

APPA Secondment Framework

Adopted by the Asia Pacific Privacy Authorities Forum

December 2014

Contents

1. Introduction	3
2. Objectives of the Framework	3
3. When to use a secondment	4
4. Building staff skills and careers	4
5. How to organise secondments	5
5.1 Duration	5
5.2 The secondment agreement	6
5.3 Meeting Expenses	6
5.4 Chronological checklist	6
5.5 Re-entry into the home organisation	7
5.6 Strategies to minimise the risks of secondments	7
6. Evaluation	9
7. Reports of secondments and review of the Framework	11
7.1 Reports from APPA members	11
7.2 Review of Framework	11
8. Championing and publicising the Framework	11
8.1 Championing the Framework	11
8.2 Publicising the Framework	11
Attachment 1 — Secondment Agreement	13
Model secondment agreement	14
Additional/alternative clauses for the model agreement	18
Duties and development plan	18
Attachment 2 — Chronological checklist for organising a secondment	19
Prior to secondment	19
During secondment	20
Conclusion of secondment	21
Attachment 3 — Financial considerations	22

1. Introduction

Secondments offer an excellent opportunity to foster collaboration between APPA members and promote best practice in the field of privacy and data protection. They can be used to transfer knowledge among agencies, such as by bringing in someone with special skills, or by having a staff member gain these skills while on secondment. They can be used to increase the familiarity and trust between two agencies. They can also help to improve the performance of individual staff members and of the privacy authorities they work for.

This framework provides advice on how to set up a successful secondment. It is intended to be sufficiently flexible to cover the breadth of possible secondment arrangements in terms of duration, level of formality, number of staff involved and other relevant factors. Secondments involve three parties:

- 1. the secondee,
- 2. the home organisation, and
- 3. the host organisation.

This framework recognises that in order for a secondment to bring real benefits, the interests of the secondee, the host organisation and the home organisation need to be aligned.

The focus of this resource is to support APPA members in the use of secondments as a means of enhancing capability. A **model secondment agreement** and a **chronological checklist for organising a secondment** are included at the end of the framework, to assist with setting up transparent and structured secondment opportunities.

2. Objectives of the Framework

The aim of the secondment framework is to contribute to the objectives of APPA, by:

- promoting greater mobility of staff between APPA offices, to increase collaboration and understanding, and improve outcomes for information privacy in the region;
- developing better understanding and trust among authorities in order to improve cross-border cooperation in privacy enforcement;
- linking secondment opportunities with the capability development of the offices and the learning needs of individual staff members;
- encouraging APPA members to share expertise; and
- making secondment arrangements accessible and achievable by setting out an arrangement for open and transparent secondments between offices.

3. When to use a secondment

Secondments can be used for a range of reasons, providing benefits to the home agency, the host agency, and the individual staff member.

From an institutional perspective, secondments can appropriately be used to build organisation skills and knowledge by engaging outside staff with specialist knowledge or experience or by having staff gain knowledge and experience during a secondment. Secondments can be an opportunity to bring skills needed for a specific short term project into the organisation. This may be an attractive alternative to engaging a contractor or consultant who may not be as familiar with the specialist nature of information privacy work.

In the longer term, secondment opportunities may improve staff retention in an organisation. Secondments can also be used to fill short-term vacancies during absence or leave.

It is not appropriate to use secondments as a means of shifting a performance problem or to trial an employee before filling a permanent vacancy. Where secondment is being considered it is important to also consider whether other development opportunities might be more suitable for the individual.

4. Building staff skills and careers

Privacy enforcement authorities are typically quite specialised organisations established either as small independent offices or as separate units within larger public bodies. The specialism and the typically small staff numbers may consequently place limits on scope for career advancement and development of skills. Secondments are one tool to enhance staff skills and career development and provide opportunities for the transfer of knowledge between specialists working in information privacy across the region.

The use of secondments can be beneficial in a number of situations, including:

- to enable an employee to acquire new skills consistent with their career/professional development plans;
- to build internal capacity by resourcing projects, bringing in specialist skills, or transferring knowledge;
- to fill positions during absence or leave.

The following principles underpin successful secondment arrangements:

- all staff are entitled to have their capability requirements identified;
- privacy authorities should, as far as practicable, develop staff to their maximum potential;
- the investment in an employee's capability development should benefit the employee, the authority and ultimately the whole of APPA

- privacy authorities need to work with others, both to achieve their objectives and to make available the best opportunities for their staff;
- opportunities for all secondments, including structured secondments, should be open and transparent.

