

HEALTH, SECURITY & SAFETY

Responsibilities of Australian
organisations to employees
on business travel and
overseas assignments

Compiled & produced by

International SOS
Foundation

In appreciation of



HERBERT
SMITH
FREEHILLS



INTRODUCTION

Business travel is on the rise. The globalisation of business and competition is leading to more work in overseas locations. It is now the norm to see organisations, regardless of their scale, look across borders to create growth and competitiveness. Sending their people to emerging markets and higher-risk locations can present great business opportunities, but heighten the traveller's exposure to medical and travel security risks. Companies have high expectations placed on them for the quality of prevention, safety, security and healthcare services to protect their people while travelling or on assignment.

Duty of care is no longer a vague concept, but a reality for organisations that want to demonstrate a tangible commitment to the protection of their most valuable assets – their employees.

This publication intends to provide Australian employers with a resource outlining their duty of care for workplace health, safety and security to overseas business travellers. Produced by the International SOS Foundation, it gives insight to the Australian Employer's Duty of Care on Health and Safety in the Workplace (WHS).

We thank Herbert Smith Freehills for their advice on good practices in risk assessment for overseas work assignments and on the state of the law relating to workplace safety and health laws in Australia.

This publication gives complementary legal and security perspectives; it provides regulatory and judicial context as well as practical mitigation steps from a security perspective. The aim is to raise awareness on welfare-related issues, relevant work-related legislation, common law, as well as the legal complications and obligations of employers.

These WHS laws impose a primary obligation duty to ensure as far as reasonably practicable the safety of workers and others. There are also executive obligations which impose personal obligations on directors and officers in an organisation and criminal sanctions for breaches of those.

Finally, included to assist organisations embarking on this process are guidance documents on how to set up a travel risk management program. They are available as a tool to implement actions on improving travel and assignment safety, health and security related to work.

By better understanding the value of duty of care, it is expected that Australian organisations involved in international activities will be able to address it for the direct benefit of their business.



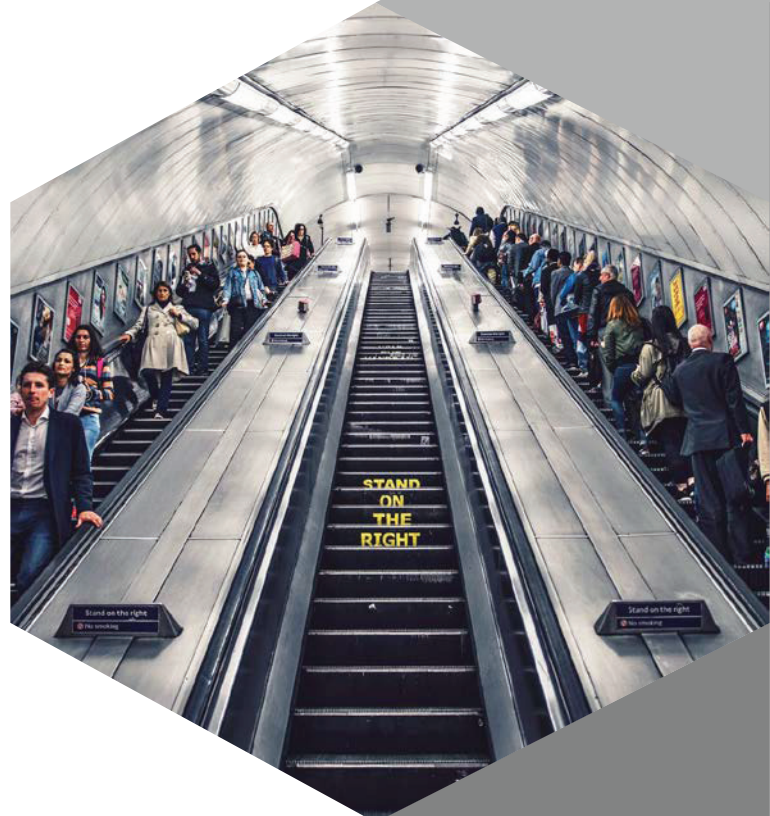
INTRODUCTION

TRAVELLER HEALTH, SECURITY & SAFETY STUDY

AUSTRALIA: YOUR VIEW

SINCE THE COMMENCEMENT OF THE NEW WHS LAWS, WE FOUND THAT ORGANISATIONS ARE CONTINUING TO WORK TOWARDS UNDERSTANDING THEIR RESPONSIBILITIES AND ARE UPDATING THEIR TRAVEL POLICIES ACCORDINGLY. THEY'RE FINDING THE NEXT CHALLENGE IS SUCCESSFULLY IMPLEMENTING THEM.

