# LOOKING AFTER YOUR **MOBILE WORKFORCE** IN A GLOBALISING ECONOMY

# A GUIDELINE FOR BELGIAN ORGANISATIONS

NOVEMBER 2016

IN COLLABORATION WITH International SOS



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# 01 INTRODUCTION

The growing need for globalisation

#### INTRODUCTION

t is a fact that Belgian organisations will need to enter new markets to do business and improve their competitive position. They constantly have to question themselves, adapt and innovate to remain competitive. In that process, internationalization is a must. A company seeking to optimize its development and growth must look beyond borders and consider the global dimension of doing business.

This growing need for globalisation has an impact on global mobility of staff. Moreover mobility is crucial in order to meet strategic business goals and attracting and retaining the best talent. A survey performed by PwC in 2014 reports an anticipated 50% increase in mobile employees by 2020. One conclusion from this survey is that there is a marked shift away from the traditional use of mobility as a means of deploying for tactical business needs towards using mobility as a way to attract and develop top talent and create a more global mind-set in the company.

Travel to and residing in other countries is not without risk. Natural disasters, epidemics (Zika, Ebola, SARS), traffic accidents, a sudden health problem and even a commonplace incident suddenly get another dimension when they occur outside the home country. Therefore it is a challenge for most international organisations to focus both on their business and on the wellbeing of their mobile workforce.

This leads to the question: How, as an employer, do you take care of your mobile workforce? Of course, risk is a question of perception and each company has their specific appetite to risk. Implementing a plan depends on a risk analysis of the country of doing business and review of possible mitigation measures. In a traditionally insurance-based market, understanding that risk cannot be mitigated by insurance alone is essential for a company to be able to start the journey on a truly effective risk management program.



Furthermore, the recent events in Brussels & Paris demonstrate that risk can also be closer to home than we think. Respecting the duty of care agenda, and accounting for employees and their wellbeing is essential. One could debate that it is a once in a lifetime event, however the direct and indirect financial and psychological impact is very real in our business environment. It cannot be ignored, nor can it be left to be covered by insurance products, as a company wide policy is required. A recent study by Prevent showed that prevention had a return on investment of 2.3USD for every 1USD spent for prevention programs. This underlines not only the necessity but also the business 'sense' that risk prevention has for a company.

This document is intended to guide companies with international ambitions. Experts outline some of the concepts of Duty of Care and the legal environment. The document also provides a starting point for reflection on how to set up an effective risk management program. It brings testimonials of entrepreneurs sharing their knowhow, approach and real life experience. We hope this will contribute to a hassle-free realization of your international challenges.

> "INTERNATIONALIZATION IS A MUST"

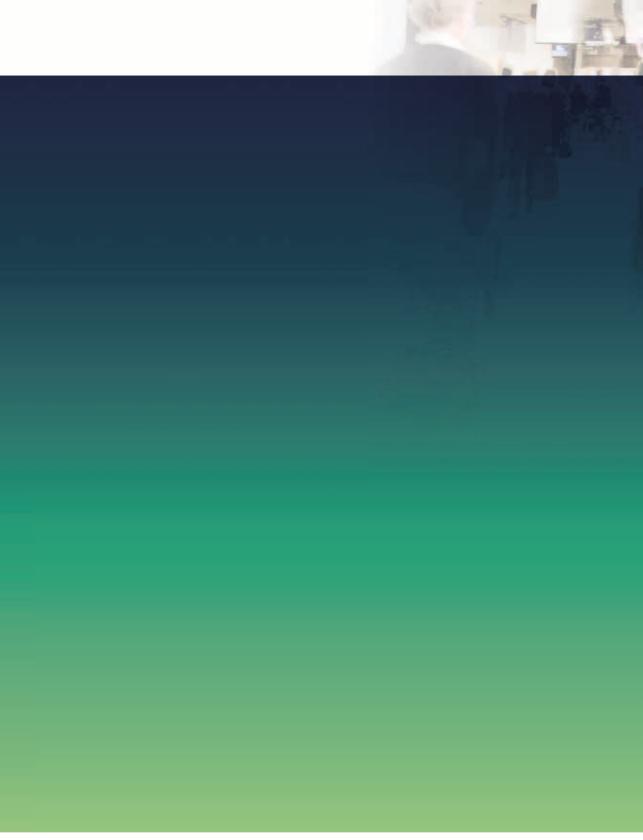


MICHÈLE SIOEN PRESIDENT VBO-FEB



DR LAURENT TAYMANS REGIONAL MEDICAL DIRECTOR INTERNATIONAL SOS

 PricewaterhouseCoopers, Talent mobility 2020: The next generation of international assignments, 2010.
 Return on Prevention, Prevent, January 2015.



# 022 DUTY OF CARE: WHAT IS IT ALL ABOUT?

International Business Travel: A growing reality

## DUTY OF CARE: WHAT IS IT ALL ABOUT?

nternational assignees and mobile workforces are essential for a growing number of organisations, and this remains true in Belgium as the FEB survey in 2014 amongst 400 Belgian companies has shown<sup>1</sup>. They represent their organisations' interests overseas and develop their businesses and assets worldwide. As such they are an essential component for these organisations when evolving in a globalised world. A PricewaterhouseCoopers study in 2014 confirmed that the international assignee workforce had grown from 25% in the last decade and was to increase to more than 50% by 2020.

There are numerous instruments available to help protect the workers' health, safety and security which are mainly focused on domestic issues. There is a growing need to help organisations address their health, safety and security responsibilities towards workers travelling or on international assignment. To increase complexity this often includes not only the employee but their dependents as well.

This mobile workforce can be divided into four types of different assignments:

- Long-term expatriate assignments: Expatriate assignment is referred to as a long-term assignment where the employee and his/her spouse/family move to the host country for a specified period of time, over one year.
- Short-term expatriate assignments: An assignment with a specified duration, usually less than one year. Family may accompany employee.
- International commuter: An employee who commutes from the home country to a place of work in another country, usually on a weekly or bi-weekly basis, while the family remains at home.
- Frequent flyer: An employee who undertakes frequent international business trips but does not relocate.

#### THE POTENTIAL THREATS OF INTERNATIONAL TRAVELS AND ASSIGNMENTS

Some international assignments or specific destinations can be dangerous for the international worker and even more to the company's business or reputation. One must also take into consideration that organisations retain responsibility for their staff and dependants while they are abroad. Business travel varies in terms of type, mission, destination, and purpose. However travel involves specific risks for international workers. These risks can be incidental and very rare or on the contrary 'common' threats that could be life threatening if not attended to. Some examples:

- Health and medical risks (e.g. malaria, Ebola, flu, tourist diarrhoea, traumas...).
- Safety and security risks (e.g. road safety, petty crime, terrorism, civil unrest, political instability, express kidnapping...).
- Psychological and individual risks (e.g. extreme solitude, depression due to emotional remoteness...).

