EMPLOYER PROTECTION AGAINST THE SAFETY RESPONSIBILITIES OF WORKERS WITH OVERSEAS ACTIVITIES—PART 1

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THE TRAVEL RISK MANAGEMENT MARKET IN ITALY: SIZE AND PROSPECTS

The travel risk management (TRM) market in Italy concerns a specific segment of companies and workers. In 2021, Italian companies abroad numbered approximately 25,491, employing over 1.7 million people, generating a turnover of around €552 billion, and operating in 175 countries (source: ISTAT). However, the majority (80–90%) of these employees are “local hires” meaning personnel directly employed in foreign countries under local contracts. Personnel sent from Italy, who are the focus of TRM, constitute 10–20% of the total. Of these, approximately 10–15% are temporary transferees on short-term assignments, while 5–10% are expatriates or seconded personnel with ad hoc contracts or long-term detachments. The sectors most affected by these dynamics include Manufacturing, Oil and Gas, Offshore, Mining, Construction, consulting firms, engineering, auditing, and non-government organizations and cooperatives operating in high-risk areas.

Despite the lack of specific official data on the growth of the TRM sector, it is estimated that ap-proximately 84,000 Italian workers, primarily from small and medium enterprises operating in “high-risk” sectors such as Oil and Gas, Mining, Construction, Energy, and Maritime, could generate incremental costs for regulatory compliance. These costs are estimated to be between €15,000 and €150,000 annually for a company with 10–50 expatriates. The estimated maximum overall expenditure ranges from €110–€260 million. This expenditure includes training, vaccinations, insurance policies, security and logistics services, as well as audits and certifications. The regulatory change would represent a natural evolution of the ISO 31030:2021 guidelines on TRM, already implemented by large Italian multinationals for over 30 years, and incorporated into the Italian Society of Occupational Medicine guidelines in 2024.

Over the last 20 years, the growth of this market has been linear and continuous, except during the recent COVID-19 pandemic. The imminent adoption of more stringent guidelines and the growing awareness of risks associated with a highly unstable and constantly changing international and geopolitical context suggest an increase in investments in this area.

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THE CURRENT SCENARIOS OF "GLOBAL WORK" AND THE NEW REQUIREMENTS FOR SAFETY AND SECURITY

The current global economic system has brought about a profound change in productive activities that often cross-national borders: not only are raw materials, industrial products, and technologies transferred abroad, but qualified human resources are transferred as well.

This is the phenomenon of international labor migration, also referred to as international mobility, which has been known in large companies for a long time but has accelerated dramatically in the last decade.

Italian companies of large, medium, and small size are called upon to implement projects, and to activate or participate in construction sites all over the world, including the so-called emerging countries of the intertropical belt. The production sectors involved are the most diverse: construction, energy, telecommunications, and others.

Workers, therefore, move from their countries of origin to perform "delocalized" work in geographical areas in which they encounter physiological maladaptation and "new health and safety risks" in the workplace, different from and in addition to those present in the country of origin. In this way, the need for employers to ensure the health and safety of their workers seconded on overseas assignments becomes pre-eminent.

The international context imposes on companies operating abroad the confrontation with health risks of infectious and noninfectious nature, extreme climatic factors, local contexts often geopolitically unstable and health facilities not adequate to the standards of the country of origin. The very length of stay, short (days or weeks) or extended (months or years), represents an additional element to be considered to protect the health and safety of employees.

IDENTIFYING SOLUTIONS

Companies are confronted with new protection obligations and new responsibilities compared to the "ordinary" and more familiar ones provided in carrying out activities in Italy. There is a need to deepen the reference standards and to find application tools to accompany, harmonizing them with their own organization and production sector.

THE ITALIAN REGULATORY FRAMEWORK ON PROTECTION OBLIGATIONS AND RESPONSIBILITIES FOR LABOR ACTIVITIES ABROAD

The norm-foundation of worker protection is Article 2087 of the Civil Code, according to which "The entrepreneur is obliged to adopt in the exercise of the enterprise the measures that, according to the particularity of the work, experience and technique are necessary to protect the physical integrity and moral personality of the workers."

This employer obligation, to which the legislation refers, has wide application perspectives and requires the diligent fulfillment of safety obligations to workers, and is also inclusive of keeping abreast of preventive knowledge regarding the work activity carried out abroad.

In addition, D. Lgs 81/08, known as the "Testo Unico" for safety in the workplace, contains guidance on acquiring the necessary methodology for risk assessment for work activities abroad and guidance on infectious risk.

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The standard contains ways to identify preventive measures that are known to safety professionals with specific expertise on working abroad.

Complementing the regulatory foundations, the Ministry of Labor's Commission, (No. 11 /2016) on the subject of employer obligations for the protection of employees working abroad, dispels any interpretative doubts: “ the Commission considers that the employer must assess all risks including potential and peculiar environmental risks related to the characteristics of the country where the work performance is to be carried out, such as, by way of example, the so-called “aggravated generic risks”, related to the geopolitical situation of the country (e.g., civil wars, attacks, etc.) and the health conditions of the geographical context of reference not considered abstractly, but which have the reasonable and concrete possibility of occurring in correlation with the work activity performed”.

In this sense, the recent State-Regions Agreement released in April 2025 implemented Article 37, paragraph 2, of the Consolidated Safety Act, sets out in detail the training paths dedicated to and necessary for the employer to acquire an adequate level of competence in safety. It provides for general training of at least four hours and specific training, with duration varying between 4–12 hours depending on the company's risk level, which, of course, includes the specific risks associated with carrying out activities abroad in territories that present particularly critical risks for workers' health and safety.

At the outcome of litigation for serious injuries of workers occurring in high-risk geographical areas (from serious infectious disease to personal injury), the rulings highlight the relevance of employer liability.

FOOTNOTES

- ISO 31030:2021 guidelines;
- Italian Society of Occupational Medicine Guideline: “Professional Orientation Document for the Competent Physician: Practical-Management Aspects for Workers Abroad” – 2024;
- Proceedings of the 86th National Congress of Occupational Medicine – Pisa 2024, Italian Journal of Occupational Medicine and Ergonomics (GIMLE) 253–254.

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