wts global

Assignments to Africa

Editorial

Due to its specificity, the topic of "cross-border assignments" is extremely complex, and made further complicated depending on the host country.

In fact, rules and regulations in African countries continue to be highly impacted by their origins. Many African countries were previous European colonies under France, Portugal, Germany, England, Spain, among others.

Despite tentative harmonization of legislations within OHADA (Harmonization of Business Law in Africa), many African countries maintain their legislation heritage with some minor changes.

Employer should therefore be aware of these country-specific labour and social security laws, questions about tax and residence law, safety and health – to name the most important aspects of an assignment.

Despite political uncertainty in some regions, Africa promises to be one of the leading continents in terms of growth in the coming decades, and business wise, a lucrative place to be.

We would, therefore, like to give you the most crucial information and provide you with details on our tried and tested network of partners and specialists – present in 50 countries in Africa – who can effectively clarify all the questions that arise, and initiate measures to ensure that your assignments are a complete success. Our strength lies in providing local expertise from international professionals wherever you are.

This booklet offers you a brief overview of tax, social security and immigration related matters you may consider for your cross-border work in different countries on the African continent.

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Angola

Personal Income Tax – PIT

- PIT is levied on income, whether self-employed or dependent employment expressed in money, even if earned in kind, of a contractual or non-contractual nature, periodic or occasional, fixed or variable, irrespective of its source, place, currency or stipulated form for its calculation and payment.
- The tax is due by natural persons, whether resident of not in the national territory, whose income is obtained by services rendered, directly or indirectly, to natural or legal persons with their domicile, head office, effective management or permanent establishment in the country.
- PIT income is divided into three (3) different categories:

  Group A:
  - Income received by dependent employment employees and paid by an employer by virtue of a labour relationship as defined in the General Labour Law);
  - Income from employees whose labour relationship is governed by the public service legal regime;
  - Income received by members of governing bodies of legal persons.

  Group B: income received by self-employed workers who independently perform activities included in the list of professions enclosed in the PIT legal diploma;

  Group C: income received for the performance of industrial and commercial activities that are presumed to be part of the minimum profit schedule in force, attached to the PIT Code.

- For Group A there are progressive income tax rates between 10% and 25%.
- Income from Groups B and C subject to withholding tax are subject to a 6.5% WHT rate.
- The taxable income of Groups B and C not subject to withholding tax are subject to a 25% tax rate.
- The settlement of tax due in Group A is made monthly by the entity responsible for the payment of such income.
- The settlement of tax due in Group B is made either (i) by the paying entity of such income by withholding tax or (ii) by the taxpayer themself.
- The settlement of tax due in Group C is made either (i) by the taxpayer or (ii) the paying entity of such income.
- The tax due for the allocation of income from Group A must be delivered to the State by the employing entity before the respective tax office by the end of the month following its payment. The annual income statement – Modelo 2 must be filed during the month of February by the entity responsible for its settlement and payment.
- The tax due for the allocation of income from Group B must be delivered: (i) by the paying entity before the respective tax office by the end of the month following its payment, provided it is settled by natural persons or legal persons with an accounting or a model of simplified accounting; and (ii) by the beneficiary of the income, by the end of the month within which the annual income statement must be filed, regarding income received from natural or legal persons without accounting. The annual income statement – Modelo 2 must be filed during the month of February by the entity responsible for its settlement and payment. Beneficiaries of income included in Group B, resident in the country, must file the Modelo 1 Form by the month of March with a statement of all the remuneration received in the previous tax year.
- The tax due for the allocation of income from Group C must be delivered: (i) by the beneficiary of the income by the end of March when referring to income settled based on the Minimum Income Schedule; and (ii) by the paying entity before the respective tax office by the end of the month following its payment for income withheld. The annual income statement – Modelo 2 must be filed during the month of February by the entity responsible for its settlement and payment.

Social Security

The Social Protection and Mandatory Contribution Legal Regime is regulated by Presidential Decree no. 227/18 of 27 September.

It applies to employing entities and other similar entities and to employees subject to the mandatory social protection regime.

The following regime is generally applicable to the following groups of employees:

- Employees who perform their remunerated professional activities under the terms of an employment agreement;
- Public servants, administrative agents and public service hired officials;
- Natural persons who are considered dependent employees due to the features of the activities they perform;
- Temporary employment employees who provide services due to a transitory need to replace regular and permanent personnel or on an extraordinary service basis;
- Trainees who provide services to an employing entity subject to this legal regime;
- Employees who provide their activities on a temporary or seasonal basis, under the terms of the applicable law.

An entity is deemed to be an employing entity for the terms of this decree provided that it is a natural or legal person, public or private, that hires employees under the terms of the labour legislation of the public service legal relationship.

EMPLOYEE

- The contributive rate borne by the employee is 3%.

EMPLOYER

- The employing entity must register itself, as well as its respective employees, with the Mandatory Social Protection Managing Entity – in casu, Instituto Nacional de Segurança Social – INSS.
- The registration of the employing entity must be carried out mandatorily thirty (30) days after its incorporation and is obliged to declare the existence of any employees.
- The employing entity is responsible for registering its employees in the period of thirty (30) days following the start of the labour-legal relationship.
- The contributive rate borne by the employer is 8%.

Immigration

VISA

- To lawfully work in Angola, expatriate employees must (i) execute a local employment agreement with an employer with some sort of legal representation in the country (such as a branch or local company) and (ii) secure a valid work visa, allowing the same to perform a remunerated activity in Angola (ordinary, tourism or short-term visas do not allow the holder to legally work in the country and consecutive entries in Angola using any of those visas is considered by the Immigration Authorities as a clear sign of illegal performance of work in the country, subject to the payment of severe fines by both the employee and the employer).
- The issuance of visas is governed by (i) Regulations on the Exercise of Professional Activities by Non-Resident Foreign Employees (Presidential Decree No. 43/17 of 6 March 2017, as amended by Presidential Decree No. 79/17 of 24 April 2017), (ii) Law on the Legal Regime of Foreign Citizens in the Republic of Angola, approved by Law No. 13/19 of 23 May 2019 and (iii) Regulations on the Legal Regime of Foreign Citizens in the Republic of Angola, approved by Presidential Decree No. 163/20 of 5 June 2020).
- Under the terms of the applicable law, the entrance in Angolan territory is subject to the following requirements:

  - Holding a passport or any valid international travel document with a validity date longer than 6 months;
  - Holding an entry visa adequate for the purpose of the travel;
  - Possess means of subsistence/livelihood;
  - Holding an international vaccine certificate;
  - Not being subject to a travel/entry prohibition, as per the applicable law.

- The work visa allows for multiple entries and enables the residency on Angolan soil for up to 365 days, renewable for the same period up to the term of the employment agreement.

› The extension of the work visa is subject to the verification of the fulfilment of the tax and social security obligations of the employing entity regarding the foreign employee, as well as to the fulfilment of the necessary requirements by the expatriate employee.

› The work visa does not enable its holder for the establishment of their residency in the national territory.

WORK VISA ISSUANCE PROCEDURE

› The work visa issuance procedure requires the fulfilment and presentation of the following requirements:

  › Authorisation from the relevant ministry that supervises the sector of activity of the employer;
  › 3 work visa application forms completed in block letters, black-ink pen and signed by the applicant;
  › 2 copies of the applicant's passport with a minimum 6-month validity period and two blank pages;
  › Criminal record certificate issued by the relevant authorities of the applicant's home country and a copy thereof, translated into Portuguese and legalized by the Angolan Consulate;
  › Medical certificate and a copy thereof, issued by a public health institution asserting that the individual has no contagious disease, translated into Portuguese and legalised by the Angolan Consulate;
  › Curriculum vitae recognised by a notary and legalised by the Angolan Consulate;
  › Certificate of academic or professional qualifications legalised by the Angolan Consulate; and
  › Copy of the local employment agreement or promissory employment agreement with the local entity, duly signed, stamped and recognised by a notary in Angola (this agreement must include the employee's commitment to return to their home country upon completion of work in Angola with the employee's signature recognised by a notary and legalised by the Angolan Consulate).

Employer's obligations

START OF EMPLOYMENT

› For residents and national employees, the General Labour Law (Law No. 7/15 of 15 June 2015) provides for two types of employment agreements: (i) employment agreements entered for an indefinite period and (ii) fixed-term employment agreements. The latter are subject to a maximum duration of 5 years (for companies with more than 200 employees) or 10 years (for companies with less than 200 employees).

› Employment agreements entered with non-resident foreign employees are mandatory for a fixed-term. The duration of the same may be freely agreed between the parties (subject to the limitations foreseen for fixed-term employment agreements) and the agreement may be renewed up to two times.

› A local employment agreement entered with an expatriate employee must necessarily contain the following minimum information:

  › Full name and address of company and employee;
  › Employee's job position and salary grade;
  › Workplace;
  › Weekly and daily working hours;
  › Salary and other compensation (allowances, bonuses, etc.);
  › Date of commencement of work and its term;
  › Employee's commitment to comply with Angolan laws and return to their home country at the end of the contract's term; and
  › Place and date of execution.

› The parties may agree to include additional details in the agreement if such details are not in breach of Angolan law. Lack of compliance with the above-mentioned formalities constitutes a misdemeanour punishable with a fine corresponding to between 5 and 10 times the company's average monthly salary.

› The employment agreement must be prepared in three copies, one of which shall be given to each party and the third one shall be submitted to the Employment Centre with jurisdiction over the company's work area, for the purpose of its registration, upon the request of the employer. This request must specify (i) the company's name, (ii) the business sector, (iii) copy of the passport, including the page of the work visa and (iv) the employee's occupational qualification.

› This request must be filed within 30 days as of the date of commencement of work. After the registration, the Employment Centre shall file a copy in its archives and forward a copy to the employer, along with the registration confirmation and number, and submit another copy to the SME. For each registration, a 5% fee shall be paid on the remuneration established in the employment agreement. Failure to comply with these obligations constitutes a misdemeanour punishable with a fine corresponding to between 5 and 10 times the company's average monthly salary.

DURING EMPLOYMENT

› During the term of the employment relationship, the employer is obliged to:

  › treat and respect the employee as a fellow worker, and to contribute towards the improvement of the employee's living and cultural standards and their human and social development;
  › contribute towards the increase in levels of productivity and the quality of the goods and services, offering good working conditions;
  › pay the employee a timely salary which is fair and suitable for the work performed, implementing salary scales which take into account the complexity of the job, the employee's level of qualification, knowledge and capability, the way they are integrated in the work organisation and the results of the work performed;
  › favour good working relationships within the company, and contribute to the creation and maintenance of conditions for harmony and motivation at work;
  › accept and review criticism, suggestions and proposals from the employees regarding the work organisation, and keep the employees informed of decisions made;
  › favour and facilitate the employees' attendance of professional training programmes and actions;
  › adopt and strictly enforce safety, health and hygiene for working measures;
  › comply with the legal provisions on labour union organisation and activities;
  › enter into or accede agreements with other employers aiming at mutually limiting the hiring of employees who have rendered services to them, and not to hire employees still included in the permanent staff of an other employer whenever such hiring would result in unfair competition; doing so makes the employer incur civil liability;
  › comply with all the other legal obligations related to work organisation and performance of work.

TERMINATION OF EMPLOYMENT

- The employment contract may be terminated:
  - for objective reasons beyond the will of the parties (expiry for objective reasons, individual redundancy for objective reasons or collective dismissal);
  - by mutual agreement;
  - by unilateral decision of any of the parties, enforceable against the other party (termination with just cause, either from the employer or the employee).
- Upon termination of the employment agreement, regardless of the modality of termination, the employee is entitled to payment of the following final labour credits:
  - base salary and allowances calculated until the last day of work;
  - pro rata payment of holiday days;
  - pro rata payment of holiday allowance;
  - pro rata payment of Christmas allowance.

