

# Outside Work Policy

## Section 1 - Purpose and Scope

(1) This Policy defines and describes the various categories of Outside Work, when approval is required, how to seek approval and other applicable conditions.

### Scope

(2) This policy applies to all full-time and part-time University employees. In relation to casual and adjunct employees, only Clause 21 applies.

(3) Work that generates or has the potential to generate research publications or other research outcomes must be administered as a Research Contract and managed through the [Office of Research](#).

## Section 2 - Definitions

(4) Outside Work includes any paid or unpaid work performed by an employee for any external party (including a controlled entity of the University), or for themselves. It includes where an employee operates a commercial interest or business or acts as an Officer.

(5) A conflict of interest occurs when a personal interest harms or interferes with an employee's duties to the University or causes a detriment to the University or there is a conflict between an employee's duties to the University and to a third party. A conflict of interest may be reasonably perceived, potential or actual. A conflict of interest can involve financial or non-financial interests of the employee and the interests of a business partner or associate, family member, friend or person who has had a close personal relationship with the employee.

(6) University Resources includes the University's, facilities, equipment, systems, IT networks, intellectual property, the employee's work time or other resources and the University's name, logo or any other identifying mark or brand of the University.

(7) Risk: Exposure to the possibility of something happening that will have an impact on the University's organisational objectives. This includes risks to the: University's reputation, finances, delivery of quality services, people, security, organisational culture, operations and legal liability.

(8) Officer has the meaning given in section 7 of the [Corporations Act 2001](#).

(9) Prescribed Capacity means:

- a. in an individual capacity (including as a volunteer);
- b. as an employee, agent, contractor, consultant, advisor, director, secretary;
- c. as an Officer of any legal entity; and/or
- d. as a partner, shareholder or member of any legal entity whether or not for the employee's own benefit.

(10) University Outside Work means outside work that an employee undertakes for an external party as part of their University duties or functions, and where the University is a party to the contract under which the work is carried out

or is otherwise involved in the work.

(11) Private Outside Work means outside work that is related or similar to the employee's work, duties or responsibilities within the University (as determined by the University) but where the University is not a party to the contract. This includes an Outside Directorship and private practice where the services are directly related to the professional component of their academic discipline.

(12) Outside Directorship means service on a board, management committee or similar group which fulfils a governance function for an organisation.

(13) Unrelated Outside Work means any activity that is neither related nor similar to the employee's work, duties or responsibilities (as determined by the University) and where the University is not a party to the contract. This includes Outside Directorships which are not related to an employee's University work, duties or responsibilities.

## **Section 3 - Policy Statement**

(14) The University recognises the benefits of employees engaging in a limited amount of outside work where that work: enables an employee to share their knowledge and professional expertise to promote engagement between the University, industry and/or the community; and/or supports the employee's own professional development.

(15) Outside Work can create risks or costs to the University if not appropriately managed. As such, certain activities are not permitted and others require prior written approval.

(16) All employees must devote their working time to the service of the University, in accordance with the terms and conditions of their employment contract and their agreed performance plan.

### **Categories of Outside Work**

(17) The University distinguishes between University Outside Work and Private Outside Work, each of which have different requirements. For each category, there are activities which are:

- a. not permitted under any circumstances;
- b. exempt from this Policy are automatically permitted (exempt activities); and
- c. are allowed with prior written approval.

(18) Additional conditions also apply to Private Outside Work if it is an Outside Directorship or classified as Unrelated Outside Work.

(19) The Head of Work Unit may withdraw approval for Outside Work at any time with the provision of reasonable notice.

### **Outside Work Not Permitted**

(20) Outside work is not permitted in any circumstances if the University determines there is a risk of adverse consequences for the University or for a legitimate interest of the University.

