



Academic Staff Working Abroad

Guidelines for working overseas

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Contents

Employment Contract	6
Travel & Accommodation	7
Health & Safety	9
Professional Standards	10
Equality	11
Trade Union Rights & Representation	13



This guide has been adapted from the *Overseas Working Guide* produced by the UCU in the UK (www.ucu.org.uk) and the work undertaken by our sister trade union in Australia, the National Tertiary Education Union (www.nteu.org.au).

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& it must be adequately supported.



Introduction

Over the last decade there has been a major growth in cross-border education provision. This involves the delivery of educational programs by post-secondary institutions in countries other than their own. Canadian universities and colleges are increasingly involved in this process, through the development of partnerships and franchising agreements with foreign institutions, or through the establishment of ‘offshore campuses’. Indeed, ‘internationalization’ has become an important driving strategy for Canadian universities and colleges, and ongoing programs, such as the federally-funded MITACS Globalink program, focus specifically on international knowledge mobility. A recent AUCC survey[†] found that 95% of Canadian institutions now reference internationalization in their strategic planning, and 75% offer education or training programs outside of Canada. As a result, an increasing number of Canada based academic and academic-related staff are engaged in the delivery of ‘offshore’ programs.

CAUT believes that overseas working can be beneficial, both professionally and personally, for the individuals involved. It can provide a new and challenging context for teaching, research and administration. However, the process must be underpinned by two basic principles: overseas work must be freely chosen and it must be adequately supported. This guide seeks to address the main employment, professional, equality and personal issues that staff may confront when engaged in overseas work.

Overseas working may take the form of short-term visits to partner institutions. In other cases, staff may be offered longer-term secondments which require them to work full-time at an overseas institution (for example, for up to 2–3 years). Because of the wide range of experiences, it is not possible to cover all the potential problems encountered in overseas working. Nevertheless, we hope this guide will be useful to staff who are contemplating both short and long-term appointments overseas.

[†] *International Research Collaboration*,
available at www.aucc.ca.

Section 1

Employment Contract

The following section explores a number of contractual and employment-related issues.

Is it voluntary?

Unless you are employed in a specialist international role where travel overseas is an explicit requirement in your contract, educational work abroad should be voluntary. Provisions for selection of those to take on international assignments should be spelled out in the collective agreement. There may be a limited number of posts where experience of overseas working is a necessary qualification, but this should not affect most jobs in post-secondary education. It is also important to ensure that the careers of individuals are not compromised because they are unable or unwilling to work overseas. If you feel you are being discriminated against because of your decision not to participate in offshore work you should immediately contact your association.

Will I need a separate contract of employment?

Short-term visits to 'offshore' institutions can be included as part of one's normal workload and therefore not be subject to a separate contract of employment. Such visits should be achievable within a reasonable workload allocation and may necessitate a reduction in other duties. However, these visits may also be seen as additional to your normal workload and therefore be paid for separately. Even where this is the case, your employer should ensure that the visit will not increase your working time such as to breach the relevant working time legislation.

Longer-term appointments may involve a separate contract of employment, the terms of which should be consistent with the collective agreement governing the terms of employment at the home institution.[†] As a minimum, employers should provide staff with written statement of terms and conditions of employment which outlines:

[†] CAUT Model Clause on Employment in International Programs, available at www.caut.ca.

- The period for which the employee is to work outside Canada;
- The currency in which the employee is to be paid;
- Any additional remuneration/benefits provided as a result of the overseas assignment;
- Any terms and conditions relating to the employee's return to Canada.

It is also important to ensure that you are clear about:

- The exact identity of your employer (i.e. your home institution or the host institution) and the legal jurisdiction of the joint venture;
- What your employment status is (e.g. guest, employee, independent contractor);
- Who is responsible for day-to-day supervision while abroad;
- What individual or collective agreements govern your working conditions.

If you are uncertain about any aspects of your contract you should contact your association.

What about visa issues?

You will need an appropriate visa before you can work offshore. It is the responsibility of your employer to arrange and meet any costs associated with this process.

