

# Categories of Outside Employment - Conditions and Entitlements Schedule

## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To outline the conditions and entitlements associated with Outside Employment in the categories of:

- University Related/Sponsored Outside Employment and Consultancies,
- Private Outside Employment and Consultancies, and
- Private Unrelated Outside Employment.

## 2 Scope

This schedule must be read in conjunction with the Outside Employment Undertaken by University Employees Procedure and is subordinate to it.

## 3 Schedule

### 3.1 Conditions and entitlements

Participation in outside work is normally negotiated through performance management discussions, and in addition for academic Employees, through workload allocation discussions.

Delegates and Employees have an obligation to advise of any perceived, potential or actual Conflict of Interest that may undermine the application of natural justice and procedural fairness.

#### 3.1.1 University related/sponsored outside employment and consultancies

University Related/Sponsored Outside Employment and Consultancies must be undertaken through a formal contract developed and approved in accordance with UniSQ's agreed contract management framework.

##### 3.1.1.1 Insurances

An Employee undertaking University Related/Sponsored Outside Employment and

Consultancies is covered by the University's professional Indemnity and public liability Insurances, subject to the terms and conditions of those policies, and is also covered by WorkCover Insurance. The Employee will also be defended by the University in the event of a claim against the Employee, provided they have lawfully, diligently and conscientiously endeavoured to carry out the work.

### **3.1.1.2 University resources**

An Employee undertaking University Related/Sponsored Outside Employment and Consultancies is entitled to use University resources in the course of their work. University resources refers to resources resulting from the expenditure of University funds and includes, but is not limited to: premises, facilities, electricity, equipment and services (such as computing and library); mail, facsimile, telephone, email, internet services and other Information facilities; University name, letterhead and logo and attributes attached to being an Employee of the University such as the University's reputation.

University resources will be used, and accounted for, in accordance with normal University policies and Procedures.

Subject always to any specific contractual obligations owed by the University to a third party, the terms of the University's Intellectual Property Policy and subordinate Procedures shall apply to Employees undertaking University Related/Sponsored Outside Employment and Consultancies.

### **3.1.1.3 Working hours, workloads and remuneration**

Where Employees receive additional remuneration for University Related/Sponsored Outside Employment and Consultancies, the work is normally designated as being undertaken in addition to normal or allocated workload. In these instances the Employee's additional remuneration for the activities undertaken will be via direct payment through the University payroll which will form part of their taxable income.

In instances where the University approaches an Employee to undertake University Related/Sponsored Outside Employment and Consultancies, the work may then be designated as being within normal or allocated workload, and the Employee may be provided with relief from teaching, administrative or other responsibilities where negotiated, funded and approved by the Delegate. However, the Employee will not be entitled to receive additional remuneration for work undertaken.

Where an Employee is not entitled to additional remuneration, a Division may contribute the proceeds from University Related/Sponsored Outside Employment and Consultancies to a Division based Professional Development Project retained within the Division for use in ways approved by the University which may include, but is not limited to:

- travel, accommodation and related costs for professional purposes such as attendance at conferences or conferral with persons working in fields related to the recipient's research, teaching or administrative areas;

- administrative matters and support relating to professional development in the Employee's research, teaching or administrative areas;
- journal or membership subscriptions where related to University duties.

Whilst there is no limit on the annual earnings from University Related/Sponsored Outside Employment and Consultancies, Employees are required to fulfil their contractual obligations to the University as a first priority and maintain a satisfactory level of performance. Total time commitment will not normally exceed 20% of the Employee's substantive University duties per annum (equivalent to 48 days for a full-time academic Employee). However, this is not an entitlement and is subject to negotiation and approval from the Delegate.