5. How to organise secondments

Secondments do have potential risks and it is essential that any avoidable problems are identified so that the interests of the three stakeholders can be met.

The **model agreement** at the end of this framework provides a good starting point and can be adapted to suit the specific secondment being contemplated. To some extent, success will depend on how carefully the needs of all three parties are considered at the outset. The **chronological checklist for organising a secondment** provided at the end of this resource will assist all parties to ensure that all stages of the process will meet their needs.

Secondment vacancies can be notified to all privacy authorities who are APPA members in the same way that other employment vacancies are currently able to be publicised. On request, employment vacancies are circulated by the APPA Secretariat to all APPA members. Secondment opportunities, and experiences, may also be highlighted at APPA meetings.

A secondment could also be the result of an individual identifying an opportunity. Where an individual employee does identify a potential secondment opportunity with another APPA member it will be important that the support of their home organisation and the host organisation is obtained at an early stage so that the secondment can proceed in an open way. It is recommended that, where possible, preference for appointment should be given to the most appropriate applicant for the secondment, taking into account the needs of the potential secondees and the home and host organisations.

Organisations may also initiate secondments by identifying suitable candidates for a particular project or business need. There may also be opportunities for privacy authorities to exchange staff for a set period of time. Secondment exchanges could be a means of preventing difficulties for the home organisation where a seconded employee leaves a vacancy that may otherwise be difficult to fill.

It is worth noting that privacy authorities involved in secondments must adhere to 'good employer' practices. Secondees need to be treated fairly and equitably so that the individuals and organisations concerned can have faith in the secondment process.

5.1 Duration

The length of time a secondment will last will depend on the needs of the players and the nature of the work being undertaken. In situations where a secondment lasts for less than six months the coordination and cost involved may outweigh the capability benefits. However, where a specific project is being undertaken a duration of a few weeks or a month may be appropriate.

5.2 The secondment agreement

Once an appropriate secondee is identified, the next step is to prepare a secondment agreement. The **model secondment agreement** included in Attachment 1 contains provisions that should be seen as a starting point and is designed to be adapted to meet the needs of the parties.

Other clauses may be included or removed from the agreement if the secondee, host manager or home manager deems it to be appropriate. The **model secondment agreement** includes a list of additional or alternative clauses that parties to the agreement may want to include, for example, clauses relating to allowances, leave, insurance and confidentiality. Some APPA members have included these clauses in secondment agreements or similar arrangements. The APPA Secretariat maintains a list of clauses, agreements and scenarios that APPA members may wish to access.

As highlighted above, it is important that all three parties to the secondment are involved in developing the terms of the agreement and sign up to those terms so that expectations are clear from the outset.

5.3 Meeting Expenses

The discussion below sets out some general parameters for dealing with the question of expenses, which is complex.

The payment of the secondee's salary is an important aspect of the secondment agreement. In many secondment models the home organisation continues to pay the secondee's salary and invoices the host organisation for reimbursement. However, consideration needs to be given to this issue.

There are other costs that will need to be considered before a secondment takes place; these could include travel expenses, accommodation and family relocation, as well as other benefits.

A secondment should not result in reduction in remuneration for the secondee. However, if the secondment is to a more senior or more demanding role, it may be justifiable to allow for a higher level of remuneration during the period of the secondment. If the nature of the secondment requires additional out-of-pocket expenses, then the secondee should be recompensed for those.

During the term of the secondment, a secondee remains an employee of his or her home organisation and should still be included in remuneration reviews that occur during that period.

It is also important to consider tax liability and in particular any potential tax implications of a cross-border secondment. These questions may need to be referred to tax experts or the relevant revenue departments in the home and host countries.

5.4 Chronological checklist

A chronological checklist is set out in Attachments 2. The chronological checklist — directed at the secondee, the host manager and the home manager — should be a

useful tool for the parties to ensure that the various aspects of the secondment have been thought through. The secondment agreement records the responsibilities of all three parties and formalises arrangements to maintain contact, provide feedback and identify changes in expectations.

