Duty of Care
Key to Building Trust, Improving Job Satisfaction and Boosting Productivity Within the Workforce
More companies today see Duty of Care as key to building trust, improving job satisfaction and retention, and boosting productivity within the workforce. The younger workforce and incoming professionals are making it clear that they are willing to take on assignments across the world but want to be assured that their employers have their backs and that they’ll feel safe in their host locations.

Meanwhile, companies recognize the need to rely on a mobile workforce to grow their businesses worldwide. With the number of risks inherent in normal business travel, taking the time to develop and incorporate a Duty of Care policy is essential not just to the overall welfare of your business in the long run but also for ensuring your company’s and your employees’ ongoing compliance with rigid tax and immigration regulations.

More importantly, in the ongoing drive to be recognized as an Employer of Choice, a robust Duty of Care policy is just good business sense, showing your mobile employees that your company cares for their well-being.

**DEFINING “DUTY OF CARE”**

Duty of Care as it relates to workforce mobility is a company’s legal and moral obligation to ensure the safety, security and well-being of its assignees and their accompanying family members. This encompasses all of the aspects of the physical move or assignment and may also extend to compliance related provisions including immigration and tax.

The inclusion of Duty of Care is becoming increasingly important for mobility program owners. Business Partners may authorize moves or assignments with little visibility on the impact of the transfer to the employee and accompanying family members. Determining which stakeholders and suppliers have a role in developing the organization’s Duty of Care perspective, how Duty of Care should be carried out and understanding the liabilities requires a careful evaluation of by the appropriate specialists.

Emergency Preparedness and the broader Duty of Care concept have been trending in workforce mobility as companies address such headline-dominating events as earthquakes, hurricanes, floods, acts of terror and the recent pandemic outbreak of COVID-19.

However, Duty of Care issues also encompass areas of political unrest or economic crisis. Consider the situation in Thailand in 2016 when the king had fallen ill and the country was preparing for his impending death. The custom of a year long period of mourning was expected to have a significant impact on the economy. Area-wide shortages were expected as the nation anticipated a slowdown or standstill of labor in the region that would delay household goods shipments or housing. Mobility program owners and suppliers needed to develop a plan to ensure the safety of expats traveling or on assignment in the country. For more information on Emergency Preparedness and best practices, please see our [whitepaper](#).
DUTY OF CARE THROUGHOUT MOVES AND ASSIGNMENTS

The legal and moral responsibility that an employer has to its employees is a prominent feature in Duty of Care. However, it is more visible to mobile employees. When an employee accepts an assignment or transfer, he or she typically assumes that the company is aware of any risks and is prepared to take reasonable measures to ensure the safety of its employees.

Individuals may be considering assignments that are good for their career; however, mobility programs and policies need to be in step with changes in workforce demographics, with an eye on conditions or events that have also an impact on individuals. Think about factors surrounding the younger workforce with little work experience and are most likely new to mobility. Also, there are still many environments that are not culturally open or safe for all travelers and may have unique concerns, including female assignees and members of the LGBTQ community.

While Duty of Care addresses all mobile employees, the policy must be administered to each individual in a way that addresses the unique circumstances of the individual and the move. Education and preparation will reinforce sound decision-making and create a level of awareness throughout the move or assignment.

Considerations

An effective risk management plan addresses everyday risks that employees would face in their own home locations, such as transportation and walking alone. Recent research supports this approach; statistically, employees are more likely to be impacted by incidents such as traffic accidents, petty theft, or illness. However, there are a number of mobility-related considerations that should be addressed.

Housing

Housing is a primary factor in Duty of Care for assignments. Expat developments are the most common type of housing chosen for employees in challenging or dangerous locations; 63% of companies in one survey reported this practice, followed by corporate housing. However, business travelers are far more likely to stay at hotels (88%). Expat developments can make it easy for local criminals to identify visitors unfamiliar with the area, however, these residences are often monitored and have extensive security measures in place to ensure the safety of residents.

The popularity of crowd sharing apps and apartment rental services make it difficult to ensure a consistent level of safe accommodations to employees. The use of lump sums has raised concerns for Duty of Care and mobility managers cannot enforce compliance based on secure housing as the employee must select their own housing based on a budget.

Travel

As employee mobility expands to include business trips, organizations must find ways to ensure the safety and well-being for both traditional moves as well as extended business travel. The importance of a corporate travel policy that works in tandem with the corporate mobility program is critical to developing a Duty of Care policy.

Thorough travel procedures define who can travel, how to book trips and the approval process. It is recommended that the travel policy include a list of approved airlines, hotels, and other providers, and outline restrictions that will ensure their safety and requirements such as consequences for out-of-policy business travel. It is always recommended that security briefings and cultural training take place prior to any travel, particularly to high-risk destinations. Tools to monitor and communicate changing threats to domestic and international travelers are becoming more prevalent and enable the company to reach out to employees in the event of an emergency.

Crime

Robberies are the most commonly reported incidents by companies. A routine transaction can become dangerous when language barriers, unanticipated costs or different cultural norms make it easy for criminals to seek out visitors unfamiliar with the area. It is essential to take into account safety and security factors when selecting vendors to provide services.

