Working Internationally: Manager’s Guide

Employees of the University of Cambridge are increasingly required to travel and work internationally as part of their job role. It is important to record and track international working arrangements and ensure that the relevant permissions are sought in advance of travel to avoid financial penalties being incurred by the University or the individual at a later stage, which may bring reputational damage to the University of Cambridge.

This document provides an assessment of factors to consider in advance of working internationally or undertaking an international assignment.

Manager’s Role

- Prepare a business case to justify the requirement for work to be completed internationally and ensure that Head of Institution is supportive and has agreed to the additional costs that will arise from seeking external advice (taxation and legal), ongoing compliance costs and any additional, higher employment related costs such as social security contributions costs.
- Work with your Institutional Administrator and HR Schools Team to identify a candidate to work internationally and research the full implications of this arrangement.
- Discuss the details of the provisions with the employee to get a full understanding of the employee’s needs and expectations.
- Support the employee in completing the Fieldwork Risk Assessment form: https://www.safety.admin.cam.ac.uk/policy-guidance/miscellaneous/hsd055m-fieldwork
- Encourage the employee to consider the culture, values and beliefs of the country they will be travelling to and support them in seeking further information from the Health, Safety and Regulated Facilities section, HR Schools team and Equality and Diversity section, as appropriate.
- Determine the most cost-effective way of undertaking the work and include an estimate of all potential costs in the business case submitted for approval.
- Determine the most appropriate way to manage the international assignment, ensuring legal compliance.
- Be a focal point of contract for the employee, before, during and after their period of working internationally and agree the method of communication and frequency of contact.

Employee’s Role

Please ensure that the employee is clear about their role, as set out below:

- Discuss the international work with their manager to clarify their needs and expectations from the arrangement.
- Consider their health and wellbeing (in line with the separate guidance document)
- Ensure compliance throughout the period of working internationally, completing all appropriate documentation for immigration, tax returns and any other regulatory compliance accurately and in a timely fashion.
- Maintain contact with their manager and the University throughout their international working arrangement.

Please note, international employment legislation is subject to regular changes and therefore you should seek up to date legal advice when considering an international working arrangement by liaising with your HR Schools Team at the earliest possible opportunity.
**Business Case for an International Assignment**

The first aspect to consider is why the employee is required to work abroad and what work will be done during this arrangement *prior to travel*.

*e.g. To complete a 2 year research project in a lab based in the USA hosted by a US University funded by X grant.*

The nature of the work to be completed abroad is a key aspect in determining the requirement for work authorisation. The justification must outline the type of activities to be undertaken during the period of working internationally and how this fits with the Institution/School strategy.

It should be noted that working internationally usually incurs a considerably higher cost than recruitment of a local employee to undertake a piece of work. The costs would be borne by the home Department of the member of staff working internationally.

Whilst preparing the business case for international work you should consider other ways in which the work could be done or whether the work requires the individual to be physically working in another country.

Different types of working internationally¹ are summarised in the table below.

<table>
<thead>
<tr>
<th>Assignment Type</th>
<th>Length</th>
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<tbody>
<tr>
<td>Frequent Cross Border Travel</td>
<td>Frequent travel to work in another country i.e. not a one off business trip or conference.</td>
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<tr>
<td>International Assignment*</td>
<td>A defined period of time working abroad i.e. specific project, international secondment etc.</td>
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<tr>
<td>Permanent Relocation*</td>
<td>Could be domestic or international permanent relocation</td>
</tr>
<tr>
<td>International New Hire</td>
<td>If appointing an individual who will be relocating or working internationally, please contact your HR Schools Team.</td>
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*Permission must be sought by submitting a business case for approval prior to undertaking an international working arrangement.*

The justification must be written and submitted for approval to include the following areas:

- Purpose, duties, duration and cost of the International Working arrangement
- Employment relationship
- Clinical duties/Use of animals in research
- Immigration
- Compensation during the assignment
- Pension
- Tax
- Travel details/Travel Insurance
- Healthcare provision (as appropriate)
- Family (as appropriate)
- Clinical Duties/Use of Animals in Research
- Contractual arrangements (as appropriate)

¹ An International Assignment is the most common reason for an employee working internationally. However, in a small number of cases the assignment type may be different, as set out in the table.
The completed business case, set out in the Staff Working Internationally Summary form (HR56), must be submitted to the Head of Department, School and HR Schools Team for approval in advance of travel.

Further guidance to assist with completing the Summary form is outlined below:

1. **Purpose, duties, duration and cost of the International Working arrangement**
   - Aims & objectives – how does the arrangement fit with the Department/School strategy?
   - What work will be completed during this arrangement?
   - Why is working internationally the best mechanism to complete the work? Can the work be completed remotely or by recruiting a local employee?

