



## SECONDARY EMPLOYMENT POLICY

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| <b>First Approved by:</b>                             | Administrative Committee   |   |   |
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| <b>Responsible Division &amp; Unit:</b>               | Staff Services Unit, Human Resources Division  |   |   |
| <b>Supporting documents, procedures &amp; forms:</b>  | <a href="#">Staff Declaration of Interests/Secondary Employment</a>  |   |   |
| <b>Relevant Legislation &amp; External Documents:</b> | <a href="#">NSW Independent Commission Against Corruption</a><br><a href="#">University Code of Conduct</a><br><a href="#">Conflict of Interest Policy</a><br><a href="#">Commercial Research Policy</a> |   |   |
| <b>Audience:</b>                                      | Public – accessible to anyone  |   |   |

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## 1 Purpose of Policy

1. Employment at the University carries with it an obligation to act in the public interest. The University receives considerable amounts of public funds and this carries an obligation to act in accordance with generally accepted standards of conduct for employees. Accordingly, employees must abide by standards of professional behaviour that promote and maintain public confidence and trust in the University. These standards are set out in the University's Code of Conduct (Staff).
2. At the same time, employees should not be subject to unnecessary restrictions simply because they work in the University. University employees have the same rights as other comparable employees. This policy does not aim to unreasonably restrict the capacity of employees to earn other income – particularly lower paid workers; casuals and part-time staff.

## 2 Definitions

1. Secondary employment means any employment with an organisation other than the University and includes self-employment, independent contracting or consulting or employment by a family company.
2. Secondary employment encompasses casual, part-time and full-time work, shift work. All such cases constitute secondary employment regardless of the duration of the employment.
3. Secondary employment includes employment already held by a person at the time of their initial employment by the University.

## 3 Application & Scope

1. This policy applies to all staff of the University, including academic and general staff and continuing, permanent, fixed term and casual staff.
2. The separate Commercial Research Policy provides a special framework for academic staff to participate in the work of other organisations as a part of their work for the University. The Commercial Research policy should however, be read in conjunction with this policy. Any approval issued under the Commercial Research Policy is sufficient to satisfy the requirements of this policy. However, it should be noted that the Commercial Research Policy does not apply to general staff of the University.
3. Issues relating to unpaid or voluntary work are briefly canvassed in section 7 of this policy and are generally not regarded as secondary employment. However, conflict of interest issues may still arise and must be addressed where they do arise.

## 4 General

1. Any form of secondary employment must be approved in accordance with this policy or the Commercial Research Policy and such approval must be prior to commencement of the secondary employment.
2. Where a staff member already has other employment at the time of commencing work with the University, such employment should be disclosed when commencing work with the University.

## 5 Secondary Employment and Conflict of Interest

1. Conflict of interest is a major issue in itself and is the subject of a specific separate policy.



2. There are a number of specific dimensions to conflict of interest which arise in the context of secondary employment. Without limiting the range of circumstances where a conflict of interest may arise, it is a conflict of interest when:
  - a. secondary employment is undertaken at the same hours that a general staff member is being paid as a University employee;
  - b. the demands of the secondary employment may compromise the employees capacity to perform their duties or meet their WHS obligations within the University;
  - c. secondary employment makes use of any University facility, equipment or resource including computer software and information technology resources;
  - d. secondary employment makes use of, or may benefit from, commercial or other information that the employee possesses by virtue of their employment with the University;
  - e. secondary employment is with an organisation that may compete with the University for funds, staff, students, projects, consultancy or in any other activity;
  - f. secondary employment is with an organisation that supplies the University with equipment, services or staff;
  - g. secondary employment is with an organisation that is a customer of the University and may acquire equipment, services or staff from the University; or
  - h. any other situation that could give rise to one or more of the above circumstances.

## **6 Process for Approval of Secondary Employment**

1. All requests for approval of secondary employment must be in writing. Requests should not be considered to be approved unless approval in writing is received.
2. The University will approve requests for approval of secondary employment that do not breach the requirements of this policy.
3. However, requests will not be approved unless the secondary employment clearly:
  - a. will not create either directly or indirectly a conflict of interest with University requirements, and
  - b. will not impair in any way the employee's ability to perform all expected duties and responsibilities of their position with the University.
4. All requests for approval of secondary employment will be treated confidentially for all purposes other than review and action by appropriate officials. Secondary employment is considered a confidential matter in all other respects.
5. If approved, the secondary employment will be reviewed annually to ensure continued compliance with this policy.
6. All approvals of secondary employment shall be forwarded to Human Resources Division, which shall confirm, in writing, that approval has been given.

