

The Future Of (Global) Work: Duty Of Care And Assignments In Hostile Environments

An employer's duty of care towards their workforce is complex in itself, but, when this also includes sending employees abroad on international assignments, the requirement by the employer to appropriately manage their duty of care obligations towards their employees is even more critical. From a legal perspective, in a nutshell, duty of care requires employers to take all reasonable and necessary steps to protect their employees' health, safety and wellbeing. This applies both in domestic as well as international contexts. In the RES Forum's recent research entitled "Duty of Care and Global Mobility -The Role of the Employer" we analysed the status quo regarding duty of care in multinational companies. A key finding of the research is that well-crafted duty of care programmes can be a true differentiator in the "war for talent". Companies who pay particular attention to their employees' needs regarding duty of care, report that there is a direct relationship between their duty of care offering and the willingness of employees to accept international assignments.

From War To Disease

The global mobility component around duty of care is particularly interesting as today's business environment is changing rapidly, and international assignments are still on the increase. Regulatory frameworks, economic and political situations change at unprecedented rates and the Future of Work is increasingly 'VUCA' (Volatile, Uncertain, Complex and Ambiguous). The recent developments in Russia, the spread of the coronavirus in early 2020, and the war in Syria with millions of refugees and the position of the Turkish government in this regard are just a few examples. However, such global

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developments do not prevent companies from assigning employees globally and, of course, organisations have a duty of care obligation to their employees in all locations and environments, including those that are hostile.

To shed light on duty of care practices in global mobility, our research investigated the practices of more than 50 global organisations, studying how their duty of care programmes are designed and what they perceive as particularly successful. Duty of care programmes for assignments in hostile environments were of particular importance, because we were interested in the design beyond mere physical safety/security practices. Indeed, the major component of duty of care in hostile environments deals with protection and safety. However, often this is done from a pure risk assessment perspective outside of HR, which can be problematic. Ideally, duty of care and risk management go hand in hand, integrating the safety/security practices into the whole duty of care programme.

Mental Wellbeing

Being assigned to a hostile environment can have a significant impact on an employee's mental health. Research has shown that living and working in a country with high levels of terrorist activity creates significant levels of stress for the individual. This, in turn causes negative work attitudes and leads towards a level of alienation between expatriates and host country nationals, impeding work relationships in the expatriate's host country. Our study very much confirms this, with 45% of all respondents reporting that a feeling of fear due to security concerns has a very high impact on expatriates' mental wellbeing. Similarly, concerns over political insecurity were rated as having a significant impact by 21%. In contrast, the general challenges in adapting to foreign cultures, and the challenges of being in an unfamiliar environment were rated as having a significant impact on mental health by just 12% and 2%, respectively. In other words, expatriation is challenging for the mental health of employees in any country, but in hostile environments the impact is much more severe. As such, mental health and wellbeing should be a top priority for companies when designing their duty of care programmes.

66% of the global mobility managers surveyed believe that a comprehensive duty of care programme can improve security in foreign countries, whilst 78% state that a solid duty of care programme can improve employee wellbeing. We analysed a variety of duty of care elements to try to find out to what extent these elements were in place within the surveyed organisations. We found that while the role of duty of care is becoming increasingly important in a more and more VUCA environment, programmes within the responding organisations only provide a basic level of support for those working in hostile environments. For instance, only 17% of the surveyed global mobility managers report that their company has fully implemented an individual risk assessment for every single assignment, while 37% have not implemented this at all. In contrast to this, almost nine out of ten (89%) of these managers state that the mitigation of risks is of (very) significant importance and 67% argue that every single assignment should have an individual risk assessment. In other words, the actual design of the programmes with regard to risk is lagging behind the perceived need assessed by global mobility managers.

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What's Missing?

When asking global mobility managers what was missing in their companies' duty of care programmes, things that were regularly noted were a lack of comprehensive support in particular with regard to providing duty of care in hostile environments. One respondent, for instance, pointed out that there is no global approach to contingency/safety planning after terror attacks and criticised that there was "not much appetite at HQ for a global central approach". Others highlighted that more pre-departure training is needed and that duty of care should incorporate more elements of preparation in general. When people are assigned to hostile environments, global mobility managers are particularly aware of the importance of a solid duty of care programme yet, at the same time, they understand the shortcomings in the design of such programmes within their own organisations.

We do not imply that our findings suggest that companies are taking their responsibilities regarding duty of care too lightly. In fact, our research shows that companies are genuinely concerned about workforce wellbeing and that they take their duty of care obligations seriously. However, the design of duty of care provision in hostile environments can certainly be improved. This can and should be done and can be achieved by choosing a data-driven,

strategic approach integrating the perspectives of risk management and international Human Resource Management, in order to formulate a solid duty of care programme that delivers the best possible support for the employee.



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