

# Working from Abroad Guidance

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## 1. Introduction

During the COVID-19 pandemic we recognise that the majority of our workforce have been working from home and continue to deliver services to our residents, employees, visitors and businesses to the highest standard.

As we start to think about our new ways of working, we want to ensure we are supporting our employees to have a good work-life balance. As such, we are in the process of developing post-pandemic guidance on working from abroad so that we can continue to support our employees whilst at the same time delivering services locally.

Whilst this longer term guidance is in development, we recognise there is a need for a short term, tactical solution to allow our employees flexibility, whilst managing the risks to the Council, and that is the purpose of this guidance.

Haringey is a place-based organisation, and whilst we are based in London, we recognise that there may be occasions where an employee may request to work overseas for a short period of time. This guidance supports employees and managers with the process that needs to be followed when requesting to work overseas. It includes:

- How to mitigate the risks and unintended costs of overseas working.
- Ensure that any risks to Haringey's insurance obligations or future legal position are mitigated.
- Limits the time period of working from overseas for no more than six weeks in a calendar year

## 2. The Consequences of Working Overseas

Working overseas can carry significant, financial, legal, regulatory and safety risks for the employee as well as Haringey as the employer. The complexity of working from overseas means that the agreement must be time limited. Issues can include:

- a. Tax and Social Security Implications
- b. Payroll and Pensions issues
- c. Employment law concerns
- d. Immigration issues

Limiting the time abroad and being clear about the reasons, along with an approval process, helps the Council manage the risks involved.

### **Data Privacy and Information Security**

Under the General Data Protection Regulation, where personal data is transferred out of the European Economic Area (EEA), Haringey must ensure that the recipient country provides an adequate level of protection for the data and that the individual

to whom the data refers is aware that their personal information will be sent outside the EEA. Organisational measures must be in place to protect the data and keep it secure, and encrypted Haringey devices used.

All work must be carried out on a secure Wi-Fi connection. Haringey mobile data must not be used and Haringey will not cover any additional mobile or connection costs.

### **Insurance**

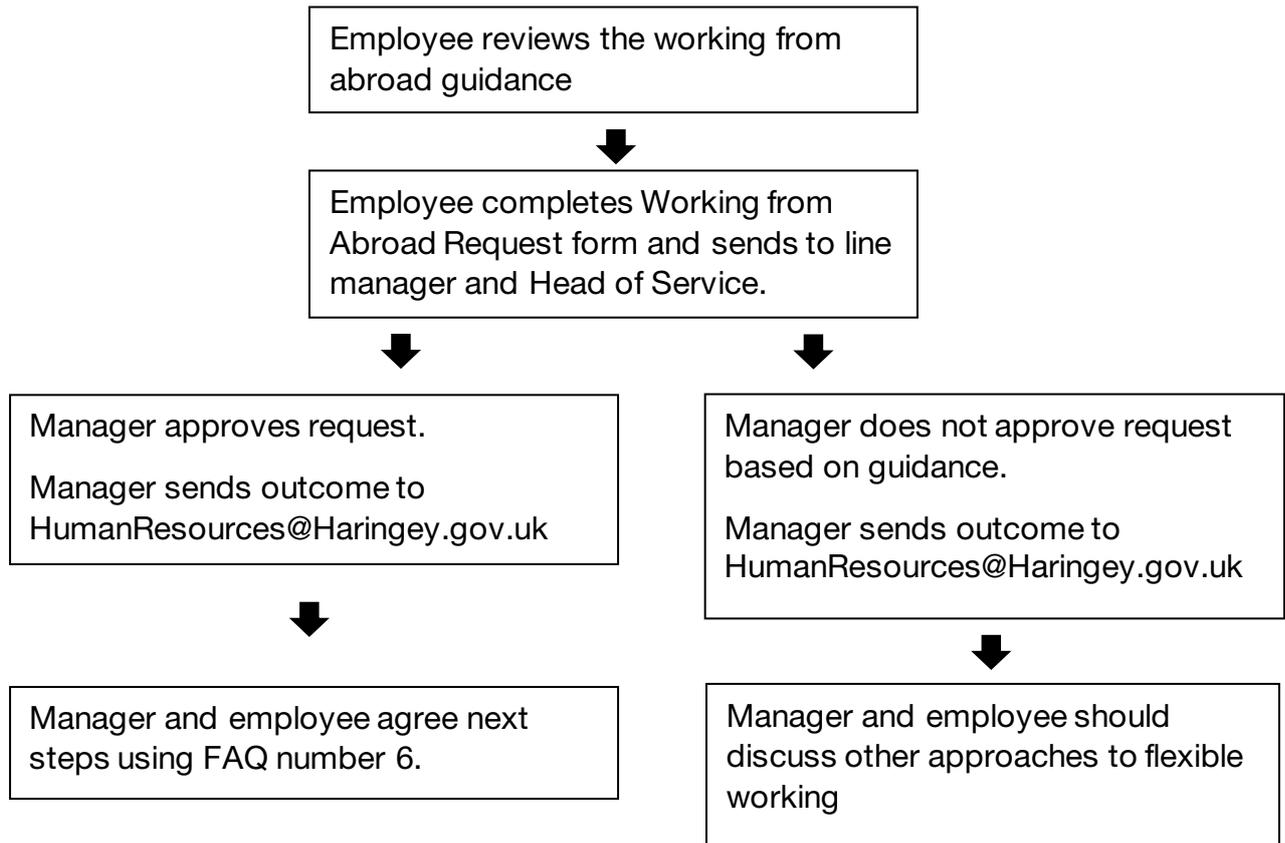
Employees working overseas should ensure that there is adequate insurance for the country they will be working in or whether additional cover is required. The EHIC or GHIC is not a substitute for travel insurance. It may not cover all health costs and never covers repatriation costs. Employees should make sure they have travel insurance as well as the card. No additional insurance cover will be provided by Haringey and the employee must ensure they have both personal, health and travel insurance for working overseas (including cover for any Haringey equipment taken overseas). As this is a voluntary arrangement at the colleague's request, Haringey will not consider any claims for compensation made against its employer's liability insurance. In the event Haringey's equipment is stolen or lost whilst working overseas, the colleague will be expected to claim on their insurance for these items and compensate Haringey for the loss.

