



## Guidelines for secondary employment

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This document replaces *Policy för bisysslor* [Policy for Secondary Employment] Reg. no 536/22/2007.

## **1 Introduction**

These guidelines apply to all employees at Södertörn University and aim to clarify what is permitted and prohibited secondary employment, as well as routines for registering secondary employment. In this context, doctoral students are regarded as teaching staff.

Provisions on secondary employment are found in the Public Employment Act, Higher Education Act and Higher Education Ordinance (called secondary occupations in the latter two). There are also rules in the collective agreements for the public sector, e.g. Villkorsavtal/Villkorsavtal-T.

The regulations pertaining to secondary employment provide room for interpretation, e.g. the term "secondary employment" is not defined in a statute or collective agreement. Guidance is available in decisions made by the Labour Court and in the Swedish Agency for Government Employers' texts about secondary employment.

## **2 Why is secondary employment regulated?**

The Public Employment Act states that an employee may not be employed, contracted or undertake activities that can adversely affect confidence in the impartiality of the work of the employee or other employee, or which can harm the reputation of the authority. Södertörn University is a public authority and must ensure that the general public has confidence in the university and its employees. There must be no need for the public to doubt that university employees are objective and impartial in their exercise of public authority.

An employee must not have any parallel employment that affects their potential to perform their work at the public authority or which competes with the university in areas where the university conducts business or has contract activities.

## **3 What is secondary employment?**

In this context, secondary employment is every employment or commitment that an employee of Södertörn University undertakes at another employer or commissioner or independently. This could be having other employment, contract work or running a business alongside their employment at the university. Secondary employment is often unpaid or associated with another form of pay, e.g. retainers for board members, share dividends, etc., but could also be entirely voluntary. The rules relating to secondary employment also apply when an employee is on leave of absence or has annual leave.

Note that secondary employment and third-stream activities/community engagement are not the same thing. Unlike secondary employment, third-stream activities/community engagement are conducted as part of a teacher's or other employee's position at the university.

## **4 What is not secondary employment?**

Activities that are typically part of private life, e.g. hobbies or managing family property or private concerns, are not counted as secondary employment.

Nor are the tasks that are normally included and conducted as part of the primary employment defined as secondary employment.

## **5 Permitted secondary employment**

Normally, the following secondary employment is permitted:

- Elected political office and other public commissions.
- Commissions in scholarly organisations.
- Elected positioning a union.
- Elected positions in other associations and organisations with no connection to employment at the university (e.g. sports or housing associations).
- Temporary participation in the press, radio and television.
- Work of a simpler nature (e.g. proofreading).
- Part-time employees' primary employment.

## **6 Types of secondary employment that are not permitted**

### **6.1 Secondary employment that may adversely affect confidence**

Under Section 7 of the Public Employment Act, holding any employment or contracts, or undertaking any activity that may adversely affect confidence in the impartiality of the work of the employee or other employees, or which may harm the reputation of the authority is prohibited. This applies to all employees, regardless of position, form or scope of employment.

The university is a public authority and follows the provisions on conflicts of interest in the Administrative Procedure Act. No employee may have secondary employment that entails that tasks at the university cannot be undertaken due to a conflict of interest.

The purpose of the prohibition on employees holding secondary employment that may adversely affect confidence and the rules on conflicts of interest are to maintain the public's full confidence in public administration, a cornerstone of democratic Swedish society.

The assessment of whether a type of secondary employment risks adversely affecting confidence in the impartiality of university staff or risks damaging the reputation of the university, must be performed on the basis of an overall assessment of the relevant circumstances. Factors that influence the assessment of whether a type of secondary employment may adversely affect confidence include:

- The scope of the secondary employment.
- The financial remuneration.

- The extent to which the secondary employment has relevance to the academic school/unit's activities.
- The level of the duties involved in the secondary employment, whether they are simple or more demanding, and the type of influence the employee has on the activities of the relevant company/organisation.
- The employee's duties and position at the university.
- Whether other employees at the university are involved in the same secondary employment.

### **6.2 Secondary employment that is a barrier to work**

Secondary employment that is a barrier to work is regulated in Villkorsavtal/Villkorsavtal-T.

Secondary employment that is so extensive, or conducted at such times, that it in some way prevents the employee's normal duties or availability, is not permitted.

The employer determines the limit for secondary employment that is a barrier to work. The basis for assessing whether secondary employment is a barrier to work comprises the requirements normally placed on the employee by the university. Secondary employment may be assessed as a barrier to availability if an employee does not perform their normal duties in a satisfactory manner or if the employee's performance is negatively affected. Under Villkorsavtal/Villkorsavtal-T, the employer can instruct an employee to fully or partially cease secondary employment that, in the view of the employer, has a negative effect on their work.

