



KEY TRAVEL



Duty of Care – Can Your Travel Company Help?

The introduction of the Corporate Manslaughter & Homicide Bill in 2008 has concentrated the mind of every employer on the safety and wellbeing of their staff, both from a legal and ethical perspective.

In the case of work related travel, and specifically for third sector organisations that frequently send staff to less secure locations, it underlines the importance of ensuring there is a process in place to manage the welfare of employees, from pre-trip risk assessment to taking care which forms of transport and accommodation are taken when.

Corporate Manslaughter Legislation

The new offence is about corporate liability, not increasing liability for individual directors or managers who can already be held to account through health & safety laws and the common law of manslaughter. An organisation is guilty of the new offence if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the deceased.

Juries will consider how the fatal activity was managed or organised throughout the organisation, including any systems and processes for managing safety and how these were operated in practice. The penalty is an unlimited fine and a court order that would order the business to publicise its failings and also show what it was doing to ensure it wouldn't happen again.

A debate exists around the territories that this Act applies to; that it only applies to deaths that take place in UK territories and territorial waters. Whilst there is currently no case law on this point, it is clear that if the negligence relates to a failure in an operating systems in the UK, (such as pre-trip risk assessment), then the Director of Public Prosecutions may still pursue the case.

In addition, a foreign government (where the fatality takes place) may prosecute based on its own variant of the Act, or the relatives of the deceased may still pursue a private prosecution.

Corporate Social Responsibility

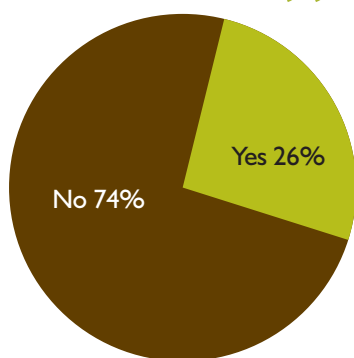
As well as the legal responsibility corporations have towards their staff, it is important to cultivate a feeling of security and support that extends itself outside of the standard office opening or operating hours. A moral obligation towards the duty of care and wellbeing of employees travelling on business should be maintained regardless of the law.

Some Worrying Facts

As the leading travel company specialising in the charity, faith and academic markets, we conducted a survey to develop a deeper understanding of the issue of traveller welfare. We asked our customers a number of questions, including the following:

'Have you been abroad when a serious incident happened in the location you were travelling in?' To which a surprising 26% answered yes. 'Are you made aware of the risk levels associated with a destination, or provided with any pre-trip briefing?' To which 42% answered no.

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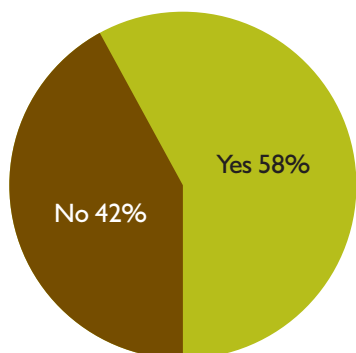




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With these results in mind it is worrying that many organisations do not yet have a systematic process for tracking where employees are going and still provide only general advice for the travellers (to check websites, such as the Foreign & Commonwealth Office) in relation to associated levels of risk and travel safety tips for their destinations.

Tips towards managing travel related risks

1. Develop a travel safety policy as an integral part of your travel policy
2. Control comes through a centralised travel booking process and ideally should include automated risk management tools and traveller tracking
3. Pre-trip risk assessment and contingency planning are core to the risk management process
4. Training and communication on the travel safety policy should be widespread and frequent
5. Risk is dynamic and should be continually monitored in relation to your travellers and their destinations

How can your Travel Management Company help?

As well as being able to support our clients in the development of travel and travel safety policies, Key Travel has launched a suite of products designed to assist our client organisations in meeting their duty of care obligations and more generally providing travellers with greater peace of mind. 'The Wellbeing Suite' includes services to support travellers both before their trip and on the move, including; traveller tracking and incident alerts, a universal medical card, access to 24 hour medical support, mobile device activated security alerting, and finally medical and political evacuation services.

This network of third party solutions made centrally available by Key Travel gives both the employer and the traveller peace of mind that dedicated support and backup is accessible globally and around the clock.

Want to know more?

For more information on how Key Travel can assist you with any element of your travel and travel safety policy please contact us on:-
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