## **7 Work for Voluntary & Community Organisations**

1. University employees are encouraged to contribute to the community and be involved in community organisations. Within the context of this Policy, an employee is free to fully participate



in voluntary community organisations and charities and in professional associations. However, this must be in the employee's own time, the requirements of the conflict of interest policy apply and all such involvements must be disclosed and approval sought from the relevant Dean or Director.

## 8 Breaches of this Policy

1. Students, suppliers, other staff and members of community may lodge complaints with the Chief Operating Officer over secondary employment matters because they may give rise to perceptions that the University has not been fair or proper in its dealings. Any such complaints will be investigated and assessed against the standards set down in this policy and in the conflict of interest policy.
2. Any failure to seek approval of secondary employment shall be corrected immediately it is discovered.
3. Any failure to seek approval of secondary employment which involves a significant conflict of interest or significant undisclosed use of University resources (including the employee's time) shall make the employee liable to an allegation of misconduct.
4. Any failure, of the degree described in clause 8.3 above, shall be reported to the NSW Independent Commission Against Corruption.

## 9 Roles & Responsibilities

### Responsibilities of Employees in relation to Secondary Employment

1. Employees must carefully consider whether the organisation offering secondary employment may, by implication, adversely affect (or be perceived to affect) the performance of the employee's University duties and responsibilities.
2. Employees may undertake secondary employment where there is no conflict of interest actual or perceived and no potential conflict of interest, and the resulting contact with commercial, industrial, scientific or cultural organisations of repute is likely to:
  - a. increase the academic and professional expertise of the staff member,
  - b. enrich the quality of teaching and research in the University,
  - c. lead to new collaborative teaching and research relationships with industry and government, and
  - d. place special University expertise at the service of the Community, industry or government.
3. If an employee works full-time in the University and wishes to engage in secondary employment he/she is required to seek the approval of the relevant Dean or Director. The approval will be made in accordance with clause 6 and will not be unreasonably withheld. However if there is any real or potential conflict of interest the duties of the employee's University job must come first and approval will not be granted.
4. If an employee works in the University on a fixed term or casual basis, the employee is required to advise the Dean or Director of his/her Faculty or Division of any real or potential conflict of interest between the employee's employment in the University and any secondary employment.
5. Employees should note that the University could request the details of any other employment in the event of allegations of conflict of interest.



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6. All secondary employment must not impinge in any way on the performance of an employee's University duties and responsibilities and, where work times are clearly defined, must be performed in an employee's private time.
7. Secondary employment should not utilise University equipment, resources, or commercial or other information of the University. Such use is prohibited in all cases except where such use is contracted and paid for.

### **Responsibilities of Senior Management in relation to Secondary Employment**

8. This section applies to Senior Executives, Deans, Associate Deans, Heads of Academic Units, Directors, Assistant Directors and General Staff at Level 10 or above.
9. These staff generally hold significant delegations to make decisions on behalf of the University.
10. All cases of secondary employment in respect of these staff require the formal approval of the Vice-Chancellor.

### **Responsibilities of Supervisors in relation to Secondary Employment**

11. Supervisors are responsible for providing advice to employees in relation to the provisions of this policy and on the general standards of conduct required by University employees.
12. Supervisors are obliged to report to the Dean or Director of the relevant Faculty or Division all cases of secondary employment whether disclosed by the employee or not.
13. Supervisors are responsible for ensuring applications for secondary employment are evaluated and expeditiously referred to the Dean or Director for consideration.



## 10 Version Control and Change History

| Version Control | Date Effective       | Approved By                        | Amendment   |
|-----------------|----------------------|------------------------------------|---|
| 1               | 20 June 2003         | Administrative Committee           | New Policy  |
| 2               | 6 May 2009           | Vice-Principal<br>(Administration) | Migrated to UOW Policy Template as per UOW Policy Refresh                                     |
| 3               | 9 March 2010         | Vice-Principal<br>(Administration) | Future review date identified in accordance with Standard on UOW Policy                       |
| 4               | 26 August 2010       | Vice-Principal<br>(Administration) | Updated to reflect divisional name change from Personnel Services to Human Resources Division |
| 5               | 19 October 2010      | Vice-Principal<br>(Administration) | Review by Policy Custodian.<br>No changes required and new review date set.                   |
| 6               | 30 Nov 2012          | Vice-Principal<br>(Administration) | Updated to reflect change from OHS to WHS.  |
| 7               | 11 September<br>2013 | Chief Administrative<br>Officer    | Updated to reflect title change from VP(A) to CAO.  |
| 8               | 1 May 2020           | Chief Operating Officer            | Administrative amendment to update Senior Executive titles.                                   |