

Secondary Employment and Outside Work

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1.0 Purpose

Griffith University has a long history of industry and community engagement with staff involvement in a wide range of outside entities and industries. The University acknowledges that staff may wish to undertake Secondary Employment or Outside Work for a variety of reasons, including giving back to the community, augmenting their income, or to enhance their personal or professional development.

Employment at the University carries with it an obligation to act in the public interest. For this reason, the University recognises the ongoing importance of creating a balance between a staff member's commitments to the University as their principal employer, and their engagement in Secondary Employment or Outside Work.

The purpose of this Policy is to manage the risks associated with Secondary Employment or Outside Work, including the establishment of the necessary governance mechanisms to register, and monitor Secondary Employment or Outside Work, and to embed a declaration and approval process for Secondary Employment and Outside Work.

2.0 Scope

This policy applies to:

- All continuing and fixed-term staff¹, including academic and professional staff, senior management, and conjoint appointments (including when they are on periods of approved leave from their employment with the University such as annual, parental, long service leave, and unpaid leave).
- All honorary, adjunct, or casual staff if the Secondary Employment or Outside Work represents a conflict of interest that needs to be declared under the Conflict of Interest Policy.
- All forms of Secondary Employment or Outside Work (as defined in this Policy) conducted by a staff member for External Entities.

This policy does not apply to:

- Staff members who are approved to engage in the delivery of clinical healthcare services from within Health Group-run clinics as a component of their University workload profile. Those staff are governed by the Griffith Health Intramural Professional Practice Policy.

¹ This includes all full time and part time staff.

- Staff members who conduct Consultancy & Commercial Research (CCR) Project Work on behalf of the University. Those staff are governed by the Consultancy and Commercial Research Policy.
- Staff members who are directly requested, by the University, to take up a director role in a related entity.

3.0 Policy statement

3.1 Principles

All Secondary Employment and Outside Work as defined in this policy is governed by the following principles:

- Staff members are expected at all times to display the highest possible ethical standards and adhere to the University's Code of Conduct, Conflict of Interest Policy and other relevant policies.
- The University values Secondary Employment and Outside Work and acknowledges that it can:
 - foster relationships informed by the special experience and skills of employees in diverse areas such as the arts, commerce, industry, the professions, government and the community
 - enable employees to stay at the forefront of their area of expertise or builds capacity amongst employees by pursuing activities which add to the range and depth of their expertise
 - have the ability to attract and retain high quality employees, particularly in some professional areas
 - have the capacity to contribute to the University's research quantum and to its overall research performance
 - enable the University to fulfil its commitment to serving the needs of its communities.
- The Secondary Employment or Outside Work must not:
 - adversely impact the core academic or professional activities of the University or damage the University's reputation
 - result in a conflict of commitment or a perceived or actual conflict of interest, as outlined in the Conflict of Interest Policy, affect the staff member's availability and capacity to perform their University duties, or impair their academic independence
 - be represented as being sponsored by, associated with or being undertaken on behalf of the University or conveying the views of or expressing the position of the University as an institution
 - compete with University business (either with services otherwise provided by the University or with a competitor organisation). Any activities that could be performed by the staff member as an employee of Griffith University should be dealt with as a University consultancy under the Consultancy and Commercial Research Policy
 - raise a potential health risk or hazard that may prevent or limit the staff member's ability to carry out their University duties
 - use intellectual property owned or licensed by the University (unless explicitly approved in writing by a Responsible Senior Officer)
 - require the employment of other University staff or students to assist with such work (unless explicitly approved in writing).

- The Secondary Employment or Outside Work must be undertaken outside of the University premises and must not utilise University resources, including facilities², invoicing and financial processes, stationary/letterhead, mail, telephone, email and other electronic communication devices. Staff wishing to access University premises and/or resources must seek prior approval in writing in accordance with this policy and the Facilities Management and Campus Access and Use Policy. A staff member seeking to undertake significant amounts of Secondary Employment or Outside Work, may be required to move to a fractional appointment. The priority activity for staff is to fulfil their primary employment obligation to the University as their employer. Private practice does not count in University work allocation.
- Staff engaged in approved Secondary Employment or Outside Work will be entitled to the proceeds of such work except where the position is on boards of Griffith controlled entities or other associated entities.

3.2 Legal and Financial Arrangements

The University does not accept liability for the conduct and activities of staff involved in Secondary Employment or Outside Work, or any matters arising out of the relationship between the staff member and the External Entity, and staff will not be defended by the University in the event of a claim, with the exception of appointments to related parties of the University.

Staff are responsible for their own financial obligations, workers compensation, professional indemnity, public liability insurance or Directors and Officers insurance when engaged in Secondary Employment or Outside Work. Staff must be able to certify to the University that these requirements have been fulfilled.

Staff must ensure that any third parties or clients are aware that they are acting in a private capacity and not use a University title.

3.3 Conflicts of Interest

All Secondary Employment and Outside Work must be undertaken in accordance with the requirements of the Conflict of Interest Policy. Secondary Employment or Outside Work which creates a conflict of interest that cannot be appropriately managed will not be approved.

