

Compliance Cheat Sheet: How to Create a Pandemic Business Travel Safety Policy



Although the pandemic has changed the face of business travel, it hasn't done away with the need to engage in it. What's needed is a new kind of policy enabling employers not only to minimize the risks of infection during business trips but also ensure that workers get the all-clear before returning to work lest they transmit viruses they contracted while traveling to others at the workplace. Here's how to create such a policy. There's also a Model Policy on the OHSI website you can adapt.

What's At Stake

In these times of social distancing and staying at home, hopping on a plane and traveling is a highly risky proposition. Travel elevates COVID-19 exposure and infection risks to both travelers and the individuals they encounter, especially when the destination is a high-risk location like China, Italy, South Korea and parts of the U.S. But travel also remains integral to doing business, both global and local. There's a limit to what you can do remotely, and certain business can only be transacted in-person.

Even though governments are beginning to gradually lift restrictions, employers that let workers travel on business face significant liability risks. To start, workers' OHS protections travel along with them. More precisely, the duty to protect workers against 'workplace' hazards includes not just the physical facility but off-site locations where workers perform their job duties, including on business trips. Moreover, the viruses that workers bring back from abroad may pose hazards to others at the workplace once they return.

How to Create a Safe Business Travel Policy

You have 2 choices:

- **Option 1:** Ban business travel until the pandemic and COVID-19 threat ends; or
- **Option 2:** Allow business travel but only for essential purposes and subject to strict safety restrictions.

If you choose Option 2, you should implement a policy and set of procedures to ensure business travel is carried out as safely as possible in accordance with current public health guidance on social distancing, hygiene, cleaning and disinfection, etc. Like the Model Policy on the OHSI website, your policy should include 5 elements.

1. Policy Statement

Start by indicating where you stand on business travel. Under current Best Practices, employers should make all reasonable efforts to avoid the need for business travel and permit it only for essential business activity that must be done in-person and can't be delayed until after the pandemic (Policy, Sec. 1).

2. Dynamic & Interplay with Current Business Travel Policy

Think of the travel safety policy as a supplement rather than a replacement of the policy on approval of business trips and reimbursement of travel expenses that you created before the pandemic. The purpose of the safety policy, in other words, is to adapt your current rules and procedures to ensure they address the infection hazards posed by business travel during the pandemic (and perhaps beyond to the extent that infection control prevention becomes the new norm) (Policy, Sec. 2).

3. Business Travel Approval Process

A procedure for approving business travel in advance is a staple of the pre-pandemic business travel policy. But while you can continue to follow the same procedures during the pandemic, you need to modify them to ensure that infection control factors into the approval process. To begin, you'll need your organization's OHS or COVID coordinator or other person who's familiar with current public health guidelines and emergency restrictions to participate in the approval process whose functions include advising the worker seeking permission to travel of:

- The infection risks the proposed trip involves, both in transit and at the destination;
- The precautions that will be needed to control those risks; and
- The potential need for the worker to go into self-isolation for 14 days after the trip and before returning to work.

(Policy, Sec. 4)

4. The Travel Safety Plan

The infection control point person must also play a role in what constitutes the heart of the policy: the need to create a travel safety plan (Plan) outlining the measures that will be taken to control infection exposure during the trip, including with respect to:

- The general safety measures workers must take at all times, i.e., maintaining the social distancing space of 6 feet/2 meters, frequent handwashing, wiping down surfaces and touch points with alcohol-based sanitizers or disinfectant wipes and using the required PPE (Policy, Sec. 5.1);
- The modes of transportation used to travel to the destination (Policy, Sec.

5.2);

- The hotel or accommodations where the worker will stay (Policy, Sec. 5.3);
- How business meetings will be carried out at the destination (Policy, Sec. 5.4); and
- The plan for returning to work after the trip (Policy, Sec. 5.5).

5. Return to Work Criteria & Procedures

It's crucial to establish ground rules for workers' return to work after they travel.

a. Ensure Return to Work Rules Cover BOTH Business & Non-Business Travel

Spell out that your return to work rules apply to both business and leisure travel. Explanation: So far, we've talked only about business travel. That's because while you can and should recommend against it, you can't prevent workers from traveling for leisure, personal and non-work purposes. But your authority is restored once workers get back from non-business travels and seek to return to work. After all, viruses are viruses, regardless of whether employees contract them while traveling for business or leisure. And as employer you have every right to require them to go into self-quarantine (Policy, Sec. 6.1).

b. Worker's Need for Permission to Return to Work

Make it clear that all workers returning from travel, whether business or non-business, must get permission to return to work; and require them to disclose where they were, when they returned, whether they have any COVID-19 symptoms, were directly exposed to somebody confirmed as having COVID-19 in the past 48 hours and other information you need to assess whether it's safe to let them return to work (Policy, Sec. 6.2).

c. Criteria for Self-Isolation

Say that you will require workers to go into self-isolation for 14 days if:

- They have COVID-19 or COVID-19 symptoms;
- They're returning from locations subject to current Health Canada travel advisories or are otherwise deemed at high risk of COVID-19;
- They've had close exposure to a person confirmed as having COVID-19 in the past 48 hours; or
- They otherwise pose an undue infection hazard to others at the workplace, e.g., workers who work closely with co-workers over age 65 or who have respiratory conditions making them susceptible to COVID-19 infection.

(Policy, Sec. 6.3)

d. Potential Accommodations for Workers in Self-Isolation

Human rights commissioners across Canada have made it clear that actual or perceived cases of COVID-19 are deemed disabilities subject to accommodations to the point of undue hardship. Accordingly, you may want to add language indicating your openness to making accommodations allowing workers required to be in self-isolation work remotely from home if it doesn't impose undue hardship on your organization (Policy, Sec. 6.4).

e. Pay & Benefits Rights of Workers in Self-Isolation

Workers required to go into self-isolation as a result of travel should be entitled to pay and benefits for self-isolation time to the extent they traveled for **business**; however, the reimbursement rights of workers in self-isolation as a result of non-business travel are less clear and will depend on the terms of your jurisdiction's employment standards laws, as well as the terms of applicable employment contracts, collective agreements and your organization's compensation policies (Policy, Sec. 6.5).

f. Potential for Early Return

Workers must be required to go into 14 days' self-isolation if they meet any of the criteria listed in Subsection (c) above (Policy, Sec. 6.3). However, you may want to reserve the right to allow other returning workers who don't meet any of those criteria return to work after less than 14 days of self-isolation or not going into self-isolation at all, provided that they test negative for COVID-19 and agree to:

- Self-monitor for COVID-19 symptoms for at least 14 days after returning from travel;
- Rigorously follow all social distancing and infection exposure control measures; and
- Immediately notify their supervisor and go into self-isolation for 14 days if they feel ill or experience any COVID-19 symptoms.

(Policy, Sec. 6.6)