



# POLICY REGISTER

## Secondary Employment Policy

---

Policy adopted: 2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.57926

Document Control

<b>Issue.</b>	<b>Prepared/Revised by and Date</b>	<b>Action/Amendment Description</b>	<b>Approved By and Date</b>
1.0	Glenn Wilcox A/ General Manager	First Edition	Minute No. ( 2021)

## **PURPOSE/OBJECTIVES**

To provide the framework for the approval of secondary employment within BSC. To ensure that the provisions of the *Local Government Act 1993* are met in relation to managing secondary employment.

## **SCOPE**

This Policy applies to all staff members of BSC.

## **POLICY STATEMENT**

### **1. Notification and Application for Secondary Employment**

- (a) An existing staff member who seeks secondary employment, must, before they accept that position, or engage in any form of work outside the service of BSC, seek approval from the General Manager. Where a new staff member already has other employment at the time of commencing work with BSC, this employment must be disclosed and approval sought from the General Manager immediately.
- (b) Employees must seek approval for secondary employment:
  - I. On the General Manager's request;
  - II. When they change their work position or location;
  - III. When the nature of the secondary employment activity changes.
- (c) Notification and application for the approval of secondary employment must be made on the Secondary Employment Declaration form (see attachment 1 to this policy).

### **2. Engaging in Secondary Employment**

- (a) Employees must not engage for remuneration, in private employment or contract work outside the service of BSC that relates to the business of BSC or is work that might conflict with the member's BSC duties unless he or she has notified the General Manager in writing (section 353 (2) *Local Government Act* – the LGA and clause 4.30 of BSC's Code of Conduct)
- (b) The General Manager may prohibit a member of staff from engaging in private employment or contract work outside the service of BSC that relates to the business of BSC or is work that might conflict with the member's BSC duties or is work that might conflict with the member's BSC duties – section 353 (3) of the LGA.

- (c) Pursuant to clause 4.31 of the Code of Conduct, as a staff member, you must ensure that any outside employment or business that you in engage in will not:
- I. Involve using confidential information or BSC resources obtained through your work with BSC;
  - II. Require you to work while on BSC duty;
  - III. Discredit or disadvantage the BSC.
- (d) A member of staff must not engage, for remuneration, in private employment or contract outside the service of BSC if prohibited from doing so as prescribed at paragraph 2(b) of this policy.
- (e) The General Manager must not engage, for remuneration, in private employment or contract work outside the service of the BSC, without the approval of BSC.

### **3. Determination**

- (a) The General Manager will determine all applications for secondary employment (other than his/her own). The General Manager may make any inquires he or she deems necessary to make such a determination. An approval may be subject to any terms and conditions deemed appropriate by the General Manager. Any prohibition finding will list the reasons for such a decision.
- (b) The following factors should be considered in any determination:
- The potential for conflict with the employee's BSC duties;
  - The hours of work required in the secondary employment and the likelihood of any impact on the employee's normal duties;
  - The likelihood of public perception of a conflict of interest between the employee's secondary employment and their BSC position/duties;
  - Risk of using BSC resources to fulfil or conduct the employee's secondary employment duties.

### **4. Procedure**

#### ***Employee***

- I. The employee must complete the prescribed Secondary Employment Declaration form (attachment 1 to this policy).
- II. The employee must forward the completed Declaration form to the General Manager.

### ***General Manager***

- I. The General Manager will make appropriate inquiries (if necessary) and determine the secondary employment or contract work request and attach any conditions deemed necessary.
- II. If the request is refused, the reasons for refusal are to be recorded with the declaration form.
- III. The employee is advised in writing of the decision and provided with the reasons if the request is refused.
- IV. The determination is sent to HR and is recorded on the employee's personnel file.

### **DEFINITIONS**

**Secondary Employment** – is when a staff member employed by BSC does work (whether contract, self-employed, part time, casual or other) for oneself, another person or an organisation.

**Conflict of Interest** – exist when a BSC employee could be influenced, or a reasonable person would perceive that the employee could be influenced by a personal interest, relating to the employee or others, when carrying out their public duty.

### **REVIEW**

This policy should be reviewed every 4 years or within 12 months of a BSC election. The policy may be reviewed and amended at any time at BSC's discretion (or if legislative changes occur).

## Appendix 1 – Secondary Employment Application Form



### BALRANALD SHIRE COUNCIL SECONDARY EMPLOYMENT POLICY

#### APPLICATION FOR SECONDARY EMPLOYMENT

To the General Manager,

In accordance with the provisions of Section 353 of the *Local Government Act 1993* and the Balranald Shire Council Secondary Employment Policy, I request approval to engage in secondary employment.

Name \_\_\_\_\_

Position \_\_\_\_\_ Section \_\_\_\_\_

#### Declaration

I declare that I have read and understood Council's Code of Conduct and Secondary Employment Policy and agree to comply with the terms specified therein.

I declare that the proposed Secondary Employment:

- a) Does not require or involve me working while on Council duty.
- b) Does not discredit or disadvantage Council.
- c) Does not conflict with my role and duties at Council whether actual or perceived.

I declare that, with regard to the proposed Secondary Employment:

- a) I will not use Council tools or resources.
- b) I will not use any information held by Council.

I understand that I must seek renewal of approval for Secondary Employment every time any circumstances of my Secondary Employment change.

I declare that the information I have provided in this application form is true, complete and correct in every particular. I understand that inaccurate, misleading or untrue statements or knowingly withheld information in relation to my request may result in termination of employment with Council.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Employer/Work	Contact details of employer, business name and address	Period of Employment/Work
1.		
2.		
3.		

--	--	--

*If more space is required, please attach separate page*

**PLEASE READ AND COMPLETE THE FOLLOWING QUESTIONS TO ASSIST IN THE REVIEW OF THIS APPLICATION PRIOR TO APPROVAL/NON-APPROVAL.**

1. What is the nature of the secondary employment you are seeking to undertake?

---

---

2. What industry/trade will your secondary employment be undertaken in?

---

---

3. How many hours per week do you envisage carrying out secondary employment?

---

---

4. At what times will you be engaged in your secondary employment (i.e. before/after work, weekends)

---

---

5. Does your secondary employment require you to be licensed or hold a particular qualification? If so what?

---

---

6. Does your secondary employment require you to take appointments/bookings during working hours with Council? **Yes/No**

7. Companies/organisations that you will be interacting with during your secondary work activities.

---

---

---

---

8. Are you covered by insurance during your secondary employment? **Yes/No**  
If possible, please attach a copy of the policy and certificate of currency.



**ACKNOWLEDGEMENT:** I understand that Balranald Shire Council does not accept any responsibility for any injuries or lost time, caused during secondary employment and it is my responsibility to maintain fitness for work with Council and I must conduct myself in a matter, which will not adversely affect my ability to carry out my duties with Balranald Shire Council.

Signed \_\_\_\_\_

Print \_\_\_\_\_

Date \_\_\_\_\_

**DIRECTOR'S COMMENTS:**

---

---

---

---

---

**DETERMINATION BY THE GENERAL MANAGER**

**Not approved** because of an apparent conflict of interest

**Approved**

**Approved** with special conditions outlined below

**Special conditions:**

---

---

General Manager \_\_\_\_\_ Date \_\_\_\_\_

**PLEASE RETURN THIS FORM TO THE DCCD**

- Advise staff member by letter
- Original to Staff Personnel file
- Copy to Secondary Employment file

