DUTY OF CARE & ISO 31030

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Duty of care & ISO 31030

EMPLOYEE HEALTH & SAFETY:
EMPLOYER DUTY OF CARE
FOR INTERNATIONAL
BUSINESS TRAVELLERS

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Pieter Manden is a certified tax lawyer and global mobility compliance specialist. He has more than 15 years of experience in the sector, the majority of which he gained at PwC. He worked both in the Netherlands and Germany, and lastly served as Director responsible for PwC Germany´s remote work proposition. In 2022 he co-founded WorkFlex, which today serves more than 500 employers with their tax, legal, and duty of care compliance for internationally active employees.

Introduction

Businesses are sending employees across borders more than ever, despite some key trends making business travel riskier than ever.

First, geopolitical conflicts spread quickly and unpredictably. Tensions are high in regions like Eastern Europe, the Middle East, and Central America. But societal unrest also quickly and suddenly came up recently in major US and European cities.

Second, climate catastrophes strike without warning. Even destinations long considered stable are now vulnerable to sudden disruptions: wildfires in the US and Greece, floods in Spain, or earthquakes in Japan.

Third and last, increased restrictions and intensified border controls. The UK´s new travel authorisation requirements, recent US travel bans, and border controls even within the EU Schengen area are examples of this.

Both the rise in international business travel as well as the growing risks associated with it, increase the importance of – and a more proactive approach to – the employers´ duty of care; the responsibility to ensure the safety, well-being, and legal compliance of their employees while abroad. This responsibility has been formalized through international standards, most notably ISO 31030:2021, which provides a comprehensive framework for travel risk management that helps organizations systematically address their duty of care obligations.

The duty of care for international business travellers is a legal obligation, but even more so a moral responsibility that impacts employee trust, operational success, and company reputation. This whitepaper delves into the various aspects of employer duty of care, explores the legal requirements, identifies risks, and offers a high-level checklist for ensuring compliance with the ISO 31030 standard.

1. Understanding Employer Duty of Care

Employer duty of care is a concept that underpins the responsibility employers have to take all reasonable steps to protect their employees from harm while performing work-related tasks. Duty of care applies in every work-related situation. Nevertheless, what "reasonable steps" exactly are, differs per situation and location. Given its dangerous nature, working on an oil rig justifies a much higher bar for what the employer reasonable needs to do, compared to working from a regular office. Reasonable steps for the company´s office building in turn likely exceed the measures for an employee that voluntarily works from home.

Following this reasoning, it is not surprising that the employer duty of care for international business travelers is very high. It is the business after all that expects the employee to work in a foreign country and unknown, unpredictable surrounding. Traveling is stressful, time-consuming, and exposes the traveler to

2. Legislation

The legal obligations surrounding employer duty of care for international business travelers are governed by a combination of international and national regulations. **The International Labour Organization provides guidelines on workers' safety and rights, and multilateral agreements like The European Union Directives on Occupational Health and Safety set common standards for the protection of workers, including those who travel abroad for work.** Often, these guidelines and directives have been adopted in national laws: the Occupational Safety and Health Act in the United States, the Health and Safety at Work Act 1974 in the United Kingdom, and the Arbeitsschutzgesetz in Germany.

Even though the wording of duty of care regulations slightly differs across countries, their intention is surprisingly aligned: **ensure that employers take all reasonable steps so that their workers' safety is not compromised by the work environment.** Common law, rules based on judicial decisions, have helped better understanding this concept. For instance:

- The German Federal Court (BGH) in 2010 ruled that employers are liable for accidents during business trips if proper health and safety measures are not ensured, reinforcing the duty of care during travel.
- In the United Kingdom, the 2016 Cox v Ministry of Justice case extended employer liability to workers not directly employed but still contributing to the employer's business, clarifying that employers' duty of care includes contractors and volunteers.
- In Germany, the 2019 Landgericht Frankfurt judgment emphasized that employers are responsible for employee safety, particularly in high-risk travel situations, requiring them to assess and mitigate travel-related risks. The 2020 ruling by the Higher Regional Court of Hamm further confirmed that employers must ensure employees are adequately prepared for international trips, making preparation a key part of the duty of care.

3. ISO 31030: The International Standard for Travel Risk Management

In 2021, the International Organisation for Standardization (ISO) introduced a guidance on business travel risk management: ISO 31030. This standard represents **the most comprehensive international framework for managing travel-related risks and fulfilling duty of care obligations.**
ISO 31030 was developed to help employers ensure the safety, well-being, and legal compliance of employees when traveling for work, both domestically and internationally. The standard outlines a risk management framework that covers a wide range of issues, from health and safety to legal compliance, ensuring that employers take a proactive approach to protect their employees in all aspects of business travel.

