

Policy Title	INTERNATIONAL WORKING POLICY (formerly Global Mobility Policy)
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International Working Policy

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1 International Working Policy Statement

- 1.1 Engagement in a diverse range of overseas projects, collaborations and activities lies at the core of the University's mission. The University is committed to broadening its international impact and deepening its global reputation. The University recognises that the need to undertake fieldwork overseas for extended periods as well as shorter visits for research purposes is essential to many disciplines.
- 1.2 Working abroad can also be a rewarding experience for employees, with the chance to further personal and professional skills and to live in a different culture. As a world-class university, many employees are also recruited from outside the UK, or have connections outside the UK, and it is recognised that there will be reasons why these employees need or want to work outside the UK for part of the year.
- 1.3 However, working outside the UK for a UK employer – even for a short period of time – can have health/wellbeing, immigration/work-permit, employment law, tax, social security and insurance implications, for both the employee and the University, in the overseas location and in the UK. To appropriately support International Working consideration needs to be given to these implications.
- 1.4 This **International Working Policy** is in place in order to ensure employees are able to carry out International Working without detriment to their health and safety or breach of legislation. The Policy summarises the steps which should be followed to ensure that the employee and the Institution have a clear understanding of the risks, legal and financial obligations and potential costs arising from International Working and to support them in ensuring these are addressed in a proactive and collaborative manner.
- 1.5 The Policy is intended to sit alongside the University's Hybrid Working Policy (and the Flexible working policy, when applicable) and many of the expectations set out in the Hybrid Working policy, such as those concerning the remote working environment and performance will continue apply to arrangements outside the UK.
- 1.6 Further guidance is available to support the application of this Policy (see [Appendix](#)).

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2 Application of the International Working Policy

2.1 This Policy applies to employees carrying out paid activities outside the UK. For the purposes of this Policy:

- **'International Working'** refers to a paid activity (remunerated by the University) which takes place outside the UK.
- A **'Paid Activity'** could include (but is not limited to) the following activities:
 - Research
 - Fellowship
 - Sabbatical / Leave for academic purposes
 - Remote working (short term and long term)
 - Paid Leave (such as compassionate / maternity / sick)
 - Fieldwork
 - Secondment
 - Career break
 - Joint Appointment

2.2 The Policy does not apply to business travel (to attend conferences or meetings overseas) or short-term travel for required operational purposes (for example to carry out essential research or fieldwork), where the duration of such travel is within the permitted time frames as stated in the [International Working Introductory Guidance](#).

2.3 Full guidance is available to accompany this Policy, which has been drafted to reflect the varying complexities and risks associated with International Working, creating a distinction between higher risk International Working arrangements and generally lower risk short-term remote working, for example. Details of the current versions are available in the [Appendix](#). The guidance and forms used to support International Working may be revised as required.

2.4 For the purposes of this Policy:

- Reference to the **'University'** does not include the Colleges, Cambridge University Press and Assessment, or any subsidiary companies;
- **'Institution'** refers to the Department, Faculty, Institute, administrative units and any other individual sections or units within the University, both academic and academic-related;
- **'Employee'** refers to any individual who holds an employment contract with the University at all levels and grades, permanent or fixed-term (including academic staff).

It **does not include** any of the following groups, which are not covered under this Policy:

- Casual Workers
- Trainees
- Volunteers
- Students
- Individuals engaged via the Temporary Employment Service (TES)
- Visiting academics, visiting researchers or visiting teaching staff
- Agency Staff
- Agents
- Interns
- Independent contractors/consultants

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3 Procedure

3.1 The procedural steps put in place to support International Working will normally include the following:

- Informal discussion
- Formal Request
- Approval(s)
- Formal Agreement
- Amendments, Extensions and Terminations

3.2 For paid maternity, compassionate or sick leave and career breaks, these procedural steps would not normally apply. The employee should advise the [Global Mobility HR Team](#) and their Manager / Institutional Administrator/HR (or [HR Business Partnering Team](#)) should they have plans to spend time outside the UK during their paid leave, so that the implications can be assessed and any actions required can be confirmed on a case by case basis. However, if an employee plans to work remotely outside the UK either before or after their paid leave (or example during the later stages of pregnancy, as part of a phased return to work, during recovery following medical treatment etc.), the arrangement should be reviewed in line with the steps set out in this section.