5.5 Re-entry into the home organisation

It is not uncommon for returning secondees to experience some trepidation when returning to their home organisation following a secondment. Re-entry can be especially difficult if the new skills and experience gained during the secondment are not built on when the secondee returns home. Changes in the team make-up can also increase the sense of dislocation some returning secondees might feel. Consideration should also be given to the position of other staff in the home organisation who may have assumed greater responsibility or more demanding duties in the secondee's absence. There are a range of strategies that can be used to manage this risk and these are outlined in the following section (and in the **chronological checklist**).

5.6 Strategies to minimise the risks of secondments

The table below offers a number of strategies for alleviating the potential risks of secondments at each stage of the process.

Risk	Strategy
Before the secondment:	
 The home manager is reluctant to release the secondee due to: concerns about back-filling the secondee's substantive position work pressures 	 Enable other staff at the home organisation to take on additional responsibility or more demanding duties. Offer transfers from other sections within the organisation to replace the secondee. Use an external secondment or contractor. Ask the secondee for their input on how to back-fill their position. Suggest a secondment exchange with the host organisation. The authority's senior leadership should demonstrate their support for the secondment framework, so the manager feels supported and is willing to 'go the extra mile' to find solutions.
During the secondment:	
Secondee does not come up to speed quickly	 Ensure the secondee is inducted. Clarify the work objectives. Provide coaching/mentoring. Provide management support.
The secondment is not working out	 Ensure that the secondee and home organisation keep in regular contact. Often the best learning opportunities are the most challenging. Ensure the secondee discusses any issues with the host manager. Nominate a contact/support person in the host organisation for the secondee to go to for advice and assistance, in addition to the secondee's host manager. Use conflict resolution tools if required.
The project in the host organisation changes or is no longer viable	 All three parties should discuss options openly and transparently. The secondment may need to be terminated.
Breaches of privacy	In certain circumstances it may be appropriate for a secondee to sign a privacy clause prior to commencing the secondment.

There are confidentiality or conflict of interest concerns	 All parties should reach an understanding of the confidentiality and conflict of interest requirements. The host agency should consider adequate technical and administrative measures to protect confidential information.
After the secondment:	
The secondee does not return	 Keep the secondment duration to a reasonable length. The longer the duration, the less likely a secondee will return. If the secondee does not return, maintain contact with them. They may come back at a later date with better skills and experience.
 The secondee is not satisfied on return to their home organisation due to: concerns about returning to a position at the same or similar level; benefits of their experience on secondment not being realised by the home organisation. 	 From the outset of the secondment, manage and plan for the secondee's return, ensuring expectations are clear. Identify how to build on the secondee's experience gained during the secondment, so that the likelihood of the secondee returning and being satisfied increases. The home organisation should keep in touch with the secondee during the secondment and brief them on what is expected on their return. Build on the experience gained on secondment by expanding the secondee's role into more complex or higher profile work areas.

6. Evaluation

Evaluation is a key part of the secondment process. It is essential that the secondee and host organisation formally discuss the secondment once it is complete. This will provide an opportunity to highlight aspects of the secondment that have been beneficial to both parties, as well as any areas where improvement may be needed.

Copies of the completed evaluation should be given to the host manager, the home manager and the secondee, and to the Human Resources area of the host and home organisations for their records and for future reference.

Suggested evaluation questions:

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Host manager	 What were your aims in initiating a secondment? Did the secondment achieve those aims? Was the secondee suitable for the position? What were the positive aspects of the secondment? What were the negative aspects of the secondment? Is there anything you would do differently with your next secondment?
Home manager	 Was the secondment an appropriate development opportunity for the secondee? Was it difficult to fill the secondee's position? Has the secondee developed skills and improved their performance as a result of the secondment? Will the experience gained by the secondee benefit the home organisation? What were the positive aspects of the secondment? What were the negative aspects of the secondment? Is there anything you would do differently with your next secondment?
Secondee	 Was the secondment a worthwhile experience? Was the secondment an effective opportunity for you to develop professionally? Will this assist you in your current role? Has your home organisation valued the experience gained through your secondment? What were the positive aspects of the secondment? What were the negative aspects of the secondment? Did you receive adequate personal and professional support during the secondment? Is there anything you would do differently with your next secondment?

7. Reports of secondments and review of the Framework

7.1 Reports from APPA members

Every APPA member that runs a secondment under this Framework is encouraged to provide a report to the APPA Forum.

Report to APPA on secondments should not include information on an individual secondee's performance or other unnecessary personal information.

Constructive feedback in the report will assist other organisations that are considering secondments and will encourage further information sharing.