Today's mobile employees are also vulnerable to cyber crimes. Data security experts believe that about 20% of travelers are subject to cyber crime when abroad. Business travelers are often a target for cyber crimes, especially those working for corporations. The security/IT department plays an important role in developing procedures that ensure employees are accessing company systems in a secure environment.
**Immigration and Tax**
Duty of Care is increasingly applied to situations that can have an impact on an employee’s well-being such as compliance issues. The rules around immigration and tax are becoming more complicated as countries are requiring more documentation regarding days in the host location, total compensation paid and the exact type of work performed. Organizations are addressing challenges related to immigration requirements and tax obligations by either delaying or cancelling the assignment. This creates interruption to business and in the long-term could result in loss of necessary talent.

Nearly one-third (32%) of companies report that they don’t provide guidance as to what functions mobile employees may perform in the receiving country. Without proper advice, employees are at risk for violating immigration rules.

Tracking apps are being utilized as a way to monitor employee whereabouts and to provide the information to authorities. The required documentation and tracking of posted workers has created an additional burden on mobility managers and the cost of doing so should be considered in an overall Duty of Care policy.

**Family Issues**
Family issues are among the top reasons for reluctance to mobility. A family must consider the ability and willingness of each of its members to adapt to a new lifestyle and assess the resources made available to them. With proper education and preparation, an assignment or move can be an exciting opportunity. However, if a family member doesn’t adjust, it can result in a failed move that quickly translates to lost costs and talent. The safety and security for accompanying dependents is valued by mobility program owners, with two-thirds (68.5%) of participants deeming it very important and a quarter (26.8%) calling it fairly important.

Assistance that can enhance the offerings and address Duty of Care for families may include:

- Additional school support
- Additional cultural training
- Extended destination services and settling in assistance
- Resources to Employee Assistance Programs (EAPs)

Mobility program owners understand that in developing a reliable policy around Duty of Care, employees should be involved in their well-being in everyday decisions. With ongoing security briefings, education about the host location and training, they can minimize risks related to their safety and security while knowing that they have the support of their company in the event of an emergency.

**DEVELOPING A DUTY OF CARE POLICY**
Research suggests that risk is being taken seriously within both global mobility and other partners within the business: 58% said their senior managers were aware of risk and action was already being taken. However, the top priorities for mobility managers when it comes to Duty of Care revolve around communication and accountability:

- Educate internal business partners on risk (72%)
- Better tracking systems (61%)
- Better communication with employees (54%)
- Clearly defined ownership/accountability (58%)

**Define Ownership and Accountability**
Ownership and accountability often fall into two different roles, either by level, department, or location. Consider the following:

- 74% of companies report that the overall responsibility for the risk management strategy lies with Director level and up (VP level and up); however, close to 50% indicate that the Human Resources/Global Mobility function manages the day-to-day responsibility for the Duty of Care and Risk Management Practices.
The majority of companies assess and manage risk out of the corporate headquarters. Research indicates that most companies vary their risk management practices based on the region’s risk level. This is problematic if there is a disconnect between headquarters where the policy is managed, and with the in-region host office that is responsible for ongoing support and guidance to the employee on assignment.

Regardless of where the ultimate responsibility for Duty of Care resides within an organization, including the right stakeholders in developing an approach to Duty of Care and keeping the lines of communications open across multiple functions will minimize silos.

**Identify Stakeholders**

In order to perform a risk assessment for the mobile population, it’s important to consider three groups of stakeholders: Primary stakeholders with a direct role in Duty of Care to mobile employees, Secondary stakeholders who support the organization’s perspective on Duty of Care, and Regional/Local stakeholders.

**Primary Stakeholders**

These are the key players in your organization who play a critical role in executing a plan in the event of an individual or widespread emergency. Together they will develop the company’s point of view on Duty of Care, determine how it should carry through to mobility and enable you to be consistent:

- Global Mobility
- Travel Department/Provider
- Immigration
- Compensation and Payroll
- IT/Security
- Mobility Provider

**Secondary Stakeholders**

Consider additional areas of your company that may have an indirect role in a move or assignment such as Tax, Legal, Compensation, Payroll, and Employee Health Care. These stakeholders will help identify details in your overall plan that will ensure minimal interruption to employees during a time of crisis.

**Regional/Local Stakeholders**

Create a plan with local stakeholders to identify the most effective means to find employees quickly, and to also identify secondary resources. This will avoid excess strain on resources if a situation were to occur.

**Educate Internal Business Partners**

By including the regional stakeholders in the Duty of Care policy, the organization has taken the first step to create awareness. Once the policy has been finalized, training needs to be tailored to reflect area conditions and local practices. Furthermore, training should occur on a regular basis to include new employees and to reflect any changes to processes, approvals or internal controls.

**Determine Method for Tracking Employees on Assignment**

Companies that are embracing technology can track their population, set reminders that alert them when immigration information is due and send communications to employees or providers regarding emergency situations. In this way, tracking becomes a proactive tool that enhances the workflow for mobility while protecting employees throughout an assignment.

