



PRIFYSGOL  
**BANGOR**  
UNIVERSITY

**POLICY FOR STAFF WORKING OVERSEAS**

Rev	Date	Purpose of Issue/Description of Change		Review Date
1.				
2.				
3.				
Policy officer	Senior Responsible Officer	Approved By and Date	Equality Impact Assessed and date	
Deputy Director of HR	Director of HR	Compliance Task Group 16.03.22	An initial EIA screening has been completed and concluded that a review of all cases covered by this policy will be carried out 12 months after its implementation	

## 1. Introduction

Bangor University is a UK-based institution and, in the majority of cases, requires staff to be located and work in the UK. Contracts of employment for staff members will detail the place of work as follows:

*The normal location for this employment is the College/School/Department of ....., Bangor University. You may also be required to work at other sites and locations operated by the University in the region of North Wales, and where it is necessary to fulfil the requirements of the post, to travel to educational and other institutions in the U.K. and elsewhere.*

However, in exceptional circumstances there may be a requirement to make an overseas appointment, this might be due to the nature of the work to be carried out or it may be to attract an exceptional candidate to a particular role. In these instances, approval must first be gained by the Dean of College, with such approval being obtained by the approval process in the relevant HR system. The request for such an appointment will also be subject to further scrutiny by relevant stakeholders within the University.

There are several key issues to consider when contemplating employing staff to work abroad, including several important financial and contractual issues which MUST be considered to ensure that the University is compliant with its tax and other legal obligations. The table below provides only a brief overview of such issues:

<p><b>Income tax</b></p> <ul style="list-style-type: none"> <li>● Where is tax due?</li> <li>● What are the employee / employer rates / allowances?</li> <li>● Who is liable?</li> <li>● What registration and payroll reporting is needed?</li> </ul>	<p><b>Social security</b></p> <ul style="list-style-type: none"> <li>● What are the contribution levels for the employee and employer?</li> <li>● How are these paid?</li> <li>● Location of coverage.</li> <li>● Paperwork / admin / registration processes.</li> </ul>	<p><b>Corporate consequences</b></p> <ul style="list-style-type: none"> <li>● Corporate tax and VAT equivalents.</li> <li>● Does the corporate presence create a permanent establishment?</li> </ul>
<p><b>Pensions and other benefits</b></p> <ul style="list-style-type: none"> <li>● Can the employee be /remain a member of the pension scheme?</li> <li>● Can the employee take part in salary sacrifice?</li> <li>● Tax consequences?</li> <li>● Notifications / actions.</li> </ul>	<p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>● Liability insurance.</li> <li>● Who is responsible if overseas taxes are higher/lower?</li> <li>● Policy &amp; processes.</li> <li>● Employee experience.</li> <li>● Data protection (of any data the overseas staff member has access to).</li> <li>● Intellectual property considerations (laws can differ by country).</li> </ul>	<p><b>Unintended Consequences</b></p> <ul style="list-style-type: none"> <li>● Access to UK healthcare if return.</li> <li>● Entitlement to UK pension.</li> <li>● How to collate the required data and monitor any changes in personal circumstances?</li> </ul>
<p><b>Immigration</b></p> <ul style="list-style-type: none"> <li>● What paperwork do we need?</li> </ul>	<p><b>Staff safety health and security</b></p> <ul style="list-style-type: none"> <li>● What pre-travel preparations are required?</li> </ul>	<p><b>Employment law</b></p> <ul style="list-style-type: none"> <li>● When do local laws apply?</li> </ul>

<ul style="list-style-type: none"> <li>● When do we take action?</li> <li>● How do we manage?</li> </ul>	<ul style="list-style-type: none"> <li>● Assessment of the work location and safety of the workplace.</li> <li>● Safety arrangements for field activity.</li> <li>● Personal Health and Immunisations for the region.</li> <li>● Monitoring arrangements whilst overseas.</li> <li>● Post-travel reviews and after-actions.</li> </ul>	<ul style="list-style-type: none"> <li>● Are our standard employment contract terms compliant?</li> <li>● What level of support do we provide to staff?</li> </ul>
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Due to the complexity of employing staff overseas, it is important that advice is sought during the planning stage to ensure that country-specific considerations, particularly on issues such as tax, social security and pensions, can be identified and that any associated costs can be budgeted for by the recruiting area.

Working overseas can carry significant financial, legal, regulatory and safety risks and there can be significant additional costs relating to tax, social security and other employment law liabilities in the jurisdiction in which the work is carried out. The risks vary dependent on the overseas location, resulting in potentially significant costs being incurred in obtaining the expert advice.

