

# DUTY OF CARE

*Best Practices  
for Global Mobility*



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uty of care is a longstanding common law principle. In the employer-employee relationship, it refers to the company's obligation to take reasonable actions to protect its employees and safeguard their health and safety. For relocating employees, the duty of care is *the legal and moral obligation of an employer to ensure the welfare of employees and their families throughout a relocation or assignment.*

The sudden pandemic-driven disruption of business and threat to all employees underlined the importance of regular risk assessments and appropriate mitigation. Most companies did not have emergency protocols for pandemics in place. The pandemic significantly disrupted most domestic and international moves in process or canceled them altogether. For those assignees and their families living outside of their home country, it was difficult to know if the best response to the crisis was to shelter in place or return home.

Current thought leadership centers on how to balance duty of care responsibilities with the organization's business interests. However, one thing is sure: the duty of care extends throughout the organization, from the CEO to part-time employees and interns. For relocating employees, the obligation extends not only to the relocating employee but also the accompanying family members.



# Corporate Duty of Care Best Practices

The following best practices each incorporate legal and ethical considerations, and companies need to address both. These best practices are interrelated, and a holistic, company-wide duty of care policy will include them all.

## Physical and Mental Health



Perhaps the most fundamental part of duty of care is safeguarding the health of employees and their families. Health insurance is usually portable within the home country, but the employer should ensure that the employee's current benefits will remain in force.

For employees on a global assignment, healthcare systems and coverage vary widely worldwide. Employers must ensure that the employee and family have proper global healthcare coverage before they arrive in the host location to cover any required medical treatment while they are there. The policy should include medical evacuation services if needed.

Too often, companies do not pay sufficient attention to mental health considerations in planning a relocation or assignment. According to the World Health Organization, one in four people struggle with a mental health issue at some point in their life, and psychologists rank relocation as one of life's most stressful events. The pandemic has created even more stress among employees, whether they are relocating or not.

More than providing coverage for mental health services, companies should also acknowledge the stress inherent in global mobility and promote a culture where it is ok to ask for help. Many companies adopt and promote Employee Assistance Plans (EAPs) and encourage employees to take several "mind and body breaks" throughout the workday.

# Safety and Security

Companies that send employees to high-risk locations typically require them to attend a briefing with an internal security team or an external security firm before going on assignment. More companies are incorporating security briefings into their mobility programs no matter where the employees and their families are relocating.

While employees who are relocating to high-risk locations will naturally be on guard, anyone in an unfamiliar place could face risks from civil unrest, terrorism or even kidnapping. Several major cities in the U.S. experienced spontaneous demonstrations and violence last year. In developing countries, expatriates can be at risk for abduction or carjacking, even in areas considered “safe.” In some cases, a hired car and driver might be necessary as a safety precaution.

Safety and security measures and contingency planning are not just for areas experiencing civil unrest. Companies should ensure that employees relocating to areas with unpredictable weather or natural disasters such as tornados, hurricanes or earthquakes are briefed on local emergency procedures.

Area orientations should include how to contact the police and fire departments, the location of local hospitals and emergency care facilities, how to utilize public transportation and how to handle utility outages or brownouts.

Two additional pre-departure services can contribute to the employee’s safety and security: cross-cultural and language training. Cross-cultural training will help acclimate the employee and family to the new culture and potentially help them avoid unsafe situations.

Language training will increase assignee and family comfort levels and help them recognize and avoid or de-escalate dangerous situations.



# Effective Communication Protocol

The COVID pandemic revealed that many companies lacked effective emergency communication plans. The situation was fluid and communication, too often, was neither timely nor adequate. Some employees made emergency decisions on their own with very little assistance or resources.

Some employees and their families left their belongings in the host location in a rush to get back home—only to discover they would be gone indefinitely. Other assignees could shelter in their host location, but they lacked the space and resources to work from home effectively. Higher frequency and quality communications would have assisted these employees in making crucial decisions with less work disruption.

Employees should be able to access written duty of care policies and guidelines 24/7, no matter where they are living. Companies should be prepared to



push out emergency email blasts, texts to mobile devices and voicemails when urgent contact is necessary. These communications should include practical emergency response plans for employees and their families. This factual information will help expatriates feel more secure while reinforcing sound decision-making and effectiveness in an emergency.