2. **Who will be the employer?**
   - Does it have to remain the University or can the member of staff be seconded to a local entity (University or third party)? If seconded how do we deal with cost recharges?

3. **Immigration**
   **a) Compliance**

   An arrangement to work internationally presents a compliance risk, including immigration, tax and social security implications, regulatory compliance, legal implications and compensation challenges. It is important to be aware of the relevant labour and tax laws of different countries so that the individual and/or University does not inadvertently breach this legislation.

   The approved business case must be submitted to the HR Division for approval, and to enable business travel to be monitored appropriately to reduce the risk of breaching our international employment obligations.

   If an individual is currently on a visa (for example, a Tier 2 visa) which allows them to work in the UK you **must notify the HR Compliance Team as soon as possible** of the change of circumstances in that the individual will no longer be working in the UK whilst on the international assignment: ComplianceTeam@admin.cam.ac.uk.

   The Compliance team will advise whether UK Visas and Immigration need to be notified of the change to circumstances. This is vital as failure to notify the authorities could have serious repercussions for the University and may affect the employee’s right to work status in the UK and ability to secure a visa extension or renewal.

   In terms of working abroad, once the nature of the assignment has been determined it is essential to find out whether work authorisation needs to be obtained in order to legally complete the work in the destination country (i.e. the country where the work will be completed). The obvious exception is where the individual will undertake work within a country in which they are a citizen, provided that the individual submits proof of right to work status in the country of residence and that the University has authorisation to employ individuals to undertake work in the country of residence. Further guidance should be sought from your HR Schools Team if you are unsure.

   Immigration laws vary from country to country and are subject to constant change as countries respond to the changing global environment. Most countries are keen to protect their security but also their local labour market, which means that there can be a labour market check as a pre-requisite to issuing a visa for an assignment e.g. in Australia.

   In some cases a business travel visa may be sufficient; however, where you will be engaging in substantive work, higher levels of work authorisation may be required.
b) Business Visa

This is intended for international travellers planning a short trip to the destination country to undertake “approved activities” e.g. conferences, meetings, undertaking training. The work cannot comprise the day to day duties of their role as this would be likely to breach the terms of the visa.

c) Work permit/Work visa

Where an individual will be required to complete their day to day work activities a work permit or visa is likely to be required. This would be a more comprehensive process.

This process should be explored prior to travel to avoid being stopped by Customs and in certain circumstances declined entry to the destination country. The consequences extend further in that the local authorities could impose large fines and even criminal convictions for sending a worker on an assignment without proper work authorisation.

You are advised to use http://cibtvisas.co.uk/ quick checker to determine whether a visa is required for the travel or to contact the relevant HR Schools Team. In certain countries the visa application may be required to be translated into the local language.

Please be aware that each country will have different timescales for obtaining the relevant visa, and employees are strongly advised to apply for the visa within these time limits, factoring in the intended date of travel. Please also be aware that certain documentation will need to be provided by the employee as part of the application, most likely including their national passport.

4. Compensation while working internationally

Consideration will need to be given to the method of payment during the period of working internationally e.g. bank transfer or payroll. Some countries require workers to be paid on a local payroll which may not be possible within the University if there isn’t a payroll relationship in the particular country unless a new one is set up. In addition, consideration should be given to the Cost of Living to ensure that the assignment is affordable.

The following website will assist by providing a Cost of Living comparison.

http://www.numbeo.com/cost-of-living/comparison.jsp

5. Pensions

An assessment will need to be undertaken to determine whether the employee could remain within their Pension Scheme or whether there would be a period during which they could not continue to contribute to the scheme. In some countries, there is a requirement for those on international arrangements to participate in a local pension scheme which would require further investigation and may incur an additional cost to the overall cost of the arrangement. In addition, the employee working internationally should be advised to check with the Pensions team that any life insurance associated with the Pensions Scheme would be valid in the destination country, as it could invalidate the life insurance policy if the Foreign and Commonwealth Office advises not to travel to that country.

6. Social Security and Income Tax

Depending on the duration of the period of working internationally the individual may create a taxable presence (Permanent Establishment) which could create financial risk for both the individual and the wider University.
The requirement for a member of staff on an international assignment to pay local income tax or make social security contributions will depend on local legislation and also the home country’s relationship with the destination country.

In some situations, local immigration or employment laws require that the University pays an individual working within that country on a local payroll.

The compensation that will be made available e.g. travel expenses, cost of living adjustments, relocation costs, etc. should be agreed prior to travel. These items should be included in the business case for approval.