- Though the current Work Health and Safety laws have been in place for a few years, legal action is now starting to see them put into force. Successful prosecutions against organisations and a person conducting a business or undertaking (PCBU) are emphasising the necessity for comprehensive policies and procedures that do what is reasonably practicable to ensure health and safety at work.
- The next challenge is to successfully implement them as the most important duty owed to a travelling workforce under the Health and Safety legislation is to take steps to ensure they are not exposed to health or safety risks.
- A travel and risk survey conducted by the International SOS Foundation in September 2019 highlighted the extent to which many local businesses are not adequately complying with the model law, with the findings shown on the next page. This is especially true regarding the considerations given to their overseas workforce, which they can be held accountable for.
- Organisations are still struggling to become familiar with the new laws and fully understand their responsibilities. This uncertainty can inadvertently create gaps or vulnerabilities in fulfilling duty of care obligations. However, the study found that organisations are actively working to update their travel policies to reflect the new standards.





1 in 3
TRAVEL RISK MANAGERS
are familiar with the WHS laws

BUT



1 in 4
don't know that international business travellers and expats are covered by WHS laws



TOP 5 CHALLENGES IN ENSURING TRAVELLER WELLBEING

- 55%** Communicating travel risks with employees
- 36%** Communicating effectively during a crisis
- 36%** Complying with duty of care legal obligations
- 34%** Implementing their travel risk policy
- 34%** Confirming employees have read pre-travel information

BRIEFING PAPER

MODEL WORK HEALTH AND SAFETY LAW STATES AND TERRITORIES

This briefing paper is intended to provide a general summary of the law in this area. It is not intended to, nor should it be, relied upon as legal advice.

1 Introduction

This briefing paper aims to provide International SOS members (**Members**) with a brief update on the work health and safety (**WHS**) laws (the **Model WHS Laws**) operating in all Australian jurisdictions except Western Australia and Victoria¹ (**Model Law Jurisdictions**).

This briefing paper will focus on the Model WHS Laws as they apply to businesses operating under the laws of the Australian States and Territories (that is, the majority of Australian businesses). A separate briefing paper outlines the application of the Model WHS Laws to employers operating in the Commonwealth jurisdiction (e.g. Commonwealth Government agencies or departments).

In general terms, the Model WHS Laws require that parties with management, control or influence over health and safety matters take reasonably practicable steps to minimise the risk of injury or other harm to the people who work for them, as well as anyone whose health or safety may be affected by the work being conducted.

While most Members will already be familiar with how the Model WHS Laws apply in respect of workers performing work for them in Australia, this briefing paper considers the application of those laws (as they apply in the States and Territories) to:

- Australian businesses that have workers living or travelling overseas for work; and
- international businesses that have workers travelling to, or who are based in, Australia for work.

In this briefing paper, we also:

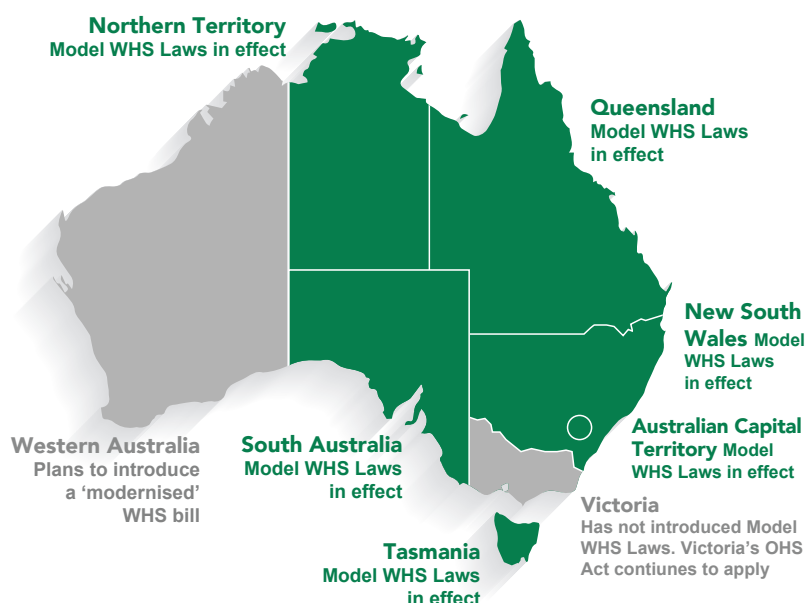
- provide some guidance on the steps that may be taken by Members to ensure that they are well placed to assert compliance with any WHS duties they may owe to workers whilst travelling or based overseas for work; and
- include a summary of recent developments in WHS laws.

