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Annex to: Vice-Chancellor's decision of 10 November 2019

Guidelines for secondary employment

Summary

Secondary employment is any employment activity carried out alongside an employee's regular work duties at SLU. As a rule, secondary employment is permitted at SLU provided that the following criteria are fulfilled:

1. Secondary employment must not constitute competition with SLU's commercial activities.
2. Secondary employment must not adversely affect SLU's image or risk undermining the public's trust in SLU.
3. Secondary employment must not prevent the employee from performing their regular duties or affect them negatively.

You will find guidelines and comments regarding these three exceptions below.

Employees' obligations

All employees must be familiar with the guidelines and use the Primula self-service tool to report any secondary employment for assessment.

At the annual staff development review, the line manager must ask the employee if they have any secondary employment. If that is the case, or if secondary employment that has already been reported has changed, the employee must report the employment again for assessment by their line manager. If an employee wishes to take up secondary employment during the year, they must report it and have it assessed by their superior. This must be done before taking up secondary employment.

For teaching staff, further rules apply (see below).

What is secondary employment?

Secondary employment is permanent or temporary work – paid or unpaid – that is carried out alongside an employee’s principal employment. Extra work for SLU or another public authority may also count as secondary. The type of secondary employment may determine whether the employment is permitted or not.

Why are there rules for secondary employment?

As a public authority, SLU must ensure that the public has confidence in the university and its employees. The public must never doubt that university employees are impartial and factual when they exercise public tasks.¹

For SLU as an employer, it is important that employee performance is satisfactory and that employees spend their energy on the work they are paid to do.² Also, the university should not have to compete with its staff.

Secondary employment is regulated in acts and ordinances as well as in collective agreements. They all specify if, and to what extent, secondary employment is permitted.³

Main principle: secondary employment is permitted

Employees decide themselves how they spend their leisure time. However, if an employee has a hobby that may be considered secondary employment, certain rules apply. All employees must declare any secondary employment for assessment.

The main principle is that secondary employment is permitted.

Government employees are responsible for ensuring that any secondary employment they engage in is permitted. Secondary employment issues should be characterised by openness, but also by respect for personal integrity. All secondary employment that is declared must be assessed.

¹ Report from the Swedish National Audit Office, “Bisysslor inom universitet och högskolor” (*Secondary employment in higher education institutions*), 1995:45 page 61.

² Report from the Swedish National Audit Office, “Bisysslor inom universitet och högskolor” (*Secondary employment in higher education institutions*), 1995:45 page 61.

³ The Public Employment Act, the Employment Ordinance, the Higher Education Act and the General agreement on pay and benefits for government employees.

Secondary employment that is usually permitted⁴:

- political, state and municipal posts
- positions with scientific societies
- trade union posts⁵
- elected office in non-profit organisations such as housing associations and associations with no links to the employee's employment.

Secondary employment that is not permitted

Three types of secondary employment are not permitted:

- secondary employment that constitutes competition with the main employer
- secondary employment that may adversely affect the main employer
- secondary employment that prevents the employee from fulfilling their work duties.

The employee's line manager, and their superior if applicable, will decide whether secondary employment may or may not be permitted based on the applicable rules. In case of doubt, the line manager must contact the Division of Human Resources and consult with the group for secondary employment assessment.

Competitive secondary employment

An SLU employee may not take on employment or conduct business in areas in which the university has commercial activities.

When assessing whether secondary employment constitutes a competing business, the employer must assess each case individually.

The following factors are assessed:

- Can the activity be performed by SLU?
- Does it concern contract research or contract education that SLU can provide?
- Could the employee perform the tasks within the framework of their employment (position and working hours)?
- The scope and nature of the secondary employment.
- The employee's tasks at SLU may also affect the assessment.
- Geographical proximity can be a factor in cases of competing activities.

A veterinary surgeon employed at SLU may not run or take part in clinical veterinary activities in the counties of Uppsala, Stockholm or Västmanland. The

⁴ See e.g. the report from the Swedish National Audit Office, "Bisysslor inom universitet och högskolor" (*Secondary employment in higher education institutions*), 1995:45 page 62, and circular 2002:A, page 14 from the Swedish Agency for Government Employers.

concept of geographical proximity can be interpreted more widely, but this can serve as a guide for assessment.

