

Employee Overseas Working Arrangement Procedure

1. COMPLIANCE OBLIGATION SUPPORTED

Risk Management Policy
Foreign Risk Policy

2. PROCEDURAL DETAILS

The University is committed to fulfilling its responsibilities as an employer, ensuring compliance with obligations both in Australia and in other jurisdictions where its employees are involved in work-related activities.

This procedure outlines the actions Curtin and employees will undertake to ensure Curtin's obligations in both Australia and overseas jurisdictions concerning employee overseas working arrangements (OWA) are managed.

2.1. Eligibility

- 2.1.1. Continuing and fixed term employees may submit an OWA request
- 2.1.2. Casual/sessional employees are not eligible to request an OWA
- 2.1.3. Eligible employees whose request to work overseas is for personal reasons must submit an OWA request
- 2.1.4. Eligible employees on Curtin related overseas travel must submit an OWA request as specified in the Overseas Working Arrangement Guidelines
- 2.1.5. Eligible employees must adhere to the requirements outlined in the [Information and Communication Technology \(ICT\) Appropriate Use Procedures](#), [Information Security Procedure](#), and the [Information Security and ICT Appropriate Use Policy](#).

2.2. Request process

- 2.2.1. The employee will discuss their request to work overseas with their line manager, who will consider and may support the request.
- 2.2.2. Where a line manager is supportive of the request, they will instruct the employee to complete the employee section of the [Overseas Working Arrangement request form](#) and provide back to the line manager.
- 2.2.3. The line manager will review the employee section of the [Overseas Working Arrangement request form](#) and complete the manager section before submitting the request to the Head of School or Area.
- 2.2.4. The Head of School or Area will review the request and may provide their support for the commencement of the OWA process. Where the Head of School or Area provides their support, they will sign off on the request form and return it to the line manager. The line manager will then submit the approved request form to the Global Mobility team for review.
- 2.2.5. Global Mobility will review the request form and may ask for further information, from the employee or area if required.
- 2.2.6. Global Mobility may request Curtin Internal Advisors to review the request form, perform a risk assessment and provide assessment information to Global Mobility.
- 2.2.7. The Curtin Internal Advisors may recommend mitigating actions or conditions for the OWA.
- 2.2.8. Global Mobility may seek external advice from third-party providers. Where the line manager does not approve the cost of third-party advice the OWA may not proceed.

- 2.2.9. Global Mobility will provide information, through the Overseas Working Arrangement approval form, to the line manager on the risks, obligations and costs for the University in relation to the OWA.
- 2.2.10. The line manager will review the approval form and where they are still supportive of the request, the line manager will discuss the request and approval form with the appropriate Overseas Working Arrangement Approver, who will review the approval form and may approve the OWA.
- 2.2.11. Where the OWA is approved, the Overseas Working Arrangement Approver will forward the signed approval form to the line manager who will send the approval form onto the Global Mobility team.
- 2.2.12. Global Mobility will advise the employee in writing of any approved OWA and issue an Overseas Working Arrangement Acknowledgement letter to the employee.
- 2.2.13. The employee will review the Overseas Working Arrangement Acknowledgement letter, sign and return the letter to Global Mobility. By signing employees agree to comply with any conditions and restrictions in the Overseas Working Arrangement Acknowledgement letter.
- 2.2.14. Employees cannot commence working overseas until Global Mobility has received a signed Overseas Working Arrangement Acknowledgement letter.
- 2.2.15. Employees with an approved OWA and travelling for university business purposes will comply with the University's [Travel Procedures](#) and foreign risk travel requirements.
- 2.2.16. Global Mobility will advise the line manager in writing of the responsibilities and obligations that arise for the University and line manager under an approved OWA. The line manager will review the responsibilities and obligations and acknowledge their acceptance of these in writing.

2.3. Approval Considerations

- 2.3.1. Approval of an OWA is at the discretion of the Overseas Working Arrangement Approver and may be granted where:
- (a) The Area has a genuine requirement for the work to be undertaken, and the employee is agreeable to work from an overseas location; and
 - (b) The employee's duties are suitable for work from an overseas location; and
 - (c) Working arrangements have been agreed to by the employee and line manager; and
 - (d) Reporting and performance management processes have been arranged; and
 - (e) The employee has sufficient information, experience and training to undertake work safely and with a minimum of assistance and direction; and
 - (f) An acceptable risk assessment of the region has been specified by the Department of Foreign Affairs and Trade and checked by People and Culture; and
 - (g) An acceptable risk assessment of employer obligations in the overseas location has been performed; and
 - (h) None of the restrictions outlined in section 2.4 are applicable.
- 2.3.2. The Overseas Working Arrangement Approver will have the final approval of the overseas working arrangement request.

2.4. Restrictions

- 2.4.1. Requests to work in a High Risk Destination will not be approved.
- 2.4.2. Requests where an employee does not have working rights in the overseas location will not be approved.
- 2.4.3. Requests from casual employees will not be approved due to the nature of their work and employment arrangements.
- 2.4.4. Eligible requests to work overseas for personal reasons are outlined in the [Employee Overseas Working Arrangements Guidelines](#).

