



Legal Perspective on the Health, Safety & Security Responsibilities for US Mobile Workforce

Insights

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Fisher & Phillips LLP attorneys are not only well equipped to assist employers in developing or updating safety and health management programs for employees working domestically, but can also assist employers who are sending employees to work abroad –something that is becoming the norm rather than the exception for United States employers.

Often times, employers tend to focus solely on their duty of care obligations to their employees domestically. Employers, however, would be remiss not to focus on their duty of care to their employees abroad. The bottom line is that employers need to be familiar with and sufficiently address the issues facing their workers who travel and/or perform work abroad. Understanding the legal obligations and preventing the risks associated with employee foreign travel and work assignments is imperative for employers, exclusive of size and industry.

Workplace health and safety is a paramount concern in the United States, as evidenced by the Occupational Safety and Health Administration Act of 1970 (“OSHA”) and workers’ compensation laws. OSHA establishes the primary standards for workplace health and safety and a general duty of care. OSHA’s main focus is on preventing workplace injuries by imposing obligations upon employers to maintain a safe work environment. On the other hand, workers’ compensation laws impose responsibilities on an employer to financially compensate an employee who actually suffers an injury or occupational disease in the course of employment. Although costly and constantly evolving, OSHA and the workers’ compensation system at least provide some level of certainty to an employer regarding its financial and legal responsibilities when an employee is injured, contracts an illness, or dies on the job.

Once a United States employee steps outside of the United States borders, however, employers find themselves outside the confines of these commonly understood and applied protections and laws. The result is that an employer finds itself subject to a negligence claim with virtually no level of certainty with respect to liability and damages.

The recent increased emphasis on the duty of care and the idea that an employer is responsible for the health, safety, security, and well-being of its globally mobile employees has proved to a daunting and scary concept for employers to comprehend. To mitigate risks and provide some level of certainty, employers should strive to understand its legal obligations and to mitigate its liability risk through a travel risk management plan that involves assessing company-specific risks and

through a travel risk management plan that involves assessing company-specific risks and developing policies and procedures, communicating to and training of employees, and documenting and analyzing incidents.

To learn more about employer best practices and drafting a travel risk management plan, please see the following article entitled “Legal Perspective on the Health, Safety & Security Responsibilities for US Mobile Workforce,” which can be found [here](#). The article was published in partnership with the International SOS Foundation and the American College of Occupational and Environmental Medicine.