

HOSPITALITYLAWYER.COM PRESENTS

THE 2012 GLOBAL
CONGRESS ON TRAVEL
RISK MANAGEMENT

OCTOBER 1-2, 2012 HOUSTON



MEETING YOUR DUTY OF CARE IN THE TRANSPORTATION MODE: PROVIDING SAFE AND SECURE GROUND TRANSPORTATION FOR YOUR MOBILE WORKFORCE

Presented By:

Bruce McIndoe - *iJET International*

Kendall Kelly Hayden - *Cozen O'Conner*

Sheridan Rampaul - *Global Ground Transport*

KENDALL KELLY HAYDEN COZEN O'CONNOR PC



- Regularly represents various types of ground transportation companies and drivers; frequently defends resorts, clubs, hotels, motels, restaurants and bars.
- Speaker and author
- Fluent in Spanish, which has allowed her to handle transportation and hospitality losses abroad

SHERIDAN RAMPAUL CEO/COO AND DIRECTOR OF LOGISTICS *GLOBALGROUND TRANSPORT*

- In the mid-1990's, Mr. Rampaul served as a major contributor in helping pioneer and market the first international "limousine" service network for some of Europe's major airlines' First and Business class passengers.
- As the political world changed, the need for services with security emphasis was becoming more a focus for private and corporate aviation departments.
- Mr. Rampaul has managed complex ground transportation logistics and solutions for and on behalf of leading aviation security companies.

BRUCE MCINDOE
CEO
IJET INTERNATIONAL



- Bruce McIndoe is CEO of iJET International.
- Named “Top 25 Most Influential People in the Travel Industry” by Business Travel News
- Vice Chair of GBTA Risk Committee from 2008-2012
- Graduate of Allegheny College and Johns Hopkins University

EMPLOYER'S DUTY OF CARE DEFINED

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Presumes that individuals and organizations have legal obligations to act toward others and the public in a prudent and cautious manner to avoid the risk of reasonably foreseeable injury to others.

EMPLOYER'S DUTY OF CARE

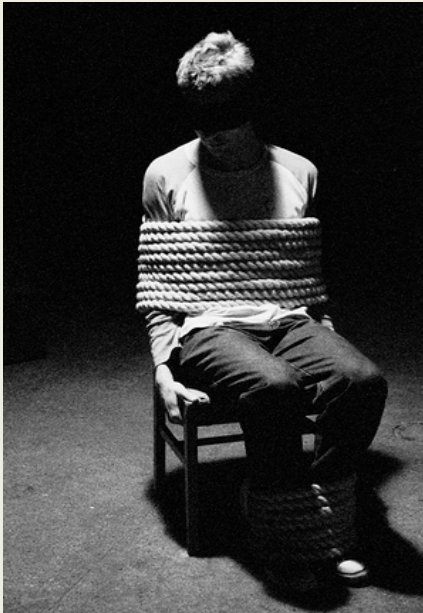
WHY SHOULD YOU CARE?

Driving can be the highest risk travel activity

- US baseline: 12 / 15 (deaths per 100K people/per 100K cars)
- UK: 4 / 7
- Afghanistan: 39 / 1,400
- Brazil: 20 / 70
- **Africa: many >30 / 6,000-14,000!**
- Middle East: many >20 / 80-300

Transport Deaths*: 1 in 6,000
Assault with Firearm: 1 in 25,000
Lightning: 1 in 5.5 million
Bus: 1 in 13.5 million

CASE STUDIES



EMPLOYER'S DUTY OF CARE

APPLICABLE STATUTES AND CASE LAW

■ Statutory Duties

■ OSHA

- General duty clause
- Emergency planning requirements

■ Workers' Compensation

- No universal federal act or statute
- Exclusions
 - Exceptions

DUTY OF CARE

GLOBAL BEST PRACTICES



- **Standardize at highest level**
- **Assess whether company is meeting duty of care obligations**
- **Face and assess risks inherent in the job, site, and tools**
- **Evaluate legal issues: statutes/common law/supranational law/choice of law/conflict of laws**

- **Train and warn employees of danger**
- **Recommend and require built-in, go-to reliable and qualified vendors**
- **Assume emergency preparedness efforts**
- **Vet policies from singular department**
- **Educate frequently**
- **Listen to employee concerns**
- **Show company's commitment to security**

SELECTING A SECURE GROUND TRANSPORTER

- **Transportation provider must be:**
 - **Professional**
 - **Reliable**
 - **Licensed**
 - **Insured**
- **Should be known to client or to client's trusted partner**
- **Transporter must be vetted**
 - **Investigation to confirm capabilities**
 - **Multiple current professional references checked**
- **Copies of transporter's professional liability insurance must be on file**
- **A program for documenting and archiving transport vendor is key to the ongoing vetting process**

BENEFITS OF SECURE GROUND TRANSPORTATION

- Securely transport valuable human assets while conducting business globally
- Vital part of security planning and risk mitigation strategy
- Increases employee efficiency and productivity
- Satisfies duty of care for employees

BENEFITS OF INTELLIGENCE DURING SECURE GROUND TRANSPORTATION OPERATIONS

- Increases transport team's situational awareness
- Allows transport team to adjust level of traveler protection
- Reduces risk and costs
- Identifies threats in the operational area
 - Street crime
 - Carjacking
 - Kidnapping
 - Traffic disruptions
 - Weather
- Provides security team with information to avoid danger and delay during transport operation

IJET'S 24/7 RESPONSE OPERATIONS CENTER ANNAPOLIS, MARYLAND



24X7 MONITORING DURING GROUND TRANSPORT

- Provides a common operating picture for transport team and client
- Allows for integrated communications
 - Between transport team, intelligence analysts, protected traveler, and client
 - Redundant communications modes (Mobile, SMS, E-mail, Sat Phone)
- Leverages trained and experienced response coordinators
- Uses pre-defined emergency protocols
 - Security and medical service providers are identified in the protocols
 - Contingencies defined before an emergency transpires – not as it unfolds
 - Reduces chances for human error
- Serves as focal point for communication and reporting efforts
- Facilitates documentation of efforts and activities