### **6.3 Competing secondary employment**

Competing secondary employment is regulated in Villkorsavtal/Villkorsavtal-T.

The prohibition on competing secondary employment entails that the employee may not be employed, or perform other types of tasks for another employer or customer, in the areas in which the university conducts business or has contracts.

## **7 Expanded rights and obligations for teachers at higher education institutions**

Chapter 3, Section 7 of the Higher Education Act (1992:1434) includes a specific provision on secondary employment that relates to teaching staff in higher education. The purpose is to benefit from the societal resources found in the highly qualified and specialised expertise of the university's teaching staff. Under this provision, alongside their employment as a teacher at the university, they may undertake employment or assignments or pursue activities relating to research and development work within the subject area of their post, provided that by doing so they do not undermine the confidence of the general public in the university. This type of secondary employment, known as R&D secondary employment, must be kept clearly separated from the teacher's employment at the university. Among other things, this secondary employment may not utilise university resources.

R&D secondary employment includes things such as:

- Advisory services on scholarly issues and other consultancy services in the area of employment.
- Private activities based on the teacher's inventions or products developed by the teacher.
- Membership of the board of a company with activities linked to the teacher's subject area.

Under the provisions, assignments that are purely teaching are not research or development work. Such assignments must be assessed under Section 7 of the Public Employment Act. This also applies to assignments the researcher is given due to their more general knowledge.

A teacher may also have other assignments linked to their area of employment, but which are not performed as part of their position. This type of secondary employment is often permitted if it is not so extensive that it is a barrier to performing university duties.

This type of secondary employment could be:

- Commissions as an external reviewer or external expert.
- Member of a grading committee.
- Small-scale assignments for research councils and scholarly journals, for example.

If these are performed within the scope of regular employment, this is not secondary employment.

R&D secondary employment, like other subject-linked secondary employment, may not adversely affect confidence in the university, be a barrier to work or be competing employment.

## **8 Rights and obligations for employees and employers**

### **8.1 The university's responsibility and obligations regarding information and documentation**

The employer must inform employees in an appropriate manner about what circumstances may constitute prohibited secondary employment. This means that university management, supported by Human Resources, is responsible for providing employees with more detailed information or advice relating to the rules on secondary employment and how they are applied. University management must also inform employees about when and how they must register secondary employment.

The university provides information about secondary employment at the start of employment and at planning meetings and performance appraisals. Information that the *Guidelines for secondary employment* are available as a document on the university's employee web must also be provided.

Human Resources is responsible for organising submitted lists of teachers' R&D and other subject-linked secondary employment so that the secondary employment of each teacher can be followed up.

## **8.2 The employee's responsibility and obligations: register secondary employment and understand the rules**

The employee is responsible for assessing whether a form of secondary employment is permitted or not. To be able to do this, all employees are obliged to understand the rules that apply to secondary employment.

Employees are obliged to list all secondary employment if the employer requests this. It is important that the employer respects the employee's integrity and thus does not request information unless there is reason to do so.

An employee is entitled to request notification about whether secondary employment is permitted or not.

Teachers have a specific obligation to inform Södertörn University about secondary employment that is linked to their position's subject area, including R&D secondary employment.

Employees who are covered by the management agreement are obliged to inform Södertörn University of all their secondary employment on their own initiative. Under Section 3 of the Employment Ordinance, the vice-chancellor must make his report to the Swedish Government.

An employee is not permitted to hold secondary employment in a manner that gives the impression that the university is participating in or authorising those activities. The university logo or other identifier may not be used in association with secondary employment. Marketing of secondary employment on the university website or employee web is not permitted. Nor is using the university's materials, equipment, premises or databases in secondary employment.

## **9 Routine/registration of secondary employment**

Registration of a teacher's subject-linked secondary employment, including R&D secondary employment, must be done in the Primula payroll and HR system.

The employee's line manager is responsible for providing information about this at the start of employment and at planning meetings and performance appraisals.

### **9.1 Teaching staff**

Teachers' subject-linked secondary employment, including R&D secondary employment, must be registered in the in the Primula payroll and HR system. Secondary employment must be reported within two weeks of it commencing. This must include the type of secondary employment, its duration, who commissioned it and the scope of the secondary employment. If the secondary employment is conducted through the employee's own

company or that of a relative, the scope of any ownership, the company name and organisation number must be registered.

For subject-linked secondary employment of a small scope and which is not R&D secondary employment, e.g. duties as an external reviewer or external expert, member of a grading committee and commissions for research councils and scholarly journals, the teacher need only state the type of commission and total scope in Primula.

A university must provide its teaching staff with advice on the assessment of whether a specific type of secondary employment is compatible with the rules on subject-linked secondary employment, including R&D secondary employment. The university must provide a written statement on this issue if a teacher requests one.

### **9.2 Employees covered by the management agreement**

Employees who are covered by the management agreement must report their secondary employment to their line manager within two weeks of commencing the secondary employment.