The University must ensure that all legislative requirements are considered, and appropriate advice taken where necessary, well in advance, and before any commitment is given, or any terms are negotiated with the employee. It is also important to note that the exact arrangements are not wholly dependent upon the details of the role, but also the personal details of the staff member that is to be appointed or sent on assignment.

Due to the complexities outlined above, the University will only consider employing staff overseas when it is in the University's interest to do so. Examples are likely to include research work that must take place overseas, and for certain roles to attract exceptional candidates.

This document outlines the processes which must be followed.

## 2. Scope

This guidance applies to the following circumstances:

1. When the University is recruiting an employee who lives and will continue to live and work abroad for the University,
2. When the University is sending an existing employee to be based abroad on an assignment or secondment for six months or more.
3. When the University is considering a request from an employee to work abroad for personal reasons (e.g. to work from home in another country).

This framework does not currently cover:

- Staff visiting abroad on business trips.

- Staff based abroad for a period of academic leave.

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### **3. Procedure**

It is vital that the Recruiting Manager contacts their designated HR Officer as soon as possible where any of the above circumstances arise. The Officer will liaise with other specialists as required to ensure that Recruiting Managers are provided with the appropriate advice and guidance.

These steps must be followed:

1. The Recruiting Manager to complete Appendix A to begin to identify the potential issues/costs.
2. The completed form to be forwarded to The Relevant Dean / Director, who will then forwarded to the HR Officer.
3. Where specialist external tax and/or legal advice is needed, this will be funded by the recruiting area.
4. Following the receipt of advice, and identification of potential issues/cost implications, further discussions will then take place as required. Where the arrangement is to proceed, and with additional costs incurred, the approval of the Dean of College / Director must be obtained.
5. Where this relates to a new role / appointment, a further review may then be needed to take account the personal circumstances of the candidate.
6. If any of the circumstances change at any time in the future, the employee and the manager concerned must inform [contact point], as further actions may be required dependent upon the change in circumstances.

#### **4. Overview of main issues**

The table on page 1 provides a brief overview of the issues that leads to complexity in the areas of overseas working. Further information is provided below in relation to financial and contractual issues which need to be considered and may incur greater costs:

##### **a) Payroll – tax and social security**

The area around tax liability and social security is complex and country specific and may involve consideration of wider tax implications for the University such as the possibility of creating a “permanent establishment” in another country, so specialist advice may need to be taken. Over time the University will develop more in-house expertise in this area, however, the cost of any external advice from the University’s tax advisors and any additional costs such as the external provision of an international payroll, together with payment of international taxes, will need to be factored into the budget for the appointment/ project.

In each situation the University will need to establish in which country (UK or abroad) tax and social security will need to be paid. This depends on several factors including:

- the country in which the employee will be working,
- how much of the year will be spent working abroad,
- the nature of the work to be undertaken,
- the nationality of the employee.

The University will also need to identify who is responsible for making tax and social security payments (the employee or the University) and whether the employee requires professional advice. In some cases, the University may need to register and run a payroll outside the UK, again this may lead to additional costs and an ongoing liability.

##### **b) Pension**

The pension scheme provisions will depend on where the employee will be working, and as such advice will need to be sought on each occasion as to whether pension scheme membership can be retained.

#### **c) Local employment law and contract issues**

Some countries require statutory employee insurance, high levels of social security payments and lump sum payments when an employee's contract ends. Others have specific statutory requirements about what must be contained in an employment contract and statutory provisions which would need to be considered about benefits to be provided or liabilities which may arise on termination of a contract. Other considerations may include maximum weekly hours of work, minimum wage rates, national holidays, differing employee support requirements e.g. maternity leave provision etc. These must be considered at the outset and it may be that a bespoke or tailored contract of employment will be required.

#### **d) Immigration**

Immigration arrangements will also need to be reviewed. If an individual is sponsored to work in the UK under a tier 2 or tier 5 visa, then working overseas may compromise the validity of their visa and make it difficult for the University to discharge its sponsor duties to UKVI for the period that the individual is working overseas.

In addition, visas are likely to be required to obtain the right to live and work in the overseas country, especially for longer periods or when the individual does not hold a passport for that country. Each individual's situation would need to be considered.

#### **e) Insurance arrangements**

The University's employer's liability, public liability and professional indemnity insurance cover apply to all employee's resident outside of the UK, although the employers liability cover is limited. Some countries have more regulated insurance environments than the UK so not all liability covers will be acceptable in all local jurisdictions & situations, this may depend on the nature of the work undertaken in these countries. Advice must therefore be sought from the University's Insurance Officer at the outset.