Section 2

Travel & Accommodation

Many Canadian universities and colleges provide guidance on overseas travel and safety. These tend to cover issues such as travel insurance, booking flights and accommodation, vaccinations, Foreign Affairs and International Trade Canada advisories, and dealing with emergency situations. The policies apply to the full range of overseas visits, including attendance at international conferences.

If you are travelling at the request of your institution, your employer is responsible for meeting the costs of travel and health insurance. Check that the coverage is comprehensive. It should allow for emergency evacuation and include provisions for replacing lost or stolen personal items such as passports.

What standard of travel and accommodation should I expect?

Most university and college policies insist that staff travel via economy class. However, if you are required to travel long distances (for example, South East Asia or Australia) you may be entitled to an upgrade. You should check with your own institution's policies in regard to overseas travel for staff and ensure they are applied consistently.

Should I heed travel advice warnings?

We strongly advise that you regularly check for travel warnings issued by Foreign Affairs and International Trade Canada.[†] You should clarify with your institution what the implications are if the government advises against travelling to your destination.

Can I claim expenses?

You should check with your institution about their policy on dealing with incidental expenses associated with overseas travel. Some institutions offer daily allowances for items such as food. Other universities and colleges use a system of reimbursement for actual costs. If it is the latter then you will be expected to provide receipts.

What should I do if offered gifts and/or hospitality?

Staff may be working in an overseas institution where it is common practice to offer gifts, hospitality or awards to visitors. Offers of this kind can place visiting staff in a difficult position:

to refuse may cause misunderstanding or offence, but to accept may give rise to questions of impropriety or conflict of interest. If you are unsure you should check your university's policy on gifts, hospitality and awards.

[†] Travel reports by country, www.voyage.gc.ca



Section 3 Health & Safety

There are a variety of health and safety issues relating to overseas working. Health and safety standards in overseas institutions, for example, may be very different from Canadian standards. Unfortunately, the obligations imposed by the Canada Labour Code and the provincial occupational health and safety acts do not apply in the host country to Canadian employees when they are working abroad.

However, your employer still has responsibilities to you. Your employer needs to ensure proper risk assessments are carried out before an employee is posted overseas. You should also ask your employer for information on the health and safety standards in the destination country. Be sure that there is a shared understanding that the workplace is defined as wherever the employee performs the duties of his or her employment. If you have concerns about health and safety on the overseas campus you should contact your association for advice.

Be aware that your health and safety will also depend upon the adequacy of facilities and support at the offshore campuses. It may be that the classrooms, laboratories, equipment and staff support are inferior to that which is provided at your home institution. Before agreeing to work overseas you should find out as much information as you can about the institution you are about to visit.

Section 4

Professional Standards

Offshore work can affect members' professional lives. Academic freedom and educational quality are two of the most important.

How is my academic freedom guaranteed?

One of the key features of an academic post is the freedom of staff to conduct research, teach, speak, and publish without interference or penalty. However, a large proportion of overseas work takes place in countries with few formal protections for academic freedom. CAUT insists that any Canadian institution operating an overseas program, either directly or in partnership with local providers, must uphold the basic principles of academic freedom, collegial governance, and non-discrimination.[†] It is essential that all international initiatives undertaken by Canadian post-secondary education institutions respect the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, with its emphasis on academic freedom, institutional autonomy, collegial governance and job security.^{††}

If you have concerns about academic freedom in your overseas post, then you should contact your association and CAUT.[#]

How should I handle concerns about program quality?

During the course of your work you may have concerns about the quality and standards pertaining to offshore programs. This may arise in relation to the mode of delivery, the nature of student assessment, and the adequacy of quality assurance arrangements. You should check whether there are formal mechanisms in place to raise such concerns. If you are unhappy with the institutional response to these complaints you should contact your association for further advice.

[†] AAUP-CAUT Joint Statement On Conditions of Employment at Overseas Campuses available at www.caut.ca.

^{††} UNESCO (1997) *Recommendation concerning the Status of Higher Education Teaching Personnel*, available at www.unesco.org.

[#] Good sources of information on academic freedom and trade union rights: Amnesty International, www.amnesty.org
International Trade Union Confederation, www.ituc-csi.org
Canadian Association of University Teachers, www.caut.ca

Any other professional issues I should watch for?