1.1 Overview of the Model WHS Laws

The Model WHS Laws adopt a three-tiered framework, comprising of:

- The Work Health and Safety Act (Model WHS Act) which sets out WHS duties requiring the elimination or minimisation of risks arising from work and provides for worker consultation, representation and participation relating to WHS matters;

Application of the Model WHS Laws



Safety Laws: An Overview

GENERAL		INDUSTRY	WORK MODE
OHS/WHS Act	OHS/WHS Regulations	Industry-Specific Legislation	Activity-Specific Legislation
Outlines general safety duties e.g. primary duty, duty in respect of workplaces	Sets requirements for managing common risks e.g. manual handling, falls, noise, hazardous substances, plant, confined spaces	Deals with safety issues in particular industries Heavy Vehicle National Law (HVNL)	Deals with specific activities/risks e.g. electricity/dangerous goods

- **The Work Health and Safety Regulations (Model WHS Regulations):** which set out detailed requirements that must be applied to specific work activities and hazards to meet WHS duties; and
- **National Codes of Practice (Model WHS Codes):** there are currently 24 Model WHS Codes which provide practical information on how the requirements of the Model WHS Laws may be met.

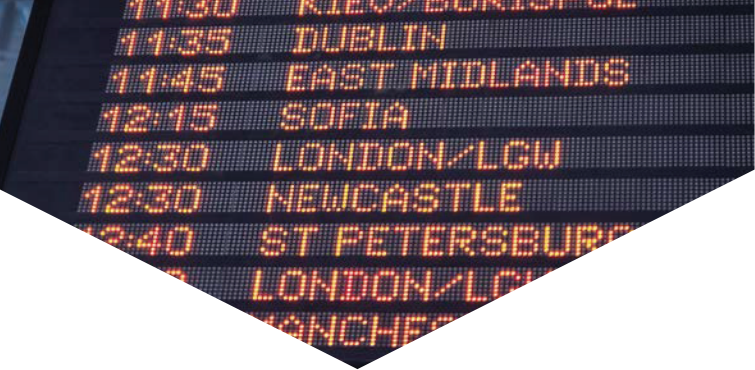
1.2 Duties under WHS laws

In general terms, the Model WHS Laws require that a party with management, control or influence over health and safety matters, referred to under the legislation as ‘person conducting a business or undertaking’ (PCBU), take all reasonably practicable steps open to them to ensure the safety of persons performing work for the entity (and other persons) and to ensure that it does not expose any other person to risks. While there are differences between the Model WHS Laws as adopted in each of the Model Law Jurisdictions, the primary duty owed to workers is consistent.

Specifically, the Model WHS Laws require that, so far as is reasonably practicable, duty holders must ensure:

- the health and safety of employees, contractors and workers whose activities are influenced or directed by it, while they are at work;
- that the health and safety of other persons is not put at risk from work carried out as part of its business; and
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of its business.

In turn, directors of duty holders (and officers more generally) owe an obligation to exercise ‘due diligence’ to ensure that the corporate duty holder itself meets its WHS obligations. In doing so, directors must take ‘reasonable steps’ to exercise ‘due diligence’ to ensure that the entity over which they have responsibility is meeting its corporate WHS duties.



Under WHS laws an accused is punished according to the gravity of the breach of duty owed under the WHS laws and not according to the result or consequences of the breach and therefore, the laws may apply whether or not the incident or injury occurred in an Australian jurisdiction or overseas.²

However in general, the Model WHS Laws operating in most Australian jurisdictions can apply extraterritorially so that in prescribed circumstances liability extends even where elements of an offence are 'partly' or 'wholly' committed overseas or the incident relevant to the offence occurs overseas. Furthermore, general criminal laws, 'crimes at sea' laws, federal maritime laws and the Acts Interpretation Acts can operate to enliven Australian criminal laws (including WHS laws) in respect of conduct which occurs overseas.

Although the extraterritorial application of the Model WHS Laws is complex, differs between States and has not been judicially considered - it is at least arguable that:

- Australian PCBUs will owe a duty to workers wherever they happen to be, including overseas; and
- Foreign entities with workers travelling or based in Australia will likely be governed by the State or Territory laws in which their workers travel or are based (i.e. a foreign company, with a worker performing work in New South Wales, will likely be subject to Model WHS Laws applicable to New South Wales).

This appears to be consistent with the view taken by the Commonwealth jurisdiction's health and safety regulator, Comcare. In its guidance material, Comcare notes:³

Comcare, the statutory authority of the Australian Federal Government, have published guidance material on identifying and managing risks to overseas workers.

2 Application of the Model WHS Laws overseas

There is a common law presumption that Australian laws do not apply extraterritorially. In practical terms, this means that Australian laws do not generally regulate or impose liabilities in respect of activities conducted overseas unless the statute indicates otherwise.

