

# Are your activities abroad safe?

BCCIE 2019  
Whistler, B.C.

# Who are we?

- The administrative team
- The advisory board

# The advisory board



**Bernard Guillemette**  
Specialized expert in  
commercial insurance



**Wes Darou**  
International context risk  
management expert



**Jolianne Lequin**  
Civil security expert



**Nicholas Gildersleeve**  
Cross-cultural training and  
logistic expert



**Ann-Marie Gagné**  
Communication and crisis cell  
expert



**Paul Seshadri**  
Humanitarian program  
management expert



**Stéphane Vinhas**  
Security and logistic  
expert



**Virginie Gobeil**  
International entrepreneurship  
expert



**Nicolas Montibert**  
Environment and natural  
disaster expert



**Patrick Gagnon**  
Security expert for  
groups

# Objectives

- Become conscious of threats influencing the safety of your travellers;
- Understand the Canadian legislation and the prescribed due diligence;
- Evaluate your institution's capacities to prevent risky situations and respond to crises;
- Get familiar with risk management best practices;
- Identify institutional priorities with regards to due diligence.

# Risk tolerance

## Interactive exercise on risk tolerance



# Risk tolerance



You are on a 1 hour bus ride, filled to capacity, on a narrow winding mountain road. It is raining and the bus driver is talking on his cell phone.



# Risk tolerance

It is getting dark and you are exiting an ATM. Across the street, two individuals are walking and staring at you. As you continue on your way, you feel as though they are following you.



# Risk tolerance



You feel feverish. You have the chills, are vomiting and have spasms. All this has happened within the last hour.





# Risk tolerance

You are walking in a big outdoor market with some friends. Before crossing the street, you check headcount and realize that someone is missing. The person is not answering his/her cell.



# Risk tolerance



Your foster father (very kind and with whom you get along very well) offers to take you fishing in his rowboat. There is no life jacket on board.



# Risk tolerance

In the moral sens, tolerance is the virtue of accepting what one would not accept spontaneously.

Individual versus institutional tolerance.

The individual must respect the risk tolerance of his or her organization of attachment, even if his/her tolerance is higher.

Importance of knowing the institution's risk tolerance.

# Threats influencing the safety of your travellers

- Natural disasters and their intensity;
- Sociopolitical conflicts
- Medical and sanitary conditions;
- Criminality;
- Failing infrastructures.

Your travellers' behaviors influence the risk levels of these threats.

# Institutional risks

Poor risk management can lead to:

- Potential for harming others
- Loss in credibility (reputation, project closures)
- Improvisation during crises:
  - Impact in the media
  - Impacts on travellers and stakeholders
- Inhibiting activities and essential services
- Legal proceedings

# Legal obligations

The Criminal Code of Canada (section 217.1) stipulates that anyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to others. Sections 22.1 and 22.2 impose potential criminal responsibility on organizations and their agents for negligence and other offenses.

Anyone working for an organization could be charged with a criminal offense in the event of a breach of the responsibilities described in the law. Thus, any person responsible for directing work must take reasonable steps to ensure the safety of workers and the public.

Section 217.1 uses the term "others", which is intended to protect the general public, contrary to the Labor Laws (OHSA), which apply only to workers.

# Legal obligations

The Criminal Code provides a **presumption** of the organization's **participation** in an offense under section 22.1 when one of its employees has participated in the offense, by his or her action or omission, and that the executive has significantly deviated from the due diligence standard to prevent participation in the offense. The law therefore assumes that the executive knew or needed to know what was going on.

All types of organisations are concerned: private enterprises, unions, municipalities, societies, associations, schools, public institutions, etc.

The term «**anyone**» in an organization refers to **any person responsible** for a work or teaching activity : an administrator, a manager, a travel leader, an employee, a destination guide, a Travel Advisor, etc.

Furthermore, each province have OHS regulations to follow.

# Legal obligations

## The defense of due diligence

The organization prosecuted for criminal negligence may raise a defense of due diligence. The case law on health-related offenses reveals three essential elements: Prevention, Efficiency and Authority.

Due diligence is the degree of judgment, care, caution, firmness and action that can reasonably be expected of a person in certain circumstances.

When applied in an international context, due diligence means that organizations must take all reasonable precautions, taking into account the particular circumstances of a destination, to prevent injuries or accidents during their stay and provide adequate care for their workers (interns, administrative personnel, volunteers, travellers, etc.) in case of accident or illness.



# The waiver

One never completely discharges one's responsibility, even with a form!

**In Canada**, the document must clearly circumscribe the action or the omission of the action to be discharged. A waiver or discharge that concerns criminal or gross negligence that infringe on public interest could not be recognized as a dispute.