GPS-enabled solutions like the Weichert Global Organizer provide a seamless and much more efficient method of monitoring payroll and immigration compliance while facilitating effortless emergency communications, travel alerts and notices. Imagine as the COVID-19 crisis unfolded being able to automatically generate a clear picture of the tax and immigration status of your mobile workforce, allowing you to be proactive rather than reactive to any concerns.

**Implement Communication Methods with Employees**

Earlier, we reviewed the importance of communication with assignees on an ongoing basis and ensuring that a reliable Duty of Care policy is accessible to employees. Employers who value transparency relay the message that they are committed to their employee’s well-being and that they are informed of the measures taken to protect them in case something goes wrong.

Consider provisions that will demonstrate Duty of Care and encourage the employee to take an active role in their well-being throughout the move. Security Briefings should always
be a required benefit. Provide tools and resources during the candidate phase so that they have ample time to make sound decisions. Likewise, cultural training and information on the destination area should begin early on.

Develop a two or three point of contact approach for the assignee to ensure they have multiple lines of communication throughout their assignment. This may include contacts in the host location, headquarters, and family members in the home location.

By publishing the Duty of Care policy and Emergency Preparedness Plans to all employees, the company increases peace of mind, improve preparedness of the entire organization, and ensures that employees know exactly what they can expect from the organization.

**The Role of Service Providers in Duty of Care**

Companies perform due diligence when selecting a provider, but are not likely to revisit the provider’s emergency plans or Duty of Care practices after signing the agreement, at least not on a regular basis. Close to half of organizations review their Duty of Care practices with their service provider at the time of contract signing or renewal; only 17% review their practices annually. Close to one third of participating organizations never review their Duty of Care practices with their service provider.

Organizations should be leveraging their service partners in their plan to manage risk and develop Duty of Care practices. They can share strategies and ideas from other companies that will enhance the policy. Furthermore, companies are advised to review their Duty of Care policy, Emergency Preparedness Plan and list of stakeholders on an annual basis with their provider. As the company’s program evolves, it will be necessary to adjust any procedures to the plan as well.

**PROGRAM FRAMEWORK AND IMPACT ON DUTY OF CARE**

It’s important to acknowledge that as companies continue to modernize their programs to align with their workforce needs, their Duty of Care policy should keep in step. However, you need to be aware of the risks associated with each program. Flexible Programs, Assignee Choice, and Lump Sum programs are becoming more common. These programs are popular because, if structured correctly, they present cost savings opportunities to the company while supporting individual circumstances. However, they have a certain element of freedom, particularly in self-service models, where employees make their own arrangements. The employee may not be knowledgeable enough about the host location to make solid decisions. Without proper guidance, employers may struggle to ensure the safety and security of their employees.

It is the company’s role to place reasonable limits on the flexibility of transferees to ensure that while they still have access to flexible options, their safety and well-being remains a priority. Decide what elements/policy items are non-negotiable and must be implemented or adhered to by the employee.

Finally, although decentralized structures are common nowadays, they can create disconnect with other offices if all parties are not included in the discussion on Duty of Care.
**CONCLUSION: BEST PRACTICES**
A secure Duty of Care policy for mobile employees balances elements of preparation and training with an emergency plan that can be enacted in a time of crisis. In short, mobility managers need to be ready to anticipate, educate, act, and engage.

**Assemble a Cross-Functional Team of Stakeholders**
Duty of Care requires the collaboration of people from across the company. The team should be tailored for your organization and clearly define the roles and responsibilities of each member.

**Conduct a Risk Assessment**
Clearly understanding the threats to your employees and the company and the potential costs of responding to them is critical to Duty of Care. A risk assessment and an impact analysis are an effective way to gain leadership support and build the case for creating a plan by measuring the cost to NOT have a plan.

**Create an Emergency Preparedness Plan (EPP)**
This is your action plan that can be deployed at a moment’s notice. You want to create a plan that is global in nature and accessible to all, yet will be tailored at the local level based on the situation and conditions.

**Leverage Technology**
Utilize technology with advanced capabilities, such as real-time location tracking, multiple communication methods of delivery, and HRIS/system integration to manage employees’ safety, anticipate issues, and minimize disruption to operations.

**Train**
Stakeholders and business partners need to clearly understand what to do and be comfortable carrying out their responsibilities.

**Educate**
Managers and employees need to understand how the Duty of Care better supports them and understand their role. Maintaining Duty of Care should become an integral component of the organization’s culture.

**Communicate**
Transparency when developing a Duty of Care policy is important because it builds trust, allows learning, enables stakeholders (including mobile employees) to be accountable and leads to business continuity during a crisis.

**Prepare**
Arm employees with information early on in the move or assignment so that they are empowered to make good decisions.

**Review and Refine Your Duty of Care Policy and EPP**
Take a step back occasionally and identify any adjustments that need to be made to your policy. Have you added a location? Has there been a reorganization? Has a new product introduced a new risk in your supply chain? Consider the Duty of Care policy as a living document and regularly update it as roles or procedures change.

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4. Ibid., p.19.
6. Ibid., p.17.
7. Duty of Care Survey, CERC, 2019, p.16