(21) Adverse consequences include where:

- a. a conflict of interest occurs, including:
  - i. where the work could be in competition with the University;
  - ii. where the University wishes to pursue the work;
  - iii. where the work would impact on the University's ability to pursue other work;

- b. the use of University resources would have an adverse effect on University operations or where the costs of such use cannot be covered by the fee paid to the University;
- c. the employee's involvement in the outside work is likely to negatively impact the University work environment;
- d. the outside work may be perceived as affiliated with the University against the University's wishes;
- e. the capacity of the employee to perform their University duties or organisational functions in the University competently and safely may be adversely affected; or
- f. the work presents a risk to the University, or any part thereof, which cannot be effectively mitigated.

(22) Where an adverse consequence exists, the Head of Work Unit may determine appropriate duties and processes to avoid the consequence.

### **Exempt Activities**

(23) If related to the employee's regular University work, and consistent with the annual performance planning and workload allocation discussions, the following activities do not require approval under this Policy:

- a. refereeing of articles, papers and books and similar scholarly work;
- b. examining for educational and professional bodies (e.g. theses);
- c. delivering occasional guest lectures, seminars and conference papers;
- d. providing occasional unpaid performances, exhibitions, media contributions and appearances;
- e. writing, editing and reviewing of scholarly works;
- f. membership of editorial boards, grant review committees and duties for granting bodies;
- g. service on relevant community, educational, or professional committees or groups; and
- h. engagement in Aboriginal and Torres Strait Islander community and cultural activities.

(24) The relevant Executive may deem an activity exempt where it does not fall under the categories listed in clause (23) and aligns with the employee's performance management plan.

### **University Outside Work**

(25) The employee must obtain prior written approval from the relevant Head of Work Unit for University Outside Work, unless it is not permitted (clause 21) or exempted (clause 23).

(26) The written approval must specify any permissions for, or restrictions on:

- a. the use of University intellectual property; and
- b. the use of University resources, and arrangements for any reimbursement of costs to the University (determined by the Vice President (Finance)).

(27) Approved University Outside Work will normally include:

- a. coverage under the University's professional indemnity insurance (subject to the conditions of the relevant insurance policy/s);
- b. access to the University's resources and proper costing of these resources (as approved under Clause 26);
- c. use of the employee's University title; and
- d. organisational support with respect to contractual arrangements.

(28) Approved University Outside Work must be undertaken outside the workload allocation for an academic employee or outside normal working hours for a professional employee unless otherwise approved by the relevant Executive member. The Executive member may only provide this approval where the outside work provides a material

contribution to the University.

(29) If the University Outside Work involves University resources and/or the work is associated with the University's name or brand:

- a. the work must be undertaken under a contract to which the University is a party (unless the Head of Work Unit approves an exemption); and
- b. a minimum fee will be set by the Vice President (Finance) and be deducted by the University to cover work unit and central administration costs. The default fee will be 25% of total revenue, however each application will be assessed on its merits.

(30) For professional employees, income from University Outside Work will be paid directly to the employee through payroll.

(31) For academic employees, income from University Outside Work will be distributed to the employee's Academic Pursuits Fund (APF) and is subject to the APF expenditure rules. Income from University outside work not spent within two years will be returned to the University and cannot be transferred out of APF accounts. In exceptional circumstances, the Vice President (Finance) may approve payment direct to the employee through payroll.

## **Private Outside Work**

(32) Employees must disclose any proposed Private Outside Work commitments for the coming year and obtain prior written approval from the Head of Work Unit, as part of and documented in the employee's annual performance discussion, unless it is not permitted (clause 21) or exempted (clause 24).

(33) Private Outside Work can only be approved if it meets the following criteria:

- a. it does not present a risk of adverse consequences to the University as detailed in Clauses 22, and an appropriate risk management plan is completed with any residual risk deemed acceptable by the Head of Work Unit;
- b. the nature, duration and frequency of the proposed work will not adversely affect the performance of the employee's duties or University operations (as determined by the University);
- c. University resources are not used, or the relevant Executive member has approved the use based on the University being fully recompensed and a clear rationale as to why the work should not be considered as University Outside Work; and
- d. the employee maintains and provides evidence of adequate insurance coverage (as determined by the University) in relation to the Private Outside Work.