## **3. Process for Requesting to Work from Abroad**

There are a number of situations where working from abroad will not be possible e.g. the role cannot be performed remotely, or the country does not allow encrypted devices, or the time difference impacts your ability to perform the role. The FAQs in this guidance set out our approach to managing working remotely from abroad requests.

To make a working from abroad request, you will need complete the Temporary Working from Abroad Request Form in Appendix A and send to your manager so any potential issues or impact can be considered before reaching an outcome. The line manager should review the form and make a decision, in conjunction with the Head of Service. Advice may need to be sought from HR, Finance, IT or Health and Safety before a request can be processed.

The process flow is as follows:



#### 4 FAQ's

1	<p><b>Who can request to temporarily work from abroad?</b></p> <p>Not all types of flexible working will be appropriate for every service as we all work in different ways to deliver outcomes. For example, working remotely may not be possible if the role is front line face to face.</p>
2	<p><b>What are the criteria managers should consider when deciding whether to accept a working remotely from abroad request?</b></p> <p>The following factors should be taken into consideration:</p> <ul style="list-style-type: none"> <li>• Is the length of time requested going to cause detrimental impact on service delivery?</li> <li>• Does the Working from Abroad Request Form flag too many issues or costs without any mitigation?</li> <li>• Will the destination's time zone mean that the employee would be unable to complete core day-to-day duties during the hours they are proposing to work?</li> <li>• Have you discussed expected outcomes/pieces of work to be completed from abroad as part of the agreement (being flexible and agreeing to review on a weekly basis)?</li> </ul>

