



[Ray Kelly, Other Experts Warn Companies to Be Prepared for Risks after Paris Attacks](#)

By Ed Silverstein

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The recent terrorist attacks in Paris may cause many companies to rethink if they are doing enough to ensure employee safety when workers head to foreign locations.

“Paris was deemed to be a pretty safe city,” says Ray Kelly, the former New York City police commissioner who is now vice chairman of K2 Intelligence, a corporate investigations firm.

“No one reasonably anticipated the size of what happened there Friday night,” Kelly added.

The coordinated attacks led to the deaths of 129 victims and several hundred others suffered injuries in what is being described as the deadliest violence to hit France since World War II.

“Paris proves that even presumably low-risk assignments can quickly and unexpectedly become dangerous,” says Philip Berkowitz, co-chair of Littler Mendelson’s International Employment Law practice group. “It is no longer reasonable for an employer to presume that a low-risk assignment will remain so.”

Following the attacks in Paris, companies need to review their policies on travel and foreign assignments, and prepare appropriate plans.

“You need to do advance work,” Kelly says. That means being proactive, with input from multiple company departments—including the legal department—as well as maybe from outside contractors, in coming up with a detailed risk management plan. Kelly describes the process as compiling a “fairly thick folder.”

“[Companies] should try not to put employees in harm’s way,” Kelly said. That means not sending employees into high-risk areas if another option is available – such as a teleconference, Kelly says.

“Employers have to engage in careful risk assessment before they send employees to meetings or conferences in war- or terrorism-torn areas, both to avoid liability and minimize tragedy within the workforce,” agrees Samuel Estreicher, who is the director of the Center for Labor and Employment Law at New York University.

“Employers also need to review company insurance policies to make sure ... employees [traveling] on company businesses are adequately covered, both for the employee’s sake and the company’s,” Estreicher adds.

There is just not a legal requirement to protect employees. Kelly recalls based on his own management experience that if an employer shows concern for employees, they will appreciate it and show their response over the long-run.

“It’s a dangerous world out there,” Kelly adds. Some of the general suggestions Kelly recommends include:

- Employees need to keep their employer advised on where they are located, even if they are on vacation. That includes where they are visiting or working and where they are staying.
- Always carry a passport on your person, perhaps keeping it in a specially designed case. “I don’t let it out of my sight,” Kelly says about his passport practice.
- Employees should know some basic terms/phrases in the local language that could help if an issue arises. An example is “where is the embassy?” He recommends having a dictionary with translated words, too.
- Before traveling, look through the CIA and State Department websites to get relevant safety information on each nation.
- Be careful about scams. “Be leary about contacts with strangers,” Kelly warns.
- Upon checking into a hotel, plan an escape route. Unlike in the United States, many overseas hotels do not have exit signs posted in the building, Kelly said.
- If a company has other employees working in a nation have them meet the visiting employee during their stay.

Furthermore, Jim Hutton, chief security officer at On Call International, a travel risk management firm, explains that there is a concept called duty of care that makes it a legal and ethical duty to provide appropriate protection to employees. “More and more countries are adopting this principle,” Hutton says.

“Employers’ obligation to maintain a safe workplace doesn’t stop at the US border,” Berkowitz concurs. “They are at legal risk for failing to take reasonable steps to avoid injury to their employees, regardless of whether the employees are assigned to a so-called high-risk region, or to Western Europe, or another region where the risk may not be so apparent. Employers need to take all reasonable steps to identify potential risks and plan for them.”

Some of the specific recommendations from Berkowitz for employees assigned to high-risk areas include:

- Clearly communicate to employees, prior to them accepting the job, potential risks inherent in an overseas assignment.
- Be sure you are identifying candidates with appropriate traits, including an ability to adapt to change, language skills, and a positive demeanor and approach to challenges.
- Provide clear guidance regarding protocols to follow with regard to transportation, travel and use of personal protective equipment (PPE).
- Develop personal safety guides for employees, with advice on avoiding threats, conducting business effectively, as well as hotel, office, vehicular and other security issues.
- Provide guidance on avoiding street crime, financial fraud, and what to do in the event of surveillance, becoming a hostage, or other crises.
- Provide guidance on acceptable legal and cultural standards of conduct in particular countries and cultures.
- Obtain worker’s compensation coverage to assure that the employees have appropriate insurance.

- Communicate with assignees and their families prior to assignment about the appropriate lines of communication and the anticipated response strategy in the event of an act of terrorism, natural disaster, or other crisis.
- Conduct emergency evacuation briefings or updates upon assignment and at periodic points during assignments, particularly in areas of potential risk or conflict.
- Have a hotline for assignees' families and loved ones to contact to learn up-to-date information on the safety and whereabouts of the employees.
- Equip employees with GPS tracking devices to help locate them in the event of an emergency.
- Designate a series of locations for employees to meet in the event of a natural disaster or terrorist act.
- Train assignees on survival skills and other necessary skills for responding to the specific threats of a country, including ensuring that the assignee has the necessary language and cultural skills to successfully navigate emergencies.
- Have an escape strategy in place to remove employees and their families when necessary.

Moreover, the recent attacks in France have changed the way many professionals assess risk for terrorism.

“Traditional risk assessment processes usually included an element of ‘foreseeability’ to evaluate exposures,” Hutton explains. “This was based upon incidence and prevalence of terrorist activity. It was common practice to place risk ratings on countries based upon historical data and available intelligence. Given the characteristics and sophistication of this emerging threat, countries like France are at risk. This is an era of asymmetrical warfare.”