- Certain termination methods, such as individual or collective dismissal, also require the need to pay compensation, which depends on the size of the company. Said compensation can vary between 1 and 2 base salaries, per each year of seniority and, depending on the company's size, an accrual of 20% up to 50% of the base salary applies after two and up to five years of seniority.
- At the end of the employment relationship, the employer must:
  - provide the employee with an employment certificate, indicating the dates of admission and termination of the agreement, the nature of the position held and the employee's pro fessional qualifications.
  - communicate in writing to the General Labour Inspectorate indicating the reasons for the dismissal and the jobs affected (for individual and collective dismissals).
  - ensure that the termination of employment agreements entered into with foreign employees is notified to the Employment Centre with jurisdiction over the company's registered local office, for cancellation of the registration and to the Angolan Migration and Foreign Services.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	25 %
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	25 %

Maximum effective personal income tax rates for the past 3 years		
2020	2021	2022
N/A%	N/A%	N/A%

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	3%
Employer	8%

Social security agreements (SSA)	
1. Portugal	not in force

[1] Excluding fringe benefits such as housing.

Benin

Personal Income Tax

- The tax on salaries and wages is a category of personal income tax in Benin: the tax is levied on salaries, emoluments, wages and payments of any kind, public or private. This tax is assessed on the gross amount of wages, salaries, emoluments and other remuneration, including benefits in cash and in kind.
- Salaries, emoluments, salaries and additional payments are taxable in the following two cases:

  - When the beneficiary is domiciled in Benin even though the remunerated activity is exercised outside Benin or when the employer is domiciled or established outside Benin;
  - When the beneficiary is domiciled outside Benin on the condition that the remunerated activity is exercised in Benin or that the employer is domiciled or established in Benin.

- The taxable monthly salary includes the gross amounts of salaries, emoluments, bonuses, overtime pay, professional benefits in cash or in kind and allowances of all kinds, including transport allowances.
- Tax declarations on wages and salaries are submitted on the online electronic declaration platform of the Directorate General of Taxes no later than the 10th of the month following the payment of salaries.

Social Security

The social security system applies to all persons employed in Benin within the context of salaried employment.
It imposes on the employer the deduction at source on the employee's salary of the pension contribution on the employee's part and the payment at their expense of the social charges calculated on the salary paid to the employee.
The administration of the National Social Security Fund is the body empowered to manage the contributions paid by employers.
However, the social security declarations as well as the payments made by the employers are carried out on the electronic declaration platform of the General Directorate of Taxes.

EMPLOYEE

- Following their hiring, the employee provides to the employer the personal information necessary for their registration with the National Social Security Fund (CNSS).
- If the employee had already been registered by their previous employer, the employer provides the new employer with their registration number.
- The employee pays a retirement contribution established at 3.6% of their salary withheld at source by the employer and paid by means of a declaration signed online no later than the 10th of the month following the payment of salaries.

EMPLOYER

- The employer completes the registration formalities for their company with the CNSS.
- They undertake to carry out the registration formalities of all hired employees.
- No later than the 10th of the month following the payment of wages, they must declare and pay their social security contributions.

Immigration

VISA

- The visa is issued in the form of an electronic e-visa. The request is made online on the official platform of the Beninese authorities.
- There are two types of visas for Benin, each with a different validity period:
- Single entry visa of 1 month which allows a stay of up to 30 days in the territory. This costs 50 euros.
- Multiple-entry visa, which is valid for 3 months, and which allows a stay in Benin for up to 90 days. This costs 100 euros.
- The work visa is requested by the employer for their employee; it can take up to 90 days to obtain the visa.

WORK PERMIT

- Issuance of a work permit allows the foreign worker to access employment in Benin
- The work permit is issued by the General Directorate of Labour

REGISTRATION

- Registration of the employer with the CNSS to obtain a CNSS employer number
- Registration of the employer with the Directorate General of Taxes to obtain a tax identification number
- Registration of the employee with the CNSS to obtain the employee number
- Registration of the employee with the Directorate General of Taxes to obtain the Unique Tax ID

Employer's obligations

START OF EMPLOYMENT

- Conclusion of an employment contract.
- Employee hiring formalities.

DURING EMPLOYMENT

- Tax and social declarations related to payroll every month and no later than the 10th of the month following the payment of wages.
- Payment of social and tax declarations.

TERMINATION OF EMPLOYMENT

- Employee poaching formalities.
- Possible payment of severance pay in the event of dismissal.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	30%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	30%

Maximum effective personal income tax rates for the past 3 years		
2020	2021	2022
30%	30%	30%

Social Security Rates Employment gross income [1] 100,000 EUR p.a.	
Employee	3.6%
Employer	19.4%

Social security agreements (SSA)

1. Burkina-Faso
2. Niger
3. Senegal
4. Ivory Coast
5. Togo
6. France

[1] Excluding fringe benefits such as housing.

Congo

Personal Income Tax

- DRC has a schedular tax system under which each category of income is taxed separately as detailed by Ordinance Law 69/009. Only income from employment and business activities performed in DRC is subject to individual income tax in DRC. Among the various type of income, there is:
  - Remuneration paid by an employer;
  - Remuneration paid to expatriates;
  - Pension income;
  - Director's remuneration;
  - Business and professional income.
- Remuneration paid by an employer includes salary and wages, allowances not corresponding to professional expenses' refund, bonuses, payments made by the employer for a breach of contract excluding compensation for damages and the real value of benefits in kind. Part of the benefits in kind are exempted, such as housing allowances or transportation allowances. Pursuant to Article 84 of the Ordinance Law, the tax on wages is withheld at source by the employer and capped at 30%.
- In addition, the remuneration paid to expatriates is subject to a special tax called the exceptional tax on the remuneration of expatriates. The tax is borne by the employer at a fixed rate of 25% (Article 6 of the Ordinance Law 69–007).
- According to Article 85 of the Ordinance Law 69/009, pension income is subject to individual income tax at the rate of 10%.
- Director's remunerations are subject to employment income tax and could be subject to tax on movable capital too.
- Income realised by members of any liberal professions is subject to tax on a cash basis on a net tax basis. Some expenses are deductible from the taxable income (Articles 27 et seq. of the Ordinance Law 69/009).

Social Security

Social security benefits are calculated according to the amount of remuneration, which includes salary, stipends, commissions, benefits, bonuses, the value of fringe benefits, family allowances exceeding the legal amount, the allocation of holiday pay and amounts paid by the employer for employee maternity and sick leave.

EMPLOYEE

- The rate for employees is 5%.
- This contribution is deductible for individual income tax purposes.

EMPLOYER

- The rate of employer's social security contributions for *family welfare* is 6.5%.
- The rate of employer's social security contributions for *professional risks* is 1.5%.
- The rate of employer's social security contributions for *retirement pension* is 10%.
- This contribution is deductible for corporate income tax purposes.

Immigration

VISA

- A work establishment visa is required in order to work in DRC.
- The general migration department is able to provide a work establishment visa under the following conditions :
  - The applicant is legally resident in DRC;
  - The applicant has spent six months in DRC;
  - The applicant holds a work permit;
  - The applicant presents an employment contract approved by the National Employment Office;
  - The applicant is qualified and able to prove their qualifications.
- Work establishment visa is delivered for a maximum time of 2 years and is renewable.
- The following nationalities are visa-exempt : Burundi, Congo, Brazzaville, Rwanda, Zimbabwe.

WORK PERMIT

- The work permit is provided by the National Employment Office and is free of charge.

REGISTRATION

- NONE.

Employer's obligations

START OF EMPLOYMENT

- Fixed-term contract may not exceed 2 years and is renewable one time.
- Employers must submit all written contracts to the National Employment Office for approval within 15 days from signature.
- Prior to the VISA process, the employer must apply for a work permit from the Employment Office.

DURING EMPLOYMENT

- Leave entitlement is given after the expiry of one year, counted from date to date, with the same or a substitute employer.
- Employers must provide medical care and safety for their employees.
- The employer must ensure employee representation.
- The employer bears the cost of transporting workers from their place of residence to their place of work and vice versa.

TERMINATION OF EMPLOYMENT

- When the contract is terminated, the employer is required to issue the employee with a certificate attesting to the nature and duration of the services provided and the start and end dates. No other information may be added. This certificate must be submitted no later than two working days after the end of the contract. It is exempt from stamp duty and registration fees.

Comparisons

Taxation of fringe benefits

Housing	C
Home flights	B
Education for children	C

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates

Single, no children Employment gross income[1] 100,000 EUR p.a.	40%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	40%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
40%	40%	40%

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	5%
Employer	it depends

Social security agreements (SSA)

[1] Excluding fringe benefits such as housing.

Ghana

Personal Income Tax

Individuals are taxed on their income depending on the source income and residency status of the individual.

BASIS OF TAXATION FOR RESIDENT INDIVIDUALS

- Resident individuals are taxed on their worldwide income.
- A resident individual is a person who is:

  a. a citizen other than a citizen who has a permanent home outside of the country and lives in that home for the entirety of that year;
  b. present in the country during that year for an aggregate period of one hundred and eighty-three days or more in any twelve-month period that commences or ends during that year; "Global complementary tax" (personal income tax) is levied on the total taxable income derived by individuals, including income liable to business income tax or employment income tax, at progressive marginal rates;
  c. an employee or an official of the Government of Ghana posted abroad during that year; or
  d. a citizen who is temporarily absent from the country for a period of not more than three hundred and sixty-five continuous days, where that citizen has a permanent home in Ghana.

- Resident individuals who incur tax on income earned in a foreign country may claim a foreign tax credit for taxes paid on income from a foreign country.
- Ghana has a progressive tax rate for resident individuals. The tax rate ranges from 0% to 35%, depending on the amount of the chargeable income earned.
- The monthly chargeable income of a resident individual is taxed at the graduated tax scale/rate below:

Chargeable income		Rate of tax
1	First GHS 402	0%
2	Next GHS 110	5%
3	Next GHS 130	10%
4	Next GHS 3,000	17.5%
5	Next GHS 16,395	25%
6	Next GHS 29,963	30%
7	Next GHS 50,000	35%

- An individual who makes a gain/profit on the realisation/sale of an asset may elect to pay tax on the gains at the rate of 25% or add the amount to the regular income and be taxed at the regular tax rate (graduated tax scale shown above).
- Personal Income Tax is withheld each month, filed and paid by the employer no later than the 15th of the following month.
- The tax year for individuals is the calendar year.
- The employer is required to file annual Pay-As-You-Earn deductions of the employee no later than the 30th of April after the end of the year of assessment.
- A resident individual is required to file a return of income no later than the 30th of April after the end of the year of assessment.

PERSONAL TAX RELIEF

- Personal tax relief that may be granted to a resident individual for a year of assessment includes:

  a. Marriage/Responsibility Relief: an individual who has a dependent spouse or at least two dependent children may be entitled to personal relief of GHS 1,200 per year.
  b. Disability Relief: in the case of an individual who has a disability, that individual may be entitled to personal relief of 25% of the assessable income of that individual from a business or employment.

c. Child Education Relief: an individual who is sponsoring the education of the child or ward of that individual in a recognised registered educational institution in Ghana may be entitled to relief of GHS 600 per child up to a maximum of 3 children or wards.
d. Aged Dependent Relative Relief: an individual who has a dependent relative, other than a child or spouse, who is sixty years of age or more may be entitled to personal relief of GHS 1,000 per year in respect of only two dependent relatives.
e. Old Age Relief: an individual who is 60 years of age and above, may be entitled to personal relief of GHS 1,500 per year.
f. Educational Relief: an individual who has undergone training to update the professional, technical or vocational skills or knowledge of the individual may be entitled to personal relief which is equivalent to the cost of the training or of no more than GHS 2,000.