7.2 Review of Framework

The APPA Secretariat should place the review of the Framework on the Forum agenda at least every 5 years. The review should draw on reports received and other relevant information.

8. Championing and publicising the Framework

For the Framework to be successful, it is essential that there be:

- visible support from senior management about the possibility of secondments ('championing'); and
- effective communication of the Framework's opportunities to staff ('publicising').

8.1 Championing the Framework

The senior leadership within APPA members should demonstrate to managers and staff a willingness to support and use the APPA Secondment Framework, in appropriate circumstances. Without support, staff may be discouraged from proposing secondments and managers may be unsure about how to respond when secondment proposals are received.

Senior leadership might show their support by a formal announcement. Other practical steps that might be considered include:

- budget funds specifically for secondments;
- create a competitive, merit based 'scholarship fund' for secondments;
- include secondments as an option for managers to consider when reviewing staff training and development needs; and
- adopt internal policies that support the Framework so that staff and managers have more certainty over the expected treatment of secondments.

8.2 Publicising the Framework

The Framework needs to be publicised to staff and managers to be fully effective. The APPA Secretariat will ensure that the Framework is accessible through the APPA

website but internal communication is recommended within each APPA member organisation. Publicity should be repeated periodically.

Practical steps that may be considered:

- Make the Framework accessible on a staff intranet.
- Refer to the Framework in orientation of new staff.
- Train supervisors and managers in the Framework.
- Feature the Framework in a staff newsletter and repeat every 2-3 years.
- Display a poster on staff noticeboards.
- Have current or former secondees give presentations to staff about their experiences.

Attachment 1 — Secondment Agreement

It may be appropriate to seek advice from relevant legal areas within the host and home organisation prior to completing the model secondment agreement.

[Position title]	Name of secondee and position title.
[Home manager]	Name of manager and position title.
[Host manager]	Name of manager and position title.
[Job description]	
[Duties]	[see separate "Duties and Development Plan" for more details]
[Aims of secondment]	Aims that the parties hope to achieve through the secondment.
[Start date]	
[Completion date]	
[Annual remuneration]	
[Leave approved]	Any leave that has been approved for the period during the secondment.
[Performance management agreement (or equivalent)]	Details of current performance management agreement (or equivalent) including dates or specific development needs.

Model secondment agreement

[*Host organisation*], [*home organisation*] and [*secondee*] agree to the following terms and conditions for the secondment of [*secondee*] to [*host organisation*].

1.0 Purpose of secondment

- 1.1 [Secondee] will be seconded to [host organisation] to perform the duties of the [position title] as outlined in this agreement.
- 1.2 At the conclusion of the secondment [*secondee*] will return to his/her position as [*title of home position*] where [*home manager*] will discuss options to utilise the experience gained, and for continuing career development.

2.0 Terms of secondment

- 2.1 The secondment will commence on [start date]. The secondment will end:
 - i. On [*completion date*] unless mutually agreed to vary the term of the secondment;
 - ii. If [*secondee*] resigns from [*home organisation*] at the completion of the notice period;
 - iii. On giving four weeks written notice (or less if agreed by parties involved) by any of the parties involved in this agreement; or
 - iv. In the case of serious misconduct upon notice considered appropriate by [*host organisation*].
- 2.2 [*Secondee*] remains an employee of [*home organisation*] for the duration of the secondment.

3.0 Remuneration and cost recovery

Issues around remuneration and cost recovery should consider Attachment 3 on Financial Considerations.

4.0 Leave entitlements and notification

- 4.1 [Secondee] will accrue annual and sick leave on the terms and conditions existing in the employment agreement with [home organisation]. [Host manager] will be responsible for leave approval throughout the period of the secondment and will notify [home manager] of approved leave.
- 4.2 [Secondee] will be provided access to special leave on the terms and conditions existing in the employment agreement with [home organisation].

5.0 Performance management

- 5.1 [Secondee] will have performance management agreements (or equivalent) on the terms and conditions existing in the employment agreement with [home organisation]. Responsibility for this process will be shared between [host manager] and [home manager].
- 5.2 [*Host manager*] and [*home manager*] input into performance management will be shared on the portion of time [*secondee*] spends in each organisation during performance management period.

6.0 Misconduct

- 6.1 [Secondee] will be expected to abide by regulations and standards regarding misconduct in both [host organisation] and [home organisation].
- 6.2 In the case of misconduct [*host organisation*] will contact [*home organisation*] to determine appropriate action.

