

Travelling right

Duty of care in corporate travel extends beyond security precautions to ensuring health and safety compliance. And be warned: ignoring it could land your organisation with potentially nasty liability issues

The success of buying decisions at PricewaterhouseCoopers is judged on four criteria: timeliness, service, need and price. The message we encourage is that it is not just about cost, says Mark Avery, PwC's head of services.

One category which seems to throw up more non-cost criteria than most is travel, where the phrase duty of care is becoming increasingly common. Duty of care means providing a safe place and system of work by taking care not to expose employees to risk during business trips. Because travel takes employees out of the workplace, buyers arguably assume a duty of care role since their purchasing choices are creating a series of temporary workplaces for those travellers. It is therefore vital that travel buyers consider the well-being of travellers for numerous reasons: to protect them as company assets; to avoid liability for the company if something goes wrong; and to enhance the company's reputation as a good employer.

Duty of care covers three related areas: security, health and safety. In the post-9/11 world, most large businesses have taken at least some steps to address the first of these through measures such as traveller education and programmes that track travellers in the event of an emergency. A recent survey of its membership by the Institute of Travel Management (ITM) found just under 80 per cent could account for their travellers if disaster struck.

Instead it is health and safety which have received little consideration - something that is starting to change. Health and safety has moved beyond the office because so many more working people are mobile, says Jim Cannon of the human resources consultancy Cannon Associates.

On the question of safety, most concern revolves around travellers when they are driving. Companies are extending their thinking to see vehicles as an extension of the workplace, says Avery, who is also chairman of the ITM.

Employers are not the only ones moving this way, according to Stephen Campbell, head of the health and safety practice at the Newcastle-based law firm Dickinson Dees. Enforcers are upping the ante and trying to bring ambitious prosecutions, he says.

Risks on the move

According to Campbell, the Health & Safety Executive has twigged that most of its work goes into improving standards in permanent workplaces, where there are around 200 deaths per year in the UK. On the other hand, there are 3,500 deaths annually on the roads. Even if as few as 25 per cent of these fatalities involve people travelling for work, the mobile workplace is a far more deadly environment.

"We are seeing the effect of this in the courts," he says. "The police are being given directions to aggressively investigate and prosecute people. We have seen a flurry of cases in the last six months."

Among the litigation Campbell is handling is prosecution of companies for aiding and abetting dangerous driving. In one case he is working on, a company director has been prosecuted on this charge.

The upshot is that companies need to ensure cars and drivers alike are in a roadworthy condition. This does not always happen. According to a survey by National Car Rental, 62 per cent of companies do not inspect their employees' private

vehicles, while another survey by Fleet World magazine found 69 per cent of employers had no risk management strategy in place.

Since National also found that 23 per cent of companies have had staff involved in an accident while driving for business, the potential for liability is clear. A lot of risk assessment goes on in the workplace but not for work journeys. Employees need to consider introducing these, says Campbell.

According to Richard Plummer, a senior partner with consultancy The Corporate Travel Partnership, threatened corporate manslaughter legislation and the impact of Sarbanes-Oxley are combining to worry businesses into documenting the processes around vehicle quality.

Exactly what needs to be done remains guess-work, however. Employers are getting nervous about who checks cars and what to do if there are bald tyres, he says. On the question of who would be liable if a bald tyre on an employee's private vehicle did cause an accident, the answer is that no one knows, says Campbell.

Similar concerns surround the fitness of drivers. If a driver doesn't take a break every two hours, is it a disciplinary offence? Campbell asks. Companies are taking other precautions. HSBC is considering reducing the number of miles its employees can drive daily. PwC no longer issues wireless-free handsets to employees, while other companies forbid their executives to pick up a hire car immediately after a long-haul flight.

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Protecting your assets

Apart from the risk to safety, too much driving - indeed too much travel of any kind - also poses a threat to employees' health, another issue that is rising up the agenda, according to Avery. Companies are waking up to the fact that employees are assets which need to be looked after, he says. They are also realising that travellers work very hard and a lot of their travel is in their own time. There is a rise in claims around stress and it is costing some businesses a lot of money.

Plummer says he is starting to see this reflected in changes in travel policy, such as a US company he has worked with which does not allow employees to work within their first 24 hours of arrival after a long-haul flight. Similarly, American Express director of industry affairs Bernard Harrop is seeing travel policies insist employees are back home by 5pm on a Friday.

Amex has worked hard on this issue in recent months, collaborating with a healthcare company to include questions in employee medical examinations, such as how often they fly and how they get to the airport. Harrop says companies will be able to make further changes to travel policy as a result. It is still early days but there are clear indications that those who travel most are the most stressed, he says.

Changes that companies need to consider, Harrop says, include when they let employees travel and whether they should travel at all. For purchasers who are worrying that all these duty of care requirements sound expensive, the news that it might help reduce travel levels will be welcome indeed.

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