Secondary employment that may adversely affect the main employer

It is not allowed to conduct business in such a way that it gives the impression that the university is part of the organisation, has authorised it or guarantees its content in any way. The SLU logotype and resources such as premises, equipment, staff, supplies, etc. may not be used for activities related to the secondary employment. The secondary employment must be clearly separated from the employee's work at SLU. This includes the use of the employee's SLU email, address and phone number.

When assessing whether secondary employment risks adversely affecting SLU, the employee's manager must assess each case individually and determine whether the secondary employment can in any way affect the public's trust in the university's impartiality.

How big is the risk of trust being affected and what degree of risk can be accepted? Even the slightest risk of SLU's reputation being affected should be considered significant. The university will take into consideration the employee's duties at the university, the nature of SLU's operations and what duties the secondary employment involves.

Secondary employment that prevents the employee from fulfilling their duties

Secondary employment may not be of such a scope that the employee cannot carry out their regular duties in a satisfactory manner. Examples of circumstances that may indicate that secondary employment is preventing the employee from carrying out their duties are recurring or unreported absence, low-quality performance or taking a long time to complete a task. One example of secondary employment that prevents an employee from fulfilling their duties is if a teacher does not want to teach at times that suit the department, or turns down assignments within the department and gives their secondary employment as the reason for doing so.

Special rules for lecturers

Unlike other government employees, teachers (at SLU: professors and lecturers) have, by law, an extended right to take on secondary employment in research and development linked to their subject. This means that a teacher may have another position, duties or perform work outside their employment at SLU, provided it involves research or development in their subject field.

However, such secondary employment must not adversely affect the trust in SLU. Teaching is not included in this definition of R&D-related secondary employment. There must also be a clear distinction between the secondary employment and regular work duties.

The difference, compared to other secondary employment, is that all teachers must declare that they **do not** engage in secondary employment. This is done using Primula self-service.

A lecturer may also take on various academic work that is reimbursed but does not count as secondary employment. This includes the following types of assignments, all defined as work within the framework of the employment:

- acting as an external reviewer or subject specialist
- serving on an examining committee
- minor duties for government research funding bodies and scientific publications.

Business transactions

All consulting within SLU must be done according to procurement rules.

Secondary employment, even if it has been approved, cannot lead to any kind of business transaction between SLU and an employee or an employee's business. If the person ordering such services still believes a transaction can be justified, the dean, the chief operating officer or the vice-chancellor must approve the transaction in advance.

For departments and units reporting to a faculty, the dean in question must approve such transactions. For staff in the university administration, the library, estate management and the University Animal Hospital, such transactions must be approved by the chief operating officer or someone who has been delegated this task. The vice-chancellor approves transactions for staff who report directly to the vice-chancellor.

What happens if an employee engages in secondary employment that is not permitted?

If secondary employment that has previously been approved needs to cease, partially or in full, the employee must be informed of this and receive a written decision with justification. The Division of Human Resources must be consulted before deciding that secondary employment must cease.

A decision to cease secondary employment that is adversely affecting trust applies immediately. If the secondary employment is not permitted because it is considered to be in competition with SLU's activities or prevents the employee from fulfilling their duties at SLU, the decision must be preceded by negotiations in accordance with Sections 11–14 of the Co-Determination in the Workplace Act.

Disciplinary action (e.g., warnings or salary deductions) may be taken if an employee fails to respect such a decision. If the employee continues to disregard the decision, they can be given notice and their employment at SLU terminated.

Before a decision on disciplinary measures or termination of employment is taken, negotiations must take place in accordance with Sections 11–14 of the Co-Determination in the Workplace Act. Decisions on disciplinary measures are regulated by Sections 14–16 of the Employment Protection Act (1982:80). A decision on disciplinary measures or termination of employment for professors is tried by the Government Disciplinary Board for Higher Officials. This applies both to professors employed by letter of appointment and promoted/recruited professors.