



<b>POLICY</b>	
<b>Outside Employment</b>	
<b>Scope (Staff):</b>	All employees
<b>Scope (Area):</b>	Child and Adolescent Health Service (CAHS)

### **Aim**

To outline the conditions under which CAHS employees may lawfully be permitted to undertake outside employment. It aims to ensure that employees undertaking outside employment are aware of their obligations to their State employer, and avoid any conflict of interest with their official duties.

### **Background**

The Public Sector Management Act 1994 states:

“102 Employees not be employed outside Government etc. without permission

- (1) Except with the written permission of his or her employing authority, which permission may at any time be withdrawn, an employee shall not —
  - (a) accept or continue to hold an office, post or position under the Government or a paid office, post or position in or under any local government or regional local government or the council of a local government or regional local government or any other public body corporate; or
  - (b) accept or continue to hold or discharge the duties of or be employed in a paid position in connection with any banking, insurance, mining, mercantile or other commercial business, whether it be carried on by any corporation, company, firm or individual; or
  - (c) engage in or undertake any business referred to in paragraph (b), whether as principal or agent; or
  - (d) engage or continue in the private practice of any profession; or
  - (e) accept or engage in any employment for reward other than in connection with the functions of his or her office, post or position under the State.
- (2) Subsection (1) does not apply to or in relation to any case or class of case specified in public sector standards for the purposes of this section.
- (3) A person shall not be regarded as holding a paid office, post or position in or under any local government or regional local government or the council of a local government or regional local government for the purposes of subsection (1)(a) by reason only of the person being paid a fee or allowance or being reimbursed for an expense if the payment or reimbursement is in accordance with Part 5, Division 8 of the Local Government Act 1995.”

## Risk

Failure to comply with this policy may result in risks associated with:

- CAHS employee/s breaching obligations under Section 102 of the *Public Sector Management Act 1994*;
- Inconvenience for CAHS and impact on operational service delivery;
- Fatigue for CAHS employees;
- CAHS employees undertaking remunerated work outside of CAHS that may present direct, indirect, actual, perceived or potential conflicts of interest;
- impact upon organisational reputation.