Recent pandemic outbreaks such as the Zika virus in Latin America, MERS CoV in South Korea in May 2015 and Ebola in Sierra Leone, Liberia and Guinea in 2013 are some examples of medical threats.

We also witnessed security-related situations such as kidnappings in Yemen in 2015, terrorist attacks in Paris in January and November 2015 and the attacks in Brussels in March 2016. These events are a small sample of major health, safety and security breaches for the international workforce. They have led to an intense awareness of the need for a comprehensive approach by organisations in their obligations towards their international workers and expatriates' needs.



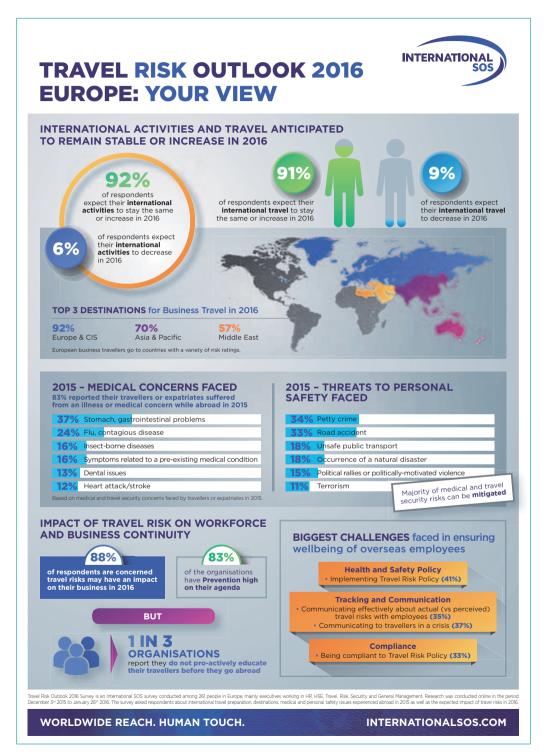
The health and wellbeing of international assignees and business travellers is the responsibility of the employer. It is their duty of care. There is a need to have clear organisational policies and strategies in place that are aimed at reducing any risks and promoting the health of employees abroad. These include defined selection criteria, preparing and educating international assignees on field conditions, enforcing preventive measures prior to departure – including immunisation – and practices to be followed during posting such as malaria prophylaxis, antivector protection, road safety, water and food precautions, safe sex, and how to handle stress.

# TRAVEL RISKS HAVE AN IMPACT ON BUSINESS

A recent survey<sup>2</sup> among international organisations in Europe revealed that overall international travel will remain the same or increase. At the same time people indicated they are concerned that travel risks will impact both their workforce and their business in 2016, however one third of the organisations do not pro-actively prepare their travellers. Also 83% of respondents said their travellers suffered from an illness or medical concern in 2015 while the majority of these problems were preventable. Hence the need for policies and guidelines provided they are implemented and communicated to the employees.

 FEB Survey May-June 2014 amongst 400 Belgian organisations.
 Travel Risk Outlook 2016 Survey is an International SOS survey conducted among 261 people in Europe, mainly executives working in HR, HSE, Travel, Risk, Security and General Management. Research was conducted online in the period December 3rd 2015 to January 26th 2016. The survey asked respondents about international travel preparation, destinations, medical and personal safety issues experienced abroad in 2015 as well as the expected impact of travel risks in 2016.

## DUTY OF CARE: WHAT IS IT ALL ABOUT?





## EMPLOYER DUTY OF CARE CONTINUUM

t is important to understand that not all employers have the same level of risk exposure and global experience when it comes to protecting the health, safety, security and well-being of their globally mobile employees. Risk exposure varies according to the work performed, the type of industry, the profile of the employee and the locations where they operate. In addition, cultural norms and laws that guide organisations in taking care of their employees vary widely around the world. As a result, employers find themselves in different places on the Employer Duty of Care Continuum.

The continuum is an ideal representation of an organization's position vis-à-vis their Duty of Care responsibilities. Three zones are identified (red, blue and green) through which organizations typically evolve.



#### THE 'RED' ZONE

Worldwide, there is still a lack of employer awareness in regard to their Duty of Care obligations. For many employers, the Duty of Care obligation to employees who work or travel internationally is simply not on their radar screen. Often organisations in countries with no Duty of Care legislation will pay little or no attention to their moral obligation for the health, safety and security of their traveling employees. Organisations who ignore their Duty of Care obligations are in the 'red' zone. They are either unaware of their obligations, assume that an incident will not happen to them, do not feel legally obligated or simply don't know how to approach it.

#### THE 'BLUE' ZONE

When an incident occurs, it usually is very traumatic for those affected, including employees, their families and other staff. A serious incident may also threaten the business continuity of the organization and damage its reputation. At that point, organisations can no longer rely on the assumption that it can't happen to them and they move into the 'blue' zone. In this zone, organisations usually assume a defensive attitude and focus heavily only on compliance aspects of Duty of Care. Their main focus is on the development of new policies and procedures as well as litigation avoidance. Having likely experienced a Duty of Care incident, organisations focus mainly on ways to reduce the costs associated with the recurrence of incidents and possible litigation for noncompliance.

#### THE 'GREEN' ZONE

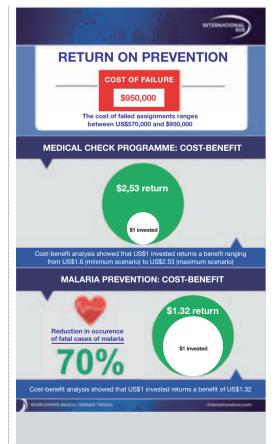
Some organisations focus on the health, safety, security and wellbeing of their employees rather than just their legal compliance with Duty of Care. They deliberately focus on their Corporate Social Responsibility (CSR) as employers and choose to operate in the 'green' zone. They consider caring for their traveling employees as the 'right thing to do.' These employers are not necessarily more morally conscious than others; they simply have come to understand that it makes good business sense to take care of their stakeholders. These employers



view not only their employees as human capital, but also their external constituencies such as contractors, stockholders and customers.

In line with risk management practices, prevention is not only less expensive, but it also protects organisations from damage to their reputation and threats to business continuity. They opt for the green zone and try to build a sustainable balance between what's good for the employer and what's good for the employees.

Moreover, a study run by Prevent and the International SOS Foundation in 2015<sup>1</sup> revealed that implementing a travel health prevention strategy significantly outweigh the operating costs. I.e. the return on prevention of each \$1 invested varies between 1.34 \$ and \$2.53 as shown below.



 Return on Prevention, Cost-benefit analysis of prevention measures for business travellers and international assignees, Prevent in collaboration with the International SOS Foundation, January 2015.