#### **3.1.1.4 Fees and cost recovery**

The University seeks to recover the full costs of University Related/Sponsored Outside Employment and Consultancies, and charge market competitive rates for Employees and resources. However, in setting contract prices, the specific circumstances of any project may be taken into account including, but not limited to:

- knowledge of market conditions, including the presence of competitors, any comparative advantage and what the market will bear;
- ownership of the results of the project, including intellectual property;
- cost of negotiations, preparation of submissions and like costs for the project in question;
- cost of managing the project;
- the value to the University of conducting the project;
- the degree of risk or uncertainty involved in the project taking into consideration anticipated results; and
- the degree to which the external entity may fully appreciate the benefits of the project.

Project costs, contract prices and fees outlined in any contract proposal are established by the Financial Delegate in accordance with the University's Contract Management Framework, utilising the template for establishing project costs available from the relevant Management Accountant.

#### **3.1.1.5 Revenue disbursement**

Where the University is satisfied that all project costs (both direct and infrastructure costs) have been met and that all conditions of the contract are satisfied, the net balance of any income

remaining will normally be distributed as follows, unless negotiated otherwise in contract terms and conditions:

- 20% to a University central fund or commercial area as appropriate;
- 20% to the Division; and
- 60% to the contributor/s, paid where eligible in accordance with working hours, workloads and remuneration.

### **3.1.2 Private Outside Employment and Consultancies**

#### **3.1.2.1 Insurances**

An Employee undertaking Private Outside Employment and Consultancies is not covered by the University's professional Indemnity and public liability Insurances nor by WorkCover Insurance, and will not be defended by the University in the event of a claim against the Employee. It is the responsibility of the Employee to ensure that they are adequately covered against contingencies which may arise (e.g. by suitable professional Indemnity Insurance).

#### **3.1.2.2 University resources**

An Employee undertaking Private Outside Employment and Consultancies will not normally be given approval to use University resources. However, access may be granted for a fee by negotiation with the Delegate.

#### **3.1.2.3 Working hours and workloads**

Private Outside Employment is to be taken outside normal working hours and in addition to allocated workload. However, in instances where professional accreditation or registration requires private consultation with clients during normal business hours, or where it is determined the work will enhance the skills or knowledge of the Employee to the benefit of the work area and the University, this should be discussed and agreed during annual workload allocation discussions, and leave without pay or a temporary reduction in working hours or workload may be negotiated to enable an Employee to undertake such private Outside Employment during working hours.

#### **3.1.2.4 Fees**

Remuneration for Private Outside Employment and Consultancies is as agreed between the Employee and the outside entity and does not involve the University in any way.

#### **3.1.2.5 Additional requirements**

The Employee must undertake all private Outside Employment contractual and financial arrangements without the assistance or involvement of the University; must notify their clients

that they are acting in a private capacity and that the University takes no responsibility for the work done; and must bear the costs of all work. A copy of such notification is to be provided with the application to undertake Outside Employment.

### **3.1.3 Private Unrelated Outside Employment**

#### **3.1.3.1 Insurances**

An Employee undertaking Private Unrelated Outside Employment is not covered by the University's professional Indemnity and public liability Insurances nor by WorkCover Insurance, and will not be defended by the University in the event of a claim against the Employee.

#### **3.1.3.2 University resources**

An Employee undertaking Private Unrelated Outside Employment will not be given approval to use University resources.

#### **3.1.3.3 Working hours and workloads**

Private Unrelated Outside Employment is to be taken outside normal working hours.

#### **3.1.3.4 Fees**

Remuneration for Private Unrelated Outside Employment is as agreed between the Employee and the outside entity and does not involve the University in any way.

#### **3.1.3.5 Additional requirements**

All Private Unrelated Outside Employment must be undertaken in accordance with the conditions contained in Section 4.2 of the Outside Employment Undertaken by University Employees Procedure.

## **4 References**

Nil.