The tax relief is deducted from the assessable income before the tax rates are applied to determine the tax amount/liability.

BASIS OF TAXATION FOR NON-RESIDENT INDIVIDUALS

- Non-resident individuals are only taxed on their income sourced in Ghana, subject to a 25% withholding tax on the amounts.

Social Security

Ghana has a three-tier social security contribution scheme – a mandatory basic national social security scheme (tier 1), a mandatory fully funded and privately managed occupational pension scheme (tier 2) and a voluntary fully funded and privately managed provident fund and personal pension scheme (tier 3). Contributions to tier 1 and tier 2 are mandatory for all employees, including expatriates, whilst tier 3 is voluntary.

Both the employer and the employee are required by pension law to make mandatory pension contributions. The pension scheme is opened to both individuals in employment and other self-employed and unemployed individuals who wish to join the scheme.

The contributions are generally based on the employee's monthly salary from employment. The monthly maximum insurable earnings are GHC 42,000.00 and the minimum insurable earnings are GHC 401.76. The contribution to the scheme must be remitted by the employer within 14 days after the end of the month to which the contribution relates.

The pension contribution is granted as tax relief and deducted from the income of the employee before the tax is charged. The total percentage of salary which is allowed as a tax deductible pension is 35%. From this 35%, the mandatory pension contribution is 18.5%, which is further split into a 13.5% pension contribution up to the first tier (tier 1) and 5% to a mandatory privately managed occupational pension scheme (tier 2). The remaining 16.5% after the 18.5% contribution goes towards the voluntary pension contribution.

The minimum age for joining the pension scheme in Ghana is 15 years old and the maximum age is 45 years old. Resident expatriates who are employed in Ghana are required to contribute to a pension. However, expats may be exempt from contributing to a pension in Ghana when:

a. the expatriate is in Ghana under a supplier's contract on a short-term basis, and for the training of local workers, or
b. the expatriate is in Ghana on a short-term basis to execute a technology transfer programme in pursuance of a technology transfer agreement under the Ghana Investment Promotion Centre (GIPC) Act, or
c. the expat is on a short-term contract in Ghana where the employment is for a period of less than 3 years, and it can be proved that the worker makes a similar contribution in their home country.

An application for exemption from the National Pension Authority is required.

Foreign nationals who contribute to a pension scheme in Ghana are entitled to a lump sum payment upon their permanent relocation from Ghana.

EMPLOYEE

- The employee contributes 5.5% of their salary to pensions. Although the law refers to salary, in practice, the basic salary is usually used to calculate the pension contribution with allowances excluded.
- The employee may opt to pay the maximum of 16.5% of the basic salary into the voluntary pension contribution (tier 3). In practice, where the voluntary pension is carried out, both the employer and employee allocate the 16.5% in any percentage as may be agreed as a voluntary pension contribution.

EMPLOYER

- The employer's contribution is 13% of the employee's basic salary.
- The employer is required to deduct the pension contribution and make a payment to the various pension schemes.
- The employer is required to file and pay the pension contribution by the 14th day of the month following the month to which the salary relates.

Immigration

VISA

- A foreign national entering Ghana must have a valid visa stamped or affixed in their national pass-port from the date on which the foreign national enters Ghana.
- Foreign nationals entering Ghana for a short stay may apply for an entry visa, which is valid for a period of one month.
- A foreign national shall not be required to have a visa or entry permit if that national is in possession of travel documents issued by the Government of Ghana.

- A foreign national who is an exempted person shall not be required to have a visa for entry into Ghana. Exempted persons include amongst others:

a. a citizen of any member state of the Economic Community of West African States (ECOWAS);
b. a citizen of a country with which Ghana has a reciprocal visa exemption agreement;
c. a person in respect of whom the Minister for the Interior has granted a waiver; and

- A valid visa, however, is not a guarantee of entry into Ghana. Entry is subject to eligibility under the immigration laws of Ghana.
- A foreign national who requires a visa to legally enter the country is prohibited from staying beyond the validity period of their visa.

WORK PERMIT

- A foreign national cannot exercise employment in Ghana unless that person possesses a valid work and resident permit issued by the Ghana Immigration Service.
- An employer may apply for a work permit for a foreign national with the Ghana Immigration Service specifically to the Director of Immigration.
- Any employer who employs a foreigner without a work permit is liable to pay a prescribed penalty to the Immigration Service. Failure to pay the prescribed penalty is an offence and the defaulting employer is liable on summary conviction to pay a fine.

REGISTRATION

- To apply for a work permit, the requisite application forms must be completed by the employer and the following documents attached:

  a. Application letter from the employer
  b. Completed application form issued by the Ghana Immigration Service
  c. Business registration documents of the employer
  d. Employment letter
  e. Tax clearance certificate (for the employer)
  f. Bio data page of the employee's passport
  g. Curriculum vitae/resumé of the employee
  h. Educational and professional certificates of the employee
  i. Police Clearance Certificate from the employee's country of origin or current residence
  j. Medical report from the Ghana Immigration Service Hospital
  k. Non-citizen ID card of the employee
  l. Two passport pictures of the employee
  m. Approved automatic quota (where applicable) and

- upon payment of the prescribed fees, submission is made for the application to be processed.
- The work permit, if granted, shall indicate the name of the employer, the names(s) of the beneficiaries and the term of its validity.
- A foreign employee with a work permit is prohibited from engaging in any form of paid employment or in any business or professional occupation in Ghana, other than the employment, business or professional occupation specified in the work permit.
- The work permit may be renewed one month before its expiration. Every renewal is treated as a fresh application.
- A work permit does not automatically come with a residence permit. This will have to be specifically applied for. It is usually applied for together with the work permit since similar documentation is required for its application.
- Where the employer enjoys an automatic immigration quota based on registration with the Ghana Investment Promotion Centre, the duration of the permit is open-ended, may be transferred to another employee and the prescribed fee for the application is lower.
- Where the employer is registered as an investor with the Ghana Free Zones Authority ("GFZA"), the employer enjoys zero restrictions on the issuance of work permits for its employees. All required documents and details would have to be submitted to the GFZA, which will liaise with the Ghana Immigration Service and process the application on behalf of the employer.

Employer´s obligations

START OF EMPLOYMENT

- The employer must give notice of commencement of work by the foreign employee to the Director of Immigration within seven (7) days of commencement.
- A letter of guarantee with regard to the repatriation expenses of the foreign national and/or their dependents must be attached to this notice.

DURING EMPLOYMENT

- The employer must submit a completed annual return form to the Director of Immigration no later than fourteen (14) days after the first day of January in each year.
- The annual return form indicates the names, addresses, date of employment and roles of all foreign employees working with the employer as at the first day of January of that year.

TERMINATION OF EMPLOYMENT

- Within seven (7) days of termination of employment, the employer must give the Director of Immigration notice of same.
- The employer must bear the costs of repatriating the foreign national and/or their dependents in accordance with the letter of guarantee previously submitted.
- The employer is also obliged to comply with any other directions given by the Director of Immigration in relation to the arrangements for repatriation.
- A confirmation of departure shall be issued by the Director of Immigration upon confirmation of cessation and departure of the foreign national.

Comparisons

Taxation of fringe benefits

Housing	B
Home flights	A
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates

Single, no children Employment gross income[1] 100,000 EUR p.a.	First GHS 600k taxed at 5%–25%. Excess of GHS 600k tax at 35%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	First GHS 600k taxed at 5%–25%. Excess of GHS 600k tax at 35%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
25%	25%	35%

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	5.5%
Employer	13%

Social security agreements (SSA)

[1] Excluding fringe benefits such as housing.

Guinea

Personal Income Tax – PIT

- Individuals are subject to income tax on their income sourced from Guinea. However, tax agreements concluded between countries allow for the avoidance of double taxation on income generated outside of Guinea.
- Individuals are considered to have their tax domicile in Guinea if they meet the following criteria:
- They have a permanent residential home or reside in Guinea for more than 6 months per year.
- They engage in professional activities, whether salaried or self-employed, unless they can prove that such activities are secondary to those conducted abroad.
- They have their main economic interests in Guinea.
- In Guinea, there is a withholding tax applicable on salaries (called RTS) with progressive rates from 0% to 20% depending on the gross taxable salary amount. The employer is responsible for deducting the applicable income tax from the employee's salary each month.

The current scales and rates for the WHT on salaries are as follows:

From 0 to 1 million GNF:	0%
From 1 million to 3 million GNF:	5%
From 3 million to 5 million GNF:	8%
From 5 million to 10 million GNF:	10%
From 10 million to 20 million GNF:	15%
More than 20 million GNF:	20%

This withholding tax is an employee contribution.

An employer's contribution called lump sum payroll tax (VF) at a fixed rate of 6% is applicable to the gross salary (after deduction of the family social security contribution).

In addition to the VF, in Guinea, the employer is either subject to a training tax (ONFPP) or an apprenticeship tax (TA). The apprenticeship tax of 2% is applicable when the company has less than 30 employees. Above 30 employees, the training tax of 1.5% is applicable.

RTS, VF and training tax are declared and paid monthly (no later than the 15th of the following month for RTS and VF; 20th of each month for the ONFPP). However, the apprenticeship tax is paid and declared annually (no later than 15th February of the year for the taxes related to the previous year).

RTS, VF and TA are declared and paid through the online tax platform called eTax.

Social Security

- Employers and employees are obliged to contribute to social security schemes. These contributions are intended to finance social benefits such as retirement pensions, family benefits, sickness benefits, etc.
- Social security contributions in Guinea are at a rate of 13% for the employer and 5% for the employee.
- Social security contributions must be paid and declared no later than the 20th of the month following the salary payment.