## Definitions

### Outside Employment:

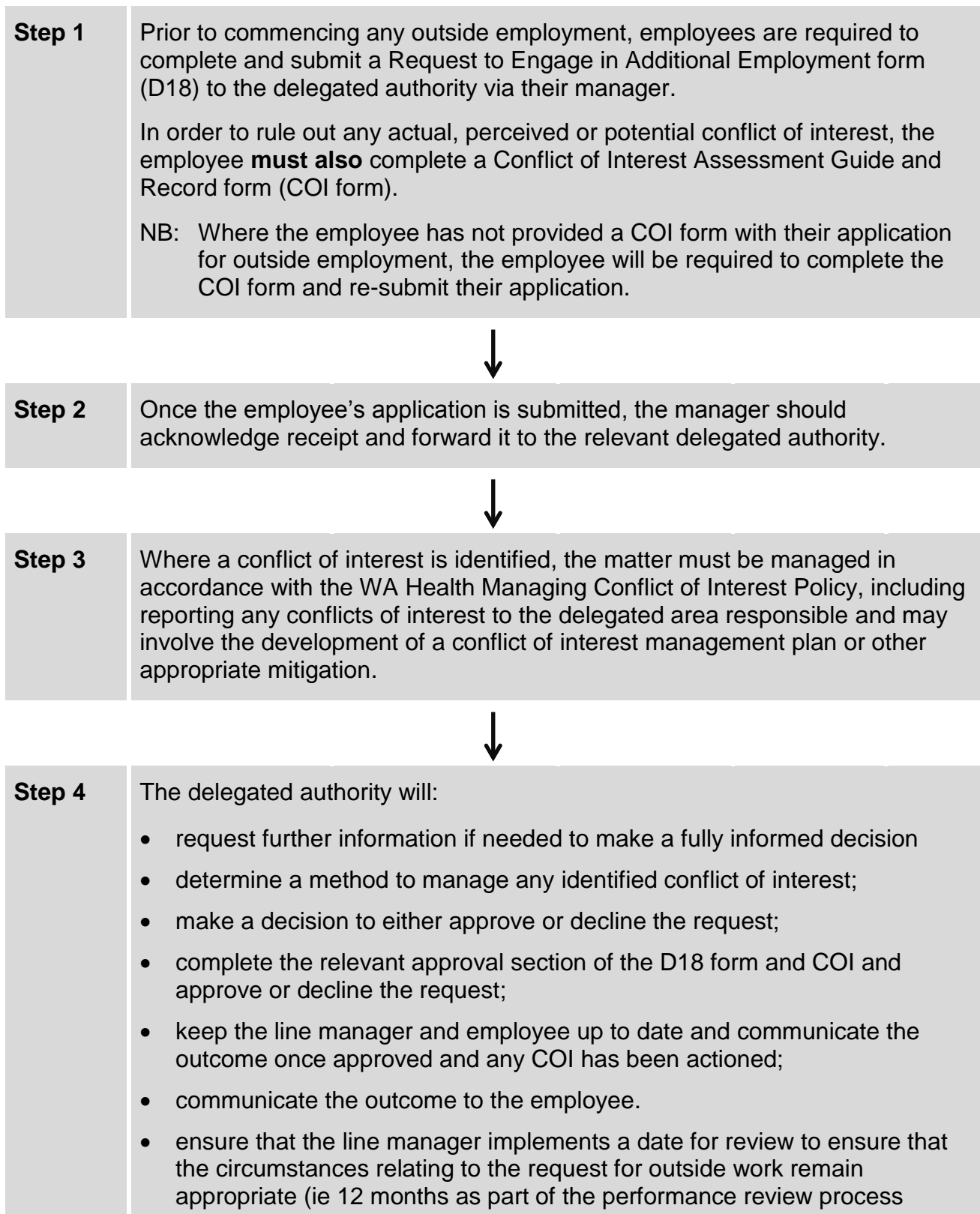
- Outside Employment is when an employee undertakes any additional paid work or employment for reward including during absences on approved leave, **outside** of their CAHS employment contract including;
  - work with another Health Service Provider, subcontractor or consultancy work, intermittent work opportunities such as casual employment, agency and relief work as well as being a small business owner or partner, whether actively working within the business or not.
  - appointments to a Government office, post or position.
- Some common examples of instances where an employee may seek permission to engage in outside employment include to work as a consultant or in a second job, to run a business or to register for work with a private agency.
- The practice of any profession or remunerated work (either paid or for a reward) outside CAHS facilities (including private practice outside CAHS facilities) **does** constitute outside employment. This is irrespective of whether it is carried out for any corporation, company, firm or individual, principal or agent.
- Employees who are involved in a self-managed superannuation fund as a trustee or director or a corporate trustee may be considered to be carrying out a business within would fall within the scope of this policy
- An “*honorarium*” **does** constitute outside employment.
- Medical Practitioners exercising “rights of private practice” whilst employed by and working for CAHS, under terms specified in an applicable industrial instrument (Arrangement B of the *WA Health System – Medical Practitioners AMA Industrial Agreement 2016*), **does not** constitute outside employment.
- Outside Employment is also referred to as secondary, additional or external employment

## Principles

- Employees wishing to undertake outside employment or business should in the first instance discuss the request with their supervisor.
- Outside employment is not to commence until approval is granted
- Outside employment may be undertaken with written permission, providing:
  - there is no conflict of interest or inconvenience to the employer, and
  - the proposed employment will have no detrimental effect on the employee's performance.
- Applications by a full time employee seeking permission to engage in regular part time work additional to their current position will generally be denied. The demands of a full time position are such that to engage in additional, regular employment would most likely affect an employee's performance.
- Employees must seek permission to undertake outside employment during approved periods of leave. Approval will only be granted in exceptional circumstances as leave is taken for 'rest and recreation'.
- If permission for outside employment is approved, an employee must submit a new application where there are changes to the approved existing arrangements as understood by the employer or the approved period expires. This includes:
  - changes to the outside employment arrangements eg increased hours, changed days or cessation of the arrangement
  - changes to employment circumstances eg increased/ decreased hours, changed days, promotion, transfer etc.
  - the period of approval expires.
- Subject to a review of changes to existing arrangements, the employer's permission may be withdrawn at any time.
- The requirements of this Policy should be brought to the attention of all recommended applicants and new appointees during the recruitment and/or appointment process. Where alternative employment is currently in place at the time of recruitment, recommended applicants and new appointees should seek written permission for their alternative employment to continue in accordance with this policy.
- The [CAHS Delegations of Authority Schedules](#) outline who within CAHS has the delegated authority to approve outside employment.
- Authorised delegates may consider approval of a medical practitioners' outside employment request (subject to Conflict of Interest requirements) to undertake private practice (outside Arrangement B of the *WA Health System – Medical Practitioners AMA Industrial Agreement 2016*) for the duration of their CAHS employment contract, providing that no changes occur to their employment or private practice arrangements.
- Honorariums or other ex gratia payments made (the giver recognising no liability or legal obligation made to a person for his/ her services in a volunteer capacity) constitutes outside employment. In the event that approval is sought for an