The standard is built on several **key principles that align with modern duty of care requirements:**

- **Systematic Risk Assessment:** Organizations must implement structured processes for identifying, analyzing, and evaluating travel-related risks before, during, and after travel
- **Proportionate Response:** Risk treatment measures should be appropriate to the level of risk, ensuring resources are allocated effectively
- **Stakeholder Engagement:** All relevant parties, including travelers, management, and external providers, must be involved in the travel risk management process
- **Continuous Improvement:** Organizations must regularly monitor, review, and improve their travel risk management programs based on lessons learned and changing circumstances

Especially for international business travelers, the employer's duty of care extends beyond working conditions and health and safety. Not for nothing does ISO 31030 provides guidance on a variety of other legal areas. These include immigration laws, tax and social security obligations, and data protection laws, all of which can significantly impact employees traveling internationally. Employers are responsible for ensuring that employees comply with local immigration requirements, such as work permits or visas, and for addressing potential tax liabilities or social security contributions that may arise from cross-border work. Additionally, with the rise of digitalization, ensuring compliance with data protection regulations, such as the General Data Protection Regulation (GDPR) in Europe, has become a key responsibility.

The business benefits of ISO 31030 compliance are significant: reduced legal and financial exposure, enhanced reputation and credibility, improved employee confidence, better business continuity capabilities, and often reduced insurance premiums. For organizations with substantial international operations, ISO 31030 compliance has become not just a best practice, but increasingly a business necessity.

4. Key risks for business travelers

Fulfilling the employer duty of care is very much about risk management. ISO 31030 categorizes travel risks into several key areas that organizations must systematically address:

➡ Health and Safety risks

Accidents, illness, or injury while abroad
Business travelers may face accidents or health issues while traveling, including traffic accidents, workplace injuries, or sudden illness in unfamiliar environments. ISO 31030 requires organizations to assess destination-specific health risks and ensure appropriate medical support is available.

Security threats or political instability
Political unrest or security threats in certain regions can increase the risk to employees' physical safety, requiring additional monitoring and response strategies. The standard emphasizes the need for real-time threat monitoring and flexible response capabilities.

Exposure to infectious diseases (malaria, etc.)
Travelers may be at risk of contracting diseases, especially when traveling to areas with ongoing health outbreaks or inadequate healthcare systems. Organizations must implement preventive health measures and ensure access to appropriate medical care.

➡ Legal and Regulatory Risks

Immigration and visa issues
Failure to obtain the proper work permits or visas can lead to legal complications, such as detention or fines, as well as delays in the business trip.

Labor law violations in the host country
Companies must ensure their employees comply with local labor laws, including working hours, compensation, and other worker rights to avoid legal penalties.

Taxation and social security complexities
International business travel may trigger tax liabilities in multiple jurisdictions, along with potential issues regarding social security contributions, which need to be carefully managed

Security and Crisis Management

Natural disasters, terrorism, or civil unrest
Unpredictable events such as earthquakes, terrorism, or civil unrest in the destination country can jeopardize the safety of business travelers, necessitating contingency planning. ISO 31030 requires comprehensive incident management planning and emergency response capabilities.

Personal security risks (e.g., kidnapping or violent crime)
Some regions may have higher levels of violent crime or threats, such as kidnapping, requiring risk assessments and potentially specialized security arrangements for employees.

Information Security and Cyber Risks

Data protection and privacy concerns
Travelers carrying sensitive business information face risks of data theft, unauthorized access, or breaches of privacy regulations like GDPR. ISO 31030 specifically addresses information security requirements for business travel.

Cyber threats and digital surveillance
International travelers may face sophisticated cyber threats, including state-sponsored surveillance, compromised networks, or social engineering attacks targeting corporate information.

Mental Health and Well-Being

Stress, burnout, and isolation due to long durations abroad
Extended stays or frequent travel can lead to fatigue, stress, and emotional exhaustion, affecting overall well-being and productivity.

Culture shock and difficulty adjusting to new environments
The challenge of adapting to different cultural norms, languages, and working environments can lead to psychological discomfort and hinder effective work performance.