Informal Discussion

3.3 When considering an International Working, informal discussions should take place in the first instance between the employee, their Manager and the Head of Institution (and/or Institutional Administrator/HR or [HR Business Partnering Team](#) as appropriate) to explore the details of the requirement.

3.4 Some of the considerations to be these discussed at this stage are listed below, but a more detailed list, along further information on who should be involved in the discussion and what other resources should be consulted, is provided in the accompanying guidance and this should be reviewed before the Informal Discussion takes place:

- the justification (sabbatical, research / fieldwork requirement, personal need such as family / caring commitments, medical condition etc.);
- the potential risks in terms of employee safety and wellbeing;
- alternative options available (such as paid / unpaid leave, engagement under a consultancy / contractor basis);
- the impact on the employee's role and responsibilities and the effect on their colleagues, the Institution and students (including cost, overall service delivery, quality implications);
- the immigration (right to work) requirements in the overseas location;

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- 3.5 The [Global Mobility HR Team](#) can also be consulted during this stage to provide some high level initial advice on the employer compliance obligations linked to different working patterns/durations, the timeframes associated with addressing these obligations and any potential employer cost. Where there is an urgent requirement for International Working, for example to meet essential fieldwork/research requirements, the Global Mobility HR Team can also advise on how best to support the arrangement within those time restraints.
- 3.6 It may also be helpful to review the Hybrid Working Policy and other relevant policies (as highlighted in the guidance) as part of these discussions.
- 3.7 The employee should also consider the consequential effect of the International Working on their employment benefits (including pension), UK immigration status etc. Further information is provided in the guidance, however the employee may also wish to seek independent advice to ensure they are fully aware of the implications of working outside the UK.
- 3.8 Personal requests for International Working, where there is little or no benefit to the University, may be supported in exceptional circumstances, at the Institution's discretion, and should normally only be supported for a temporary period to meet a specific need. Disability-related requests should be managed through the reasonable adjustments process in the University's [Disability and Employment Policy](#).

Formal Request

- 3.9 The formal request for International Working should be made after the informal discussion, following consultation with all relevant parties.
- 3.10 The Institutional Administrator/HR / [HR Business Partnering Team](#) and/or the employee, should complete and submit the formal request using the appropriate form (See [Appendix](#) for forms and guidance to be used / followed).
- 3.11 Where possible, requests should be made at least three months before International Working is expected to commence. This time frame is advised due to the complexities of International Working, carrying out the necessary due diligence and addressing any subsequent employer compliance obligations. However, it is recognised that meeting these timeframes may not always be possible, for example where there is an urgent fieldwork or research requirement. In these cases, the Institution is advised to contact the [Global Mobility HR Team](#) as soon as possible so the appropriate advice and support can be provided.
- 3.12 It is mandatory at this stage for a Travel Risk Assessment to be completed to ensure that all risks to the employee's health and personal safety have been assessed and that measures are put in place to ensure their ongoing safety whilst International Working.

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Employer Compliance Obligations

- 3.13 While modern practices and technology now make it possible for most employees to work virtually anywhere, this is not always as straight-forward in terms of employment and tax (payroll) legislation. Therefore, in some cases, an assessment of the application legislation and resulting employer compliance obligations will need to be undertaken. The extent to which arrangements will be reviewed will depend on the specific circumstances as detailed in the Formal Request (further information on the requirements for the employer compliance review are provided in the guidance).
- 3.14 The University aims to review the majority of International Working arrangements using internal resources. This will be co-ordinated by the Global Mobility HR Team in conjunction with other sections such as Finance, Legal Services, etc. However, depending on the specific circumstances, specialist external advice may sometimes be required.
- 3.15 The review of employer compliance obligations will not normally directly consider the employee's compliance. The employee remains fully responsible for their personal tax liability and must ensure that their overseas and UK tax filings are in order and that they are complying with all applicable deadlines. The University recommends the employee seek independent advice to ensure their compliance and to understand their tax position.
- 3.16 The employer compliance obligations which will need to be considered are summarised below, with further information provided in the guidance:
- 3.17 **Income Tax and Social Security Legislation (including overseas payrolls)** - The University has an obligation to ensure that it adheres to any local compliance requirements in relation to social security, tax and payroll.
- The University's Tax Strategy states: "*Where taxation [which includes payroll] obligations exist the University is committed to comply in full with those obligations and to disclose in full all relevant information to tax authorities*".
- 3.18 **Corporate Tax and Permanent Establishment (PE)** - The creation of a PE, which can be triggered by International Working, can lead to compliance obligations (and costs) for the University, e.g. Corporate Tax exposure (a requirement for the filing of corporate tax returns and payment of corporation taxes), or create a tax withholding (overseas payroll) requirement where this would otherwise not have been required.
- 3.19 **Employment Legislation** - The University (and its employees) must comply with all enforceable regulations and statutes in the countries in which employees are working.
- 3.20 **Pension** – Membership of a UK employer pension scheme may not be compliant with overseas pension legislation. Membership to an overseas pension may be mandatory instead of, or in addition to, the UK pension.