	<ul style="list-style-type: none"> <li>• How will hours be covered where the employee may not be contactable e.g. team rotas, providing a reasonable response timeframe in ‘out of office’ emails, moving online team meetings to earlier/later in the day so everyone can join?</li> <li>• Is the employee familiar with the guidance in “How to work remotely and safely” and the “AUP001a summary Acceptable Use Policy”, both at <a href="#">link</a>.</li> <li>• Will the employee need to handle high volumes of sensitive or personal data which may be at risk of being intercepted whilst abroad?</li> <li>• Will the destination or work set up cause a negative impact on the employee’s health and safety e.g. regular late-night working, personal safety risks, unstable political situation in the country?</li> <li>• Have you agreed emergency contact details should you be unable to reach the employee when abroad?</li> <li>• Have you considered whether the proposed country has suitable IT/network speed coverage and accessibility?</li> <li>• Has the employee got adequate insurance?</li> <li>• Is the employee aware that if the Wi-Fi connection or equipment fails, then some or all of the period will need to be taken as annual or unpaid leave.</li> <li>• Have you agreed how you will maintain contact prior to the work commencing.</li> </ul>
<p><b>3</b></p>	<p><b>How long can you work from abroad for?</b></p> <p>The maximum timeframe employees can work from abroad is up to six weeks in a rolling twelve month period subject to weekly reviews.</p>
<p><b>4</b></p>	<p><b>Which countries will not be considered for working from abroad requests?</b></p> <p>We cannot allow staff to work from any of the countries below as they do not allow encrypted devices and there is a risk of sensitive data being intercepted online.</p> <ul style="list-style-type: none"> <li>• China</li> <li>• Russia</li> <li>• Saudi Arabia</li> <li>• Belarus</li> <li>• Burma/Myanmar</li> <li>• Hungary</li> <li>• Iran</li> <li>• Israel</li> <li>• Kazakhstan</li> <li>• Moldova</li> <li>• Morocco</li> <li>• Tunisia</li> <li>• Ukraine</li> </ul> <p>Countries that GCHQ/NCSC* would deem to be relatively safe are the EU member states and the Five-Eyes Intelligence sharing group or “Anglosphere” of UK, USA, Canada, Australia and New Zealand.</p>

	<p>The European Commission also recognises Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Isle of Man, Jersey, New Zealand, Switzerland, and Uruguay as providing adequate cyber security protection.</p> <p>Requests to work in countries that are not specified, for example, Turkey will be considered on a case-by-case basis, with advice from HR, Data Protection and IT.</p> <p>Please note, the nature of your role and type of information accessed will be considered on case-by-case meaning that some requests may be declined. For example, employees who are required to access or draw on DWP data as part of their role will not be able to access this information outside of the UK. Staff accessing NHS data may be subject to a different decision depending on the data and where you will be located.</p> <p>Please note, the nature of your role and type of information accessed will be considered on case-by-case meaning that some requests may be declined. For example, employees who are required to access or draw on DWP data as part of their role will not be able to access this information outside of the UK. Staff accessing NHS data may be subject to a different decision depending on the data and where you will be located.</p> <p><i>If the post is externally funded, the manager approving the request must check with the funder whether they have any restrictions on location of work.</i></p> <p>The time difference should also be reviewed and where there is a UK time difference of +/- 4 hours or more, consider whether the core day to day duties of the role can be carried out</p> <p>*UK National Cyber Security Centre</p>
5	<p><b>How do I get Digital Services Support whilst overseas?</b></p> <p><b>Calls logged via Portal or email</b> - please note on the call when you will be available for Service Desk to call you using UK time.</p> <p><b>Telephone Support</b> – is available at UK times Mon-Fri 8am - 6pm if unable to access the SSC Portal or email.</p> <p><b>Replacement Equipment</b> – laptops or phones can be supplied to the line manager, who will be responsible for shipping them to the employee, insurance in transit is needed. In the event Haringey’s equipment is damaged or broken whilst being used overseas, the employee will be expected to replace as new.</p>

	<p><b>Alternative connection</b> – Office-365 can be accessed from personal devices to maintain communication if the laptop breaks or is stolen.</p>
6	<p><b>I have agreed a working from abroad request subject to review, how do I manage this and my team member?</b></p> <p>Along with considering all the above, managers should think about whether the request to work from abroad can be managed across the team for the proposed duration. Managers should hold review meetings every week to assess whether the arrangement is working in practice and consider the following:</p> <p><b>Trial first</b> – to identify whether it is feasible. Ensure the employee is aware that they may need to take unpaid/annual leave for the remainder of their stay should they experience issues whilst abroad and are unable to work (e.g. IT/connection issues, inappropriate working environment).</p> <p><b>Core hours/ collaborative hours</b> – agree hours that employees must be contactable with flexibility around time zones. Employees should prepare to work evenings to ensure they are able to respond within a reasonable UK timeframe if they plan to travel further away. Any travel time (flights, transfers etc) will be in the employee’s own time and will not contribute to working time.</p> <p><b>Ground rules</b> – with any flexible working arrangement, agree general day-day expectations to ensure there is minimal service disruption.</p> <p><b>Health and safety</b> – discuss whether the employee has an adequate workstation set up, as well as making sure they feel mentally and emotionally well throughout their stay.</p> <p><b>Check ins</b> – be flexible about team meetings and 121s, this could mean moving them earlier/later in the day/week so the employee can join in from overseas.</p> <p><b>Liability</b> – ensure employees are aware that they will need to seek their own advice on host country requirements and accept that they are working from abroad at their own risk. No insurance cover will be provided by Haringey and its insurance does not cover equipment taken abroad. In the event Haringey’s equipment is stolen or lost whilst working overseas, the colleague will be expected to claim on their insurance for these items and compensate Haringey for the loss. In the event Haringey’s equipment is damaged or broken whilst being used overseas, the employee will be expected to replace as new.</p>
7	<p><b>What if there are border or quarantine restrictions in place either in the country I will travelling to, or on my return to the UK?</b></p> <p>You should check these before you arrive in the country or return to the UK. You may need to take additional annual or unpaid leave to cover these periods if you are unable to work as normal.</p>