Each of the Model Law Jurisdictions have been left to determine the extent to which the Model WHS Laws as enacted in their respective jurisdictions will operate outside the relevant territory's geographical limits. Of the Australian States and Territories, to date the Australian Capital Territory and South Australia have enacted extraterritorial provisions in their WHS laws, however the provisions do not broadly address how the laws will operate in respect of conduct which occurs overseas. The result is that the particular circumstances in which the Model WHS Laws will operate in respect of workers travelling or based overseas varies from jurisdiction to jurisdiction, and detailed consideration should be given to the particular circumstances of each case.

It is important to note that breaches of the Model WHS Laws may be found to have occurred in Australia even when an incident or injury occurred outside Australia.

This is because breaches of the Model WHS Laws occur when an entity fails to eliminate or minimise a risk to safety and not at the time (or at the place) that an incident occurs.

“...the Work Health and Safety Act 2011 (WHS Act) applies to Commonwealth duty holders overseas. The principal duty holder under the WHS Act must ensure—so far as is reasonably practicable—the health and safety of workers while they are at work, regardless of where their workplace is situated.”

The [Commonwealth] WHS Act and the Work Health and Safety Regulations 2011 (WHS Regulations) have extraterritorial application by virtue of s12F(3) of the WHS Act.

Comcare has also published fact sheets on identifying and managing risks to overseas workers which, while directed to specifically the Commonwealth WHS Act rather than WHS laws enacted in the States and Territories, are a useful guide for businesses with overseas workers.⁴

Although, the Courts may ultimately adopt a narrower application, Members would be assuming a reasonable level of risk to not take steps to manage the health and safety of their workers overseas (or based in Australia in the case of foreign entities) in the absence of legal advice relevant to their specific circumstances. This is particularly so where Members have a high degree of control over the management of safety risks applicable to those workers and decisions affecting the safety of overseas workers being made in Australia.

2.1 What duties will be owed to workers travelling or based overseas?

Where a duty is owed to workers travelling or based temporarily abroad for work, Members will owe the same primary duty to those workers as to their Australian based workers.

That is, they will be required to take all reasonably practicable steps to provide a safe working environment. However, as we explain further below, what is considered to be reasonably practicable to discharge the duty to workers while they are overseas will be impacted by (among other things) the ability of the PCBU to control or influence safety outcomes in the relevant circumstances.

Breaches of the duties owed to workers under the Model WHS Laws are criminal in nature.

As noted above, the primary duty owed to workers under the Model WHS Laws is to take steps to ensure that all workers are not exposed to risks to their health or safety. This includes:

- providing and maintaining safe work environments, plants, and systems of work;
- ensuring that workplace conditions and the health of workers are monitored to prevent illness or injury;
- ensuring that all necessary information, instruction, training and supervision is provided to workers; and
- ensuring that adequate welfare facilities are provided to workers (in this context, this may include access to clean water facilities, etc.).

In addition to these general requirements, the Model WHS Regulations impose detailed requirements for complying with the primary duty under the Model WHS Act. Of particular relevance to overseas workers are the obligations to ensure provision of each of the following:

- General workplace facilities that take into account the space and layout of a workplace, lighting, ventilation, any extreme temperature conditions, access to adequate toilets, as well as washing and eating facilities;
- Adequate first aid equipment and access to trained first aiders;

- Emergency plans containing appropriate emergency procedures including in relation to emergency response, evacuation, and the provision of medical treatment and assistance. Again these procedures must have regard to the nature of the work, the nature of the hazards connected to the work, and the size and location of any relevant workplace;
- Isolated worker arrangements which include developing an effective method of communication with workers who are isolated from access to medical assistance; and
- Proper information, instruction and training which is suitable having regard to the nature of the work carried out by the worker, the nature of the risks associated with that work and any control measures that have been implemented. This training is required to be provided in a way that is readily understandable to the relevant worker.

Breaches of the duties owed to workers under the Model WHS Laws are criminal in nature. This means that businesses and individuals that fail to discharge the duties imposed on them are exposed to criminal prosecution and, if found guilty, subject to conviction for a criminal offence.

2.2 What is required to assert compliance?

Most duties owed under Model WHS Laws are qualified by the legal standard of what is 'reasonably practicable'.

The term 'reasonably practicable' requires duty holders to only take those steps which are reasonably able to be done, having regard to and weighing up:

- the likelihood of the relevant hazard or risk occurring;
- the degree of harm that might result from the hazard or risk;
- what the person knows about the hazard or risk and the ways of eliminating or minimising the risk; and

- the availability and suitability of ways to eliminate or minimise the risk.



After assessing the extent of the risk and the ways the risk could be eliminated or minimised, the associated costs must be considered, including whether the cost is grossly disproportionate to the risk (which is a very high threshold).

This means that where Members do owe a duty to overseas workers, the measures required to be taken to discharge the duty will be circumscribed by what can reasonably be done in the circumstances.