The staff member must self-identify and declare any potential conflicts of interest in relation to their proposed Secondary Employment or Outside Work within the Declaration of Interest system.

For continuing and fixed term staff³, declarations should be made upon commencement at Griffith, on an annual basis, and on an ad-hoc basis (should a conflict arise). Honorary, adjunct, or casual staff are required to make a declaration on an ad-hoc basis, should a conflict of interest arise.

Without limiting the range of circumstances where a conflict of interest may arise, it is a conflict of interest where:

- The Secondary Employment or Outside Work is undertaken during the same hours that a staff member is being paid as a University employee.
- The demands of the Secondary Employment or Outside Work may compromise the employee's capacity to perform their duties or meet their Workplace Health and Safety obligations within the University.
- The Secondary Employment or Outside Work makes use of any University facility, equipment or resource including computer software and information technology resources.

² In accordance with the Private Practice Guidelines to conduct clinical practice within Griffith Health clinics, basic services and resources are provided by Griffith University to Griffith staff members who are approved to conduct clinical healthcare services from within Health Group-run clinics outside of their University work profile.

³ This includes all full time and part time staff.

- The Secondary Employment or Outside Work makes use of, or may benefit from, commercial or other information that the staff member possesses by virtue of their employment with the University.
- The Secondary Employment or Outside Work is with an organisation that may compete with the University for funds, staff, students, projects, consultancy or in any other activity.
- The Secondary Employment or Outside Work is with an organisation that supplies the University with equipment, services or staff, or with a customer of the University and may acquire equipment, services or staff from the University.

3.4 Foreign Interference

Secondary Employment or Outside Work which creates a risk of foreign interference which cannot be appropriately managed will not be approved. Factors which may be taken into consideration in assessing this risk include (but are not limited to):

- Whether the Secondary Employment or Outside Work is with a foreign government, political party, military, policing or security organisation.
- What obligations are owed to foreign institutions as part of the Secondary Employment or Outside Work.
- The nature of the role.
- The amount of remuneration received.

4.0 Application & Approval Guidelines

The ability to undertake Secondary Employment or Outside Work as a staff member of the University is not an entitlement. Requests to conduct Secondary Employment or Outside Work will be considered on their individual merits and are subject to approval and ongoing management.

4.1 The Approval Guidelines

The approval process is set out in the attached Secondary Employment or Outside Work Procedure. The following guidelines apply:

- All relevant Staff must obtain approval via the Declaration of Interest system in accordance with this Policy and the associated Procedure before commencement of the Secondary Employment or Outside Work.
- For staff members on senior contracts, any Secondary Employment or Outside Work that is approved in accordance with the Secondary Employment and Outside Work Procedure is also deemed as having obtained approval from the Vice Chancellor.
- Approvals may only be given for a maximum period of one (1) year at any one time.
- Approvals are always conditional, to ensure the secondary employment or outside work does not have a negative impact on either the performance of the staff member's substantive duties or on the reputation of the University and can be cancelled if the Responsible Senior Officer believes that such impact has or will occur.
- An Approval may be subject to particular contractual conditions to ensure adequate management of the situation (particularly for certain professionals, consultants or part-time employees).
- Staff members are required to notify the Responsible Senior Officer of any material changes to the approved Secondary Employment or Outside Work during the approval period, such as the nature of the work, its value, its impact on time or resource use, insurance arrangements and any conflicts of interest which may arise.

4.2 Record Keeping

The University maintains a Register of Secondary Employment and Outside Work within the Declaration of Interest system which records:

- Written declarations of and applications for secondary employment and outside work; and
- Information captured as part of the approval process including reasons for approval or rejection.
- Information arising from conflict of interest disclosures will be managed in accordance with the Griffith University Privacy Statement. Information held may be used for University purposes including audit, reporting, compliance monitoring and other purposes required by government or legislation.

5.0 Failure to Comply with this Policy

Failing to comply with the provisions of this policy, including failure to declare or cooperate in managing Secondary Employment or Outside Work, or refusal to cease such work when directed and/or when approval has been withdrawn, may constitute misconduct or serious misconduct, which may result in disciplinary action including termination of employment.

Breaches of this policy may also result in referral to, and action being taken by, an external statutory authority and/or agency such as the Crime and Corruption Commission.

6.0 Roles, Responsibilities and Delegations

ROLE	RESPONSIBILITY
Provost and COO	Continuous monitoring of the effectiveness and application of this policy and its related procedures.
Relevant Senior Officer	<p>Manage and approve Secondary Employment and Outside Work in accordance with this policy and related procedures.</p> <p>Monitor the Secondary Employment Register to ensure compliance with this policy and the Conflict of Interest Policy.</p> <p>Ongoing review of Secondary Employment Register entries for the relevant organisational unit and follow-up and resolution of any items that require further management in line with the Conflict of Interest Policy or any other Griffith policy or procedure.</p>
Head of Element	Manage and approve consultancy, Secondary Employment and Outside Work in accordance with this policy and related procedures.
Managers and Supervisors	<p>Monitor primary work performance of staff to ensure that consultancy and secondary employment do not adversely impact on that performance.</p> <p>Monitor management of potential, perceived or existing conflicts of interest in accordance with the Conflict of Interest Policy.</p>

ROLE	RESPONSIBILITY
HR	Human Resources Services are responsible for the provision of periodic reporting to Heads of organisational units of the information disclosed in the Secondary Employment Register.