5. Key risks of businesses

Failure to fulfil the employer duty of care also creates significant risks for businesses. Penalties, lawsuits, and reputational damage are concerning, time-consuming, and expensive. However, the real danger lies in the human cost. **An incident resulting from inadequate safety measures, poor legal compliance, or lack of support can cause irreparable harm to the individual and their loved ones.** In the worst-case scenario, the consequences may be fatal, and no financial compensation or reputation management can undo that. Beyond the immediate impact on the employee, the organization's failure to protect its people undermines its integrity and erodes the trust of its workforce. Ensuring proper risk management not only safeguards the well-being of employees but also strengthens the company's long-term reputation, employee loyalty, and overall success.

6. Achieving ISO 31030 Compliance: Implementation Checklist

For managers looking to establish robust travel risk management programs that meet international standards, **implementing ISO 31030 requires a systematic approach.** The following framework provides a roadmap for achieving full compliance while building a comprehensive duty of care program.

1. Establish Executive Leadership and Governance
Top Management Commitment:
- Secure board-level accountability for travel risk management with dedicated budget allocation
- Establish a dedicated Travel Risk Management (TRM) function with appropriate resources and authority
- Create a multidisciplinary incident management team led by senior management
- Ensure legal compliance framework addresses all jurisdictions where employees travel

Policy Development:
- Develop a comprehensive TRM policy aligned with ISO 31030 requirements
- Integrate with existing risk management, business continuity, and sustainability policies
- Include clear exception processes for policy deviations with proper approval workflows
- Define roles, responsibilities, and accountabilities for all stakeholders throughout the organization

2. Implement Systematic Risk Assessment Processes

Pre-Travel Authorization Framework:
- Establish mandatory pre-travel approval procedures with risk-based decision criteria
- Create and maintain current destination risk classifications updated with real-time intelligence
- Implement technology platforms for automated low-risk trip approval and manual high-risk review
- Require appropriate management approval levels based on destination risk ratings

Comprehensive Risk Evaluation:
- **Systematically assess security threats:** terrorism, crime, political instability, cyber risks
- **Evaluate safety hazards:** health risks, natural disasters, transportation safety, infrastructure quality
- **Consider individual traveler profiles:** nationality, gender, religion, medical conditions, experience level
- **Factor in operational context:** business objectives, trip duration, accommodation requirements, local support

3. Deploy Comprehensive Risk Treatment Measures

Information Security and Data Protection:
- Implement strict data protection protocols ensuring GDPR and local privacy law compliance
- Provide secure communication tools and VPN access for travelers
- Establish clear protocols for device management in high-risk locations
- Create procedures for handling sensitive intellectual property and confidential information during travel

Medical and Health Management:
- Partner with occupational health providers for comprehensive travel medical assessments
- Ensure appropriate vaccinations, medical clearances, and fitness-to-travel evaluations
- Provide destination-appropriate medical kits for remote or high-risk locations
- Establish medical evacuation and repatriation capabilities through qualified providers

Security Support Services:

- Contract with reputable, vetted travel security providers with global capabilities
- Implement traveler tracking systems with proper privacy compliance and consent
- Establish 24/7 emergency contact points with multilingual support capabilities
- Provide mandatory security briefings for high-risk destinations with practical guidance

4. Establish Robust Incident Management Capabilities

Emergency Response Framework:

- Create incident management teams with clear escalation procedures and decision authority
- Develop comprehensive evacuation and "shelter-in-place" protocols for various scenarios
- Establish communication protocols including duress signals and verification procedures
- Implement crisis communication plans for stakeholders, families, and media management

Specialized Insurance and Financial Protection:

- Secure comprehensive travel insurance including medical evacuation and repatriation
- Consider kidnap and ransom insurance for high-risk operations with specialist response teams
- Ensure coverage includes cyber incidents, terrorism, and political evacuation
- Verify and audit third-party provider insurance coverage and financial stability

5. Implement Technology Infrastructure and Monitoring

Integrated Technology Platform:

- Deploy travel booking platforms integrated with real-time risk assessment capabilities
- Implement automated traveler tracking and itinerary management with privacy controls
- Use technology for real-time threat monitoring, alerts, and communication
- Ensure systems can handle mass communication during crises and emergencies

Performance Monitoring and Continuous Improvement:

- Conduct regular benchmarking with similar organizations and industry best practices
- Implement comprehensive key performance indicators and metrics tracking
- Perform annual program reviews with lessons learned integration and action plans
- Conduct mandatory post-travel surveys and debriefings to capture improvement opportunities

6. Ensure Legal and Regulatory Compliance

Jurisdiction-Specific Requirements:

- Comply with home country occupational safety regulations
- Ensure data protection compliance with applicable privacy laws (GDPR, local requirements)
- Meet corporate liability requirements for employee duty of care across all operating jurisdictions
- Consider employee representative involvement in policy development where required