2.3 What happens when more than one PCBU owes a duty?

Given the broad definitions of 'PCBU', 'worker' and 'workplace', there is likely to be overlap between the duties owed by one PCBU, and those owed by others. In these circumstances, the Model WHS Laws provide that each duty holder must discharge their obligation to manage risks so far as reasonably practicable. However, what is required to discharge the duty will be impacted by the extent to which each party is able to 'control' or 'influence' the relevant safety matter.

In these circumstances both duty holders are required to consult and cooperate with each other in order to achieve coordinated safety outcomes.

3 Recent developments in WHS

Recently, there has been a marked focus by law makers and regulators on strengthening enforcement action against companies and individuals who breach WHS laws. For example, Queensland recently introduced industrial manslaughter offences into its WHS laws, and also introduced other changes including broadening the involvement of unions in respect of WHS issues. The balance of the Model Law Jurisdictions are considering adopting similar measures into their respective WHS laws.

In keeping with this trend, we have seen more substantial penalties being imposed in respect of WHS breaches, including recent examples of custodial sentences being imposed on individuals for breaches of WHS laws.

More broadly, regulators are focused on exercising their enforcement powers to achieve successful prosecutions. In part this stems from the increased pressure on regulators to prosecute, rather than engage with non-compliant businesses. A notable example of this recent criticism was included in the findings of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. Commissioner Hayne criticised the approach of the Australian Securities and Investments Commission (Australia's corporate and financial services regulator) to enforcement, stating:

improving compliance with financial services laws cannot be achieved by focusing only on negotiation and persuasion. Compliance with the law is not a matter of choice. The law is, in that sense, coercive and its coercive character can be neither hidden nor ignored. Negotiation and persuasion, without enforcement, all too readily leads to the perception that compliance is voluntary. It is not.

We expect that the increased focus on taking enforcement action, including against individuals, will continue.

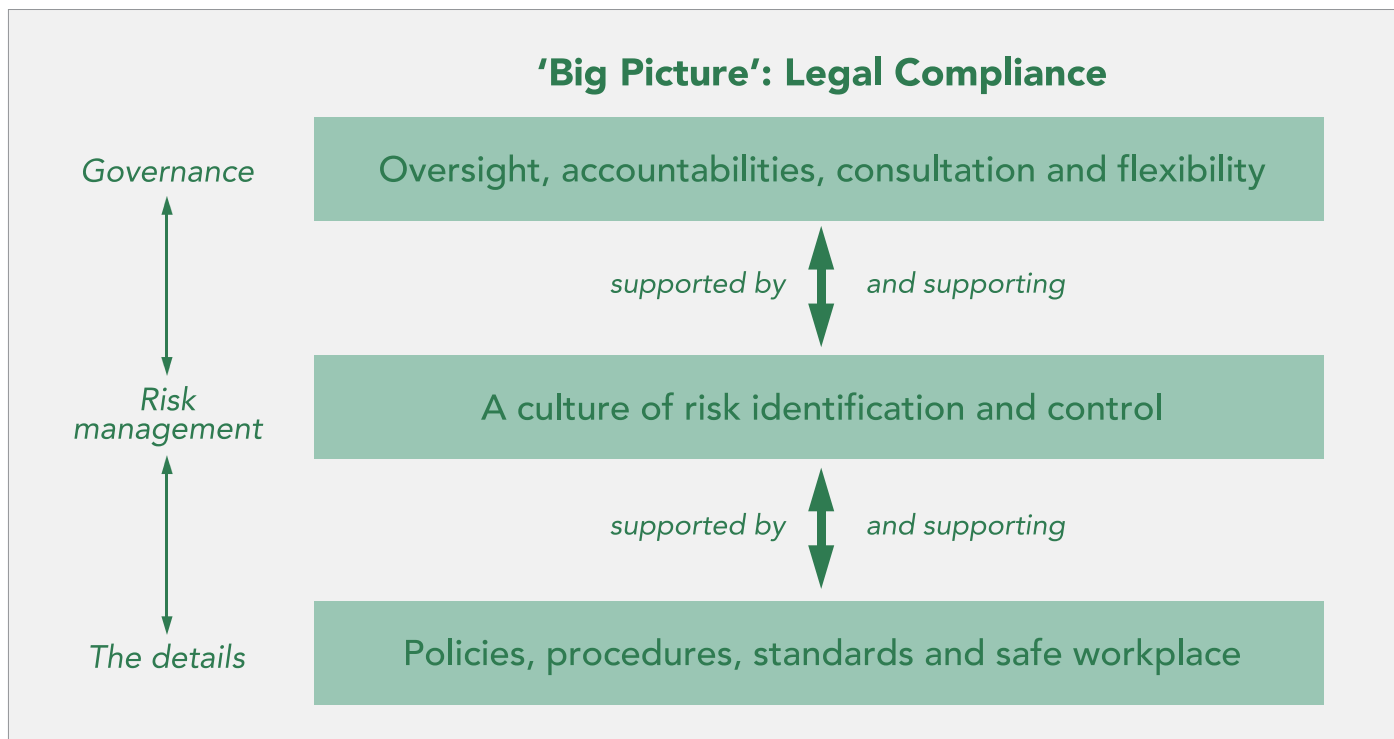
FOOTNOTES:

- 1 *While the laws in Victoria and Western Australia are similar to the Model WHS Laws, there are important differences and so we recommend specific advice should be sought by those businesses that have relevant operations with connections to those States. Western Australia is in the process of developing 'modernised' work health and safety laws based on the Model WHS Laws.*
- 2 *This principle was considered in Director of Public Prosecutions v Frewstall Pty Ltd (Vic) [2015] VSCA 266 and affirmed in Director of Public Prosecutions (Vic) v Vibro-Pile (Aust) Pty Ltd [2016] VSCA 55.*
- 3 *See Comcare publication "Extraterritorial Application of the Work Health and Safety Act 2011" which is available on the Comcare website: https://www.comcare.gov.au/Forms_and_Publications/publications/services/safety_and_prevention/safety_and_prevention/extraterritorial_application_of_the_work_health_and_safety_act_2011.*
- 4 *See, eg. "Overseas workers – how should I identify and manage the risks?" which is available at: https://www.comcare.gov.au/Forms_and_Publications/publications/services/fact_sheets/fact_sheets/overseas_workers_-_how_should_i_identify_and_manage_the_risks/overseas_workershow_should_i_identify_and_manage_the_risks.*



4 Action plan for assessing and meeting compliance

For those Members that owe duties to workers who travel to or who are based in overseas jurisdictions, preparing the business to comply with the Model WHS Laws is likely to include the following:



1 Identifying duties applicable to workers travelling or based in Australia and overseas

Since different laws operate within Australia, Members should identify which Model WHS Laws are likely to be applicable to their business activities and identify the workers to whom a duty is owed (including employees, volunteers and contractors).

2 Identifying relevant stakeholders and reviewing consultation, co-operation and co-ordination arrangements

It will be important to consider whether current consultation arrangements are adequate to allow for consultation with all 'workers' to whom a duty is owed about the risks associated with their work overseas. Systems should also be in place to identify other PCBUs with whom a duty may be shared and ensure consultation occurs with those other duty holders (such as host employers overseas) to achieve a co-ordinated

approach to managing safety risks applicable to workers based or travelling overseas.

3 Undertaking a gap analysis

Most businesses will need to review existing safety management systems, and compare that system with the duties owed under the Model WHS Laws. This will identify any 'gaps' in the system that require improvement in order to achieve compliance.

4 Updating policies and procedures

Policies and procedures should be updated where gaps are identified. In the context of overseas workers, particular attention may need to be paid to:

- **Hazard identification and control procedures:** among other things, these should contemplate risks to workers that are likely to arise when they are travelling or based in overseas jurisdictions (e.g. security, diseases, etc).

- **Training Procedures:** these should be targeted at ensuring the provision of necessary information, instruction and training for workers to understand the particular risks associated with their work overseas and the control measures in place to enable them to perform their work safely and in safe conditions.
 - **Welfare facilities:** arrangements should be in place to ensure that workers abroad have access to adequate facilities (including access to drinking water, washing and eating facilities).
 - **Emergency plans:** these should be reviewed to ensure that the business can respond to emergencies involving overseas workers. This will include evacuation procedures and processes for ensuring access to appropriate medical assistance as required.
 - **Procedure for isolated workers:** arrangements should be in place to ensure that workers in locations remote from access to medical assistance are provided with effective means of communication.
- 5 Identify officers of the business and assist them to meet due diligence requirements.**
- It will be important to identify which individuals in the business are 'officers' under the legislation and ensure that appropriate governance arrangements are in place to assist those officers to exercise 'due diligence'. This will likely require training officers about their personal duty and the safety duties owed by the business, as well as the establishment of regular reporting to officers on the measures in place to manage health and safety requirements.