### **9.3 Other staff and teaching staff's secondary employment that is not subject-linked or has the character of R&D**

Other employees should provide information about secondary employment to their line manager if the employer requests this.

## **10 Decisions and consequences**

The university is obliged to prohibit secondary employment that adversely affects confidence and can also oblige an employee to cease secondary employment of a nature that is competing or a barrier to work, or oblige them to refrain from committing to such secondary employment.

If the secondary employment is deemed to be of a prohibited character, the decision must be motivated and in writing. It may be sent electronically. If, when requested, the employee refuses to provide information or provides misleading or incomplete information, this may justify measures under employment law.

Where rules are contravened, the line manager should initially talk with and consult the employee to rectify the problem. If the employee does not follow the university's decision on prohibited secondary employment or does not otherwise follow the university rules about secondary employment, the employee may be subject to disciplinary measures (warning or salary deduction) and, in serious offences, severance from employment.

The university's decision that an employee may not commence or must cease secondary employment that the employer believes may adversely affect confidence, may be tried under the provisions of the Labour Disputes Act.

The university's decision that an employee may not commence or must cease something that the employer assesses as competing secondary employment or as secondary

employment that is a barrier to work, should be preceded by initial negotiations under Section 11 and Section 13 of the Employment (Co-Determination in the Workplace) Act. The decision may also be tried in accordance with the provisions of the Labour Disputes Act.

## **11 Regulations on secondary employment**

### **The Public Employment Act**

Section 7 An employee may not have any employment or any assignment or exercise any activities that may adversely affect confidence in his or any other employee's impartiality in the work or that may harm the reputation of the authority.

Section 7a The employer shall in an appropriate way inform the employees of which kinds of circumstances can constitute incidental [secondary] employment that is not allowed under Section 7.

Section 7b An employee shall at the request of the employer provide the information necessary for the employer to be able to assess the employee's incidental employment.

Section 7c An employer shall decide that an employee who has or intends to undertake incidental employment that is not compatible with Section 7 shall cease with or not undertake such incidental employment. This decision shall be in writing and include reasons.

Section 7d A permanent judge and heads of authorities that report directly to the Government shall on their own initiative notify to the employer what kinds of incidental employment they have.

### **Chapter 3 of the Higher Education Act**

Section 7 In parallel with their teaching posts, teachers at higher education institutions may undertake employment or assignments or pursue activities relating to research and development work within the subject area of their posts, if in doing so they do not undermine the confidence of the general public in the higher education institution. Such secondary occupations shall be kept clearly separate from the tasks assigned to them within their posts.

Other issues relating to secondary occupations are subject to the provisions laid down in the Public Employment Act (1994:260).

### **Chapter 4 of the Swedish Higher Education Ordinance**

Section 14 A higher education institution shall provide appropriate information to their teachers about secondary employment or types of secondary employment that contravene Section 7 of Chapter 3 of the Higher Education Act (1992:1434). A higher education institution shall provide its teachers with advice in assessing whether a certain form of secondary employment complies with the provision. If a teacher so requires, the higher education institution shall issue a written response on an issue of this nature. Section 7a of the Public Employment Act (1994:260) lays down that a higher education institution shall provide its employees with appropriate information on the types of circumstances that could lead to secondary employment being incompatible with Section 7 of the Public Employment Act.

Section 15 A teacher is obliged to keep the higher education institution informed of any secondary employment that he or she undertakes and that pertains to the subject area of his/her post. The higher education institution shall keep records of this information. These records shall be arranged to enable continuous monitoring of the secondary employment undertaken by each teacher.

### **Chapter 13 of Villkorsavtal/Villkorsavtal-T.**

Secondary employment that is a barrier to work

Section 10 An employee is obliged, when requested, to provide the employer with information about whether they have secondary employment and its scope. However, the employer may only request such information if they believe there is reason for this because of the way in which the employee performs their duties. The employer may oblige the employee to entirely or partially cease secondary employment if the employer believes that it impedes the employee in performing their duties (secondary employment that is a barrier to work).

Competing secondary employment

Section 11 Employees at authorities that have business or contract activities may not be employed or hold commissions at companies in the same field as these activities. Nor may the employee own shares in or use a proxy to run such a company and nor may they conduct activities in this area for the purpose of financial gain (competing secondary employment).

The provisions of the first paragraph are not applicable if the employer permits otherwise. If such permission is given, the employee is obliged, when requested, to provide the employer with information about the type and scope of this competing secondary employment.

### **Management agreement, item 2 of Section 9**

An employee who is covered by the management agreement is obliged to provide the employer with information about whether they have or intend to have secondary employment. The employer may decide that the employee must to entirely or partially cease secondary employment or refrain from commencing secondary employment that impedes work.