



2.03 – SECONDARY EMPLOYMENT POLICY

1 INTRODUCTION

The purpose of this policy is update Council's current Secondary Employment Policy 2.03 to deal with work performed by employees, including the General Manager, external to an employee's employment with the Norfolk Island Regional Council (Council).

2 POLICY OBJECTIVE

This policy is to ensure that the processes implemented to monitor secondary employment are carefully managed across all functions of Council.

3 POLICY SCOPE

This procedure applies to all Council work areas, staff, contractors and volunteers.

4 DEFINITIONS

4.1 Secondary Employment

means paid work performed by a Council employee that is external to any work or service performed for Council and includes:

- Paid work performed under a contract of employment;
- Paid work performed under a contract for services as an independent contractor;
- Self-employment; and
- Business activity outside the service of Council for instance ownership of, or directorship of, a company, trading trust or partnership.

To avoid any doubt, Secondary Employment does not include the ownership and investment in shares in a publicly listed company or investments in rental properties or other similar activities.

4.2 Conflict of Interest

means a conflict that arises when an employee, in performing his/her Council duties, is influenced or seen to be influenced by their Personal Interests.

4.3 Personal Interests

means interests of an employee that are not associated with Council or any work performed by the employee for Council.

4.4 Other Works

The general manager must not engage, for remuneration, in private employment or contract work outside the service of the Council without the approval of the council.

A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties unless he or she has notified the general manager in writing of the employment or work.

The general manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties.

A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so.

5 LEGAL AND POLICY FRAMEWORK

- *Fair Work Act 2009 (CTH)*
- *Local Government Act 1993 (NSW) (NI) S.353 – Other Work*

6 IMPLEMENTATION

6.1 Communication

Managers, Team Leaders and Section Leaders will be responsible ensuring that applications for secondary employment are completed by the employee within their section.

Applications once supported/not supported by the Team Leader and/or Manager are forwarded to the General Manager for approval/not approval.

6.2 Associated Documents

- Norfolk Island Regional Council Code of Conduct
- Secondary Employment Application Form

7 POLICY

This policy applies to all full time and part-time employees of Norfolk Island Regional Council.

7.1 Employee Responsibilities

7.1.1 An employee must not, without first notifying the General Manager in writing and obtaining approval, engage in Secondary Employment that relates to the business of Council or that may present an actual or potential Conflict of Interest.

7.1.2 To assist the General Manager, or another appropriate officer, in making a decision regarding the Secondary Employment, an employee may be required to provide Council with information concerning the Secondary Employment including, but not limited to:

- a) The business activities undertaken by the organisation for which the employee will perform work;
- b) The nature of the work arrangement, including the hours of work involved in the Secondary Employment; and
- c) The duties and responsibilities that the Secondary Employment involves.

7.1.3 An employee may also be required to explain to Council how the Secondary Employment does not:

- a) Relate to the business of Council; and/or
- b) Present, even the possibility of, an actual or potential Conflict of Interest;

7.1.4 Any Secondary Employment must be lawful and not damage the reputation of Council.

- 7.1.5 Any Secondary Employment must not result in risk to the employee's health and safety when performing work for Council.
- 7.1.6 Employees of Council must not utilise Council's premises, resources (e.g. telephone, stationery, computing equipment, mobile phone or other equipment or facilities) or information in the course of approved Secondary Employment.
- 7.1.7 An employee must not engage in Secondary Employment if the General Manager makes a decision to prohibit the performance of such work.

7.2 General Manager Responsibilities

Responsibilities relating to the General Manager's own employment

- 7.2.1 The General Manager must not engage in any Secondary Employment without the approval of Council.
- 7.2.2 Approval by Council to engage in Secondary Employment should be obtained as soon as practicable prior to the commencement of any Secondary Employment.
- 7.2.3 Failure to obtain approval to engage in any Secondary Employment may result in disciplinary action up to and including dismissal.
- 7.2.4 The Council will give consideration to the existence of, in the view of Council, any actual or potential Conflict of Interest in connection with the Secondary Employment.
- 7.2.5 The General Manager is responsible for deciding whether an employee can engage in Secondary Employment.
- 7.2.6 The General Manager, may prohibit a person from engaging in Secondary Employment, where in the opinion of the general manager, the Secondary Employment:
 - (a) Relates to the business of Council; and/or,
 - (b) Presents the possibility of an actual or potential Conflict of Interest.
- 7.2.7 The General Manager may consider a number of factors in deciding whether to approve or prohibit employee engagement in Secondary Employment. The following factors may be useful in assessing how the Secondary Employment may interfere with the relevant employee performing their Council duties:
 - (a) Whether the Secondary Employment compromises Council's decision-making processes;
 - (b) The business activities undertaken by the organisation for which the employee will perform work;
 - (c) The work arrangement, including the hours of work involved in the Secondary Employment;
 - (d) Any work health and safety risks the Secondary Employment may present;
 - (e) The nature and scope of the duties, including seniority and responsibility; and
 - (f) Any other factors that the General Manager considers relevant.
- 7.2.8 Secondary Employment should be prohibited, if in the opinion of the General Manager, the Secondary Employment may jeopardise the health, safety and/or efficiency of the relevant employee, other Council staff and/or members of the public.
- 7.2.9 The General Manager may monitor the work performance of employees who are engaged in Secondary Employment to ensure the arrangement does not adversely affect the performance of the employee's primary duties with Council.
- 7.2.10 The General Manager may delegate the decision regarding Secondary Employment to an appropriate person.

8 REVIEW AND VERSION CONTROL

Policy Number	2.03		Responsible Officer	Executive Manager Governance and Human Resources
Effective Date	21 March 2018		Next Review Date	2021
Version Number	Version	Resolution No.	Effective Date	Version description
	V1	28/16	17 August 2016	Developed and Adopted
	V2	2018/41	21 March 2018	Reviewed