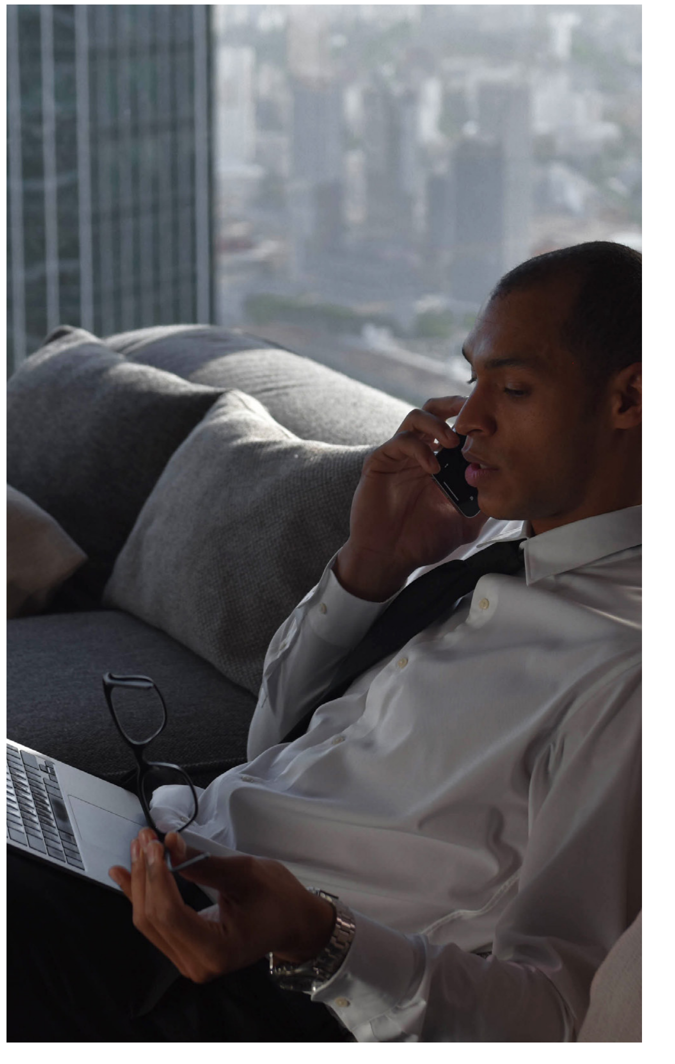
Immigration

VISA

- Entry requirements: foreign nationals intending to enter Guinea Conakry must possess a valid passport with a minimum validity of six months beyond the intended period of stay. Depending on their nationality, some individuals may require a visa to enter the country. The visa requirements can vary, so it is important to check with the Guinean diplomatic mission or embassy in your home country before traveling.
- Visa types: Guinea Conakry offers various types of visas, including tourist visas, business visas, student visas and work visas. Each visa category has its own specific requirements and duration of stay allowed. It is essential to apply for the correct visa type that aligns with the purpose of your visit.
- Visa application: foreign nationals must submit their visa applications to the Guinean diplomatic missions or embassies abroad. The application process typically involves completing an application form, providing supporting documents (such as a passport, passport-sized photographs, travel itinerary, proof of accommodation and financial means) and paying the required visa fee.
- Visa extension: if individuals wish to extend their stay beyond the initial visa duration, they must apply for a visa extension before their current visa expires. The extension application should be submitted to the relevant Guinean immigration office. It is important to note that not all visa types are eligible for extension, and the decision is at the discretion of the immigration authorities.
- Residence card: individuals planning to reside in Guinea Conakry for an extended period may need to obtain a residence card. The validity of a residence card is one year.
- Compliance and regulations: foreign nationals must adhere to the immigration laws and regulations of Guinea Conakry during their stay. It is essential to respect the permitted duration of stay, engage in authorised activities according to the visa category and comply with any reporting requirements imposed by the immigration authorities.

WORK PERMIT

- Foreign nationals intending to work in Guinea Conakry must obtain a work permit before starting employment. The employer or sponsoring company is generally responsible for initiating the work permit application process. The application typically requires submitting various documents, such as a job offer letter, contract and proof of qualifications. The process can take some time, so it is advisable to start the application well in advance.
- According to Articles 131.1, 131.2 and 131.3 of the Guinean Labour Code, along with Article 18 of the Guinean Investment Code, the following conditions must be fulfilled before an expatriate works in Guinea:
  - Employment contract must be in written form;
  - Employment contract may not exceed 4 years (including renewals);
  - Employer must obtain approval from AGUIPE (Guinean Department in Charge of Employment Promotion).
- All expatriates working in Guinea should have a work permit which should be renewed every year by the AGUIPE.
- It should be noted that the renewal of a long stay visa is conditional on the provision of an updated work permit, otherwise the visa is not renewed. In such a case, the expatriate must leave Guinea.



Employer's obligations

START OF EMPLOYMENT
- Apply for the correct work/employment visa for the expatriate employee (if applicable).
- Register the employee to the AGUIPE and to the social security contribution.

DURING EMPLOYMENT
- While making salary payments, the employer is required to withhold tax (RTS) and lump sum payroll tax (VF) and proceed with payment to the Guinea tax department every month by the 15th of the following month.
- The employer also needs to file the social security contribution returns monthly and proceed with the corresponding payment.
- A monthly payslip is issued to the employee after salary has been credited to their bank account.
- The employer must ensure the yearly renewal of the work permit.

TERMINATION OF EMPLOYMENT
- If required by the tax authorities of the expatriate's home country, the employer must apply for a tax clearance certificate to the Guinea Tax Department for the period during which the employee has performed the services in Guinea.
- The employee must be deregistered from the social security authority.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	from 0 to 20%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	from 0 to 20%

Maximum effective personal income tax rates for the past 3 years		
2020	2021	2022
20%	20%	20%

Social Security Rates Employment gross income [1] 100,000 EUR p.a.	
Employee	5%
Employer	13%

Social security agreements (SSA)

[1] Excluding fringe benefits such as housing.

Libya

Personal Income Tax

- The taxable income is determined according to specific rules applicable to each category of income. The categories of income are:
  - Employment income;
  - Business and professional income;
  - Income from industrial and handicraft activities;
  - Income from professional activities;
  - Partnership income; and
  - Investment income.
- Employment income includes wages and similar income arising from employment or services rendered in Libya, whether of a permanent or temporary nature, and benefits in kind such as housing costs, leave travel costs and medical costs.
- Non-habitual residents in Libya are subject to individual income tax on wages and salaries received for services rendered in Libya.
- The taxable employment annual income which exceeds 12,000 LYD is taxed at a rate of 10%. The rate is reduced to 5% for the first 12,000 LYD.
- Individuals are subject to defence tax (jihad tax) levied on salaries, wages and similar income and on all profits and other types of income with the exception of income from agriculture. For income not exceeding 50 LYD per month, the rate is set at 1%; for income not exceeding 100 LYD, the rate is 2%. Income exceeding 100 LYD per month is taxed at a rate of 3%.
- The law provides for the following allowances for individuals :
  - Single person: 1,800 LYD;
  - Married man without children: 2,400 LYD;
  - Married, divorced or widowed man with dependent children: 2,400 LYD plus 300 LYD per child
- Foreign income (other than employment income) derived by expatriates working in Libya is exempt from individual income tax. This exemption also applies to foreign income derived by their partners and dependent children.
- Pension income is tax exempt.
- Palestinian nationals residing in Libya are subject to an additional 7% tax on income.

Social Security

Social security contributions are payable by all persons working in Libya, including expatriates. Social security is withheld by the employer and payable monthly, within 10 days after the month's end.

EMPLOYEE
- The employee's contribution amounts to 3.75% of gross income.

EMPLOYER
- The employer's contribution amounts to 11.25% of gross income.

Immigration

Non-residents will not be admitted in Libya if they are in possession of a passport bearing Israeli stamps. The following elements must be confirmed.

VISA
- A work visa is required in order to work in Libya. The work visa process must be initiated via the Work Department in Libya at the initiative of the employer's company.
- To apply for a work visa, the applicant must have a job offer from a Libyan company.
- Following an internal process, the applicant visits the embassy, pays the appropriates fees and secures the visa stamp in their passport.

WORK PERMIT
- There is no need for a work permit if the employee has a work visa.

REGISTRATION
- It must be confirmed.

Employer´s obligations

START OF EMPLOYMENT
- This must be confirmed.

DURING EMPLOYMENT

- The employer should arrange the necessary insurance for labourers or employees against diseases and occupational risks; and to provide healthcare and social protection for them and their families.
- The employer should provide transport means to the work site, accommodation and meals according to the executive rules for labourers who wish to work in faraway places.
- The employer should keep a special file for each labourer stating their name, profession, social status, passport number, residence address, wages, copy of contract and other documents as well as leave days, awards, duties and sanctions imposed.

TERMINATION OF EMPLOYMENT

- At the end of the employee's service, the employer should give the labourer or employee a certificate stating date of employment and date of termination of services, type of work per-formed, salary and other benefits.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | B Taxable | C Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	10%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	10%

Maximum effective personal income tax rates for the past 3 years		
2020	2021	2022
10%	10%	10%

Social Security Rates Employment gross income [1] 100,000 EUR p.a.	
Employee	3.75%
Employer	11.25%

Social security agreements (SSA)

1. States of the Arab Maghreb Union
2. Pakistan
3. Turkey
4. Romania
5. Serbia
6. Italy

[1] Excluding fringe benefits such as housing.

Mali

Personal Income Tax

- The tax on wages and salaries is applicable to all sums paid by a private or public employer.
- However, the employment contracts of expatriate employees do not derogate from certain provisions of the Labour Code and social regulations regarding:
  - affiliation to an approved social security or ganisation in Mali; expatriate employees must be registered with the National Institute of Social Welfare (INPS) and at the Compulsory Health Insurance (AMO) social security organisations in Mali.
  - affiliation to an intercompany medical service.
  - the duration and grounds for resorting to a fixed-term contract; the rules applicable to hiring.

Specialised expatriate employees automatically benefit from a professional resident visa.

Locally recruited employees of foreign diplomatic and consular missions as well as those of international organisations must personally ensure that their employer deducts from the monthly salary and payroll tax (Order n°99–0894/MFC-SG of 18 May 1999, on the terms of application of Articles 7-B and of the CGI).

The amount of the sum deductible from taxable income, under the expatriation allowance for expatriate executives in the public or private sector, is set at 15% of the emoluments, excluding family allowances, allowances intended to cover the costs inherent in the function or employment and fringe benefits.

TAXABLE INCOME

- The following income is subject to payroll tax regardless of its name and form:
  - salaries, allowances, emoluments, commissions, participations, bonuses, gratuities, wages, tips and other remuneration;
  - pensions and life annuities;

REDUCTION AND RATES

The tax on salaries and wages is levied on all remuneration, wages or earnings including benefits in kind, bonuses and various allowances, excluding those which have the character of reimbursement of expenses. The rates applicable to taxable income are set as follows for each income bracket:

Slices (XOF)		Rate (%)
0	330,000	0%
330.001	578,400	5%
578.401	1,176,400	12%
1,176,401	1,789,733	18%
1,789,734	2,384,195	26%
2,384,196	3,494,130	31%
3,494,131		37%

Social Security

The Malian social security system covers employees in the public sector and those in the private sector.

All employers are required to inform the Institute of any recruitment or dismissal of staff within eight days.

It offers interested parties protection against the following risks:

- health/maternity;
- work accidents and occupational diseases;
- old age, invalidity, death/survivors;
- family benefits.

The contribution rates are:

Branches	Employer contribution	Salary share
Family benefits Maternity daily allowances	8%	-
Fringe benefits (AMO)	3.5%	3.06%
Work accidents, occupational diseases	from 1 to 4% depending on the risks involved	-
Old age, invalidity and death (survivors)	5.40%	3.60%
ANPE (National Agency for Employment Promotion)	1%	-

Contributions are based on all remuneration, wages or earnings, including fringe benefits and various allowances, with the exception of those having the character of reimbursement of costs received by workers subject to the various provident schemes managed by the INPS.

The amount of salary taken into consideration for the basis of contributions may in no case be less than the amount of the SMIG.

Immigration

VISA

Anyone visiting Mali must obtain a visa from one of the country's diplomatic missions unless they are from a visa-exempt country. Currently, citizens of 25 countries can travel to Mali without a visa; these are nationals of WAEMU member countries and those of ECOWAS as well as nationals of Algeria, Tunisia, Morocco: the two main types of visas include business and tourist selections with options for single entry, multiple entries or stays of up to six months. It usually takes 10 days to process the visa.

Other visa options include missionary, official and diplomatic visas. Most of the expatriate employees will apply for a business visa. After obtaining one from the nearest embassy or consulate, foreign employees will then need a work permit.