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# WHY INSURANCE IS NOT ENOUGH

04

Case studies Belgian organisations: IDEAL STANDARD INTERNATIONAL JANSSEN PHARMACEUTICA SOLVAY

# IDEAL STANDARD INTERNATIONAL CARE FOR OUR WELLBEING

**David Tjong** is Global Director Health, Safety and Environment for **Ideal Standard International**, an independent and privately-owned company headquartered in Brussels, Belgium. Ideal Standard is the leading provider of total bathroom solutions, from ceramic sanitary ware, taps and showering systems, bathing and wellness solutions to furniture and accessories. They operate in over 20 countries in Europe, Africa and the Middle East and have around 10,000 employees in total. The company has plants in ten different countries with around 500 employees regularly travelling to other countries. Dr Tjong has been with Ideal Standard since 2002.

As his job title indicates, Dr Tjong is responsible for the Health, Safety and Environment of all locations worldwide, as well as travel security. In his role David Tjong leads and works very closely with the local HSE colleagues in the manufacturing plants, offices and distribution centres, supporting them in their activities and striving for continuous improvement.

#### PART OF OUR DNA

Duty of Care<sup>1</sup> is not just another topic within Ideal Standard; it is one of the six shared values within the company: 'Care for our Wellbeing'. As Dr Tjong puts it: "Although we are fully behind the concept of Duty of Care we do not refer to it that way; duty refers to something you must do, we prefer to use 'Care for our Wellbeing'. We are committed to building Ideal Standard to be the best place to work by creating, together, a safe and healthy workplace. Health and safety is part of the DNA of our company." Dr Tjong continues: "We started our journey towards world class health and safety, when Ideal Standard was still part of the American Standard Group, over 13 years ago. Right from the beginning, we had visible commitment from the Board, starting with the CEO and the VP HR & Communications, to make the wellbeing of our employees a true priority for our organisation."

Ideal Standard's commitment towards health and safety goes beyond their own company. They are one of the founding partners of the European Healthy Workplaces Campaign. Initiated by the European Agency for Safety and Health at Work (EU-OSHA), the campaign aims to raise awareness that Healthy Workplaces are good for you and good for business. For Ideal Standard: *"Safety starts with each and every* one of us. Our commitment to the European Healthy Workplaces campaign is a natural extension of one of our company's core values to Care for our Wellbeing."

#### IN DAILY WORK LIFE

How do employees within Ideal Standard actually perceive that the company cares for their wellbeing? In many ways, as Dr Tjong explains. "First of all during the monthly Leadership Briefing Call, hosted by our CEO, safety is always the first topic, before Finance, Marketing or anything else. We discuss both positive and negative performance of our plants. Secondly when people are travelling, particularly to higher risk countries as advised by International SOS, we have in place a travel risk procedure whereby authorization is needed from the VP of Human Resources for anybody who is planning to travel to a high risk country like Ukraine or Egypt. This was also the case during the Ebola outbreak, where we followed the advice of



# TIPS FOR PEERS



"If I was to recommend to other HSE representatives how you can successfully implement Duty of Care in your company, I would suggest taking the following four, interdependent, elements into account:

- Make sure you have top level commitment and support. They need to set examples and provide visible commitment and role model leadership.
- Invest in the improvement on equipment and technology. Technology is becoming more and more important.
- Have management systems including rules and procedures in place, such as a travel risk policy, in order for employees to know what to do and when.
- 4. Address employee engagement and ownership. It is important that as a company you learn from all incidents, accidents and near misses. Have the right no blame culture in place, encourage employees involvement and engagement."

International SOS to explain to our people why they could not travel in some cases."

Ideal Standard spends a lot of time training their people on health & safety, on three levels: top management, operations leaders and all employees. Also, they have implemented a two way communication channel whereby employees can make suggestions, face to face with top leaders about things that need improvement.

#### **REAL LIFE CASES**

Dr Tjong recalls two incidents that demonstrated the added value of having a Travel Risk Management programme in place and that made staff realise why preparation for a trip is so important. The examples also show clearly why investing in the wellbeing of employees is essential.

"A few years ago one of our colleagues from India was visiting Thailand. Unfortunately he had a serious car accident with his taxi. Luckily he was able to inform his boss about what had happened, who then informed the head office to contact International SOS. In the meantime our colleague was admitted to a local medical centre where he was told that they had to amputate his leg. We informed the Assistance Centre of International SOS about this and after having spoken to a medical expert, my colleague was transferred to another hospital and was able to keep his legs!"

Another case took place more recently in Egypt, at the beginning of this year. "A group of eight people were working on an IT-project in Egypt. Before the visit, an e-mail alert from the International SOS alert service was received and we agreed with the advice to defer travel to Egypt that particular week. After the cancellation, we found out that two bombs near the hotel where those colleagues were supposed to have stayed were defused. Again this event made everybody within the company understand how important it is that we have good travel risk mitigation procedures in place, as part of our 'care for our wellbeing'."

Duty of Care refers to the moral and legal obligations of employers to their employees, contractors, volunteers and related family members in maintaining their well-being, security and safety when working, posted on international assignments or working in remote areas of their home country.

# JANSSEN PHARMACEUTICA DUTY OF CARE AS PART OF OUR CREDO

**Dr Tharien Van Eck** is Director Occupational Health EMEA & Asia Pacific at **Janssen Pharmaceutica** in Belgium, part of the Johnson & Johnson Family of Companies since 1961. Johnson & Johnson is a healthcare company operating in three main sectors: pharmaceutics, medical devices and consumer products. In Belgium the company has approximately 5,000 employees who work in production, R&D and sales & marketing, in several locations across the country. Dr Van Eck is responsible for the deployment of the Johnson & Johnson Global Health program, with a specific responsibility for Occupational Health and Travel Health.

#### GLOBAL TRAVEL HEALTH POLICY

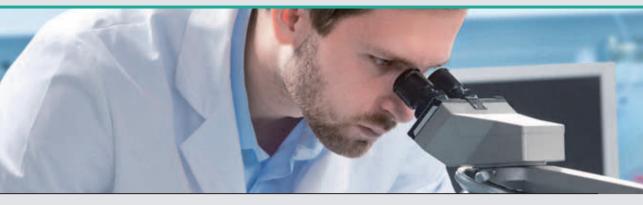
Employees of Johnson & Johnson travel all over the world to do business. Many years ago the company acknowledged the importance of taking good care of their people when going overseas. Dr Van Eck: "In 2006, when I joined the company, we already had a partnership established with International SOS. As we wanted to further implement travel health within our organisation, one of my first priorities became to develop travel health guidelines and a global travel health policy."

Johnson & Johnson's policy covers the following topics:

- 1. The identification of business travellers.
- Ensuring a pre-travel risk assessment, integrating both health and safety.
- 3. Access to vaccination, such as prophylaxis<sup>1</sup>.
- Knowledge of the services that International SOS provides.
- Investigation of potential travel related illness and injuries.

"The policy covers quite a lot of information and in the end the most important thing is of course that all travelling employees are aware of it, that they are well informed about travel health and know when and how to prepare for overseas trips. Therefore we have a lot of internal communication in place, like trainings to (senior) management, trainings at production sites, the organisation of Health & Safety Days etc. This communication is ongoing."