#### **f) Health & Safety and Risk Assessments**

Statutory requirements for the health, safety and well-being of the member of staff will be directed by the law of the country in which they will reside, with a supplementary duty placed on the University by UK law to ensure that everything that is reasonably practicable has been done to safeguard the employee whilst overseas. To this end it will be necessary to consider:

- Local legislative requirements for the employees' work and for the safety of the activities
- Local permits or authorisations that may be required, particularly for field activities
- Any inoculation requirements for the region and country, including inoculations recommended for field activities

- Whether the University should provide additional healthcare insurance
- The FCDO status of the host country and region
- Whether there is a need for an evacuation plan from the host country or region.

#### **g) Data and digital services**

The primary concern is data security; it should be clearly understood and agreed how Bangor University data will be secured, accessed, used, and stored. Consideration should also be given to how data is shared (or not) on request, for example, to local authorities, and the effect local data protection laws may have on Bangor's data.

To fully participate, collaborate and work with students and staff within Bangor University consideration should be given to: local broadband availability, speeds, and reliability; BU's software agreements which may not extend to local countries; BU services which may be blocked; any hardware which may or may not be available; any encryption technology which may be blocked, forced to be disabled or illegal to use.

Staff members who have been appointed on the understanding that they would be working from overseas should also ensure that they only work within the Bangor domain, and must not work on any Bangor University data / information outside of Bangor University systems, this includes not downloading any data to a local system

Finally, consideration should be given to the methods BU and UK authorities can use to investigate breaches in BU regulations which bring the University's name into disrepute or are illegal under UK law.

### Overseas Working Request Form

Before completing this form, please read the policy for overseas working.

**Recruiting Managers:** Please complete this form and email to your Dean of College / Director for their consideration in the first instance.

**Deans of College / Director:** Please review this form carefully and, where you support the request, complete the section 3 and forward to [contact point] for review.

#### SECTION ONE: Employee Details (Recruiting Manager to complete)

Full name	
School / College / Department	
Job title	
Proposed start date (if new starter)	
Fixed term contract end date (if applicable)	
Research funding source (if applicable)	
Nationality	
UK immigration status (if applicable)	<p>Please indicate if employee has applied for/been granted any of the following:</p> <p><input type="checkbox"/> Global Talent Visa</p> <p><input type="checkbox"/> Tier 2/Skilled Worker Visa</p> <p><input type="checkbox"/> Tier 5/Temporary Worker (Government Authorised Exchange) Visa</p> <p><input type="checkbox"/> EU Pre-Settled Status</p> <p><input type="checkbox"/> EU Settled Status</p> <p>If granted, please provide expiry date:</p>
Overseas immigration status (if applicable)	<p>If employee has applied for/been granted permission to work, please provide details:</p>

#### SECTION TWO: Overseas Work Details (Recruiting Manager to complete in conjunction with the individual concerned)

Type of request	<input type="checkbox"/> To recruit employee locally overseas <input type="checkbox"/> To employ UK based employee overseas <input type="checkbox"/> To second UK based employee to partner organisation overseas	<input type="checkbox"/> New appointment <input type="checkbox"/> Existing employee
Normal work location (country)		
Overseas work location (country)		
Proposed overseas work start date		
Proposed overseas work end date		
Expected date of entry/return to the UK (if applicable)		



Will their duties and responsibilities differ whilst based overseas, and if so, in what way:			
Where relevant, will family members of the individual remain in the UK or relocate overseas:			
Individual's home situation – Will they have a home overseas and if so, will this be rented/owned? What will happen to their UK home – Will it be rented out or left available for return trips to the UK:			
Clarification on individuals' working situation overseas? For example, working from home, renting an office space?			
<p>Justification - please explain below:</p> <ul style="list-style-type: none"> <li>• <i>Why you require the individual to undertake work overseas rather than in the UK.</i></li> <li>• <i>The benefits e.g. how this arrangement fits in with the School / College's/Department's overall research/teaching strategy, etc.</i></li> <li>• <i>How any additional costs will be met i.e. income tax, social security &amp; payroll costs, visa/work permit costs, travel insurance, etc.</i></li> </ul>			
Recruiting Manager (name)		Date	

### SECTION THREE - Dean of College / Director Authorisation

*Please explain:*

- *Why you support this overseas work request.*
- *Any exceptional circumstances that apply e.g.*
  - *Employee unable to return to the UK after holiday/business trip because of temporary travel restrictions*
  - *Employee unable to come to the UK to start work because of temporary travel restrictions*
  - *Employee seconded to a partner organisation overseas*
  - *Employee recruited locally to work overseas?*
- *Why it is business critical for the employee to undertake work overseas?*

Dean / Director (name)		Date	
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