7.0 Training and development

7.1 [Secondee] and [host manager] will discuss and address any training needs in relation to the seconded position. [Home or host organisation] agree to pay for training requirements.

8.0 Applying for positions

- 8.1 [Secondee] is entitled to apply for advertised positions during period of secondment.
- 8.2 If [*secondee*] applies for any position within [*host organisation*] then he/she is considered an external applicant.
- 8.3 [Secondee] will inform both organisations in writing if successful for a position outside [home organisation] or [host organisation].

9.0 Codes of conduct, policies, procedures and practices

9.1 During period of secondment [*secondee*] will abide by requirements outlined in the Codes of conduct, policies, procedures and practices of both [*host organisation*] and [*home organisation*]. Any differences or conflicts should be discussed by all parties to this agreement.

10.0 Privacy legislation

10.1 [Secondee] will comply with the host organisation's applicable privacy legislation.

11.0 Confidentiality

- 11.1 All office material shall remain the property of [*host organisation*] and, on the completion of the secondment [*secondee*] will return all material to [*host organisation*].
- 11.2 During the secondment [*secondee*] will be responsible for the safe keeping and maintenance of Office Material and confidential information.
- 11.3 [*Secondee*] shall not use the office material or any confidential information except for the purposes of performing their duties.
- 11.4 [*Secondee*] will agree not to disclose any office material or confidential information related to the [*home organisation*] or [*host organisation*] unless agreed to by the respective organisation.

12.0 Copyright and intellectual property

12.1 All work produced by [*secondee*] during period of secondment will belong to [*host organisation*] unless agreed otherwise in writing.

13.0 Responsibilities

13.1 [Secondee] will be responsible for:

- undertaking duties of their position and actively seeking development opportunities as per performance management agreement;
- complying with all relevant safety procedures of [host organisation];
- maintaining open communication channels with [home organisation]; and
- raising any issues with [host organisation] or [home organisation] as they arise.

13.2 [Host organisation] will be responsible for:

- induction of [*secondee*] into organisation and provision of resources needed to perform duties;
- implementing a clear performance management agreement with [*secondee*] and providing feedback on [*secondee's*] progress and development;
- providing [*home organisation*] with current updates on [*secondee's*] performance;
- liaising with [*home organisation*] to provide a supportive environment for [*secondee*];
- discussing any issues that arise with [secondee] and [home manager] if appropriate; and
- providing and maintaining a safe working environment that complies with relevant legislation.

- 13.3 [Home organisation] will be responsible for:
 - maintaining open communication channels with [secondee]; and
 - maintaining contact with [host manager].

14.0 Signatories

14.1 I have read and understand the agreement and accept the terms and conditions stated.

[Secondee] Signature:

Date:

[Host manager]

Signature:

Date:

[Home manager]

Signature:

Date:

Additional/alternative clauses for the model agreement

The model agreement included is a guideline and may be expanded upon. Other clauses may be included or removed from the agreement if the secondee, host manager or home manager deems it to be appropriate.

Some examples of additional clauses include:

- benefits
- higher duties allowance
- special duties allowance
- salary maintenance allowance
- travel/meal/accommodation/incidentals allowance
- particular requirements of the secondee e.g. disability support
- working hours
- security clearance requirements
- family relocation
- specific legal requirements/considerations
- confidentiality and non-disclosure
- conflict of interest
- privacy requirements
- leave arrangements
- insurance and compensation.

Duties and development plan

During the period of the secondment [*secondee*] agrees to perform the following duties: (*Insert position duties/role description/work plan etc.*)

During the period of the secondment [*secondee*] aims to develop the following skills/areas:

(Include personal and professional development goals, identify opportunities for development and expected outcomes as a result.)

During the period of the secondment the [*home or host organisation*] agrees to cover expenses incurred with [*secondee*] attending training courses, seminars or conferences: (*Include course, seminar or conference name, date, travel etc if already established. Alternatively outline the type of course, seminar or conference that the secondee would like to attend.*)