Besides health issues travellers can also face safety and security threats while travelling abroad. To cover that part as well, Dr Van Eck works closely together with her colleagues at Safety & Security at global level. For instance when people in Belgium are booking trips to countries with security issues, they have to either check with Dr Van Eck or go directly to the Safety & Security Group to get advice and or training, depending on the destination.



#### **JOHNSON & JOHNSON CREDO**

At Johnson & Johnson the wellbeing of the employees is directly linked to the values of the company. Dr Van Eck: "We have an internal document called 'Our Credo' which was crafted in 1943 by Robert Wood Johnson. This was well before people spoke of 'corporate social responsibility'. Our Credo is the moral compass that guides our responsibilities as a citizen of the world and it is the document around which we work. The second paragraph talks about our responsibility towards our employees to keep them healthy and safe, in an ethical manner. Duty of Care is not an obligation or a nice to have at Johnson & Johnson; it is well embedded in our organization and has been so for a very long time."

# BUSINESS CRITICAL TRAVEL WILL CONTINUE

Of course there are always challenges with regards to the management of health and safety risks. Dr Van Eck: "Urgent travel is an issue; when we know in advance that people will travel we can support and prepare them, but there are always cases that someone needs to travel instantly. Then it can be a challenge for instance to have your vaccinations on time. Furthermore when emergencies occur like Ebola last year or currently the Zika virus, we need to closely monitor the situation.

Our process is as follows: I get in touch with our travel agent who informs me about scheduled travel to Zika countries in the next one to eight weeks. I then send an email to those employees to inform them about our travel health approach regarding 'Zika countries'. Besides, travellers can get more information from our Occupational Health nurse. Basically we look at our plans on a daily basis, if needed and possible we reschedule meetings, but if travel is business critical it needs to continue and we will always make sure our people can travel healthy and safe."

#### PIECE OF MIND

What would be Dr Van Eck's advice to organisations who consider implementing a Travel Risk Management program? "First of all organisations must realise that travel is part of people's work and travel risks should be managed like any other risk in a company. It is the responsibility of organisations to secure their travellers. Secondly you need buy-in from all the right levels from the start. Management needs to understand the importance and give the necessary support. Human resources need to be on board and also the works council. Last but not least you must communicate to your travellers what you have in place for them; when people get ill or feel unsafe abroad within Johnson & Johnson the only thing they need to do is call International SOS. The network that International SOS provides gives me, being a frequent traveller myself, piece of mind. This message must be shared widely and ongoing."

 Prophylaxis is medication to prevent diseases like malaria from occurring.

#### WHY INSURANCE IS NOT ENOUGH

# SOLVAY'S TRAVEL RISK PROGRAM PART OF COMPANY CULTURE

**Solvay** is an international chemical and advanced materials company, assisting customers in innovating, developing, and delivering high-value, sustainable products and solutions that consume less energy and reduce CO<sub>2</sub> emissions, optimizing the use of resources and improving the quality of life. With 145 sites in the world and over 30.000 employees Solvay is present across the globe.

Thierry Duquenne, Process Manager Procure to Pay, and Muriel Vallée, HR responsible at Solvay, explain how Duty of Care and Travel Risk Management are part of Solvay's overall vision on the way they work.

#### SOCIAL RESPONSIBILITY FROM THE VERY BEGINNING

First of all, looking at Solvay's Code of Conduct, it is clear that the safety of its employees is of utmost importance to Solvay: "High safety standards and the constant improvement thereof are an integral part of the Solvay work ethic and commitment. The Group provides safe and healthy working conditions on its sites for both its employees and contractors and recognizes the need for an appropriate work-life balance. Each employee is expected to contribute to the safety of the workplace by being alert and aware of the rules, policies and procedures and by reporting any unsafe condition."

It has always been like this at Solvay. "Taking care of our employees is our way of operating as an industrial company and it goes even further, it is also about the communities we work in, about the environment. Solvay has been one of the first organizations to focus on corporate social responsibility (CSR); it was the vision of our founders. At that time, in the second half of the 19th century, this was quite an innovative feature. It is now perpetuated in our Sustainable Development approach, the Solvay Way."

#### SAFETY IS EVERYBODY'S BUSINESS

How do Solvay employees respond? "Beyond the rules and regulations, as a company we have put a lot of effort into raising awareness. We are convinced that safety is everybody's business, not only people responsible for HSE. A very simple example is that every meeting within Solvay starts with a safety related topic. Always. Linked to this, each employee within Solvay must have at least one safety objective that he or she is accountable for. This way we try to embed the concept of safety even more within the company. Another example is the Life Saving Rules program we launched and communicated, which sets simple rules relating to eight dangerous activities.



One of the topics is road safety and our campaign is focused not only on driving safely during work hours, but also in people's private time."

#### COMMUNICATION IS KEY

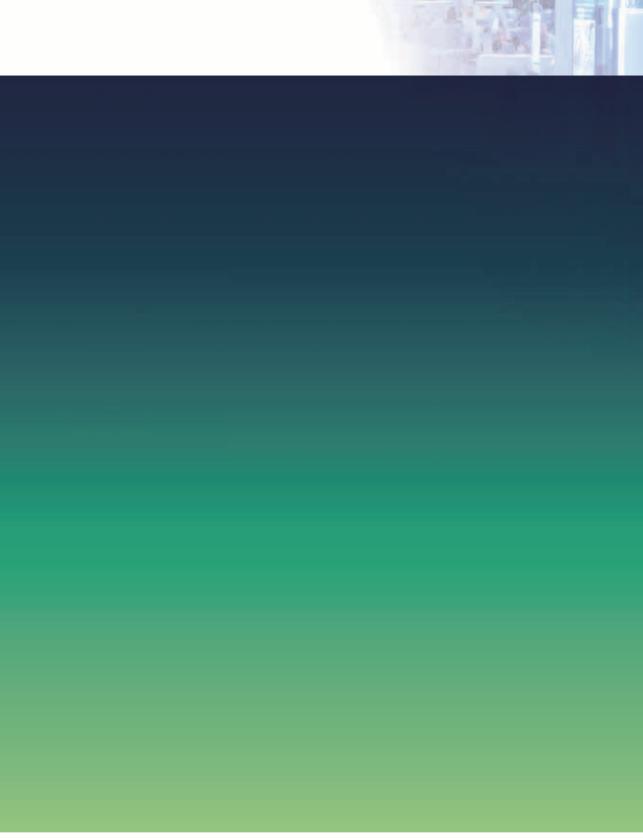
With regards to travel risk management, Solvay decided to set up a global, end-to-end travel risk solution with International SOS end of 2015, whereby each entity would have access to the same level of support. "When discussing this travel risk solution internally, the subject Duty of Care came to the table very naturally. It was the piece of the puzzle that now fitted. With the recent events in Paris and Brussels it has become very clear that a travel risk solution is a need-to-have. Now the main challenge is the communication of the program, every traveller needs to know when and how to use it."