Finally, all corporate stakeholders must align with company communication protocols and the content of company-wide communications. This includes leadership, the human resources and mobility teams and the legal and travel departments. Ensuring everyone understands and agrees to the protocols will increase the likelihood they will follow policies and make good decisions if an emergency arises.

# Business Travelers

Open communication with relocating employees is critical, but it is just as essential to keep lines of communication open with *all* employees who travel for business on behalf of the company. As we emerge from the pandemic, business travel will begin to recover. Business travelers may have reservations about flying, attending in-person conferences and resuming other public activities.

Companies should review their travel policies, consider any lessons learned from the pandemic and revise the policies as appropriate. Business travelers should feel assured that the company has their best interests in mind and acts to mitigate risks as appropriate.



# Knowing Where Your Employees Are

To fulfill its duty of care obligation, the company must know where its employees, and if applicable, their families, are located during a relocation, while they are on assignment and while they are traveling for business. The need to know includes even holiday or vacation travel for employees and families on international assignment.

If this sounds rather “big brother,” this is a case where the right to privacy must yield to security considerations, not to mention the company’s immigration and tax compliance obligations. Companies should maintain copies of all travel itineraries, important immigration documents and emergency contact details.

Companies with larger relocating employee populations often use specialized software and apps to keep track of their employees. If the population is small,



a simple spreadsheet might be sufficient. More important than the method is ensuring that the company has some tracking system in place, maintains it regularly and ensures that it is secure.

Ensuring that all of the stakeholders understand and comply with company travel and relocation policies is critical. Compliance can be challenging in large, decentralized companies, with divisions that might react to urgent needs and deploy employees without following the proper procedures. Again, communication is vital.

The company’s duty of care policies and procedures should be well-known throughout the organization and enforced from the executive level on down. This transparency will have the additional benefit of reducing the number of “surprise” assignments that are so frustrating for those in corporate HR and mobility.