Attachment 2 — Chronological checklist for organising a secondment

Task	Who
Develop a strategy for the secondment outlining aims and objectives for the secondment	Host manager
Consider undertaking stakeholder consultation (including APPA members) for feedback on whether a secondment is the right course of action	Host manager
Consider the appropriate duration for the secondment	Host manager
Advertise the secondment through appropriate channels (including via the APPA Secretariat) to reach targeted organisations	Host manager
Identify the most appropriate person for the position	Host manager
Identify whether a secondment meets your personal and career development aims Discuss and seek feedback from your manager regarding secondment opportunities Identify an appropriate secondment opportunity Obtain your manager's approval for a secondment Apply for the secondment	Secondee
Identify whether a secondment is an appropriate development opportunity for the potential Secondee Consider options for back-filling Secondee's position	Home manager

Prior to secondment

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Begin immigration and visa process, if needed, as this may take considerable time and be outside the control of the host agency.	Host manager, Home manager, Secondee
Liaise with Secondee and Home manager to develop the secondment agreement	Host manager, Home manager
Ensure all parties agree to the terms of the secondment agreement	Host manager, Home manager, Secondee
Negotiate the terms and conditions of secondment agreement	Secondee
Notify all relevant areas of home organisation and host organisation of the secondment	Host manager, Home manager
Liaise with Secondee and Home manager to organise logistic details	Host manager, Home manager, Secondee
Work with Secondee to develop a pre- secondment performance management agreement (or equivalent)	Home manager
Identify ways to maintain contact with the Secondee and the Host manager	
Plan for the Secondee's return	

During secondment

Task	Who
Provide induction training to the Secondee	Host manager
Ensure that a performance management agreement (or equivalent) is in place	Host manager, Home manager, Secondee
Provide advice and feedback to Secondee	Host manager
Seek regular feedback from Host manager	Secondee
Maintain regular contact with Home manager	Host manager, Secondee
Maintain regular contact Host manager	Home manager
Deal with problems/issues appropriately as	Host manager, Home manager, Secondee

they arise	
Plan for the Secondee's return	Home manager

Conclusion of secondment

Task	Who
Liaise with Secondee and Home manager to thoroughly evaluate the secondment process and the benefits derived through its implementation	Host manager
Liaise with Secondee and host manager to thoroughly evaluate the secondment process and the benefits derived through its implementation	Home manager
Prepare for return to home organisation Liaise with host manager and home manager to thoroughly evaluate the secondment process and the benefits derived through its implementation	Secondee

Attachment 3 — Financial considerations

The financial issues surrounding secondments need to be considered. While secondments can be beneficial to both the home and host organisation, the financial impact needs to be considered to ensure that the arrangement is feasible for both organisations.

The home and host organisation will need to give consideration to the following points in the development of the base secondment agreement for each individual secondment:

• Will the home or host organisation be responsible for the payment of the secondee's salary?

The common practice appears to be that the home organisation will continue to pay the secondee's salary and will then invoice the host organisation for reimbursement.

• Who will determine and pay performance pay (if applicable)?

If the secondee is eligible for performance pay will the host or home organisation determine the amount and who is responsible for the payment?

• Should secondees receive a travel allowance including allowances for meals, accommodation and incidentals?

Travel allowances for lengthy periods will make the secondment an expensive venture for the organisation that is responsible for the payment. Consideration needs to be given to whether or not travel allowances should be paid.

If travel allowances are to be paid should there be a time limit on how long the allowance should continue (i.e. allowances only apply for short-term secondments)?

• Should secondees receive a cost of living allowance?

Where a secondee takes a secondment in a region with significantly higher living costs than the home region should they be able to apply for a cost of living allowance to assist in meeting the additional costs?

• Should allowances apply for relocation of secondee's family members?

If a secondee wishes to relocate his/her family for the period of the secondment should an allowance be provided to assist them in doing so?

• Who is responsible for the payment of flights?

As this framework incorporates secondments to overseas destinations the payment of flights may be an issue. Clarification is needed around who is responsible for payment.

• Will there be tax and superannuation issues?

Where a secondment to another country is offered there may be tax and superannuation implications. These issues will need to be discussed with the relevant organisations within the home and host regions to ensure the secondment agreement is in line with applicable tax and superannuation laws.

Should short-term and long-term secondments be treated differently?

It may be appropriate to distinguish between short and long-term secondments for the purpose of determining allowances etc.

• Will the home or host organisation be responsible for the payment of the secondee's social and medical insurances?

Social and medical insurance coverage for the secondee during his/her secondment may be an issue. Clarification is needed around who is responsible for payment. It could be different for the each organisation's regulation. Should it be appropriate for the home organisation to pay for social and medical insurance coverage for risks associated with illness, accident, and invalidity and death, excluding official missions, for host organisation?