#### **GIVE PEOPLE EASY ACCESS**

"Implementing a travel risk program is not a standalone activity. I would advise other organizations firstly to make sure it is part of their culture, to link travel risk management to existing values and way of working. That means also, at least to us, to implement an overall concept of safety with regards to employees, not only when they are travelling. Be consistent and treat your entire population in an equal and fair way; this is a program for everyone, not restricted to VIPs or top management and everyone should have easy access to it. Furthermore, make sure that the 'mechanics' work: the data, the procedures and of course the communication."

#### PREVENTION FIRST

What has been the challenge for the project team to justify the investment in a global travel risk program internally? "We do not have insurance solutions for every single risk in the company, so from a risk management perspective prevention is important. Besides that, Solvay realizes that Duty of Care is increasingly becoming a global obligation and as our geographical footprint is expanding more and more it is a natural thing for us to comply. Finding a global solution, one-stop provider therefore was crucial. International SOS plays a central part in our Group Security Policy and with the appointment of Werner Cooreman as our Group Security Director earlier this year, we have taken another step forward. Last but not least, in line with our safety culture the Executive Committee has been very supportive on the implementation of our Travel Risk Management program."





## DUTY OF CARE FOR BELGIAN EMPLOYERS

#### SUMMARY

Duty of care for Belgian organizations means looking into contractual arrangements in terms of job content, working conditions and work organization and taking care of the wellbeing of workers wherever they are performing their job. This is a responsibility that is not only legally embedded, but also constitutes a moral obligation towards collaborators.

#### 2 OVERVIEW LEGAL REQUIREMENTS

From a legal perspective, compliance for companies operating in several countries is much more complex than for domestic organizations. Because international companies operate in different countries, they must adhere to a myriad of national laws. In addition, they must comply with supranational regulations (for example, European Union directives and International Labour Organization conventions) after they are transposed into national law. They may need to deal with the issues of the extraterritorial scope of legislation and rules pertaining to jurisdiction and choice of law.

#### CONTRACTUAL ARRANGEMENTS

When international business travellers or assignees work in Belgium, Belgian law is applicable independently of the magnitude or duration of work. When Belgians are sent to other European Union ('EU') countries, the choice of law (Belgian or other) depends on the specific laws of each EU country involved.

The general principle is that the parties can choose the law applicable to the employment contract. Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I).

- Such a choice can be expressed or demonstrated with reasonable certainty by the terms of the contract or the circumstances of the case.
- 2. Furthermore, the parties can decide to select the law applicable to the whole of the employment

contract or to only a part of such a contract (provided that such a partial application does not prejudice the consistency of the contract).

 The parties may also at any time agree to subject the employment contract to a law other than that which previously governed it.

However, the choice of a country law made by the contractual parties can not deprive the employee of the protection afforded to him by provisions that cannot be derogated from by agreement under the law that, in the absence of choice, would have been applicable in the absence of such a choice, it is to say:

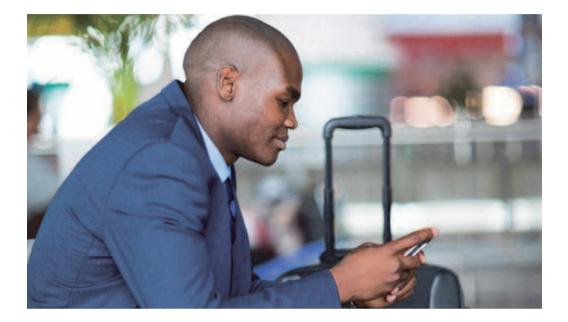
- The law of the country in which or, falling that, from which the employee habitually carries out his work in performance of the contract. Or
- Falling that, by the law of the country in which the place of business through which he was engaged is situated.
- Unless it appears from the circumstances as a whole that the employment contract is more closely connected with another country, in which case the contract shall be governed by the law of that other country.

In other words, the aforementioned rules apply if they are more favorable to the employee than the law chosen by the parties in the employment contract.

## WELLBEING OF THE WORKERS

No company can ignore prevention. It is a legal obligation. In Belgium, the 'Welzijnswet' (the Act of 4 August 1996 on well-being of workers in the performance of their work) stipulates that every employer should take the necessary measures to promote the well-being of the workers at work. The Act is applicable to workplaces in a broad sense that is any place where work is done, regardless whether it is inside or outside an establishment or country.

This 'Welzijnswet' presents the national framework for the management of employee well-being at work. It includes all factors related to the conditions under which work is done including safety at work, protection of the health of the worker, psychosocial



aspects of work, including stress, violence and harassment, ergonomics, work hygiene and embellishment of the workplace environment.

The Act and the decrees in execution of the Act (Codex on well-being at work) further detail the basic principle. Every employer must have a policy regarding the well-being of the workers at work based on the general prevention principles (avoid risks, combat or limit the risks at source taking technical progress into account, give collective protective measures priority over individual protective measures, ensure information and training of workers). This prevention policy has to be structural and systematic and should be embedded in the whole management of the organization. The performance of a risk assessment and the consequent choice of preventive measures is the basis of the policy. The Act allows for some room to implement the policy. It should be seen as an opportunity rather than an obligation to set up a prevention policy that aligns with the company culture. Summarizing, one can say that in order to be aligned with the various legal provisions, an employer is generally duty-bound to implement, as far as reasonably practicable, the following measures to ensure the safety and health of its employees at work:

- Taking preventive measures based upon a risk assessment taking into account the general prevention principles.
- Providing safe work equipment (bringing into service, maintenance, inspection).
- Instituting procedures to deal with workplace emergencies.
- First aid.
- Measures that must be taken if there is serious and imminent danger.
- Information, consultation and participation of workers.
- Adequate instruction and training of workers.
- Enlist competent internal or external services or persons.

## DUTY OF CARE FOR BELGIAN EMPLOYERS

#### WORK ACCIDENTS

In Belgium, the 'Arbeidsongevallenwet' (work accidents act) of 1971 imposes specific responsibilities on employers. A work accident is defined as a sudden unplanned and uncontrolled event happening to a worker in the course of work and resulting in personal injury. In the course of work includes the way to and back from the workplace. Accidents occurring during a work mission abroad are also covered. Every employer needs to have an occupational accident insurance for his workers. Each work accident has to be reported to the occupational accident insurer in order to compensate the victim. Another legal obligation is to register and examine accidents to be able to take appropriate corrective action to avoid similar accidents in the future.

For specific work situations, such as working at heights, in confined spaces, asbestos removal, etc special preventive measures must be taken by the employer. The control of major-accident hazards (for instance in the chemical industry) is subject to special regulation.

#### SPECIFIC DUTY OF CARE LEGISLATION

Several countries especially Western Europe, the U.S., Canada and Australia have developed specific employer Duty of Care legislation. Others have not. Overall, emerging markets such as China, India, and Brazil are unlikely at this time to take seriously the issue of the employer's Duty of Care. In most cases, they have not articulated or enforced employer Duty of Care legislation. This means that employers should be concerned.