The individual may be required to pay tax upfront in two countries (and then claim it back) in some instances. If the Tax Section advise that this will be the case, consideration should be given as to whether the individual will be provided with help to complete personal tax returns in the host and home country, for example the department could pay for external tax expertise.

**Key Questions that the Tax Section may ask you:**

- Where is the employee/future employee currently tax resident?
- Does or will the employee fall under another social security system other than the UK system? If yes where?
- Where will the work be performed?
- Where will the employee live?
- Is this a part-time position and if so:
  - Will the employee have another employer?
  - Where is that employer based?
- Where is the work performed?
  - Is it foreseen that answers to the questions above will change during the life of the employment contract; if yes, provide details.

### 7. Travel Insurance

All Staff Travel must be booked through: [http://www.admin.cam.ac.uk/offices/purchasing/travel/](http://www.admin.cam.ac.uk/offices/purchasing/travel/)

The University provides travel insurance for employees and registered post-graduate students of the University of Cambridge and its subsidiary companies whilst travelling abroad on University of Cambridge business

Cover is also provided for graduate students registered with the University of Cambridge and for undergraduates of the University of Cambridge and official volunteer workers travelling on supervised departmental fieldtrips outside the UK.

Employees, registered post-graduate students and departments (in the case of field trips) need to apply for cover using the appropriate application process. (See the link above for further details.)

Please ensure that you consider and ensure health insurance is in place and refer to the following webpages for further information:

- d) [http://www.admin.cam.ac.uk/offices/insurance/](http://www.admin.cam.ac.uk/offices/insurance/)
- e) [http://www.admin.cam.ac.uk/offices/insurance/travel/](http://www.admin.cam.ac.uk/offices/insurance/travel/)

### 8. Health & Wellbeing
It is important to consider the health and wellbeing of your employee (and their family) while undertaking work internationally. There may be a requirement for medical insurance to be taken out in the destination country.

If an employee is under Health Surveillance with Occupational Health for clinical duties, Occupational Health and the relevant NHS Trust should be notified that the employee will be on an international assignment so that advice can be taken about how this would be handled during the assignment.


9. **Accompanying Family Members**

   If an employee will be travelling with companions, e.g. family, then consideration also need to be given as to whether authorisation is required or any additional expenses.

   Whether a language course or orientation session would be needed should also be considered.

10. **Clinical Duties**

    If the individual who is completing the international assignment has clinical responsibilities the relevant NHS Trust would need to be notified and clinical work and associated pay will cease during the international assignment.

    If the international working arrangement involves clinical work in the destination country, the relevant HR Schools Team should be contacted as further paperwork and authorisation may be required. In certain cases a license to practice medicine within that country may be required.

11. **Communication/Keeping in Touch**

    It is of the utmost importance that an employee who is working abroad remains in regular contact with the University through their manager. The University has a duty of care for all employees whilst working internationally.

    In the event of an emergency, the location of the employee must be able to be tracked in the event that there is an evacuation and you need to arrange for their safe return to the UK. This will also enable the employee to continue to feel connected to the home institution. Technology will enable this communication e.g. Skype.

    Mentoring arrangements may be made for the employee whilst they are working abroad. The manager must continue to conduct 1:1 conversations and carry out the annual performance appraisal (Staff Review & Development) during the international arrangement.

    The employee retains their UK employment rights while on the international arrangement and has the right to raise a grievance, with the relevant formal procedure applying. Situations of this nature must be raised with the relevant HR Schools Team immediately.

12. **Laws and Rules in the Destination Country**

    Employees of the University are expected to adhere to local laws and rules throughout the duration of their international arrangement in both the home and host location.

    If the individual working internationally will be required to work with the use of animals in research abroad, the manager should refer to the Health and Safety section for advice and guidance on any
additional approval that may be required prior to completing the work. The HR School team will provide a separate form to be completed.

13. Reverse Culture Shock

The individual may experience a reverse culture shock on return from their period of working internationally. The University's support services remain available to assist with re-integration following an international working arrangement.


There is a web page containing information for employees relocating to the UK:

http://www.hr.admin.cam.ac.uk/hr-services/relocating-uk

The employee relocating to the UK would need to hold a UK bank account and National Insurance number:

- Bank account: the individual can apply for one when they arrive in the UK.
- Guidance on obtaining a National Insurance number can be found at the link below https://www.gov.uk/national-insurance/your-national-insurance-number

Other useful information is as follows:

- UK tax authority: http://www.hmrc.gov.uk/
- UK driving license: http://www.dvlauk.co.uk/

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