



Newsflash

Risks related to seconded employees' business travel

More social audits on seconded employees' business travel

Many seconded employees combine their secondment from home to a host country with business trips. As long as these work-related visits to other countries remain "ad hoc" travel, this should not pose any problems.

However, if business travel to certain countries develops into a regular and permanent working pattern, a secondment can be recategorised as simultaneous employment. This is the case if regular business travel to a country exceeds 5% of the employee's overall working time.

Depending on the employee's specific working pattern, the applicable social security scheme might change (e.g. if the employee resides with his/her family in the host country, the applicable social security will shift from home to host country scheme). Even if the applicable legislation does not change, at least a new A1-form is needed. This risk can occur for both intra-EEA seconded employees as well as seconded employees from non-EEA countries, with regular business travel within the EEA.

It is observed that social audits are exercising increased focus on seconded employees' travel patterns.

Business travel monitoring tool

Considering the social security authorities' increased attention towards business travel, a (Global Advantage based) tool has been developed to analyse working patterns of seconded employees. It is based on the assessment of the employee's travel calendar and provides an indication of whether such travel could be regarded as regular, thereby impacting the applicable social security legislation and/or the relevant administrative formalities. It can be used to immediately flag and follow up on individual files.

Next to this, it is strongly recommended for employers to proactively assess the expected working pattern of seconded employees in order to avoid unanticipated liabilities. In that regard, the distinction between *ad hoc* business trips and a foreseeable structural working pattern in different countries is key to defend a secondment set-up, also upon a social audit.

Laga's social security team is readily available to provide more detailed information and answer any questions in this regard.

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