10 Tips for Travel Risk Management

1. Get commitment from decision makers for the travel risk policy and program; senior management are often travellers too, so have a strong interest in making them work well.
2. Manage travel risk functions, including security, risk and insurance, travel management and human resources. Don't forget the IT issues.
3. Look at travel safety management in the same way you manage process safety, integrating all dimensions of safety information, hazard analysis, travel procedures, training, near misses and incident reporting, and management of change.
4. Good communications are at the heart of good practice. There should be one point of contact for travellers, and everyone should know what it is. It should be available 24/7. Brief travellers well but keep the process simple, so they can understand and follow the guidelines. Know where your travellers are and how to contact them quickly.
5. Consider the accumulation risk if several employees, especially key people or senior executives, are going to the same destination, and plan travel accordingly.
6. Use the same health and travel security solutions for all international assignees, short and long term, for better coordination in a crisis.
7. Provide emotional support in times of anxiety.
8. Ensure pre-travel risk advisories and responses are broad enough for a diverse range of travellers, including women, people with disabilities, older travellers and those who are lesbian, gay, bisexual or transgender (LGBTQ).
9. Insurance should be easy to use for the travellers and the claims handling should be professional and smooth.
10. Regularly review use of the Assistance Centre, download apps and the results. Take feedback from travellers. There is always some improvement to make, so measure the success and adapt.

ANNEX 1 How to set up a travel risk management program



Integrated Duty of Care Risk Management Model

The previous sections have revealed the need for updating travel risk management programs in regards of travel risks and mobile workers evolution for international organisations. Now the question is: How do you do that? Which particular step of your integrated duty of care risk management model has to be considered?

International SOS has developed 'The Integrated Duty of Care Risk Management Model' to help organisations meet 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 organisation.

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

Essential elements risk managers have to consider

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 organisation's duty of care obligations.¹

- Has the scope of threats, hazards and assessed medical and travel security risks been defined, taking into account elements such as the following:
 - The geographic perspective.
 - The environment.
 - Travel and work-related processes and activities, such as commuting from a hotel to a work site.

- 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?

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 organisation can effectively assume its duty of care obligations.

- Has a plan been developed and implemented addressing the organisation's travel and assignment safety, health and security system?

- Has an initial review been conducted, including identification of applicable legislation, administrative rules and insurance requirements?

STEP 3:

DEVELOP POLICIES AND PROCEDURES:

Develop clear duty of care and travel risk management policies and procedures that govern those who are travelling and working abroad (both short-and long-term), and consider how the organisation's worldwide travel policies and procedures assist in keeping employees healthy, safe and secure.

- Has an organisational policy been developed and implemented that aligns travel and assignment safety, health and security with the organisation's objectives?

¹Duty of care owed by European organisations to their mobile workers - Europe legal review, October 2017. This paper can be viewed at learn.internationalsosfoundation.org/FERMA-Paper-2017



B 'DO' PHASE

B 'DO' PHASE	
	Essential elements risk managers have to consider
<p>STEP 4: MANAGE GLOBAL MOBILITY</p> <p>Review how the organisation 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.</p>	<p><input type="checkbox"/> Does a manager (whether centrally or on location) have a responsibility and accountability for the development, implementation, periodic review and evaluation of the system to manage travel and assignment safety, health and security?</p> <hr/> <p><input type="checkbox"/> Is a manager ensuring that a competent person plans work-related travel and assignments?</p>
<p>STEP 5: COMMUNICATE, EDUCATE AND TRAIN</p> <p>Ensure that the travel risk management plan (including the duty of care policies and procedures) is communicated throughout the organisation and that employees (managers, international travellers and assignees) are informed and prepared for the potential risk prior to being sent abroad.</p>	<p><input type="checkbox"/> Is adequate training provided to ensure workers and contractors:</p> <ul style="list-style-type: none"> • Are competent to carry out their work in a safe, healthy and secure manner? • Can address travel and assignment-related risks prior and during travel, while on assignment and upon return? <hr/> <p><input type="checkbox"/> Is a briefing on safety, health and security arrangements conducted for all relevant workers and contractors?</p>
<p>STEP 6: TRACK AND INFORM</p> <p>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.</p>	<p><input type="checkbox"/> Is there an effective system to monitor the location of relevant workers, to be used when indicated by the risk level protocol?</p>
<p>STEP 7: ADVISE, ASSIST AND EVACUATE</p> <p>Provide ongoing guidance, support and assistance when employees are abroad and find themselves in unfamiliar situations, and be prepared to evacuate them when necessary.</p>	<p><input type="checkbox"/> Is adequate 24/7 security provided, where appropriate, to support individuals in their movement to and from location and in the course of their work mission?</p> <hr/> <p><input type="checkbox"/> Are relevant parties kept informed about travel and assignment issues as an integral part of the travel and assignment safety, health and security system?</p> <hr/> <p><input type="checkbox"/> Are global and local arrangements in place to manage an emergency or crisis, including preparedness, mitigation, response, recovery?</p>

C 'CHECK' PHASE

C 'CHECK' PHASE	
	Essential elements risk managers have to consider
<p>STEP 8 : CONTROL AND ANALYSE</p> <p>Have management controls in place to ensure employer/employee compliance and track and analyse data to improve efficiency.</p>	<p><input type="checkbox"/> Is there a system documenting that workers and contractors have been made aware of associated risks, and measures to avoid or mitigate these?</p> <hr/> <p><input type="checkbox"/> Are arrangements made to see how efficiently the organisation is carrying out travel and assignment safety, health and security policies, arrangements and procedures?</p>

CASE STUDIES

Case Study 1

An Australian woman was on assignment in Micronesia and became unwell with a fever. She called the local International SOS Assistance Centre and spoke with one of the doctors. Based on her symptoms and the information provided, it was recommended that she immediately go to a medical facility. Due to the capability of local health care, it was also determined that a medical evacuation might be necessary. The Assistance Centre doctor was able to speak with the local doctor in Micronesia and discuss her test results. They both agreed that further care in Australia was the best option and an urgent evacuation was coordinated by the International SOS team.

