

**ADVISORY: MANAGING STAFF AND VOLUNTEERS
TRAVELLING OVERSEAS FOR COMPETITIONS**

WHAT THIS ADVISORY IS ABOUT

This Advisory sets out legal and practical issues to consider when travelling overseas for international competitions. It focuses on employees, although several issues are also relevant for volunteers and contractors. Thinking through these issues and putting appropriate arrangements in place ahead of time can prevent issues that could be distracting or disruptive during a competition, or create legal risk or liability.

SCENARIO

Anna is employed as the High Performance Coach for a national sporting organisation. She is travelling with her team to the Commonwealth Games and acting as Team Manager. Later this year she is taking her team to the World Championships in Vietnam.

What should her organisation do to meet its legal obligations around her employment?

AHEAD OF THE COMPETITION

The organisation considers the competition, the international destination, its current arrangements with Anna and its broader policies and documentation. It sits down with Anna to discuss the following:

Work: They discuss their expectations of Anna at the competition and what her job requires. They agree that her paid work includes her travel to the competition, travel to and from events where her athletes are competing, and attending relevant training, planning and debrief sessions as the Coach. They agree that any time spent generally socialising with the athletes or private time in the athletes' village won't be treated as work.

Hours: They realise Anna's work will involve significant additional hours in the weeks before and during the competition. Her agreement provides for her to work outside her normal hours including on weekends and public holidays if required. They agree to provide paid time off in lieu of working (TOIL) for any hours she works on weekends and after 6.00pm at night. (This is not the only option).

Work on public holidays: Anna will be working over Easter in the competition lead up. They agree in writing to transfer these holidays to later in the year (<https://www.employment.govt.nz/leave-and-holidays/public-holidays/transferring-a-public-holiday-by-agreement/>). The alternative would be to pay Anna at time and a half for working Good Friday and Easter Monday, and provide her with two alternative holidays (she normally works Monday-Friday). (<https://www.employment.govt.nz/leave-and-holidays/public-holidays/>).

Expenses: The organisation covers the cost of her international and local travel. They also arrange comprehensive travel insurance for her, and provide Anna with a credit card to cover any unexpected expenses as the Team Manager. Her accommodation and meals will be covered by the competition

organisers. Because Anna's adding a personal holiday onto the end of her work, she agrees to pay for the portion of the travel insurance that relates to her holiday, and pay the difference between the cost of her travel home and the cheaper ticket price if she had returned home with the team.

Working and volunteering: Anna's son will be at the Games, representing New Zealand in a different sport. His competition is in the second half of the Games, after Anna's team has finished. Anna wants to volunteer for his sporting organisation. They discuss whether there is any conflict and agree that Anna can volunteer for her son's team because it doesn't impact on her paid work in terms of timing, or create any other real or perceived conflict. She agrees to pay for her own accommodation during this period, and not to wear her organisation's team uniform when she is volunteering.

Health and Safety: Both the organisation and Anna are responsible for her health and safety and that of others affected by the organisation's activities at and relating to the Games. They consider the risks associated with the travel and work during the competition. They discuss emergency procedures and evacuation plans, and put arrangements in place to access emergency funds if needed. They ask Anna to register her travel and details with MFAT, and to update her emergency contacts information before she goes.

They also discuss the pressures of Anna's work, and how she might handle any additional stress or fatigue arising from the high pressure of competition environment.

Behavioural expectations: The organisation discusses its core values and Code of Conduct and reminds Anna about the standards expected of all their staff. Last year there was an incident where another staff member was arrested overseas for stealing a car while drunk and driving it back to the athletes' village. He was briefly imprisoned and barred from leaving the country until the case was resolved. He risked receiving a fine or a term of imprisonment, and any conviction was likely to impact on his role and any future travel.

WHILE OVERSEAS

Monitoring and adjusting as necessary: The organisation stays in regular contact with Anna. Her team progress a lot further in the competition than expected, which is exciting, challenging and extremely personally rewarding for Anna. She also ends up working very long hours. Her organisation knows it cannot rely on her salary necessarily meeting minimum wage requirements. As a worker paid by the week, it must pay her at least \$660 for a 40-hour week, plus \$16.50 per hour for each hour over 40 hours a week (rates from 1 April 2018). (More on minimum wage rates: <https://www.employment.govt.nz/hours-and-wages/pay/minimum-wage/minimum-wage-rates/>). It does the calculations and makes a top-up payment in addition to her usual salary to ensure compliance. It also keeps good records of her hours worked and how she was paid.

There is a security incident involving a bomb threat during the competition. The organisation stays in close contact with Anna, the team and the competition organisers. It confirms that everyone is safe, continues to monitor the situation closely and ensures that Anna has appropriate emotional and practical support. It revises its emergency procedures and evacuation plan, including considering whether to provide additional security. The event continues without further incident.

AFTER THE COMPETITION AND LOOKING AHEAD

The organisation has a debrief with Anna and looks ahead to Vietnam. Because Vietnam is less familiar to the organisation, they decide to use a service like International SOS to provide risk information on the destination and pre-travel advice. The service will help familiarise everyone with any differences in local laws, social and cultural norms. It will also provide additional support and emergency response if needed.

The organisation decides to use local drivers and arrange additional medical supplies for first aid equipment. It agrees to cover Anna's doctor's appointment ahead of the trip, required vaccinations and anti-malaria medication.

Anna asks about participating as a Master in the same competition. The organisation thinks that this would conflict with Anna's work for the organisation, they discuss it further and she agrees not to compete.

Anna will also be managing the youth squad in Vietnam. They agree that she will be paid for her time overnight at this competition because of the higher level of responsibility for the under 16-year olds and more significant constraints on her, and the likelihood of being interrupted overnight to deal with issues that arise (in line with the 'sleep over' cases). (Most of the athletes will be travelling without parent support).

They agree that one thing they could improve is providing greater support for Anna and connection with her family while she is away for work. They agree to block out three hours of non-work time each evening, and one day off a week (with Anna's duties covered by another staff member) to ensure that Anna can regularly stay in contact with her family, and have some time out for herself from the gruelling demands of the competition.

CONCLUSION

Ahead of any overseas travel for competitions, we recommend that organisations consider their arrangements and discuss and document them with employees, volunteers and contractors so that everyone is clear about the situation, and to ensure that any minimum standards are met.

If you have any questions arising from this advisory, please contact us through the Sport New Zealand Legal Helpdesk provided by Buddle Findlay on 0800 BUD LAW (0800 283 529). Additionally, the link below takes you to a more technical Advisory dealing with similar issues to this Advisory.