7.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

A **Conflict of Interest** arises when a staff member’s private interests, or those of a person with whom they have a close personal relationship, conflict with their primary obligation to act in the interests of the University. A conflict of interest may be actual, perceived or potential. It can be pecuniary (involving financial gain or loss), or nonpecuniary (based on enmity or amity) and can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise. Conflict of interest includes conflict of commitment/conflict of duty.

A **Directorship** includes all paid or unpaid company directorships, and all similar types of governance positions involving custodianship, duty of care and responsibility in relation to external legal entities.

An **External Entity** refers to a business, company, partnership, statutory authority or third party which is independent of Griffith University or in which the University has no ownership or interest. Where a staff member is undertaking unpaid work for the following entities, the entity is excluded from this definition unless there is potential for conflict of interest or intellectual property issues with respect to the University in which case the conflict of interest must be disclosed and approval sought for the appointment:

- Trustee for a family trust
- Self-managed superannuation funds
- Amateur sporting clubs
- Professional and academic bodies.

Foreign Interference occurs when activities are carried out by, or on behalf of a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia’s sovereignty, values and national interests.

Outside Work refers to activities within the professional expertise of staff that are outside their terms of employment and that do not involve their acting as an agent for, or on behalf of, the University. It includes any profession, occupation or trade, e.g. where work is completed by a staff member acting in their professional ‘practicing’ capacity, such as a clinician, lawyer, journalist, engineer, architect, accountant, IT professional, business professional or visual and performing artists who conduct privately commissioned exhibitions and/or performances. Such work can include a one-off or the regular provision of professional expertise, advice and guidance.

Occasional scholarly activities are not considered Outside Work, rather are regarded as part of normal academic duties but for which the staff member received minor payments, honoraria or royalties, including, but not limited to:

- Occasional public appearances relating to the staff member’s discipline, for e.g. media broadcasts, newspaper articles or performances/works of art;
- The refereeing or editing of articles for academic journals, or other such texts;
- The refereeing of research grant proposals or reports;
- External examining and contracts for the examination of theses;

- The writing of books, or the creation of other artistic works.

Secondary Employment refers to any work performed by a Griffith staff member, that is undertaken outside or separate to a staff member’s Griffith employment contract including during absences on approved leave, including, without limitation:

- self-employment;
- employment by any External Entity including a family company;
- paid employment in an academic role including lecturing, teaching and tutoring at another University, recognised professional association or other recognised educational body;
- holding office in an External Entity (including a private or publicly listed company or not for profit entity) whether or not the position is remunerated. Positions may include: Director, Chair, President, Vice President, Treasurer, Secretary, Board member, public officer or executive officer.
- paid employment or directorships of an external entity that utilises Griffith intellectual property that the staff member has contributed to; or
- engaging in or undertaking any commercial business, whether as principal, agent, partner or employee;
- providing consultancy services other than as governed by the Consultancy and Commercial Research Policy;
- accepting or holding office with any state or territory government, the Australian or any local government.

Secondary employment does not include the ownership and investment in shares in a publicly listed company, investments in rental properties or other similar activities, or basic volunteering within a volunteer organisation (i.e. where you do not hold a significant role).

University Resources means any Griffith University resources including staff and students’ time, property, rooms, equipment, consumables, the Library, other books and manuals, research materials, intellectual property, energy supply, University name or brand, letterhead, address and contact details, web address, or any other information or resource that might associate Griffith with the service being performed.

8.0 Information

Title	Secondary Employment and Outside Work Policy
Document number	2024/0001007
Purpose	The purpose of this Policy is to manage the risks associated with Secondary Employment or Outside Work, including the establishment of the necessary governance mechanisms to register, and monitor Secondary Employment or Outside Work, and to embed a declaration and approval process for secondary employment and outside work.
Audience	Staff
Category	Operational

Subcategory	Risk & Integrity
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal/s: 8: Decent Work and Economic Growth 16: Peace, Justice and Strong Institutions
Approval date	12 June 2024
Effective date	12 June 2024
Review date	2026
Policy advisor	Director (HR)
Approving authority	Chief Operating Officer

9.0 Related Policy Documents and Supporting Documents

Legislation	Crime and Corruption Act 2001 Ombudsman Act 2001 Public Records Act 2002 Public Sector Ethics Act 1994 Right to Information Act 2009 Information Privacy Act 2009
Policy	Consultancy and Commercial Research Policy Conflict of Interest Policy Facilities Management and Campus Access and Use Policy Griffith University's Privacy Statement Guide to the Responsible Conduct of Commercialisation Activities
Procedures	Secondary Employment and Outside Work Procedure
Local Protocol	N/A
Forms	N/A

