



DEFINING OUR GLOBAL DUTY OF CARE TO MOBILE EMPLOYEES

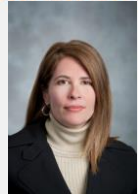


PRESENTER



Danielle Urban

- Represents employers in a wide range of national and international labor and employment issues
- Perfect parallel parking skills



Threats

- Pandemic disease
- Cyber attacks
- Violent crime
- Malicious extortion
- Civil disobedience/riots
- Terrorism
- Poor medical infrastructure
- Your company has poor public image or is seen as iconic symbol of the West
- Traffic accidents
- Slip and fall
- Alcohol poisoning

According to a recent UK study, one quarter of all international business trips were made to "high" or "extreme risk" destinations last year.



Safety and Health Laws

- OSHA and OSHA Record-keeping only covers:
 - U.S. and U.S. Commonwealth Sites
 - Employees (not family members)
 - Regulatory agencies in country where incident occurs usually regulate legal and compliance issues



Duty of Care Laws

- The United States has no federal or state statutes or regulations that require companies to take any particular actions to protect traveling employees. Workers' compensation benefits may be available to employees traveling overseas for business, but is governed by state law.
- Some country-specific and other international laws (ex. Belgium) cover business travelers working in that country regardless of magnitude or duration of work.
- Other countries, such as Australia, cover their citizens who work abroad or during leisure when they are abroad. In Australia, employees can also be awarded damages in excess of workers' compensation claims in negligence lawsuits, including possible personal liability for managers.



Duty of Care Laws - Continued

- Under the UK Manslaughter Act, a company and even its senior officers can be civilly or criminally charged if an injury that occurred in a foreign country was the result of a breach of duty occurring in the UK.
- Under Canada's Criminal Code, employers owe a similar duty of care to their employees, and must take "reasonable steps" to protect workers whether they are working in Canada or internationally or risk civil and/or criminal penalties.



Medical and Family Leave Issues

- Leave issues when expatriate employees or their family members are injured or become ill
- FMLA is not required for U.S. employees working outside of the U.S.
- Leave laws of host country may not apply to employee, either

Visa and Other Employment Issues

- Visa issues when employees need to evacuate a country
- Disruption in length of serve in a country may jeopardize employee visa or other documentation
- Job elimination or transfer may cause employment issues such as severance restructuring in numerous countries

General Advice

- Start with a comprehensive risk assessment
- When preparing expatriate documents and policies, anticipate emergencies, disruptions, illnesses, and other impediments to creating a successful work assignment
- Ensure expatriate documents and policies do not include promises
 - e.g. "2-4 year assignment"
- Create a swift-acting global crisis team with training, contact information, and protocol in place to be ready at any time and for any situation
- Keep track of your employees and consider insurance policies
- Ensure any risk-management actions are in line with existing policy terms

In Closing

ANY QUESTIONS?

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