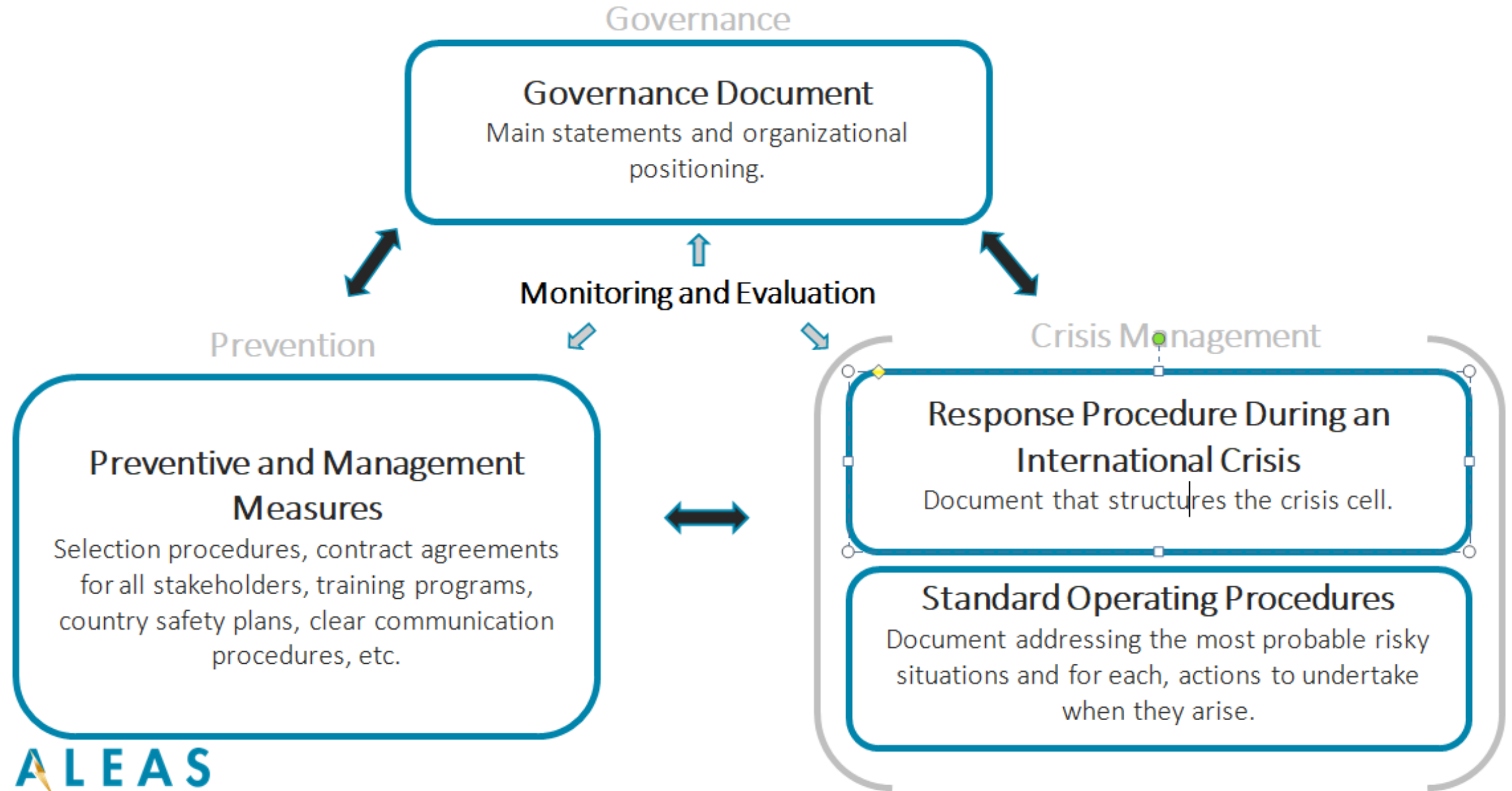
**In Québec**, « A person may not exclude or limit his or her liability for material harm caused to others by intentional or serious misconduct; serious misconduct is one that denotes carelessness, recklessness or gross negligence. A person cannot in any way exclude or limit his or her liability for bodily or moral harm to others» (Article 1474 of Civil Code).

# Due diligence

## Prevention, efficiency and authority.

1. Identify travel risks and develop tools to reduce and control them.
2. Implement appropriate solutions, including issuing clear guidelines and procedures and periodically reassessing the situation.
3. Communicate the procedures and establish an information system.
4. Ensure training is given to individuals who perform the tasks.
5. Do not tolerate dangerous behaviors in matters of occupational health and safety.

# SAFETY PLAN OF INTERNATIONAL ACTIVITIES



# Is your institution diligent?

Organizational assessment

# Governance

- The organization has a security policy specific to its international activities.
- The policy states that travelers are informed of the risks associated to their transit and the possibility of opting out if they judge the stay unsafe.
- The policy refers to a code of conduct for information technology and social media use.
- The policy states the accompanying ratios for group travels.

# Prevention

## The organization

- has a rigorous selection process for its partners abroad that assess their ability to ensure the security of your individuals (prevention and incident/crisis management).
- addresses safety elements (general and specific to destination) in its predeparture training for ALL travelers.
- Communication procedures are known by all and someone is available 24/7 to answer travellers in distress.
- Safety and security training is given upon arrival in the host country.

