



Taking Care of Employees Assigned Abroad

Insights

4.20.15

This article is the third in a series addressing employer considerations when beginning or acquiring cross-border operations.

So your company is expanding and, for the first time, you'll be sending key employees abroad to work in other markets. While the opportunities for expansion may appear limitless, so is your potential liability for failing to protect your employees from the myriad problems they may face while traveling on business. While some risks may appear obvious, such as the Ebola virus in West Africa, or kidnapping in Syria or fighting in Ukraine, there are other, less obvious risks such as an employee falling in the shower or suffering from a poisonous insect bite. In addition to personal safety risks, your employee could face border hassles or even detention for failing to have the proper travel documents, vaccinations or visas. As an employer, you have a legal and moral duty to protect employees from harm while traveling for business. A little advance planning can help you avoid or mitigate any emergencies that might occur.

1. What type of assignment will the employee have?

Start by analyzing what you will need your employee to do. Will the employee be traveling on short-term assignments (defined as a stay ranging from days to several months, but generally less than 12 months), long-term assignments (usually defined as 12 months or longer, but generally for a set period of time, and the employee will typically maintain a home in the US) or will the employee be re-locating indefinitely, being compensated in local currency and benefits? Even business travelers traveling for short stays in other countries will likely need special visas. For example, although Canada is a friendly and tolerant neighbor, there are special requirements for business travelers, as you would expect for business travelers to the US. Before you send your employee to Canada or another country as a tourist, consider that traveling without the proper documentation, even for a short trip, could result in in detailed questioning at the border, a search of personal electronics, detention, or even the employee being turned away at the border. Employees who are dishonest about their travel purpose or have inadequate documentation may be banned from future travel to that country or face deportation or even criminal sanctions.

2. Assess Risks and Develop a Plan

A thorough risk assessment should be made prior to sending any employees overseas. Maybe the travel destination is not known for kidnappings, political unrest, or terrorism, but what if the employee hits his head? What if he is in a serious car accident? Will your U.S. medical insurance cover

employee into his head: what if he is in a serious car accident? Will your U.S. medical insurance cover the employee's medical expenses? Employers may want to contract with a specialty firm that provides in-country medical and evacuation services in the event of a medical emergency. At a minimum, employers should be familiar with the country's medical system and understand what an employee needs to do to access emergency medical care. What if the employee needs surgery? Is the local blood supply safe? Any special vaccinations required or precautions regarding food or water? Depending on the destination-country's health care system, employers may want to consider contracting with a local medical group to provide care or to evaluate an employee's need for evacuation.

Will the employee be covered under state workers' compensation plans even while on overseas assignment? Although most state plans cover employees who are overseas temporarily, depending on the country, U.S. employers are advised to purchase a foreign voluntary workers' compensation policy for employees who will be on longer-term assignments.

Prudent employers will also plan for less likely possibilities. What if the employee or a close family member is kidnapped? How will employees be assisted in the event of prolonged political unrest or rioting? The U.S. State Department website is a good place to start with any risk assessment, and provides a helpful outline of risks for a particular country. An international risk management firm also may be able to assist the employer to determine the best plan for a particular country, and may even be able to provide in-country assistance should a security or medical emergency arise.

3. Train employees prior to departure.

While it is always a good idea to provide employees with cultural sensitivity training for the travel destination, personal safety and security training should be included, targeted to the travel destination, and employees should be aware of any plans in place to protect their safety. The most frequent problems encountered by employees traveling overseas are petty theft and minor illnesses, but even minor incidents can escalate into big problems if the employee is unprepared.

In addition to warning employees about the inherent risks of travel and any specific risks associated with the travel destination, employers should spell out the types of assistance available and give contact information for emergencies. Before designating a resource, be sure that person or group is available at all times (employees may be traveling to a country in a different time zone) and has enough local knowledge to assist in the event of a crisis.

4. Track your traveling employees.

Although employers must be sensitive to employee privacy concerns, prudent employers should have a general sense of where their employees are at all times. Consider asking employees to "check-in" whenever they arrive in or leave a country, and security or human resources staff should continually monitor the political and security situation in each country to which employees travel.

Related People



Danielle S. Urban, CIPP/E
Partner
303.218.3650
[Email](#)