## **B**LIABILITY/REDRESS

Expatriates or business travellers to and from specific countries are likely to seek redress for harm under the Western laws where the corporations operate – even if the host nations have not created Duty of Care legislation. With increased globalisation, employee mobility is expanding to include converse migration of workers from less to more developed countries. The employees range from low skilled workers (such as janitors, service workers, maids, maritime workers, taxi drivers, etc.) to skilled engineers. While the home countries of the employees may not have well developed Duty of Care cultures and legislation, employers are being held liable to the highest Duty of Care levels in the home or the host countries, and courts tend to favour ever-greater protections for workers.

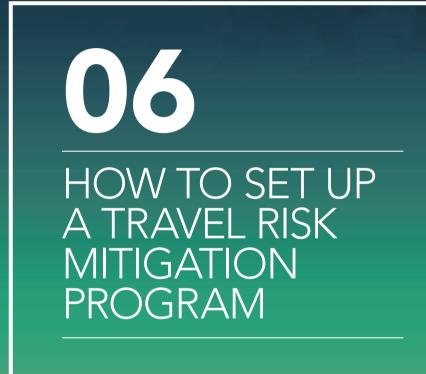
## **4 PREVENTION**

Safe and healthy working conditions are essential to the production of quality products and services. Being successful in business implies taking calculated risks. Prevention is the most rational way to protect from risk of accident and disease. Prevention allows eliminating or reducing uncertainty to a certain extent. There is no absolute guaranty, but by assessing risks and taking appropriate preventive action, companies can improve their productivity and ensure continuity. This is equally valid for the situation of workers travelling or residing abroad for work.





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# HOW TO SET UP A TRAVEL RISK MITIGATION PROGRAM

he previous sections have revealed the need for putting a Duty of Care program into practice for Belgian international organisations. Now the question is: how do you do that? Where to start?

#### INTEGRATED DUTY OF CARE RISK MANAGEMENT MODEL

International SOS Foundation has developed 'The Integrated Duty of Care Risk Management Model' to help organisations assume their obligations.

It has eight steps in accordance with the 'Plan-Do-Check' cycle:

A **PLAN**: Key stakeholders are identified and the framework for the employer's Duty of Care responsibilities are defined for the organization.

**B DO**: The Duty of Care and travel risk management plan is implemented, and tools are deployed.

**C CHECK**: The implementation of the Duty of Care and travel risk management plan is measured through a set of performance indicators and a feedback loop to the other steps, allowing for the continuous improvement of the risk management process. Illustrated in greater detail are the various steps of each phase of the Integrated Duty of Care Risk Management Model.

# A 'PLAN' PHASE

Step 1

ASSESS COMPANY-SPECIFIC RISKS: Assess health, safety and security risks in the locations where employees are assigned or travel to for work, and understand the organization's Duty of Care obligations.

#### Step 2

**PLAN STRATEGICALLY**: Develop an integrated risk management strategy (including both an incident crisis management plan and an ongoing Duty of Care process) so that the organization can effectively assume its Duty of Care obligations.

#### Step 3

DEVELOP POLICIES AND PROCEDURES: Develop clear Duty of Care and travel risk management policies and procedures, that govern those who are traveling and working abroad (both short- and long-term), and consider how the organization's worldwide travel policies and procedures assist in keeping employees healthy, safe and secure.

#### B 'DO' PHASE Step 4

MANAGE GLOBAL MOBILITY: Review how the organization oversees the international mobility of employees (and their dependents) who cross borders as part of their work duties, whether as international assignees or business travellers, and how they assess the foreseeable risks prior to departure.

#### Step 5

**COMMUNICATE, EDUCATE AND TRAIN**: Ensure that the travel risk management plan (including the Duty of Care policies and procedures) is communicated throughout the organization and that employees (managers, international travellers and assignees) are informed and prepared for the potential risks prior to being sent abroad.

#### Step 6

**TRACK AND INFORM**: Know where your employees are at any given time and have plans to communicate proactively with them if a situation changes or in the event of an emergency.

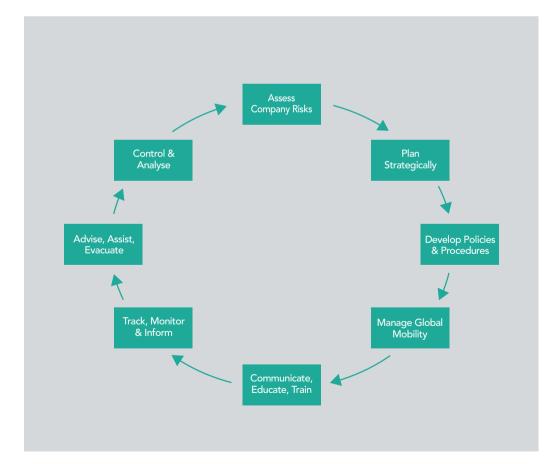
#### Step 7

ADVISE, ASSIST AND EVACUATE: Provide ongoing guidance, support and assistance when employees are abroad and find themselves in unfamiliar situations, and be prepared to evacuate them when necessary.

## C 'CHECK' PHASE

#### Step 8

**CONTROL AND ANALYSE**: Have management controls in place to ensure employer/employee compliance, and track and analyse data to improve the efficiency.



# HOW TO SET UP A TRAVEL RISK MITIGATION PROGRAM

#### TRAVEL RISK MITIGATION CHECKLIST

This self-assessment checklist is a tool for implementing actions to improve travel and assignment safety health and security related to work. It is based on the International SOS Foundation's Global Framework for Safety, Health and Security for Work-Related International Travel and Assignment.

Health and travel security measures have to be defined according to the level of risk at a destination. These measures must be proportional and defined according to the risk environment, exposure and the type of work performed. They must be endorsed by senior management of the organisation and communicated to workers appropriately.

Senior managers as well as occupational safety, health, security and risk managers should be involved in the completion of this assessment and the identification of priorities for action.

The checklist is divided into five major parts:

- 1 POLICY
- 2 ROLES AND RESPONSIBILITIES
- **3** PLANNING
- 4 IMPLEMENTING
- 5 EVALUATING AND ACTION FOR IMPROVEMENT

Additional checklist items should be considered as necessary.

#### HOW TO USE THIS CHECKLIST?

Assign a team of people to carry out the assessment exercise. The team should go through the following steps:

1 Review each item:

- Think of how the item can be applied.
- If clarification is needed, ask the relevant manager.
- Check Yes or No for all items.
- Add comments, suggestions or reminders under Comments.
- 2 Individually review items marked No and mark the ones that you consider are critical or important as Priority.
- 3 Prepare suggestions immediately after completion of the assessment. These suggestions should address what action should be taken, by whom and when.
- 4 If necessary, seek clarification from travel safety, health, security and risk management specialists with specialised knowledge in applying these competency items.