Use this checklist to identify potential professional issues:

- Does the 'offshore' institution adhere to the principles of academic freedom?
- Is the institution a signatory to any international agreements (for example, the Magna Charta Universitatum), or is the staff union a member of any international association (for example, Education International)?[†]
- Do the governance arrangements allow for genuine academic and student involvement?
- What formal mechanisms exist for raising concerns about academic standards and quality on 'offshore campuses'?

Section 5

Equality

There are a number of equality implications arising out of the growth of cross-border education. While some staff may welcome the opportunity to work overseas and see it as a career development opportunity, for others there are conflicts with caring responsibilities, personal life, and political and ethical convictions. There should be a right to decline overseas work in circumstances where it will create such conflicts. Please see the CAUT Policy Statement on Canadian Post-Secondary Educational Initiatives Abroad for a general framework for assessing the quality of an overseas employment opportunity.^{††}

Can I expect family friendly practices/support?

The employer should provide overseas staff with support for maintaining contact with family and friends back home. This could take the form of allowances for telephone and internet service. The costs of this should be borne by the employer. There should also be an unconditional right to return home promptly in the event of serious family illness or other emergency.

[†] *Magna Charta Universitatum*, www.magna-charta.org
Education International <http://www.ei-ie.org>

^{††} CAUT Policy Statements available at www.caut.ca.

Staff who are employed in longer-term overseas positions should have the right to travel with their family. Under these circumstances your employer should provide practical assistance. You should check with your university in relation to any financial assistance they may provide to support you and your family.

What about training on diversity matters?

The employer should provide staff with necessary information and training about the culture and customs of countries where they will be working.

This includes information about business practices, customs, etiquette, the nature of the educational system, student approaches to learning, etc. Time for this training should be accommodated within work plans.

Might I face unfair discrimination?

For some groups, travel to certain countries may involve the risk of harassment, discrimination or violence based on gender, sexuality, ethnicity, religion or disability. For instance there are some countries where homosexuality is illegal, where there are little or no accommodations for disabled people to play a full part in society, or where women cannot travel easily on their own.

Does the employer have a duty to resolve issues of discrimination and harassment?

Employers should bear the responsibility of equality-proofing overseas assignments, including determining whether the institution has recognized non-discrimination policies. Where overseas working might pose risks of discrimination, the employer should discuss the situation in advance with any staff who might be at risk. The employer should not necessarily exclude all such staff from overseas working, but staff should have a right to decline. There is clearly a balance to be struck between the potential liberalizing benefits of international exchanges and staff safety.

Staff should also have the right to return early or withdraw from overseas working where they have encountered discrimination or harassment.



Section 6 Trade Union Rights & Representation

CAUT has signed reciprocal membership agreements with a number of overseas academic trade unions. The agreements allow members of CAUT to benefit from services provided by the other trade unions if they should take up a temporary post in another country. Similarly, their members will benefit from CAUT services where they take up a temporary post in a Canadian institution of higher education.[†]

However, these membership agreements do not cover the majority of countries in which Canadian universities and colleges have established offshore campuses or partnerships. In fact, most offshore campuses are in countries where unions in post-secondary education are rare and legally difficult to establish, or are not independent from government.

In the absence of a favorable political or legal climate for independent trade unionism, it is difficult for CAUT or your association to intervene effectively at offshore campuses. For example, associations may struggle to obtain proper information about the salaries and conditions of locally employed staff working at offshore campuses. However, as part of CAUT's international work we have recently signed an international agreement with 14 international trade unions. One of the key objectives is to coordinate work on 'offshore campuses'.

In particular the agreement calls for the signatories to:

- Campaign to ensure that existing offshore campuses provide salaries and employment conditions that are consistent with the leading standards in the higher education system of the relevant country.
- Campaign to ensure that staff at offshore campuses are employed on transparent and collective rather than confidential and individual instruments, including by institutions making available to staff and unions at the home institution the salary structures and employment conditions at offshore campuses.