Within five hours, all the paperwork and logistics were confirmed and the aircraft was in the air. International SOS closely monitored the evacuation coordination and liaised with hospitals, ambulances, her employer, the insurers, and relevant government departments. Because she called early, International SOS was able to support her during an evolving and critical medical situation. The evacuation and return to assignment was overseen by our medical leadership team and in close coordination with her employer.

Having emergency response capabilities and plans in place fulfils that legislative requirement to have appropriate emergency procedures – which includes emergency response, evacuation, and the provision of medical treatment and assistance.

Case Study 2

An education NGO from Australia received support from International SOS during the initial assessment phase of a planned project in Saudi Arabia. After successfully winning the bid, they needed to send a group of travellers – mostly women – to the project site for completion.

One of the travellers was an openly gay female who had specific concerns about her safety while travelling to that country.

Because of the destination's cultural and risk differences¹, the NGO wanted to ensure their employees felt comfortable and were able to mitigate foreseeable risk. This also went towards their duty of care and legal requirements to provide proper information, instruction and training regarding the nature of the risks associated with the work and any control measures that have been implemented.

They brought in security specialists from International SOS to educate the travellers before leaving. A special focus was placed on the women and LGBT travellers so they were aware of the day-to-day choices which could potentially have a significant impact on their safety.

The training was delivered virtually by a female security specialist who recently had travelled to Saudi Arabia and was able to give local, practical tips. The course itself was designed by our diverse security team and included insight from their varying nationalities, gender, skills and experiences. It focused on principles of personal security, managing risks in daily activities, and what to do if things went wrong. For this travel briefing, there was an added emphasis on women's security and managing online profiles to minimise unnecessary attention (such as social media, dating apps and search history). It also had a dedicated section specifically for Saudi Arabia that focused around risk zones and ratings, travel security threats, cultural norms, and business etiquette.

By educating the travelling staff before departing, the NGO was able to give their employees peace of mind and the knowledge needed to stay safe. All travellers successfully completed their assignment without any security incidents.

¹ <https://ilga.org/maps-sexual-orientation-laws>

Case Study 3

Employer best practice often includes opportunities such as business travel or overseas assignments for their employees. This is often an expectation despite a diverse range of individual traveller risk profiles. WHS legislation requires that an adequate risk management structure be put in place so all travellers are protected. Here's how one organisation managed those expectations:

An Australian not-for-profit organisation deployed a deaf volunteer to a remote country in South Asia. Along with a few other volunteers, she worked in a rural school which meant she was stationed away from the capital city and the organisation's support capabilities.

During the pre-departure session, she asked if there would be a way for her to contact the International SOS Assistance Centre through text message so she could have more simultaneous interactions with the medical and security teams.

The Sydney Assistance Centre contacted the Philadelphia team to gain access to a new Live Chat feature that was being tested in the United States. They created a separate program for this volunteer who was able to install the live chat function directly onto her International SOS app.

This gave her access to the Philadelphia medical and security team for case management purposes, who would notify her home-based Sydney Assistance Centre should an issue arise.

During her assignment, the volunteer contacted the Assistance Centre twice when she was feeling unwell. She was able to quickly chat with a healthcare expert on advice around recovery in a way that was comfortable and minimised communication stress.

Through the not-for-profit's efforts to ensure the safety and peace of mind with their volunteers, International SOS was able to tailor an inclusion plan that ensured she had the right level of support throughout her assignment.



Acknowledgements

The list of contributors includes many who wrote sections of the text, who commented on and provided advice on the material, and who gave time to read drafts of the text. In particular, thanks to: *Steve Bell (Herbert Smith Freehills), Nerida Jessup (Herbert Smith Freehills), Graeme Tanner (Herbert Smith Freehills), Phillipa Reeves (Herbert Smith Freehills), James Robertson (International SOS), Claire Johnson (International SOS), Rebecca Malzacher (International SOS Foundation).*

Contributors

We are grateful for the participation of the individuals who completed the WHS laws and business travel survey and the travel risk management experts who drafted and ratified the enclosed checklist and guidance materials.