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- 3.21 **UK Immigration** - Where the employee is subject to UK immigration control and is sponsored by the University (for example on a Tier 2 or Skilled Worker visa), the University may have a legal obligation to report absence from the UK to the Home Office.
- 3.22 **Insurance** – The University may be required to provide additional insurance, such as workers compensation insurance, medical insurance etc. to comply with legislation in the overseas location and existing policies for example for Employers and Public Liability cover may need to be updated to cover the overseas location.
- 3.23 Every effort will be made to confirm the employer compliance obligations in a timely fashion, normally within a period of 3 months from the date the Formal Request is submitted. However, in certain instances further time may be required, for example if there are particularly complex legislation and employer compliance obligations to be considered. The Global Mobility HR Team will work with the Institution / Manager to ensure that any urgent requirements are handled as quickly as possible.

Approvals

- 3.24 The accompanying guidance confirms who must approve the Formal Request for International Working.
- 3.25 If approval is initially withheld, signifying that International Working cannot be accommodated as initially proposed, consideration should be given by the Head of Institution / Manager to any alternatives identified in the informal discussion and whether the International Working, with certain modifications could be accommodated, whilst maintaining as much benefit as possible from the original request.
- 3.26 Consideration of alternative options may be required, for example, when:
- the risk to employee safety and wellbeing is considered too high and cannot be adequately managed;
 - the employer compliance obligations are too onerous, costly or complex to address (for example where there are corporate tax implications, or restrictive payroll or insurance requirements);
 - the Formal Request has not been submitted in sufficient time to allow a full review and address the employer compliance obligations.
- 3.27 In the unlikely event that a Formal Request cannot be accommodated and no other feasible alternative arrangements can be agreed, the Head of Institution / Manager will notify the employee of this decision in writing, giving the reasons.
- 3.28 Approval for International Working is only given for the period stated in the Formal Request and it is expected that International Working will cease upon the given end date (with the employee returning to work wholly in the UK, ceasing their employment or undertaking a new International Working arrangement), unless an extension is agreed.

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3.29 Each Formal Request is considered on a case-by-case basis and agreeing to one request will not automatically create the right for another employee to be granted a similar arrangement, as specific circumstances may differ.

Formal Agreement

3.30 When International Working is approved, the terms applicable to the International Working arrangement will be confirmed to the employee in writing.

3.31 Should the employee have any concerns relating to their International Working terms and conditions, they should raise them with their Head of Institution or Manager in the first instance.

3.32 International Working should not commence until the Formal Agreement has provided. Exceptionally, if there is a requirement for International Working to commence prior to approval for the Formal Request or issuance of the Formal Agreement, the Institution should ensure this is highlighted to the [Global Mobility HR Team](#), who will review the implications and provide guidance accordingly.

Amendments, Extensions and Terminations

3.33 The Institution / Manager may request that the International Working arrangement is amended, extended or terminated at any time. Reasons may include (but are not limited to):

- a project or phase of work requiring all team members to work in the UK;
- a breach of the requirements concerning conduct and performance;
- a change to the nature of the tasks being undertaken, requiring them to be undertaken in the University workspace;
- a change to legislation which has an impact on the employer compliance obligations, risk or employer costs.

3.34 Should an Institution / Manager need to amend, extend or terminate the International Working arrangement, it is expected that this is discussed with the employee before taking this forward and a reasonable period of time provided to allow the employee to manage their return to the UK, or take other action as required.