# Management

The organization has

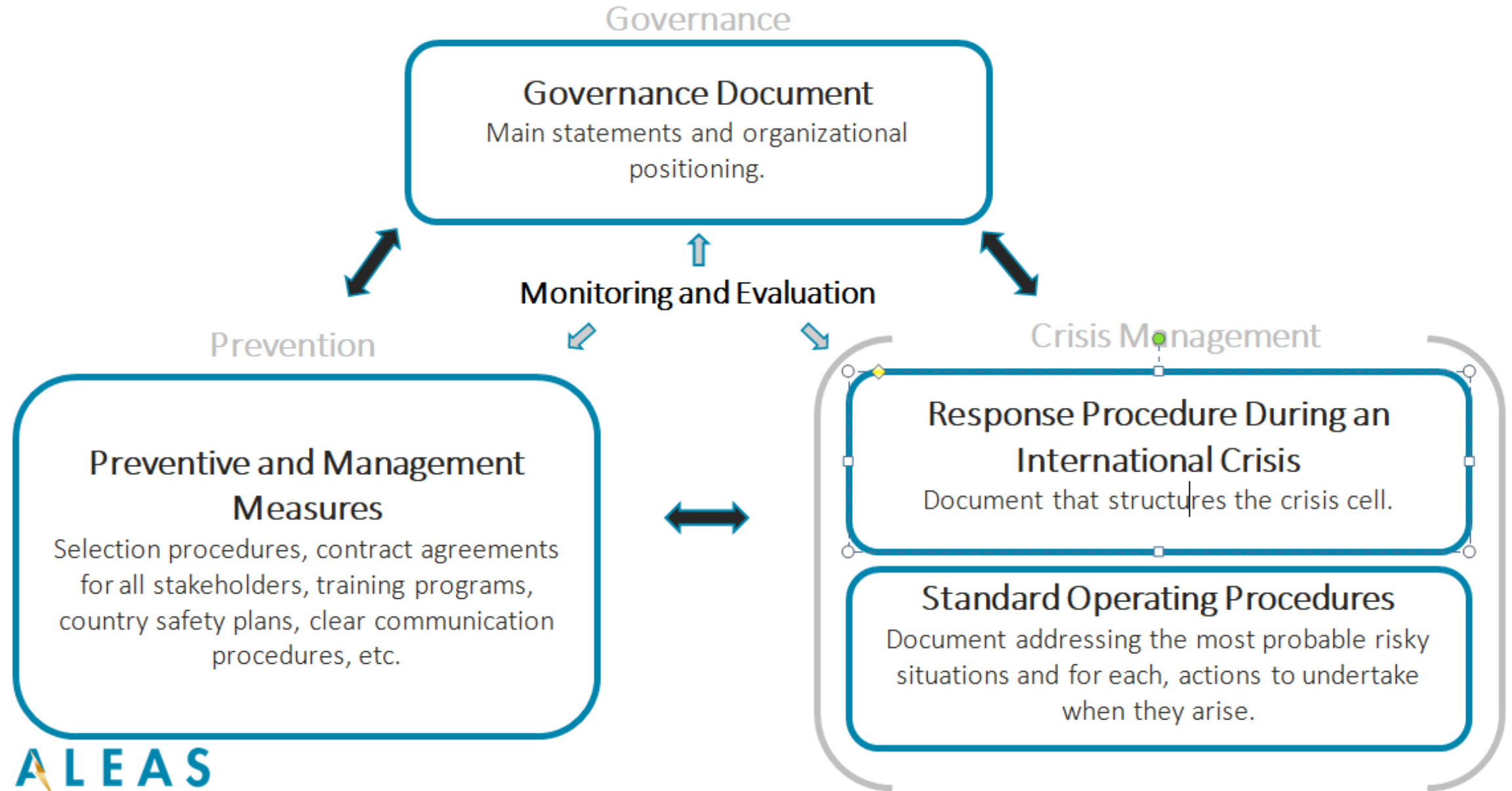
- a set of standard operating procedures (SOPs) aimed at responding to crises such as an arrest, a disappearance, a major accident, a natural disaster, theft, civil unrest, etc.
- an operational document of its crisis cell.
- rapidly accessible resources (financial, human) to manage a crisis.
- A secure system (ex : intranet) for managing travelers logistical and personal information (medical, passport, insurance, etc.) that is available at all times and accessible remotely.

# Evaluation

- The evaluation process addresses safety elements.
- A clear and efficient reporting process is in place and records near misses.
- Following a crisis, clear recommendations are made to all stakeholders to implement improvements for future projects.
- The organization has integrated lessons learned into its training programs meant to perfect its employees' knowledge about risk management.



# SAFETY PLAN OF INTERNATIONAL ACTIVITIES



# Your priorities

## **Governance**

A document that states the institution's position on safety issues is essential (risk tolerance). Daily decision-making should be framed through a policy and should not rely on individuals.

## **Prevention**

Inform and train your travellers and empower them (Safety is everybody's business!)

## **Management**

Develop tools to make decisions efficiently (SOP, crisis cell protocols).

Ensure you have clear and bidirectional communication procedures.

## **Evaluation**

Take the time to do it and follow-through.

# QUESTIONS



**ALEAS**

**Marie-Claude Du Cap,  
CEO**

[mcducap@aleas.ca](mailto:mcducap@aleas.ca)

450.822.0754