(34) The University may choose not to approve Private Outside Work where it considers the work should be carried out as University Outside Work or otherwise carried out by the employee in the course of their University employment.

## **Outside Directorships**

(35) Outside Directorships may be University Outside Work or Private University Work depending on their nature and relationship to the employee's duties.

(36) Any Outside Directorships where the employee is a University appointee or nominee or otherwise can reasonably be considered as a representative of the University require the prior written approval of the Vice Chancellor (or nominee).

(37) An Outside Directorship where the employee is not a University appointee or nominee is considered to be University Outside Work if:

- a. it has been assessed as bringing significant benefit to the University and not exposing the University to significant risk;
- b. it is directly related to the employee's employment with the University;
- c. it has been recorded in the employee's PRP plan; and
- d. it has been approved by the relevant Executive member.

(38) Where an Outside Directorship is not part of an employee's University duties, the Outside Directorship will be considered Private Outside Work or Unrelated Outside Work (depending on the nature of the outside work) and the relevant clauses will apply.

### **Unrelated Outside Work**

(39) Approval is not required for Unrelated Outside Work if it does not:

- a. fall into a category of work that is not allowed, as described in Clause 21; or
- b. interfere with the performance of their University duties; or
- c. involve the use of University resources; or
- d. involve a conflict of interest; or
- e. involve a misuse of the employee's position at the University.

### **Conditions of Private Outside Work and Unrelated Outside Work**

(40) An employee undertaking Private Outside Work or Unrelated Outside Work:

- a. may only use their University affiliation or academic title with the prior written approval of the relevant Executive member. Approval will only be given if the Outside Work involves an appointment of distinction, appropriate risk assessment is completed and it complies with any terms and/or conditions as determined by the University;
- b. must not use University stationery or letterhead or otherwise promote the work as being sponsored or undertaken by the University;
- c. must direct mail, email, telephone and other communications relating to the private work to a place other than the University (including facilities and any information technology); and
- d. must not use any University intellectual property unless specifically approved to do so by the relevant Executive member.

## **Section 4 - Reporting and Compliance**

(41) Any issues or concerns regarding determinations made under this policy should be referred to the relevant Executive member, or to the Director, [Human Resources](#).

(42) Where an employee becomes aware of this policy after commencing outside work they must notify their Head of Work Unit immediately, and either discontinue or seek approval as soon as practicable.

(43) A breach of this policy may be dealt with by the relevant Executive member in the following ways:

- a. conditions being placed on the approval for the outside work;
- b. withdrawal of approval to conduct the outside work;
- c. withdrawal of eligibility to apply to undertake outside work;
- d. a direction from the University to cease and/or not undertake the outside work; and/or

- e. invoking the relevant [Enterprise Agreement](#) misconduct/ serious misconduct provisions.

## **Roles and Responsibilities**

(44) Employees are responsible for:

- a. ensuring they are aware of and comply with this policy;
- b. obtaining any approvals prior to outside work being undertaken; and
- c. where there is uncertainty, discussing with their supervisor, and if necessary, Head of Work Unit or Executive.

(45) Supervisors are responsible for ensuring compliance with this policy, and assisting employees to understand the policy.

(46) HR Services will record all University Outside Work applications and approvals on a centralised register.

(47) Information regarding outside work may be used for University purposes including audit, reporting, compliance monitoring and other purposes required by legislation or University agreements, rules, policies or procedures.

## **Supporting Information**

(48) [Code of Conduct](#)

(49) [Intellectual Property Policy](#)

(50) [Complaints Policy - Staff](#)

(51) [Forms — Application for Outside Work](#)

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	20th April 2020
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<b>Responsible Executive</b>	Kim Franks Vice President (People and Culture)
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services