Expatriate employees just need an entry visa. To obtain the said visa, the request can be made to the consulate of Mali or in Mali through a representative designated for this purpose who will take care of the formalities with the immigration service. You require:

- Two original and completed visa application forms
- A passport valid for at least six months beyond the stay
- Two recent passport photos
- Visa application letter
- Yellow fever vaccination certificate
- Flight itinerary

Business registration certificate and recent tax return.

WTS Global Assignments to Africa | Mali

REGISTRATION

Your employees must apply for their visa at the embassy or consulate of their country of residence before arriving in Mali. Incomplete applications may delay the process. Individuals should therefore ensure that they complete the application and submit all the required documents. Once the process is complete, an applicant can pick up their passport at the embassy or send a prepaid, self-addressed envelope for their return.

During the application process, a corresponding fee depending on the nationality of the employee and the type of visa requested will have to be paid. For example, US citizens owe $131 for all types of visas except those designated as official or diplomatic. All other types of visas are valid for up to five years and include multiple entries.

WORK PERMIT

The work permit was instituted in Mali by Law No. 2017–021 of 12 June 2017, amending the Labour Code.

To this end, Article L.26 Paragraph 2 of the Labour Code provides that: "The contracts of foreign workers will, in all cases, be recorded in writing and submitted to the visa of the National Directorate of Labor, accompanied by a work permit whose structure and conditions of issue are fixed by order of the Minister in charge of Labour".

However, as of today, the implementing decree for the provisions setting the structure and conditions for issuing the work permit has not yet been adopted.

Employer's obligations

START OF EMPLOYMENT

- During the first two years of permanent residence in the territory, a national of a foreign State can only exercise a salaried activity by virtue of a fixed-term contract, except contrary provisions resulting from a reciprocity agreement concluded with this State.
- The application for a visa for approval is the responsibility of the employer and, in the event of refusal, the contract becomes null and void.

DURING EMPLOYMENT

- The employer of an expatriate worker must provide them with decent housing or pay them a housing allowance.
- When paying wages, the employer is required to make a monthly deduction representing the income tax due on wages, the tax representing the minimum tax and the flat-rate contribution payable by employers (CFCE).
- The employer must also make monthly declarations of social security contributions and make the corresponding payment.
- A monthly payslip is issued to the employee after the salary has been credited to their bank account.
- The employer must ensure the annual renewal of the work permit.

END OF EMPLOYMENT

If the tax administration of the country of origin of the expatriate requires it, the employer must request a certificate of payment of taxes from the General Directorate of Taxes of Mali for the period during which the employee performed their services in Mali.

- The employee must be deregistered from social security.

Comparisons

Taxation of fringe benefits

Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates

Single, no children Employment gross income[1] 100,000 EUR p.a.	37%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	37%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
37%	37%	37%

Social Security Rates

Employment gross income [1] 100,000 EUR p.a.

Employee	3.06%
Employer	4.5%

Social security agreements (SSA)

1.	General agreement between the Government of the French Republic and the Government of the Republic of Mali sur la Sécurité Sociale	12 Jun 1979
2.	Statuts de l'Inspection régionale de la prévoyance sociale, fait à Bamako	10 Oct
3.	Multilateral Convention on Social Security of the Inter-African Conference on Social Welfare (CIPRES), adopted in Dakar.	27 Feb 2006
4.	Inter-African Conference on Social Welfare (CIPRES), done in Abidjan	21 Sep 1993
5.	Agreement on the establishment and movement of persons between Burkina Faso and Mali	30 Sep 1969

[1] Excluding fringe benefits such as housing.

Mauritius

Personal Income Tax

- Mauritius has a self-assessment tax system. An individual pays tax on income derived during the preceding year.
- The financial year runs from 1 July to 30 June.
- Resident individuals are subject to income tax in Mauritius on income, other than exempt income, which is derived from Mauritius.
- Income derived by a resident individual from outside of Mauritius is taxable in Mauritius to the extent that such income is being remitted to Mauritius.
- Non-residents are taxed only on their Mauritian-sourced income.
- Pay As You Earn ("PAYE") is a system whereby employers are required to withhold tax from the emoluments of employees chargeable to tax.
- The PAYE is calculated on chargeable income. Prior to 1 July 2022, the income tax rate for an individual who derives annual net income of up to MUR 650,000 was 10%. However, where the annual net income exceeded MUR 650,000, the rate of tax was 15%.
- Effective from 1 July 2022, an income tax rate of 10% is applicable to annual net income not exceeding MUR 700,000. An individual deriving annual net income between MUR 700,000 and MUR 975,000 is taxed at 12.5%. A rate of 15% is applicable for annual net income more than MUR 975,000.
- Fees payable to a resident and non-resident director of a company which is resident in Mauritius is subject to PAYE at the flat rate of 15%.
- Foreign dividends received by resident individuals in Mauritius are subject to tax in Mauritius. Dividends paid by a Mauritius-resident company are exempt from tax.
- There is no capital gains tax in Mauritius.
- A resident individual whose leviable income exceeds MUR 3 million in an income year, in addition to PAYE, is liable to pay a Solidarity Levy ("SL") of 25% on its leviable income in excess of the MUR 3 million. Leviable income includes dividends from Mauritius-resident companies. However, the SL is capped at 10% of the individual's net income.
- Prior to 1 July 2020, the SL threshold was MUR 3.5 million and its rate was 5% on leviable income.
- Resident individuals may claim Income Exemption Thresholds ("IET") that are deductible from their total net income to arrive at the income chargeable to tax. An individual, resident in Mauritius, is entitled to any one of the IET, based on the number of dependents (spouse, a bedridden next of kin, a child):

Category	Income year ended 30 June 202	Income year ended 30 June 2021	Income year ended 30 June 2022
	Amount (MUR)	**Amount (MUR)**	**Amount (MUR)**
Category A: an individual with			
no dependent	310,000	325,000	325,000
Category B: an individual with			
one dependent	420,000	435,000	435,000
Category C: an individual with			
two dependents	500,000	515,000	515,000
Category D: an individual with			
three dependents	550,000	600,000	600,000
Category E: an individual with			
four or more de-pendents	600,000	680,000	680,000

› PAYE and SL are remitted to the Mauritius Revenue Authority ("MRA") in the month following the payment.
› A tax resident has an obligation to submit their annual tax return and pay tax due electronically by 15 October.
› Any lateness in submission/non-payment of tax will result in penalties and interests at pre-scribed rates.

Social Security

› very employer is required to submit to the MRA a statement giving the details of every employee who was employed during the preceding month, and pay the amount of social contributions in accordance with the applicable legislative provisions. The social contribu-tions include the following:

› **Social Contributions and Social Benefits ("SCSB"):** the SCSB is governed by the Social Contributions and Social Benefits Act 2021 and calculated as a percentage on the actual monthly basic salary, including the statutory end of year bonus. However, it is not applicable, amongst others, to:

a. a non-executive director of a company;
b. a non-citizen employee who is not a tax resident of Mauritius; and
c. a non-citizen who holds a premium visa.

› **National Saving Fund ("NSF"):** the NSF is regulated by the National Savings Fund Act 1995. Employees who are non-citizens and not tax resident in Mauritius are not impacted by NSF. The NSF is computed as a percentage on the monthly basic wage/salary (subject to a ceil-ing of MUR 21,435).

› **HRDC Training Levy:** the HRDC Training Levy is a contribution made exclusively by employers and is governed by the Human Resource Development Act 2003. It is computed at the rate of 1.5% of the basic salary. No contribution is applicable for an employee who is not tax resident in Mauritius.

› **Portable Retirement Gratuity Fund ("PRGF"):** the PRGF is governed by the Workers' Rights Act 2019 and the Workers' Rights (Portable Retirement Gratuity Fund) (Amendment) Regulations 2020. The employer is required to contribute a percentage of the monthly remuneration of its employee. However, an employer does not have an obligation to contribute PRGF, amongst others, for:

a. A non-Mauritian citizen worker or a migrant worker; and
b. A worker drawing a monthly basic wage/salary of more than MUR 200,000.

EMPLOYEE

› SCSB rates are as follows:
  a. Employee deriving a monthly salary of less than or equal to MUR 50,000: 1.5%
  b. Employee deriving a monthly salary of more than MUR 50,000: 3%

› NSF: 1% of their basic wage salary (subject to a ceiling of MUR 21,435).

EMPLOYER

› SCSB rates are as follows:
  a. Employee deriving a monthly salary of less than or equal to MUR 50,000: 3%
  b. Employee deriving a monthly salary of more than MUR 50,000: 6%

› NSF: 2.5% of the employee's basic salary (subject to a ceiling of MUR 21,435)
› HRDC Training Levy: 1.5% of the employee's actual monthly basic salary
› PRGF: 4.5% of the monthly remuneration of the employee

Immigration

VISA

› An individual who would like to enter Mauritius for employment reasons may apply for any of the following visas:

› Business Visa: a non-citizen can travel to Mauritius for the purpose of establishing or conducting a business or investment. Businesspersons are entitled to a maximum of 120 days in a calendar year, provided that during each trip the maximum stay does not exceed 90 days and that the non-citizen is not remunerated in Mauritius.

› Premium Visa: a non-citizen can stay in Mauritius with their family and carry out their business or work remotely from Mauritius for a period of one year and this can be renewed for those who intend to stay in Mauritius for a period exceeding 180 days in a calendar year. To qualify for the Premium Visa, the applicant must have proof of their long stay plans and sufficient travel and health insurance for the initial period of stay.

› Multiple Entry Visa: it is granted to foreign business persons having business interests in Mauritius and who need a visa prior to travel for a maximum of 120 days in a calendar year and provided that the stay during each trip does not exceed 90 days.

WORK PERMIT

› All foreigners must have a valid work permit to work in Mauritius. There are different types of permits available depending on the employee's profile.

› Occupation Permit ("OP"): a combined work and residence permit which allows foreign nationals to work and reside in Mauritius under 3 specific categories, namely investor, profes-sional and self-employed. Under the investor and self-employed category, the OP is valid for 10 years. However, for the professional category, the OP will be granted for the period specified in their contract of employment or for a period of 10 years, whichever is the lesser. The OP is renewable subject to established criteria.

› Young Professional Occupation Permit ("YPOP"): foreign students having completed at least an undergraduate degree in a tertiary education institution in Mauritius are eligible to apply for a YPOP. It is valid for a maximum period of 3 years depending on the duration of the contract of employment.

REGISTRATION

› Visa application: the registration can be made online along with the submission of the supporting documents on the website of the Passport and Immigration Office of Mauritius.

› Work permit: all applications should be submitted online through the National E-licensing System on the website of the Economic Development Board ("EDB") Mauritius.

Employer's obligations

START OF EMPLOYMENT

› Register as an employer within 14 days of employing individuals.
› Obtain an Employer Registration Number from the MRA.

- Apply for the employee's work permit, where applicable.
- Register the employee for individual income tax purposes with the MRA by obtaining a Tax Account Number.
- Request employees to complete and submit an Employee Declaration Form ("EDF").
- During employment
- Request that employees complete and submit EDF on a yearly basis.
- Withhold the relevant applicable PAYE, Solidarity Levy and Social Contributions from the employee's salary and proceed with submission of the relevant PAYE and Monthly Contributions Return to the MRA by the latest at the end of the following month.
- Submit an Annual Return of Employees to the MRA by 15 August at the latest every year.
- Issue, in duplicate, a Statement of Emoluments and Tax Deduction, in the prescribed format, to each employee by 15 August every year.
- Renewal of relevant work permits upon expiration.