honourarium, a Conflicts of Interest Assessment should be completed and assessed to inform the decision maker.

## Approval Process



<b>Step 5</b>	All relevant documentation in relation to the employee's application for outside employment should be forwarded to Health Support Service (HSS) for filing, and a copy provided to the employee.
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## Roles and Responsibilities

Role	Responsibility
<b>Employees</b>	<ul style="list-style-type: none"> <li>• Ensure the comply with Section 102 of the <i>Public Sector Management Act 1994</i> by seeking written permission to practice any profession or any remunerated work outside CAHS facilities (including private practice outside CAHS facilities).</li> <li>• Each have a responsibility to inform themselves on the requirements of this policy and communicate any changes in circumstances relating the outside work arrangement, including changes to employment within CAHS (change in hours or work status).</li> <li>• Promptly submit their request for written permission.</li> <li>• Notify CAHS and seek review of approvals where their outside employment circumstances change.</li> </ul>
<b>Managers and Directors</b>	<ul style="list-style-type: none"> <li>• Assist in ensuring compliance by monitoring employee and ensuring approvals are sought by the employee where the manager is aware of outside employment.</li> <li>• Promptly review requests for outside employment having regard to operational requirements.</li> </ul>
<b>Delegated Authorities</b>	<ul style="list-style-type: none"> <li>• Promptly review requests for outside employment having regard to operational requirements and the principles within the Policy.</li> </ul>
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>• Ensure the minimum requirements in the policy are implemented in CAHS.</li> </ul>

## Queries and Advice

Please contact Human Resources with queries for advice.

## Grievance Resolution

In the event where employee has a concern about the outcome of their request for outside employment, the employee may follow the [employee grievance resolution](#) process.

## Record Keeping and Compliance

Records will be maintained in accordance with:

- public sector record keeping practices.
- the provisions of the General Disposal Authority for Human Resource Records.
- the requirements of the Freedom of Information Act 1992.

HSS will retain the documentation in accordance with record keeping processes.

Failure to comply with this Policy may result in Disciplinary Action and/or Improvement Action in accordance with the WA Health Discipline Policy

## Relevant legislation

This Policy is informed by the following documents:


- Relevant WA Government Circulars.
- [Commissioner’s Instruction No 7 Code of Ethics](#) which sets out the minimum standards of conduct and integrity to be complied with by all public sector bodies and employees.
- [WA Health Code of Conduct](#) which requires employees to disclose any personal or professional matters that may lead to actual, perceived or potential conflicts of interest.
- [WA Health Managing Conflict of Interest](#) Policy.

Related internal policies, procedures and guidelines
Fatigue Management (CAHS policy) <i>pending endorsement</i>
<a href="#">Employee Grievance Resolution (CAHS guideline)</a>

References
<a href="#">Commissioner’s Instruction No 7 Code of Ethics</a>
<a href="#">WA Health Code of Conduct</a>
<a href="#">WA Health Managing Conflict of Interest</a>

Useful resources (including related forms)
D18 Request to Engage in Additional Employment form
<a href="#">Employee Grievance Resolution (WA Health Policy)</a>
Uniform Human Resource Delegations for WA Health Entities
Awards and Agreements Library

This document can be made available in alternative formats on request.

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