3.35 The employee may also request that the International Working arrangement is amended, extended or terminated early.

3.36 The [Global Mobility HR Team](#) must be consulted should any amendments, extensions or early terminations be proposed so that the impact on any employer compliance obligations can be confirmed and the terms of the International Working arrangement be amended as necessary. Amendments (particularly early termination or extension) by either party may have employee and employer cost implications.

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3.37 The Institution is encouraged to advise the [Global Mobility HR Team](#) of any amendments, extensions or terminations at least two months in advance where possible.

4 Costs and Budgeting

- 4.1 Certain additional and unavoidable costs may be incurred as a result of International Working. Some of these costs may still apply even if the Formal Request is not ultimately approved (such as external advisor costs incurred when considering employer compliance obligations). Other costs may be ongoing during the International Working arrangement (such as payroll charges, overseas social security liabilities, mandatory insurance etc.).
- 4.2 Depending on the type of cost, the justification for International Working and the funding available, these costs may be covered either in full, or in part, by the grant/funding agreement, the Institution or the employee (See 4.3 below). The Institution must agree who will cover all such costs before the Formal Request for International Working can be finalised and arrange the recharge/recovery of costs from the appropriate party/funding as necessary.
- 4.3 Where the Institution is supporting, by exception, a personal request for International Working which has little or no direct benefit to the Institution, it is normally expected that the employee will be responsible for any additional costs, except where these must legally be borne by the Employer (in which case they must be covered by the Institution or appropriate grant/funding agreement).
- 4.4 Any costs arising from non-compliance with this Policy or the approved Formal Request will be the responsibility of the Institution and/or the employee (in circumstances where the employee has wilfully failed to adhere to the terms of the Policy or their Formal Agreement).

5 Key Roles and Responsibilities

- 5.1 The **Employee** should:
 - Consider their personal circumstances including health and wellbeing, and specifically in relation to age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation and caring responsibilities;
 - Comply with this Policy, the accompanying guidance and all related policies and procedures;
 - Ensure they fully understand the needs and expectations arising from International Working, seeking clarification where necessary;
 - Comply with the terms of their Formal Agreement, including adhering to all compliance actions/obligations, for example in relation to immigration, employment and tax / social security legislation;
 - Consider their personal compliance obligations, in terms of taxation etc.

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- Notify their Manager of any substantial changes to circumstances which may impact on the International Working arrangement as soon as possible.

5.2 The **Institution (Head of Institution / Institutional Administrator / Manager)** should:

- Ensure that this Policy and associated guidance is implemented within their Institution;
- Ensure that the necessary travel risk assessments have been completed and are updated as appropriate in line with their responsibilities as set out in the University Health and Safety Policy;
- Provide the employee with the support they need to complete any forms/paperwork required as part of making reasonable adjustments for staff;
- Ensure that any related policies are adhered to, such as those concerning hybrid working, flexible working, working with animals, recruitment etc. and complete any additional HR forms as required;
- Ensure that the necessary budgets are in place to cover all employer costs arising from International Working.
- Be a point of contact for the employee, before and during the International Working arrangement, and agree the method of communication and frequency of contact.

5.3 The **School/Division (or equivalent)** should:

- Ensure that International collaborations or strategic operations which will require International Working are discussed with reference to this Policy.

5.4 The **Human Resources Division** is responsible for:

- Enabling International Working by providing advice and support to Managers and employees regarding the application of and compliance with this Policy and ensuring that appropriate explanatory guidance is in place;
- Ensuring that an up-to-date record of employees working outside the UK is maintained (based on information provided via the Formal Request).

6 Policy Review

- 6.1 The Policy will be reviewed every two years and amended as appropriate. Such reviews will take into account the latest guidance on good practice, any updated legislation, the requirements of the University and input from Schools, Faculties and Institutions.

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Appendix I: Related Documents and Further Guidance

International Working Guidance	Templates and Forms
International Working: Introductory Guidance International Working: Process Guidance International Working: Short-term remote working Guidance International Working Decision Tree	International Working Form: HR56 Travel Risk Assessment forms and guidance

Other relevant Policies and Guidance
University Health and Safety Policy Health Surveillance Policy and Guidance Higher Education Sector Guidance on Health and Safety in Fieldwork and Travel Recruitment Policy and Guidance Flexible Working Policy Hybrid Working Policy Equal Opportunities Policy Secondment Policy Animal Research Policies

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