Person completing checklist:	Date:
Organisation:	Location:

		Yes	No	Priority	Comments
PAF	RT 1: POLICY				
1.	Has an organisational policy been developed and implemented that aligns travel and assignment safety, health and security with the organisation's objectives?				
2.	Has the policy statement been signed and dated by top management?				
3.	Is the policy statement integrated into the organisation's broader policies, in particular the occupational safety and health policy?				
Polic	y: Statement Of Intent				
4.	<ul> <li>Does the policy include a statement of intent addressing the following?</li> <li>Aims and objectives</li> <li>Compliance</li> <li>Threat and hazard identification and risk assessment</li> <li>A commitment to prevention, protection, mitigation and response to incidents</li> </ul>				
Polic	y: Organisation		_		
5.	Does the policy have an organisation section that defines key roles and responsibilities, and who will carry out specific tasks?				
6.	Does the organisation section describe the delegation of certain tasks to competent persons or an outside organisation?				
Polic	y: Arrangements				
7.	Does the arrangements section describe mechanisms to deal with general issues related to travel and assignment safety, health and security?				

# HOW TO SET UP A TRAVEL RISK MITIGATION PROGRAM

		Yes	No	Priority	Comments
Polic	y: Arrangements (Continued)				
8.	Does the arrangements section define special mechanisms to deal with the identification of specific threats, hazards and the management of risks identified during the risk assessment and control measures?				
Policy	: Review And Modification				
9.	Is the policy periodically reviewed and modified as necessary?				
		Yes	No	Priority	Comments
PAF	T 2: ROLES AND RESPONSIBILITIES	103	NO		
	and Responsibilities: Senior Management				
10.	Is a clear policy with measurable objectives implemented and reviewed?				
11.	Are there clear lines of responsibility indicated for senior management?				
12.	Is line-management responsibility known and accepted at all levels?				
13.	Are responsibilities defined and communicated to all relevant parties?				
14.	Are on-location organisational policy and procedures integrated with local arrangements? For example: • Notification and approval of incoming assignees or visitors • Safe systems of work • Emergency procedures				
15.	Are adequate resources available allowing persons responsible for travel and assignment safety, health and security to perform their functions properly?				

		Yes	No	Priority	Comments
Roles	and responsibilities: Manager responsible for travel and	assignm	ent safety	, health a	nd security
16.	Does a manager (whether centrally or on location) have responsibility and accountability for the development, implementation, periodic review and evaluation of the system to manage travel and assignment safety, health and security?				
17.	Is a manager ensuring that a competent person plans work-related travel and assignments?				
Roles	and responsibilities: Workers travelling on international	assignme	nt		
18.	Do workers actively cooperate in ensuring that travel and assignment safety, health and security policies and procedures are followed?				
19.	Do workers maintain situational awareness and report to their line manager (immediate supervisor) any changing situations which they perceive could affect their safety, health or security?				
20.	Are workers knowledgeable of, and do they comply with, national occupational safety and health legislation and the organisation's occupational safety and health directives?				
Roles	and responsibilities: Contractors				
21.	Are arrangements made with all contractors to ensure that responsibilities are assigned and understood to address the safety, health and security of contractors, their employees and sub-contractors for travel and assignment or when carrying out work for the organisation?				
22.	Are contractors competent, and do they have access to resources to function in a safe, healthy and secure manner?				

		Yes	No	Priority	Comments	
PART 3: PLANNING						
Planr	ning: Initial review					
23.	Has an initial review been conducted, including identification of applicable legislation, administrative rules, codes of practice and other requirements (such as insurance requirements) the organisation has an obligation to comply with - addressing travel and assignment safety,health and security - both in the organisation's home country as well as in destinationcountries?					
Syste	m planning, development and implementation	,	_			
24.	Has a plan been developed and implemented addressing the organisation's travel and assignment safety, health and security system? Is this plan in compliance with national laws and regulations in the organisation's home country as well as in countries where workers may travel or be assigned?					
25.	Does the scope of the planning process cover the development, implementation and evaluation of the management of the travel and assignment safety, health and security system?					
Planr	ning: Travel and assignment safety, health and security o	bjectives				
26.	Are there measurable objectives and key performance indicators in line with the policy?					

		Yes	No	Priority	Comments			
PAF	PART 4: IMPLEMENTING							
Imple	ementing: Training							
27.	<ul> <li>Do training programmes address the following?</li> <li>Workers and their dependents either travelling or on assignment</li> <li>Individuals organising travel</li> <li>Other relevant internal stakeholders</li> <li>Do these programmes take into account the profile of the traveller, location specific information as well as ethical and cultural considerations?</li> </ul>							
28.	<ul> <li>Is adequate training provided to ensure workers and contractors:</li> <li>Are competent to carry out their work in a safe, healthy and secure manner?</li> <li>Can address travel and assignment-related risks prior to and during travel, while on assignment and upon return?</li> </ul>							
29.	Are training programmes instructed by competent persons?							
	Do they include relevant risk, induction and refresher training for all workers and contractors as appropriate?							
30.	Do training programmes include whom to contact in case of an incident, procedures to follow and post-incident reporting requirements?							
31.	Do training programmes include a mechanism to evaluate, assess and certify whether the participant has developed the necessary competencies?							

		Yes	No	Priority	Comments
Imple	menting: Medical and security				
32.	<ul> <li>Is there a process that ensures the following?</li> <li>All relevant workers are medically fit to travel (having completed a pre-travel medical evaluation where appropriate)</li> <li>All necessary medications are prescribed Vaccinations are up to date</li> </ul>				
33.	Is a briefing on safety, health and security arrangements conducted for all relevant workers and contractors?				
34.	Is adequate 24/7 security provided, where appropriate, to support individuals in their movement to and from location and in the functioning of their work?				
35.	Is there an effective system to monitor the location of relevant workers, to be used when indicated by the risk level protocol?				
Imple	menting: Documentation				
36.	Is there a system documenting that workers and contractors have been made aware of associated risks, and measures to avoid or mitigate these?				
37.	Is travel and assignment safety, health and security documented, and are the documents maintained in a systematic manner?				
38.	Are all documents in the system clearly written, understandable and easily accessible for those who need to use them?				
39.	Are specific documents, especially site- specific documents, translated into a language the workers and visitors will easily understand?				
40.	Are relevant documents periodically reviewed, revised as necessary and traceable?				
41.	Are affected workers aware of documents relevant to them, and do they have easy access to these?				

