

Duty of care - who's responsible for your business trip safety?

Business trips are being classified as essential or non-essential, travel budgets have been re-evaluated, and duty of care is front and centre. While duty of care has always been a priority, a company's actions to manage traveller risk more often occurred behind the scenes.

That has changed over the course of this year with employees taking a more active role in their personal health and wellbeing and calling for greater policy transparency and reassurance of their safety.



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Even before Covid-19, travel risks were growing increasingly difficult to predict. All it takes is a lost passport, misunderstanding with local authorities or unforeseen natural disaster to derail a perfectly planned business trip. Add a pandemic and ever-shifting travel restrictions and it becomes evident why some businesses are grappling with their heightened duty of care obligations.

It's important that as small businesses resume their business travel programmes in 2021, they thoroughly reassess the processes, suppliers, tools and resources they have in place to help employees travel safely and seamlessly. However, while much of this responsibility naturally falls on the company, the traveller also carries responsibility and must act in accordance with the duty of care policy.

Oz Desai, Corporate Traveller general manager, sheds some light on where the line lies between an organisation's duty of care and a traveller's personal accountability.

Your company's moral and legal obligation

Duty of care is a company's moral and legal responsibility to take all the possible steps to ensure its employees' health, safety and security—whether travelling for business, in the office, or even working from home. This duty is fulfilled by actionable strategies within a travel risk management programme.

Unfortunately, several risks are beyond the control of even the most organised and compliant of companies. As we've seen with Covid-19 and over the last few years, threat levels can change rapidly in a country, weather is increasingly unpredictable, and disruptive global events can stop travel in its tracks. This is when it becomes essential for a company to have strategies in place to prevent, support and respond.

Desai explains: "The pandemic essentially made most countries around the world high-risk destinations—all in the matter of a few weeks. This unlikely scenario became our reality with a little warning back in March 2020 while countless business travellers were mid-trip at the time. While this was a truly unprecedented series of events, those companies and employees who expertly managed the situation, acted quickly and saw the safe, swift return of travellers without hitting the panic button, were those who had a robust risk management plan in place, where both parties understood their responsibilities."

A company's travel management team must clearly communicate what is being done to keep travellers safe on the road. **A travel management company (TMC) can help devise a programme that includes:**

1. Identifying and assessing possible risk before the trip.
2. Verifying that all suppliers are vetted and reliable.
3. Preparing employees with accurate, up-to-date information regarding health, safety and security.
4. Tracking all travellers and offering advice on-the-ground.
5. Responding swiftly and adequately in the case of an emergency or threat.
6. Helping to resolve issues—from minor inconveniences to unlikely and extreme events

The rule of common sense—when are you personally responsible?

In general, the company is responsible for the traveller and their conduct on a business trip—but there are limitations.

A company's duty of care and travel risk management programme provides the roadmap for business traveller safety, but ultimately the traveller is the driver. Companies tend to trust their business travellers and give them the freedom to plan their course, but if a traveller ignores recommended precautions, they're knowingly putting themselves in harm's way.

Desai explains that a business traveller's 'duty of loyalty' requires them to follow the procedures outlined in the company's travel risk policies and to use common sense to avoid unnecessary risks.

If a business traveller deliberately takes risks, acts disorderly, or flouts the law and Covid-19 restrictions in a destination, their employer may escape liability—especially if the situation has nothing to do with the actual business portion of the trip.

Desai explains that most employees, fortunately, don't tend to indulge in reckless behaviour, but travellers can be complacent about the risks they face, which is equally problematic.

A good example of this is bleisure travel. Before a business traveller extends their trip to partake in activities that require reams of indemnities, helmets, harnesses and the like, it's essential that they find out what their company's travel policy

says about the leisure portion of your trip.

Unfortunately, despite a surge of bleisure trips in years leading up to 2020, one in four organisations has not even considered bleisure travel in their travel policy, according to a survey conducted by International SOS and CAPA (Centre for Aviation).

"Companies need to speak to their Travel Management Company for help on how to adapt their travel policies to include duty of care and risk management that works for our current world. And importantly, it has to work for a company's employees and their current behaviours, preferences, and priorities—because you really need both parties to play their part to ensure safe and productive business travel," says Desai.

Desai concludes that it is important to clearly communicate where and when the traveller is covered under the company policy ahead of any travels. He says: "A trusted TMC can help small businesses navigate this complexity of business travel and duty of care—allowing businesses and employees to focus on more productive matters at hand."

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