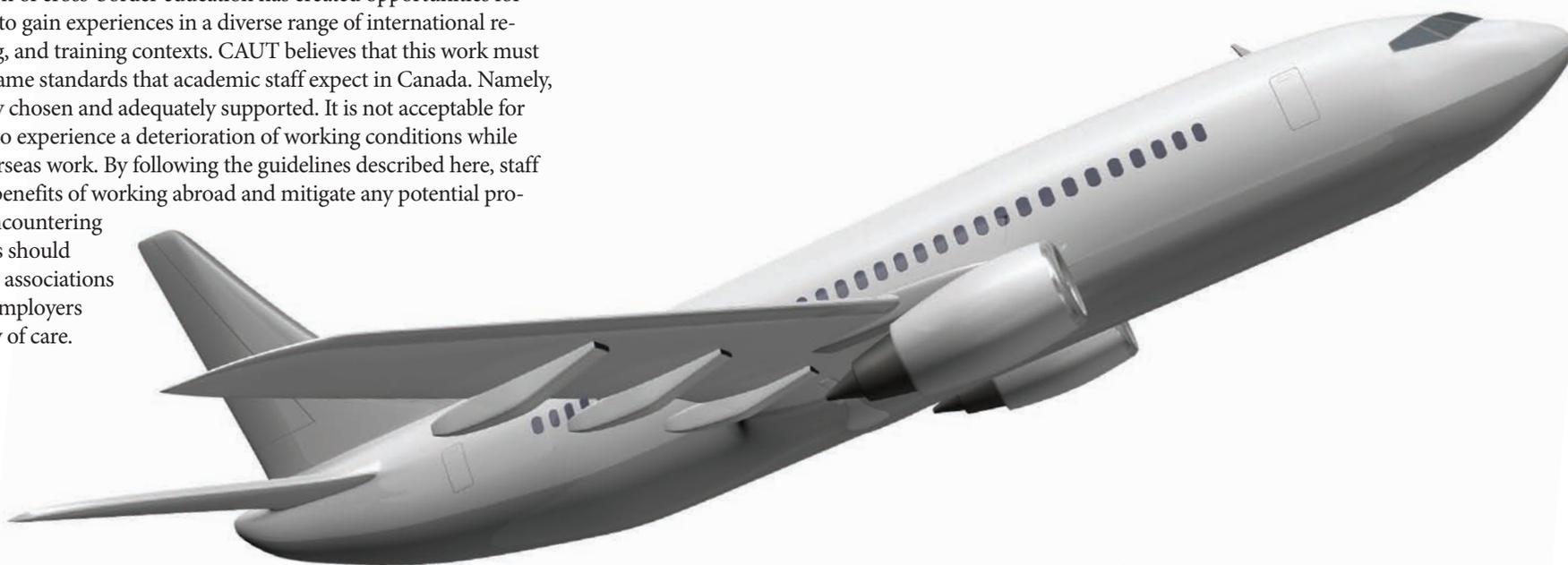
[†] The full list of reciprocal membership agreements are: AAUP (USA), DM (Denmark), IFUT (Ireland), NAGT (Ghana), NAR (Norway), NTEU (Australia), PFUUE (Palestine), SULF (Sweden), UCU (UK). See www.caut.ca for more information.

- Campaign to ensure that pay and conditions are negotiated for a proposed offshore campus with independent and representative unions in the relevant country before local staff are recruited or, where no such union exists, with the home country union.
- Provide detailed advice on home country pay and conditions, and other forms of support, to independent and representative unions in the relevant country.[†]

Conclusion

The proliferation of cross-border education has created opportunities for academic staff to gain experiences in a diverse range of international research, teaching, and training contexts. CAUT believes that this work must be held to the same standards that academic staff expect in Canada. Namely, it must be freely chosen and adequately supported. It is not acceptable for academic staff to experience a deterioration of working conditions while involved in overseas work. By following the guidelines described here, staff may enjoy the benefits of working abroad and mitigate any potential problems before encountering them. Members should work with their associations to ensure that employers fulfill their duty of care.

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It is not acceptable to experience a deterioration of working conditions while working abroad.

[†] Details on the global solidarity agreement at <http://educationsolidaritynetwork.org>

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