseases
- Make sure employees know how to deal with various "what if" scenarios
- Train employees in emergency responses
- Make employees and managers aware of the travel and risk management policies and their need for adherence
- Maintain competency through annual awareness training
- Make employees aware of the 24-hour advice and assistance hotline (if available)
- Maintain ongoing awareness of risk
- Train members of the crisis management team on critical incidents
- Rehearse the crisis management plan through tabletop exercises or simulations
- Equip travelers with resources to help them stay safe and healthy
- Train managers on policies and crisis management plan
- Coordinate translation or language services of host countries

Track

- Know the employee's itinerary

- Identify employees at risk in advance and notify them of upcoming dangers
- Proactively communicate to employees changes in risk while on assignment
- Know in which cities your travelers are able to get information in a timely manner (i.e. within ten minutes)
- Develop a secure personal traveler data base
- Track business travel of employees (safety, visa, tax compliance)
- Track stealth assignees (under the radar)
- Keep employee health information confidential
- Invest in non-invasive tracking/locator systems
- Use a traveler locator database/tracking system (tracking business travel - air, car, hotel - and other locations and itineraries of your employees)
- Know where your employees are at any given time

Control

- Ensure employee compliance
- Consider compliance of vendors and suppliers
- Assess through regular surveys, data, etc. whether the organization is meeting its Duty of Care legal and ethical responsibilities
- Identify privacy concerns and keep personal information confidential and secure

Assist

- Have a mechanism to communicate with employees all over the world in real time
- Have employee contact detail accessible, and put in place a mechanism to rapidly communicate with them
- Provide employees with access to a 24-hour hotline for advice and assistance on risk issues
- Attend to employee's personal and professional needs and wants
- Pay attention to family issues
- Have local deployment teams
- Have access to a deployable incident management team for situations where you do not have a local presence
- Provide appropriate guidance and support
- Provide actionable risk information to the employee on a just-in-time basis
- Enable crisis management capability
- Provide international employee assistance program

Bibliography

1. Dr. Lisbeth Claus, International SOS – White Paper. *Duty of Care of Employers for Protecting International Assignees, their Dependents, and International Business Travelers.* Oregon, 2005 page 8
2. Dr. Lisbeth Claus, International SOS – White Paper. *Duty of Care of Employers for Protecting International Assignees, their Dependents, and International Business Travelers.* Oregon, 2005 page 23-25