	Yes	No	Priority	Comments
menting: Communications				
Are relevant parties kept informed about travel and assignment issues as an integral part of the travel and assignment safety, health and security system?				
Are resilient procedures established for adequate two-way communications between the organisation and the travellers and assignees?				
Are there mechanisms to inform workers and dependents of developing situations and potential increased risk levels where they are travelling or where they are assigned, including access to a 24/7 reliable and timely information source?				
Are effective communications maintained between all parties – addressing work practices as well as prevention, control and emergency procedures?				
Are workers encouraged and regularly consulted on travel and assignment safety, health and security issues?				
Is there a mechanism to gather, consider and share ideas, concerns and good practice suggestions from workers, visitors and dependents?				
menting: Threat and hazard identification and risk asses	sment			
<ul> <li>Has the scope of threats, hazards and assessed risks been defined, taking into account elements such as the following?</li> <li>The geographic perspective</li> <li>The environment</li> <li>Travel and work-related processes and activities, such as commuting from a hotel to a work site</li> </ul>				
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		Yes	No	Priority	Comments			
Imple	Implementing: Threat and hazard identification and risk assessment							
49.	Are up-to-date threat and hazard identification and risk assessments carried out and appropriate for every travel and assignment destination? Do they include measures to prevent, eliminate or control travel and assignment risks for workers and their dependents?							
50.	Has a determination been made during the risk assessment who could be harmed?							
51.	Have the risks been evaluated?							
52.	Is there a system to establish types and categories of risk levels and protocols that require specific actions, including measures to address high-risk locations and escalating risks?							
53.	Are risk prevention and control measures implemented in the following hierarchical order? 1. Eliminating the risk 2. Controlling the risk 3. Minimising the risk							
54.	Have the risk assessments been regularly reviewed and updated as necessary, taking into account significant changes impacting the risk?							
Imple	menting: Emergency Management							
55.	Are global and local arrangements in place to manage an emergency or crisis, including preparedness, mitigation, response and recovery?							
56.	Does the organisation have a written emergency action plan which describes the authorities and responsibilities of key personnel, including the emergency/crisis management team?							

		Yes	No	Priority	Comments
Imple	menting: Emergency Management				
57.	Does the emergency/crisis plan cater for all workers including travellers, assignees, dependents and local employees?				
58.	Does the organisation have a multidisciplinary emergency/crisis management team, led by the senior manager and supported by a designated crisis coordinator and a communications professional (or their designates)?				
59.	Can the emergency/crisis management team call on other functions (as needed)?				
60.	Has the organisation assessed its capacity to respond to a critical incident including emergency medical plans?				
61.	Does the organisation have access to information and adequate medical and security support on location, including local or deployable dedicated resources, local medical, security and emergency services, and external providers?				
62.	Do workers and their dependents on work- related travel or international assignments have access to adequate health care and medical emergency plans (including 24/7 medical contact)?				
63.	Are information and communications protocols in place factoring in the above- mentioned response components?				
Imple	menting: Procurement				
64.	Does the organisation provide regular training for emergencies, including exercises in preparedness, mitigation, response, and recovery procedures?				
65.	Are goods, equipment materials or services for use prior to and during travel or assignment specified to incorporate safety, health and security requirements?				

		Yes	No	Priority	Comments	
PART 5: EVALUATING AND ACTION FOR IMPROVEMENT						
66.	Are these specifications in compliance with national legislation, and the organisation's policies and procedures both in the organisation's home country, as well as in other locations where workers may travel or be assigned?					
67.	Are arrangements made to see how effectively the organisation is carrying out travel and assignment safety, health and security policies, arrangements and procedures?					
68.	Are reports submitted and evaluated on achieving key performance indicators?					
69.	Are travel and assignment related incidents including accidents, ill health, and security events reported according to a fixed reporting matrix and investigated?					
70.	Does the organisation require the contractors to undertake performance reporting, including reports on incidents such as accidents, exposures, injuries, illness, near misses and security considerations?					
71.	Are travel and assignment safety, health and security arrangements internally and externally audited?					
72.	Is there a provision for management to review the arrangements, procedures and evaluation reports for travel and assignment safety, health and security?					
73.	As a result of the evaluation mechanisms, are corrective actions implemented where appropriate?					
Evalu	ating and action for improvement: Continual improvemer	nt				
74.	Is there a dynamic cycle of continuous improvement addressing the needs of stakeholders?					



#### CONCLUSION



elgian organisations that operate internationally will continue to send their employees abroad. As the economic environment becomes increasingly competitive, these destinations will become in themselves challenging.

On top of the clear legal requirement for a company to care for their employees' health and safety abroad, there are many other strong arguments in favour of doing so. These include company resilience, reduced risk of failed expatriations, improved employee retention and finally the positive direct and indirect benefits to company reputation in case of an incident.

Dr. Lisbeth Claus, in her work on Duty of Care<sup>1</sup> highlighted that Belgian companies often had initiatives in place, however were also often insufficient. Her research identifies that organisations commonly conduct risks assessment and planning, advanced measures such as traveller tracking and predeparture training are seldom implemented. These are often adopted once a serious incident or a 'near-miss' has occurred.

A company needs to institute proper corporate policies and procedures to address these risks.

But policies are not enough, as they also need to ensure that proper training procedures, welfare facilities and emergency plans are made available and understood by their employees.

The Travel Risk Outlook survey 2016 confirms this as a European tendency as the majority of organisations face travel risks with their travellers and expatriates but have difficulty in taking the right, often simple, precautions in mitigating these risks. Understanding these risks allows companies to pragmatically identify any possible or related risks that employees may be exposed to overseas.

As risk is dynamic, there is no holy grail and thus no definite solution. This paper, through best practice and time proven techniques, shows the first steps towards travel risk mitigation. It also helps companies build awareness, implement policies and manage an incident when it occurs.

### "THIS BROCHURE SHOWS THE FIRST STEPS TOWARDS TRAVEL RISK MITIGATION"

1. Duty of Care and Travel Risk Management Global Benchmarking Study, International SOS, 2011.

## LOOKING AFTER YOUR MOBILE WORKFORCE IN A GLOBALISING ECONOMY

It is a fact that Belgian organisations will need to enter new markets to do business and improve their competitive position. They constantly have to question themselves, adapt and innovate to remain competitive. In that process, internationalization is a must. A company seeking to optimize its development and growth must look beyond borders and consider the global dimension of doing business.

Travel to and residing in other countries is not without risk. Natural disasters, epidemics (Zika, Ebola, SARS), traffic accidents, a sudden health problem and even a commonplace incident suddenly get another dimension when they occur outside the home country. Therefore it is a challenge for most international organisations to focus both on their business and on the wellbeing of their mobile workforce. This document is intended to guide companies with international ambitions. Experts outline some of the concepts of Duty of Care and the legal environment. The document also provides a starting point for reflection on how to set up an effective risk management program.

The **International SOS Foundation** seeks to improve the welfare of people working abroad through the study, understanding and mitigation of potential risks. The foundation was started in 2011 with a grant from International SOS, the world's leading medical and travel security services company. It is a fully independent, non-profit organisation. www.internationalsosfoundation.org

**FEB** – **the voice of business in Belgium** – has 40 member federations, which in turn represent more than 50,000 small, medium and large companies. All told, they account for 75% of employment in the private sector, 80% of Belgium's exports and two thirds of its added value. As the country's only multi-industry umbrella organisation for employers, FEB represents companies from all three regions of Belgium. www.feb.be/en