Documentation and Audit Trail:

- Maintain detailed records of all risk assessments, decisions, and approvals
- Document traveler consent, acknowledgments, and training completion
- Keep comprehensive incident reports and lessons learned documentation
- Ensure complete audit trails for compliance demonstration and legal protection

7. Develop Comprehensive Stakeholder Engagement

Training and Communication Programs:

- Provide mandatory travel safety training for all travelers with regular updates
- Conduct specialized briefings for high-risk destinations with practical exercises
- Implement regular communication about policy updates and emerging threats
- Engage actively with external stakeholders (embassies, local partners, security providers)

Third-Party Provider Management:

- Thoroughly vet and continuously monitor travel management companies and security providers
- Establish detailed service level agreements with clear performance metrics
- Regularly review and audit third-party performance against established standards
- Ensure provider compliance with organizational standards and ethical requirements

7. WorkFlex SOS

WorkFlex is an all-in-one travel compliance software that support employers with business travel compliance for all relevant legal areas. It assesses potential tax implications, it applies for A1/CoC social security certificates, does PWD notifications, and supports with obtaining the correct travel authorisation or visa. **Furthermore, it provides for a best-in-class duty of care solution through WorkFlex SOS.** As part of this, each business trip is assessed for health

and safety concerns, employees are informed on destination-specific health and safety matters and alerted on current hazards nearby their location. Travel insurance is in place, an overview of medical specialist is available with the push of a button, and travelers have 24/7 access to multilingual doctors and emergency support. **WorkFlex is the only platform that combines duty of care with all other compliance dimensions.** Over 500 clients love WorkFlex because it is natively implemented into the HR and travel stack and is very intuitive to use by all employees.
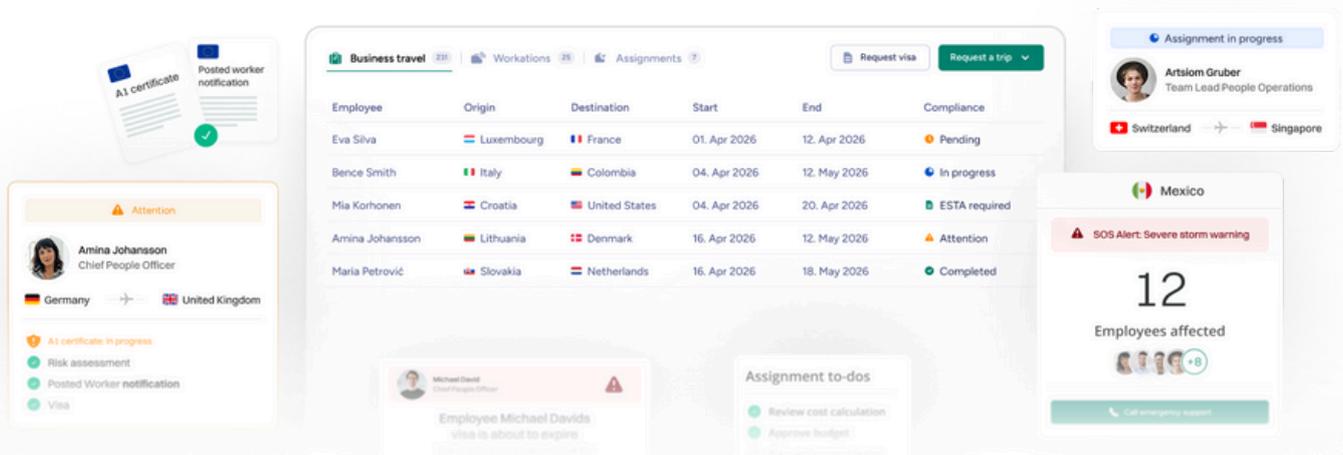
8. Conclusion

The duty of care for international business travelers is not just a regulatory requirement but a decisive factor for employee safety, corporate resilience, and long-term success. As global mobility continues to rise, so does the complexity of managing health, safety, legal, and compliance risks across jurisdictions. Employers that proactively establish structured processes, implement clear policies, and engage professional support can not only reduce liability but also strengthen employee trust and protect their reputation.

Ensuring the well-being of travelling employees requires more than isolated measures – it calls for an integrated approach that unites compliance, risk management, and real-time support. Only by addressing all dimensions holistically can companies meet their legal and moral obligations while enabling safe, efficient, and compliant international business travel.

Want to know more?

Global risks are escalating daily. Ensure your employees are safe and that you've fulfilled your duty of care obligations. Our team is here to provide advice and support.

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