TERMINATION OF EMPLOYMENT

- Submit an Exit Statement for PRGF to the MRA, following which the Ministry of Social Security will thereafter notify the employer of the amount of PRGF to be paid, if any, to the MRA.
- Submit monthly contributions return on any amount of tax/social security contributions required to be withheld.
- Issue the employee a Statement of Emoluments and Tax Deduction.
- The employer needs to provide a worker, whose employment has been terminated, or who has resigned from their employment, with a certificate of employment within 7 days of the termination of their employment.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | B Taxable | C Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	21.53%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	19.94%

Maximum effective personal income tax rates for the past 3 years		
2020	2021	2022
20%	25%	25%

Social Security Rates Employment gross income [1] 100,000 EUR p.a.	
Employee (CSG/NSF*)	3% /1%*
Employer (CSG + PRGF/NSF*/HRDC Levy**)	10.5% / 2.5% / 1.5%**

* Calculated as 1% of basic wage/salary up to a ceiling of MUR 21,435 monthly. Accordingly, the total yearly NSF will be MUR 2,572.

** Calculated as 1.5% on basic salary.

Social security agreements (SSA)
1. United Kingdom

[1] Excluding fringe benefits such as housing.

Mozambique

Personal Income Tax – PIT

- PIT is levied on the annual global amount of the income of natural persons, even when arising from unlawful acts.
- The tax is due by natural persons resident in Mozambique and by non-residents in connection with the income obtained in the jurisdiction. PIT due by taxpayers resident in Mozambique is levied on a worldwide income basis – including the income earned in the jurisdiction and abroad. On the other hand, non-residents are only subject to PIT on income obtained in Mozambican territory.
- The PIT Code foresees five (5) categories of income, namely:
  - Category 1 – employment income;
  - Category 2 – self-employment/professional and business income;
  - Category 3 – capital and capital gains income;
  - Category 4 – real estate income;
  - Category 5 – other income.
- PIT is levied according to progressive income tax rates between 10% and 32%.
- PIT is paid in the year following that to which the income relates.

Social Security

The Social Protection regime is governed by Law no. 4/2007 of 7 February – Social Protection Law, Decree no. 51/2017 of 9 October– Mandatory Social Security Regulations and Decree no. 4/90 of 13 April.

EMPLOYEE

- The contributive rate borne by the employee is 3%.

EMPLOYER

- The contributive rate borne by the employer is 4%.

Immigration

VISA

- Law No. 23/2022 of 29 December 2022 approved the Legal Regime of Entry, Stay and Departure of Foreign Citizens and sets out the rules for entry, stay and departure from the country, as well as the rights, duties and guarantees of foreigners.
- Entry into the country must be made through the border posts officially established for that purpose. At the point of entry, the foreign citizen is subject to the migration procedures of the competent authorities, among others foreseen by law.
  - One of the following documents is required for entry into the national territory:
  - passport or equivalent document valid for the country and entry visa issued by the competent Mozambican authorities, equally valid;
  - other documents established by international conventions or agreements by which Mozambique is bound.

WORK PERMIT

- To legally render work in Mozambique, it is mandatory to obtain a work visa prior to the foreign worker's entry into the country.
- After confirmation has been issued for hiring the relevant expatriate employee by the Ministry of Labour, a work visa application to the relevant immigration authorities is required – i.e. the Mozambican Embassy or Consulate in the country of origin of the employee.
- The work permit allows the foreign worker to remain in Mozambique for a maximum period of two years, including residence.
  - The work visa issuance procedure requires the fulfilment and presentation of the following requirements:
  - application addressed to the Minister of Labour; (the application must contain the name of the applicant entity, headquarters and branch of activity of the applicant entity, name and function of the employee and the duration of the contract);
  - employment contract (3 copies);
  - academic certificate;
  - technical professional certificate;
  - proof of professional experience;
  - identification of the foreign citizen whose employment is required;
  - opinion of the Trade Union Committee on the hiring of the worker;
  - proof of the deposit of 12% of the salary stated in the contract.

- A work visa is granted to a foreign citizen and is intended to enable the holder to enter the country to temporarily exercise a remunerated or unremunerated activity in the interest of the State or on behalf of another person, subject to compliance with the legal formalities for the employment of foreign labour.
- The work visa allows its holder multiple entries and stay for a period of up to one year, renewable for an equal period, in accordance with the work contract.
- A work visa entitles its holder to dedicate themself exclusively to the service of the employer that requested it.
- The employer shall inform the migration services of any change that occurs during the term of the contract, under penalty of sanction under the terms of the law.
- The employer is responsible for paying all expenses inherent to the repatriation of the foreign national in the event of a cancellation of the visa, termination of the employment relationship or expulsion.

Employer´s obligations

START OF EMPLOYMENT

- Employees are only entitled to work in Mozambique under a Mozambican law employment contract established with a local employer – either a company or branch.
- There are three types of employment contracts in Mozambique: (i) fixed-term contracts (where the duration of the contract is fixed), (ii) unspecified-term contracts (where it is not possible to predict, with certainty, the period that would justify the term) and (iii) unlimited-duration contract (where the duration of the contract is not fixed).
- Fixed-term contracts cannot be executed for a period exceeding two years, which can be renewed twice. Fixed-term contracts will automatically be converted into an unlimited-duration contract when the periods of its maximum length are exceeded or when the number of renewals allowed is also surpassed.
- A local employment agreement entered with an employee must necessarily contain the following minimum information:
  - identification of the employer and the employee;
  - professional category, tasks or activities agreed upon;
  - place of work;
  - duration of the contract and conditions for its renewal;
  - the amount, form and frequency of payment of remuneration;
  - date of commencement of execution of the employment contract;
  - indication of the term stipulated and its justification, in case of a fixed-term contract; and,
  - the date of conclusion of the contract and, in the case of a fixed-term contract, the date of termination.

DURING EMPLOYMENT

- During the term of the employment agreement, the employer must:
  - respect the rights and guarantees of the employees, fully complying with all obligations arising from the employment contract and the rules that govern it; guarantee the observance of hygiene and safety norms at work, as well as to investigate the causes of work accidents and occupational illnesses, adopting the appropriate measures for their prevention;
  - respect and treat the employees with correctness and urbanity;
  - provide the employees with good physical and moral conditions at the workplace;
  - pay the employees a fair remuneration in accordance with the quantity and quality of the work carried out;
  - assign the employees a professional category corresponding to the functions or activities they perform;
  - maintain the professional category assigned to the workers and not lower it, except in cases expressly foreseen in the law or in collective labour regulation instruments;
  - keep the location and working hours of the employees unchanged, except in cases provided for by law, the individual employment contract or collective bargaining agreements;
  - allow the employees to carry out union activities, without prejudice to the union offices;
  - not obligate the employees to purchase goods or use services supplied by the employer or the person indicated by the employer;
  - not exploit, for profit, canteens, or any other establishments related to work, supply of goods or provision of services to workers.
  - prepare and approve internal regulations for the organisation of work and labour discipline.

TERMINATION OF EMPLOYMENT

- The employment contract may be terminated for reasons of:
  - expiry;
  - mutual agreement;
  - termination by the initiative of the employee or employer (subject to the verification of specific requirements);
  - termination by just cause (by both parties, depending on the verification of specific requirements);
  - collective dismissal.
- Upon termination of the employment agreement, the employee is entitled to payment of the following final labour credits:
- base salary and allowances (seniority allowance) calculated until the last day of work.
- Certain termination methods, such as individual or collective dismissal, also entail the need to pay compensation, which depends on the salary received by the employee. Said compensation can vary between 7 and 30 days of base salary and seniority bonus, per each year of seniority.
- At the end of the employment relationship, the employer must:
  - provide the employee with an employment certificate, indicating the dates of admission and termination of the agreement, levels of professional skills acquired and the position held;
- notify the employees concerned, the union body and the Ministry responsible of its intention to terminate the employment agreement, within thirty days of the expected date of termination.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	32%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	32%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
N/A	N/A	N/A

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	3%
Employer	4%

Social security agreements (SSA)	
1. Portugal	in force

[1] Excluding fringe benefits such as housing.

Nigeria

Personal Income Tax – PIT

- Employee's income is not exempt from tax.
- By the provision of the Personal Income Tax Act 2004 (PITA), an employer is required to utilise the "Pay-As-You-Earn"-scheme (PAYE), to deduct tax at source from the employee's monthly income and remit same to the relevant tax authorities in the currency of payment of the emoluments.

Social Security

In Nigeria, employers and employees are required to make statutory social security contributions under the relevant social security schemes including the National Pension Commission, the National Health Insurance Scheme (NHIS), and the Industrial Training Fund. Notably, a failure to remit these contributions as of the date due would amount to a breach of statutory obligations. Social security contributions are regulated by various legislative provisions including the Pension Reform Act (PRA) of 2014 (The Pension Act), which regulates, among other things, provisions on retirement benefits to persons who retired from formal employment of any kind, payment of disability benefits and survivors' benefits to dependant(s) of a deceased employee. The Act stipulates a minimum contribution of 18% of monthly emolument. Social security is also regulated by the National Housing Fund (NHF) (Establishment) Act 2018 with the aim of providing loans to Nigeri-ans for the development, purchase or renovation of houses. The Act also allows contributors to obtain long-term loans from mortgage institutions.

EMPLOYEE

- Pursuant to the Pension Act, employees are expected to set up a retirement savings account with an approved Pension Fund Administrator (PFA), and contribute a minimum of 8% of their basic salary to be deducted and remitted by the employer in addition to the employer's contribution to the PFA.
- Employers are obliged to remit the pension contributions within seven working days after making salary payments. Non-compliance will attract a penalty of at least 2% of the unpaid amount.
- Significantly, the employee's contribution under the Pension Act is tax free and the funds are not accessible until retirement except on exceptional grounds in line with the exemptions created by the Act, such as when a person has remained out of employment for a period of 4 months or more.

EMPLOYER

- In line with the Pension Act, employees are required to contribute a minimum of 10% of the employee's monthly income but may elect to bear the full contribution responsibility, in which case, such employer must contribute a minimum of 20% of the employee's monthly income.
- Furthermore, employers are required to bear the total cost for the life insurance policy of their employees.
- In compliance with the NHF Act, employers are also required to register their employees with the NHF where applicable and deduct the NHF contribution at the rate of 2.5% of the employees' monthly basic salary, and remit same to the Federal Mortgage Bank of Nigeria (FMBN) within one month after the salary has been paid, failing which the employee would be liable to a penalty for late remittance.
- Also, the National Health Insurance Authority Act obliges employers to provide health insurance for their employees through a Health Maintenance Organisation (HMO).
- An employer must make contributions to the Nigeria Social Insurance Trust Fund. The Employees' Compensation Act (ECA) 2010 provides compensation for workers or their dependents in the event of death, injury, disease or disability arising out of or during employment. NSITF applies to every employer and employee in the public and private sectors. Employers must contribute 1% of the employee's monthly payroll to the NSITF. However, this contribution is not deducted from an employee's monthly salary. Rather, it is a statutory contribution by an employer. Payment is to be made by the employer before the 16th day of the succeeding month after salary payment. Employers are liable to a penalty of 10% for the late or unremitted 1% monthly payroll.

Immigration

- The following visas are available in Nigeria

  a. aTransit visa/entry permit,
  b. Direct transit visa (airside)/entry permit,
  c. Tourist visa/entry permit,
  d. Business/entry permit,
  e. Diplomatic visa/entry permit,
  f. Temporary work permit (TWP),
  g. Subject to regularisation (STR).

- Nigerian visas are obtainable in the countries where applicants are domiciled or the nearest Nigerian Mission closest to their countries of residence.

