



## HR's Newest Policy: Duty of Loyalty and Why Employees are Accountable

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"Duty of Care" is not a foreign concept to HR professionals. It is a popular and widely-used industry term that refers to an employer's legal and moral obligation to mitigate risks for its traveling employees. If your organization were to experience legal woes due to a duty of care oversight, a court would consider the types of measures you took leading up to the incident.

For example, did you provide pre-travel information to your employees? What types of crisis response protocols (if any) did your organization have in place? Were your employees aware of the resources available to them during an emergency, and were you and your staff educated on how to respond to the crisis? Based on the answers to these types of questions, the court would determine if your organization's actions were reasonable.

Regardless of the outcome, it's in any employer's best interest to avoid these types of predicaments in the first place. In fact, there's a whole other set of obligations that could come into play in a heated legal debate: specifically, the responsibility your employees have to follow the policies and procedures you put into place to protect their health and safety. This concept, known as "**duty of loyalty**," infers that employees should refrain from behaving in a manner on a work-related trip that would be contrary to their employer's best interests. In short, duty of loyalty is the responsibility an employee has to his or her organization to actively participate in trip planning, follow the emergency procedures outlined in the companies' policies and to use general common sense in avoiding unnecessary risks when traveling on behalf of their employers.

In a perfect world, duty of care and duty of loyalty go hand-in-hand. Employers would develop and enforce appropriate travel risk management guidelines to protect their travelers and, in turn, employees would willingly adhere to the guidelines and refrain from risky conduct while on a business trip.

If only it were that simple! According to a [recent survey](#), business travelers are engaging in risky behaviors when they're on the road—and it's happening more often than business leaders might think. For example, more than a quarter (27 percent) of business travelers admit to binge drinking while on business trips, and more than one in ten (11 percent) reported they've "picked up" a stranger at a bar while on a work-sponsored trip. Furthermore, eight percent of business travelers have lied to their employers about their activities while on a work-related trip, and four percent have been detained by law enforcement.

The above statistics only further demonstrate the need for a healthy and reciprocal employee-employer relationship: while responsibility falls on the traveler to act in a responsible and safe manner, employers need to be proactive by setting appropriate parameters and being clear about their expectations. The challenge is that the concept duty of loyalty can be vague and subjective to one's own interpretation. This is why it is imperative to define your company's stance on duty of loyalty in your current travel policy and to ensure your employees acknowledge and sign off on these standards. Align these policies carefully with your organization's travel risk management strategies and you're well on your way to the perfect blend of mutual accountability, respect and protection.