2.4.5. Employees must use Curtin University-approved and secured ICT devices for all overseas work-related activities.

2.5. Working rights

2.5.1. An employee will need to provide documentation/evidence that they have the applicable work rights in the foreign jurisdiction to Global Mobility before an OWA is approved.

2.5.2. The University may provide assistance to obtain a visa in the foreign jurisdiction through its preferred immigration provider where the employee is overseas for university related purposes in accordance with the [Travel Procedures](#). The University is under no obligation to provide visa assistance to any individuals.

The employee will bear the foreign jurisdiction Visa application fees and any associated costs where immigration assistance is not provided under the [Travel Procedures](#).

2.6. Foreign Jurisdiction obligations

2.6.1. The employee and their line manager will understand the social security, tax and employment law obligations and implications that arise in the foreign jurisdiction. The University is not obligated to provide personal tax assistance or advice to any individuals.

2.6.2. The University may engage third party providers to advise or facilitate compliance obligations that arise from an approved OWA.

2.7. Insurance

2.7.1. Overseas locations may have local insurance requirements for employees working in that location. These obligations must be understood by the employee's employing faculty or area before the OWA is approved. Any compulsory employer insurance cost that arises as a result of an approved OWA will be paid by the employee's employing faculty or area.

2.7.2. The University's insurance policies may cover an OWA. Where there is uncertainty, Global Mobility will seek clarification from the Curtin Insurance team which will review and provide advice accordingly.

2.8. Funding

2.8.1. The employing Faculty or Area will fund all costs associated with an OWA, including initial advice by third party providers, ongoing payroll and tax compliance costs.

2.8.2. The costs associated with an approved OWA may be passed by the employing Area onto an employee. This will be agreed between the employee and the Area before the OWA is approved.

2.9. Other arrangements and approval authority

2.9.1. Where it is determined an arrangement does not meet the requirements of this procedure, and the employee needs to work overseas, a case will be made to the Director, People and Culture for approval.

2.9.2. Where required under other Curtin Policies or Procedures, the employee or Area will need to obtain separate approval from relevant parties.

2.10. Ending an approved Overseas Working Arrangement

2.10.1. At the end of the period of an approved OWA or upon notification of termination of an OWA, the employee may be required to return to the designated campus work location as directed by the line manager.

2.10.2. The employee's failure to return to the designated location within a requested or defined timeframe may result in disciplinary action.

2.10.3. Employees are required to notify Global Mobility of their return to the designated work location, by submitting a SupportU request.

2.11. Working without an approved Overseas Working Arrangement

2.11.1. An employee who commences working in an overseas jurisdiction without an approved OWA, may have the arrangement terminated and be placed on paid leave

until leave entitlements are exhausted and unpaid leave subsequently. The leave will continue until such time as the employee complies with any request to return to their normal work location and duties.

2.11.2. The employee may indemnify the University for any costs or losses that arise for either the University or the employee as a result of unapproved overseas work.

3. RESPONSIBILITIES

Responsibilities are as set out in Section 2.

4. SCOPE OF PROCEDURES

- 4.1. These procedures apply to employees in any location or campus within Australia or overseas.
- 4.2. These procedures do not apply to Honorary, Adjunct, Visiting and/or Emeritus academic appointments.

5. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Overseas Working Arrangement

An arrangement where an employee seeks to work for Curtin from an overseas location.

Casual staff

Individuals employed in accordance with the Curtin University Enterprise Bargaining Agreement 2022-2025.

Overseas Working Arrangement Acknowledgement Letter

A letter that describes the terms and conditions of an individual's overseas work arrangement, including a description of the alternative off-site work arrangement, terms and conditions arrangement

High Risk Destination

Destinations identified as DFAT 4 'Do Not Travel' countries and Curtin 'Do Not Travel' destinations as published and amended at times

Overseas Working Arrangement approver

A person specified in the Employee Overseas Working Arrangement Guidelines as an approver of [Overseas Working Arrangements](#).

Curtin Internal Advisors

Subject matter experts within Curtin, as specified in the [Overseas Working Arrangement Guidelines](#), who provide advice on specific topics relating to [Overseas Working Arrangements](#).

6. SCHEDULES

Nil

7. RELATED DOCUMENTS/LINKS/FORMS

- [Employee Overseas Working Arrangement Guidelines](#)
- [Overseas Working Arrangements Request Form](#)
- [Travel Procedures](#)
- [Information and Communication Technology ICT Appropriate Use Procedures](#)
- [Information Security Procedure](#)
- [Information Security and ICT Appropriate Use Policy](#)
- [University Insurance Policies](#)
- [Higher Education Standards Framework \(HESF\): Standard 6.2.1](#)
- [Academic Study Program Procedures](#)

Policy Compliance Officer	Melisa Kaharevic , Chief People Officer
Policy Manager	Chief People Officer
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REVISION HISTORY (*filled out by Risk, Compliance and Audit*)

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