WORK PERMIT

- Expatriates require a resident permit also known as the CERPAC (Combined Expatriate Residence Permit and Aliens Card) in order to work in Nigeria. The CERPAC issued to an expatriate allows the non-Nigerian expatriate to reside in Nigeria and carry out an approved activity. However, possession of a valid CERPAC green card does not exempt the holder from having a valid entry or re-entry permit/visa.
- CERPAC is valid for two years, after which a revalidation application must be made.

REGISTRATION

- The requirements for the registration and issuance of CERPAC is regularisation of stay, including:
- application letter from the employer requesting regularisation of stay and accepting Immigration Responsibility (IR) on behalf of the expatriate.
- letter of appointment/employment.
- acceptance of offer of appointment/employment.
- form IMM22 with three (3) passport-sized
- photographs
- quota approval of the company
- vetted credentials
- valid passport with STR (Subject to Regularisation) (employment) visa and photocopies of relevant pages.

Employer's obligations

START OF EMPLOYMENT

- The employer must apply to the Ministry of Interior and obtain expatriate quota slots which would enable them to employ or recruit foreign employees to legitimately work and live in Nigeria.
- Upon the awarding of the expatriate quota, a Subject to Regularisation (STR) visa would be processed to help in obtaining the mandatory Combined Expatriate Residence Permit and Aliens Card (CERPAC). The expatriate quota enables the company to be able to process an STR visa for its expatriates, which will allow such expatriates to obtain CERPAC.
- Register the expatriate with the requisite tax authorities for remittance of tax.

DURING EMPLOYMENT

- Deduct at source the personal income tax of an expatriate employed in Nigeria from any emolument paid, or from any payment made on account of the emolument, by the employer to the employee monthly.
- To file a return of all emoluments paid to the expatriate no later than 31 January of every year with regard to the preceding year, as provided in Section 81 (1) & (2) of the Personal Income Tax Act.
- Submit monthly online returns on the use of expatriate quota positions via the government's website.

TERMINATION OF EMPLOYMENT

- Formally notify the Nigerian immigration upon termination of employment.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	A
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	24%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	24%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
24%	24%	24%

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	8%
Employer	10%

Social security agreements (SSA)

1. Spain
2. United Kingdom

[1] Excluding fringe benefits such as housing.

Senegal

Personal Income Tax

- For resident individuals, taxable income corresponds to the total net annual income that the taxpayer earns or disposes of during the same year without there being any need to distinguish whether this income has its source in Senegal or in the foreign country. This means that the person residing in Senegal, in other words residing 180 days or more in Senegal, during a calendar year will be taxed based on "worldwide income".
  - In this overall taxation, the provisions of tax treaties on the type of income must be considered.
  - Generally speaking, taxable salaries and wages include all remuneration (in cash and in kind) in cluding benefits in kind after the deduction of the specific elements provided for by law, in particular income tax, social security contributions, professional expenses, relief from tax on dependents, stock options, premiums relating to particular life insurance policies, certain allowances, etc.).
  - it should be noted that seconded employees are subject to income tax in Senegal for the benefits in kind they receive from their employ er. This imposition is made on a fixed basis, in accordance with the scale fixed by ministerial decree.

Slices (XOF)	Rate (%)
0 – 630,000	0%
630,001 – 1,500,000	20%
1,500,001 – 4,000,000	30%
4,000,001 – 8,000,000	35%
8,000,001 – 13,500,000	37%
+ 13,500,001 – 50,000,000	40%
+ 50,000,000	43%

Social Security

- The social security system is managed by two bodies charged with a public service mission and placed under the supervision of the Ministry of Labour and Social Security. These two funds have the status of social insurance institutions. The contribution for the fund is completely borne by the employers.
  - the family benefits branch,
  - the system for the prevention and compensation of accidents at work and occupational diseases,
  - collection of contributions.
- It has regional agencies, maternity and child protection centres, clinics and family planning.
- The Institution for Provident Pensions of Senegal (IPRES) manages the national mandatory retirement pension scheme (basic pension and supplementary pension). The bodies responsible for health insurance are: health insurance institution (IPM) for salaried workers, health mutuals for the self employed, voluntary insured persons, agricultural workers, students, people living in poverty who benefit from a Family Security Grant, the Institution for Provident Pensions of Senegal (IPRES) for pensioners:

Contributions as of 1 Januar

Branches	*Employer share*	*Salary share*	*Total*	*Ceiling monthly in FCFA*
Family benefits	7%	-	7%	63,000
Accidents at work occupational diseases	1%, 3% or 5% according to the risks involved	- 5.6%	1%, 3% or 5%	63,000
Retirement (IPRES)	8.4%	2.4%	14%	432,000
Complementary retirement for managers	3.6%		6%	1,296,000
Health coverage	between 2% and 7.5%	between 2% and 7.5%	between 4% and 15%	250,000

Immigration

Residence of foreign workers in Senegal

› Obtaining a residence permit in Senegal for foreigners

The residence permit is generally required for people who plan to spend more than 6 months in Senegal. In Senegal, certain nationalities can be exempt from the visa requirement but in this case the authorisation of stay cannot exceed 3 months. At the end of the 3 months, the foreigners must leave the territory or apply for a residence permit.
For foreign nationals requiring a visa, they have the option to renew the 3-month visa for another 3 months or apply directly for a residence permit if they plan to stay in Senegal for more than 6 months.

To obtain a residence permit, foreign workers provide, in particular, the following documents:

› a handwritten request addressed to the Minister of the Interior signed by the person concerned;
› a copy of the passport of the applicant with the last date of entry;
› an original copy of the birth certificate of the person concerned;
› a criminal record from the country of origin dating from less than three months of the person concerned;
› three passport-sized photos of the applicant;
› a medical certificate of the person concerned issued by a doctor established in Senegal;
› a residence certificate;
› tax stamp(s);
› repatriation deposit depending on the nationality of the applicant;
› a copy of the employment contract endorsed by the Labour Inspectorate/Labour Department.

WORK PERMIT
A worker recruited abroad with an obligation to perform their work in Senegal must be allowed to work in Senegal with an approved work contract that equals a work permit.

Moreover, to be valid, any displaced employment contract must be approved by the Department of Labour and Social Security (Article L33 of the Labour Code). This work permit is valid for two years and is attached, signed, to the employment contracts (CDD and CDI).

REGISTRATION
The employment contract must be signed in four copies by all parties to the contract and other documents must be attached:

› copy of the passport or identity document of the person concerned;
› criminal record of the applicant (original, less than 3 months old);
› medical certificate of the applicant;
› additional documents may also be required.
› The resulting document is an employment contract approved by the Labour Department, in accordance with Senegalese labour law.

The expatriate worker (a foreign worker recruited locally) may have an employment contract approved by the Labour Inspector. The drafted contract, along with the individual's identification document, medical certificate and criminal record, must be submitted to the labour inspector for approval.

Employer's obligations

START OF EMPLOYMENT
› The expatriate contract must be a fixed-term contract. Therefore, the open-ended employment contract should be approved every two years by the appropriate authority.
› The visa application for the contract approval is the responsibility of the employer and, if it is refused, the contract becomes null and void.

DURING EMPLOYMENT
› The employer of an expatriate worker must provide them with decent accommodation or pay them a housing allowance instead.
› When paying wages, the employer is required to make a monthly withholding tax payable on wages, which is representative of the minimum tax and the flat-rate contribution payable by employers (CFCE).
› The employer must also make monthly declarations of social security contributions and make the corresponding payment.
› A monthly payslip is issued to the employee after the salary has been credited to their bank account.
› The employee must ensure the annual renewal of the residence authorisation.

TERMINATION OF EMPLOYMENT
› If the tax authorities of the expatriate's country of origin require it, the employee must request a tax clearance certificate from the Senegalese Tax Administration for the period during which they performed their services in Senegal.
› The employer must deregister the employee from the social security department.

Comparisons

Taxation of fringe benefits	
Housing	B
Home flights	B
Education for children	B

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	from 0 to 43%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	from 0 to 43%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
40%	40%	43%

Social Security Rates
Employment gross income [1] 100,000 EUR p.a.

Employee	8%
Employer	12%

Social security agreements (SSA)	
1. Espania – Convention bilatérale de Sécurité sociale	22 Nov 2020
2. France – Accord de sécurité sociale de 1974	Updated: Sep 2002
3. Ivory Coast	
4. Benin	
5. Mali	
6. Togo	
7. Burkina	
8. Gadon	
9. Niger	
10. Comores	
11. Congo	
12. Centrafrique	
13. Guinée Equatoriale	
14. Chad	
15. Cameroon	

[1] Excluding fringe benefits such as housing.

South Africa

Personal Income Tax

- The extent of inclusion of an individual's income and capital gains is dependent on an individual's income tax residency status in South Africa. Non-residents for income tax purposes are subject to taxation on South African-sourced income only, while residents may be subject to taxation on their worldwide income, subject to the application of a double taxation agreement.
- Income tax residency in South Africa may be gained by the intention to be tax resident or by the amount of time physically spent in South Africa, calculated over a six-year period. It is important to be aware of one's income tax residency status, as South African income tax residents that cease to be so when emigrating or returning to their home country are subject to a deemed capital gains tax disposal of their worldwide assets (the "exit tax") and must apply to the South African Revenue Service ("SARS") to be viewed as non-resident, failing which they will continue to be viewed as South African resident taxpayers and SARS will seek to subject their worldwide income to taxation in South Africa.
- South Africa utilises progressive rates of taxation with regard to individuals. The taxation rates range from 18% to 45%, depending on an individual's taxable income. An annual individual tax rebate is available; this amount is subject to change annually.
- Capital gains are taxed at an individual's marginal income tax rate. The inclusion rate of an individual's capital gain in taxable income is currently 40%. Therefore at the top marginal rate of taxation of 45%, the current effective rate of capital gains tax is 18%. Annual exclusions may apply and cap-ital gains tax is payable only on gains made on the disposal of assets as defined for capital gains tax purposes.
- The individual tax year runs from 1 March to 28/29 February.
- Annual income tax returns are submitted in the year following the end of the tax year and must be submitted by dates announced annually by the Minister of Finance. Therefore, the date of submission is subject to change each year. Generally, the deadline for non-provisional taxpayers is around October of each year and the deadline for provisional taxpayers is during January of the following year.
- Provisional taxpayers are certain taxpayers who receive income above a specified threshold and in addition to employment income (for example rental income from a fixed property). Such taxpayers are required to submit two provisional tax returns in a tax year (the first by 31 August, the second by 28/29 February) indicating their estimated taxable income for that tax year. Taxes paid in terms of the provisional tax system are credited toward income tax calculated as payable on assessment by SARS.
- Employment income is paid monthly typically by the 25th day of the month and employees' taxes are withheld at source. The employees' tax so withheld is effectively an advance of income tax payable and is credited against income tax finally calculated as payable by SARS.

Social Security

South Africa does not have a comprehensive social security system in place and no totalisation agreements have been concluded.

However, employers and employees are required to make contributions toward the Unemployment Insurance Fund ("UIF"). The total contribution is the equivalent of 2% of the employee's salary capped at the first ZAR 212,544 per annum and of which 1% is payable by the employee and 1% by the employer.

EMPLOYEE

- Foreign employees on assignment in South Africa may be exempt from UIF contributions if their assignment agreement requires them to repatriate or leave South Africa on the termination of their assignment.

EMPLOYER

- Employers are required to register with the Unemployment Insurance Commissioner's office in the event that they are not registered as employers with the South African Revenue Service.