## Appendix A – Temporary Working from Abroad Request Form

Employee's name:		Employee Number:	
Job title :		Host country address (destination requested to work from abroad):	
Dates of Travel: (arrival – departure):		Host country local phone number:	
Preferred dates of Working overseas (if different to dates of travel):		Manager's name:	
Service area:		Head of Service:	

Factor	Yes/No	What measure will you take to mitigate this risk?
Have you read the government's <a href="#">foreign travel advice</a> and confirm it is safe to travel to the country?		
Are you aware of the Public Health guidance in the host country?		
Will the country's time zone impact your contactable hours? Please state the exact time difference.		
Will you have an adequate workstation during your stay?		
Will you have a secure Wi-Fi connection for use during your stay?		
Have you considered whether working from abroad is suitable for your mental or physical wellbeing?		
Are you familiar with the guidance in "How to work remotely and safely" and the "AUP001a summary Acceptable Use Policy", both at <a href="#">link</a> .		
Are you using a Haringey Council issued laptop or another device?		
Are you using a Haringey Council issued mobile phone or your own mobile phone (BYOD)?		
Where will your work-related device be securely stored when not in use?		

Factor	Yes/No	What measure will you take to mitigate this risk?
Have you provided next of kin contact details in cases of emergency?		
Do you have adequate insurance for the visit and understand the liabilities in terms of damaged or stolen Haringey equipment?		
Will you stay in touch with your manager during your stay?		
Will you be able to carry out your normal day to day duties?		

### Employee Liability Declaration

I (employee) agree to accept responsibility and will not hold the council liable for the following:

- arranging adequate personal health and travel insurance cover.
- ensuring passport validity and the correct visa is obtained ahead of the trip.
- complying with applicable public health guidance (e.g. quarantine periods) both in the host country and on return to the UK.
- accepting liability for any incidents that occur in the host country.
- ensuring personal safety, working from the host country at my own risk and in line with any risk assessment.
- accepting that my employment contract remains subject to UK law and jurisdiction whilst working in a different country.
- accepting that I will need to use annual/unpaid leave or return to the UK immediately if my manager deems the working from abroad arrangements as unsuccessful.
- making additional tax and social security declarations and payments, if required.
- Additional expenses costs such as mobile data.
- An inability to participate in any of Haringey benefits during the overseas period.

Signed:

Date:

<b>Manager and Head of Service Authorisation</b>	
<i>Please explain why you support / do not support this overseas work request and any exceptional circumstances that apply / advice sought.</i>	
<b>(Manager) Signed:</b>	<b>Date:</b>
<b>(Head of Service) Signed:</b>	<b>Date:</b>

Please return this form to [HumanResources@Haringey.gov.uk](mailto:HumanResources@Haringey.gov.uk). No overseas working can commence until this has been formally confirmed by the Human Resources Team. Human Resources will review the application and may ask for additional information to support the application. They may also seek advice and confirmation from IT, Payroll, Pensions, Health and Safety and Finance colleagues before confirmation. They will then advise the line manager and the employee whether the application has been agreed.

<b>Human Resources</b>	
<i>Please enter any information or advice sought on this case which has led to the approval or otherwise of the case.</i>	
<b>Approved</b>	<b>Yes / No</b>
<b>Employee and Manager advised of outcome</b>	<b>Date:</b>