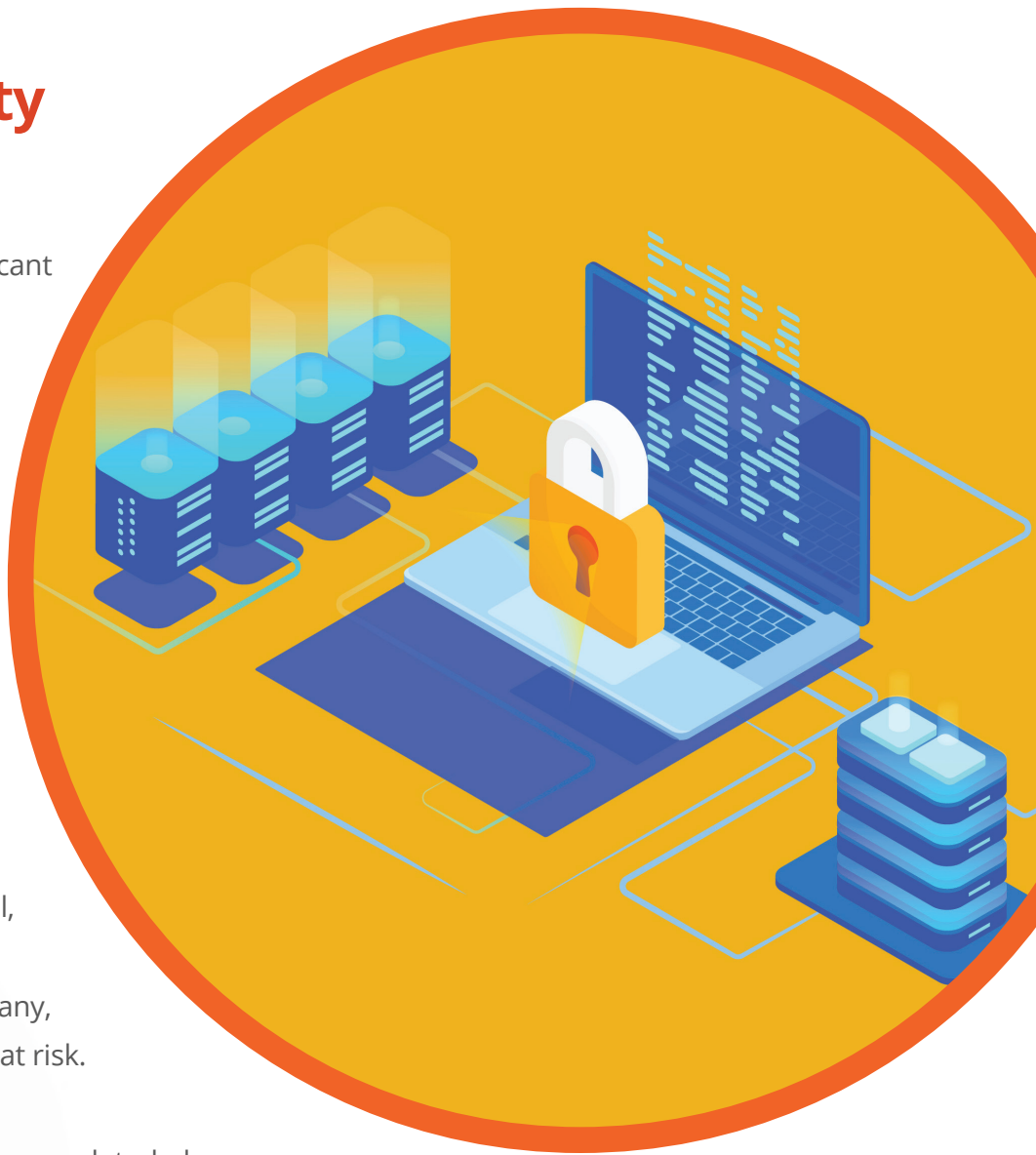


# Data Security

Today's highly dispersed workforce creates significant cybersecurity risks for companies, clients and employees. Remote employees can be at a greater risk of being targeted by those illegally trying to access company systems and data. Further, relocating employees and business travelers frequently rely on less-than-secure hotel, airport and public Wi-Fi, potentially putting company, client and personal data at risk.

Companies should have an updated plan to manage these risks. Employees, particularly business travelers and employees on assignment, should be briefed on company cybersecurity policies and how they can mitigate the risks for the company, its clients and themselves.

The EU General Data Protection Regulation (GDPR) requires companies to take all reasonable precautions to safeguard personal data. If a breach should occur, companies must take affirmative actions to limit the damage. You can learn more about how to ensure your dispersed workforce remains GDPR compliant [here](#).





# Supplier Partners and the Duty of Care

Any relocation or global assignment will include supplier partners acting as agents of the employer. As such, these suppliers share in the duty of care obligation. During the pandemic, many suppliers proved to be quite resourceful, delivering their services while mitigating risks for relocating employees and families. Many face-to-face services became virtual, including household goods surveys, real estate closings, destination services, home tours, cross-cultural and language training and schooling for children.



So they can perform their contractual duties, companies will often entrust suppliers with relocating employees' personal information. Companies need to be mindful of the personal data they share with supplier partners and how that information is being utilized and safeguarded.

Destination service providers (DSPs), immigration companies, emergency evacuation companies and other key suppliers should be part of your emergency communications plan. DSPs, in particular, are local experts and will be on the front line of any emerging security concerns or natural disasters. The supplier partners need to have their own emergency procedures in place to address any potential workplace disruptions. In addition, DSPs should maintain complete and accurate employee contact information, including addresses and mobile phone numbers, and they should be able to provide this information quickly if needed.

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## Duty of Care Takes on New Importance

Employers who relocate employees and their families, deploy them on international assignments or ask them to travel for business have a legal and ethical responsibility for their safety and well-being. The duty of care extends to relocation management companies, destination service providers and other suppliers entrusted with the employees' welfare.

For their part, employees and families are responsible for complying with the policies and protocols that companies have implemented to ensure their safety and security. Non-compliance with company policies can potentially put an employee in harm's way, often without the employee even being aware of it.

Companies will need to determine how they will ensure that all stakeholders comply with the duty of care policies. By performing regular risk assessments, updating duty of care policies, achieving buy-in from the top down, and communicating transparently, the company will demonstrate its commitment to

employee safety and security. Employees will likely show an increase in compliance and commitment to the organization in return.