- UIF contributions are paid monthly by employers together with monthly employees' tax.
- Employers are also required to register for the Skills Development Levy ("SDL"). SDL is a levy borne by the employer of 1% of the value of salaries paid. It is also paid monthly with the employees' tax payments and the purpose is to facilitate learning and development in South Africa.
- Employers are required to register with the Unemployment Insurance Commissioner's office in the event that they are not registered as employers with the South African Revenue Service.
- UIF contributions are paid monthly by employers together with monthly employees' tax.
- Employers are also required to register for the Skills Development Levy ("SDL"). SDL is a levy borne by the employer of 1% of the value of salaries paid. It is also paid monthly with the employees' tax payments and the purpose is to facilitate learning and development in South Africa.

Immigration

VISA

- All non-South Africans working in South Africa are required to obtain an appropriate work visa.
- Work visas should be sought well in advance of arrival in South Africa.
- The type of work visa will depend on the employee's qualifications and skills, work description, length of time to be spent working in South Africa and type of assignment (for example, general work visa, critical skills work visa, intracompany transfer work visa).
- The requirements for each type of work visa differ and it is prudent to utilise the services of a specialised immigration consultant prior to arriving in South Africa to work.

WORK PERMIT

- A general work permit provides the holder with the permanent ability to work in South Africa.
- To apply for the general work permit, the applicant must be in possession of a 5-year continuous work visa and have proof of a permanent offer of employment in South Africa in the form of a permanent employment contract.
- Due to its permanent nature and the strict scrutiny process, the general work permit may be best sought through a specialised immigration consultant.

REGISTRATION

- Foreign employees working in South Africa will be registered with the Department of Home Affairs automatically on issuance of an applicable work visa.

Employer´s obligations

START OF EMPLOYMENT

- Ensure the employee has the correct work visa.
- The employer is required to place the employee on the payroll system and ensure that the employee is registered as a taxpayer with SARS. This may not be required for assignments that are shorter than six months, depending on the terms of an applicable double taxation agreement.

DURING EMPLOYMENT

- The employer is required to withhold employees' tax each month from the remuneration paid to the employee and pay the employees' tax to SARS. This may not be required in respect of assignments that are shorter than six months in duration, depending on the terms of an applicable double taxation agreement.
- The employer must issue the employee with an annual IRP5 Employees' Tax Certificate that sets out the remuneration paid to the employee during the tax year and the concomitant employees' taxes paid to SARS. The employee will require this for the annual individual income tax return submission.

TERMINATION OF EMPLOYMENT

- Provide the employee with the final IRP5 employees' tax certificate and ensure that all employees' tax with regard to the employee have been paid to SARS.

Comparisons

Taxation of fringe benefits	
Housing	C
Home flights	C
Education for children	C

A Tax exempt | **B** Taxable | **C** Tax relief under certain conditions

Tax rates	
Single, no children Employment gross income[1] 100,000 EUR p.a.	45%
Married, 2 children Employment gross income[1] 100,000 EUR p.a.	45%

Maximum effective personal income tax rates for the past 3 years

2020	2021	2022
45%	45%	45%

Social Security Rates Employment gross income [1] 100,000 EUR p.a.	
Employee	1%
Employer	1%

Social security agreements (SSA)

[1] Excluding fringe benefits such as housing.

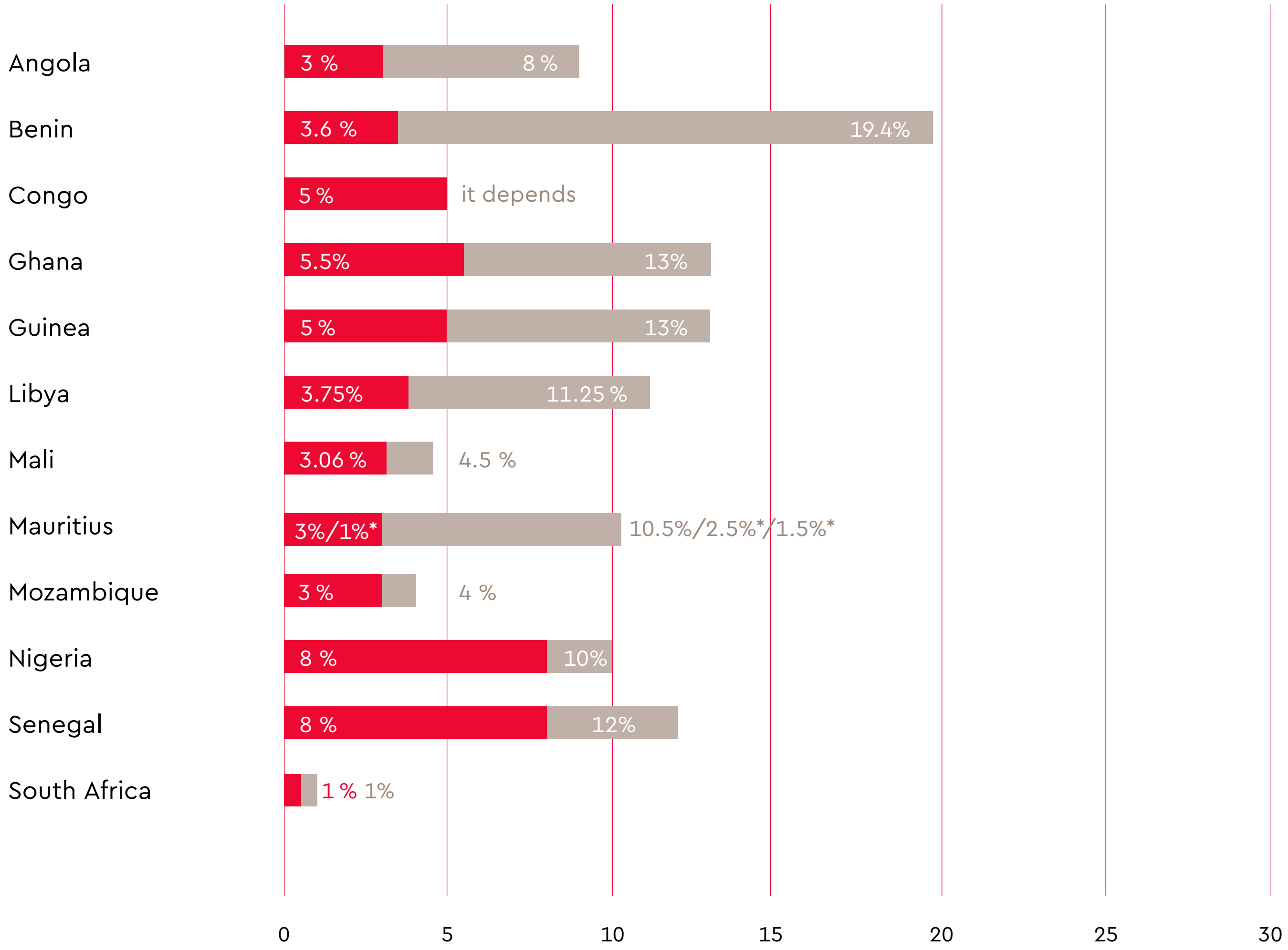
Appendix

Taxation of Fringe Benefits

Country	Housing	Home Flights	Education for Children
Angola	B	B	B
Benin	B	B	B
Congo	C	B	C
Ghana	B	A	B
Guinea	B	B	B
Libya	B	B	B
Mali	B	B	B
Mauritius	B	B	B
Mozambique	B	B	B
Nigeria	B	B	B
Senegal	B	B	B
South Africa	C	C	C

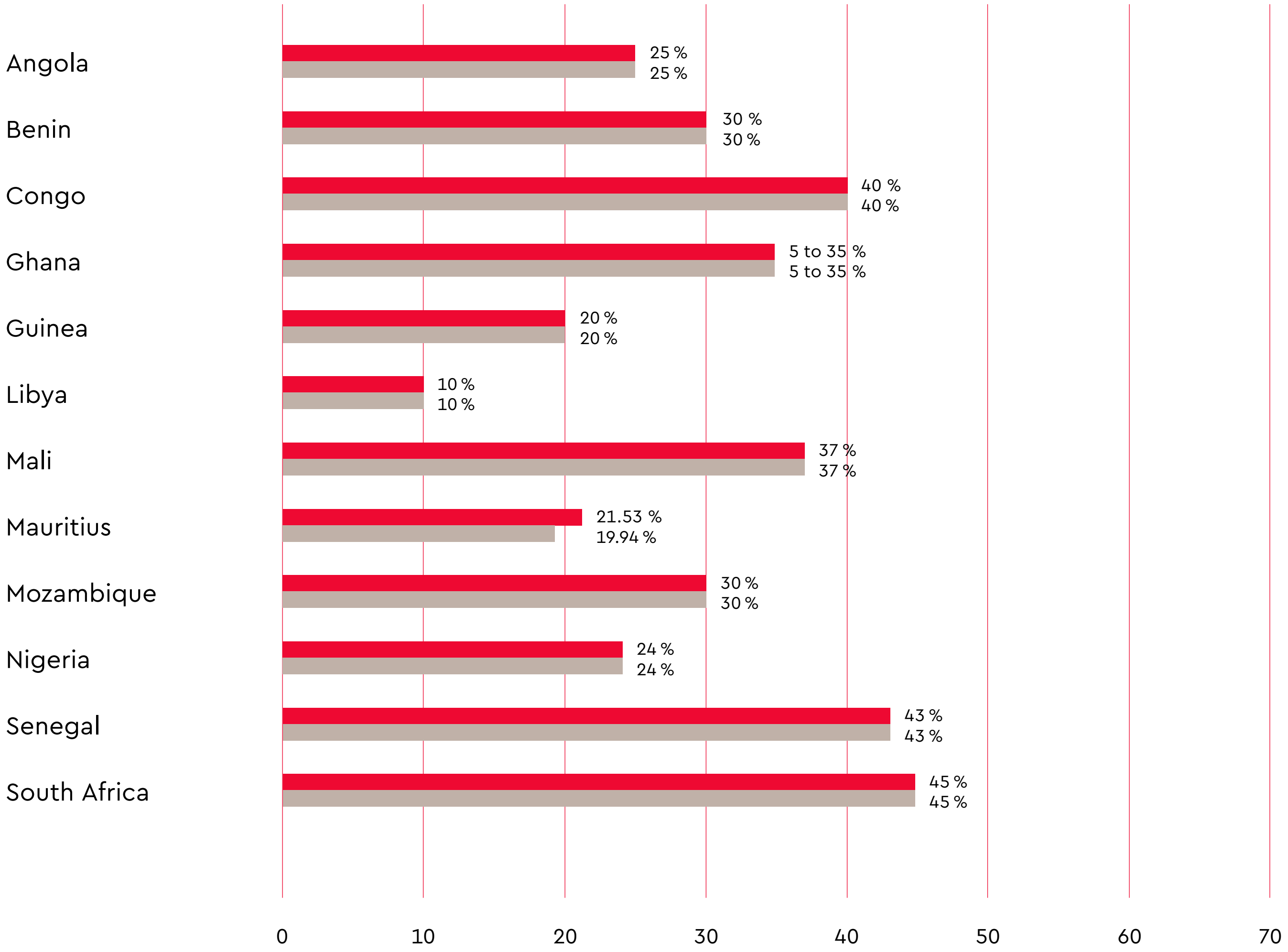
A Tax exempt | B Taxable | C Tax relief under certain conditions
[1] If assignment does not exceed 12 months, otherwise generally taxable.

Social Security Rates



■ Employee | ■ Employer | *NSF **HRDC Levy

Effective Income Tax Rates



■ Single, no children | ■ Married, 2 children

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