## **5 Schedule Information**

<b>Accountable Officer</b>	Chief People Officer
<b>Responsible Officer</b>	Chief People Officer
<b>Policy Type</b>	University Procedure
<b>Policy Suite</b>	<a href="#">Code of Conduct Policy</a>

<b>Approved Date</b>	8/8/2019
<b>Effective Date</b>	8/8/2019
<b>Review Date</b>	3/4/2024
<b>Relevant Legislation</b>	
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Intellectual Property Policy</a> <a href="#">Working Hours and Arrangements Policy</a>
<b>Related Procedures</b>	<a href="#">Commercialisation of Intellectual Property Procedure</a> <a href="#">Employee Conflict of Interest Procedure</a> <a href="#">Intellectual Property Procedure</a> <a href="#">Outside Employment Undertaken by University Employees Procedure</a> <a href="#">Work Allocation Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">Conflicts of Interest Website</a> <a href="#">Outside Employment Application Forms</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b> <a href="#">Conflict of Interest</a> <p>If a University Member has an interest that conflicts or may conflict with the discharge of the University Member's duties the University Member should Declare the nature of the interest and the conflict to the University Member's Supervisor as soon as practicable after the relevant facts come to the University Member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised. An Executive Leader may direct a University Member to resolve a conflict or possible conflict between an interest of the University Member and the University Member's duties. A reference to an interest or to a Conflict of Interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the Acts Interpretation Act 1954, Schedule 1, does not apply. A Conflict of Interest will arise when a University Member's Private Interests conflict with their duty to the University or to serve the public interest as a University Member. The risk of having a conflict of interest increases where a University Member's responsibilities include the authority to make decisions. A conflict of interest may be potential, perceived or actual - when a University Member is in a role where future decision</p>

making may be influenced by their Private Interests if a certain condition is fulfilled, they have a potential conflict of interest; a perceived conflict of interest arises where it appears that decisions a University Member make in the course of their University employment may be influenced by their Private Interests, whether or not this is in fact the case; an actual conflict of interest exists where a University Member's actions could be unduly, improperly or excessively influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.

#### [Delegate \(noun\)](#)

Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.

#### [Employee](#)

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

#### [Indemnity](#)

To compensate for loss or damage; to provide security for financial reimbursement to an individual in case of a specified loss incurred by the person.

#### [Insurance](#)

The equitable transfer of the Risk of a loss from one entity to another in exchange for payment. It is a form of Risk Management primarily used to hedge against the Risk of a contingent, uncertain loss. An Insurer, or Insurance carrier, is a company selling the Insurance. The insured, or policyholder, is the person or entity buying the Insurance policy for a premium. The insured receives a contract (called the Insurance policy), which details the conditions and circumstances under which the insured will be financially compensated.

#### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.



	<p><a href="#">Procedure</a></p> <p>An operational instruction that sets out the process to operationalise a Policy.</p> <p><a href="#">University</a></p> <p>The term 'University' or 'UniSQ' means the University of Southern Queensland.</p>
	<b>Definitions that relate to this schedule only</b>
	<p><b>Outside Employment</b></p> <p>Participation in any level of work by an Employee, paid or unpaid, in addition to their employment at the University is regarded as Outside Employment. Outside Employment can include work undertaken for an outside entity or in a self-employed capacity.</p> <p><b>Private Outside Employment and Consultancies</b></p> <p>Includes paid or unpaid work undertaken by an Employee that is related to their academic discipline or professional expertise including work certified by a professional body required to retain professional accreditation or registration, where the activity is agreed directly between the Employee and an outside entity or client.</p> <p><b>Private Unrelated Outside Employment</b></p> <p>Includes paid or unpaid activities that are undertaken by an Employee in a private capacity outside normal working hours which are not related to an Employee's substantive position at the University.</p> <p><b>University Related/Sponsored Outside Employment and Consultancies</b></p> <p>Includes paid or unpaid work undertaken by an Employee related to their academic discipline or professional expertise that contributes to the strategic goals and objectives of the University, where the activity is agreed between the University and an outside entity formalised through contractual documentation. Work may be initiated by the Employee or the University may approach an Employee to undertake such work.</p>
<b>Keywords</b>	Outside Employment, paid work, Conflict of Interest, consultancy, private practice
<b>Record No</b>	15/2941PL



