**Canberra Health Services**

**Procedure**

**Second Job**

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| Purpose |

This procedure is to:

* Inform all Canberra Health Services (CHS) staff of the process for seeking approval to work in a second job
* Ensure that affected CHS staff maintain a high standard of conduct, and their health and well–being is maintained, as is the standard of their work performance
* Ensure that employees who are contemplating seeking approval to work a second job do not place themselves in a position of real or perceived conflict of interest, and that they are working hours that do not put their own health and well-being at risk, or that of others.

This procedure is consistent with the *Public Sector Management Act 1994,* section 244and *Public Sector Management Standards* 2016*,* section 108 (relevant extracts attached, refer to Attachment 1 for Extracts from the Public Sector Management Act 1994 and Standards).

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| Alerts |

After the initial second job application has been approved, the employee is required to re-apply annually during July, unless an alternative date is agreed**.**

Please note that even after approval for a second job has been granted, it can be reviewed at anytime by the delegate on advice from the manager.

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| Scope |

This procedure applies to all CHS employees.

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| Section 1 – What Constitutes a Second job? |

For the purposes of this procedure, a second job includes:

* All types of paid employment, including self-employment, running a personal business, or working for an organisation external to CHS or the ACT Public Service
* A second job includes permanent, temporary, or casual engagement in an occupation outside CHS
* Employment at CHS is considered an employee’s primary job, regardless of whether their employment at CHS is full time, part time or casual in nature
* Any sort of voluntary or unpaid employment, with the single exception of a member or shareholder of, or the holder of an unpaid position in an incorporated company, a political party or a body registered under a law of the Territory, a State or the Commonwealth (refer Attachment 1)
* Voluntary work which is regularly carried out is considered to be included in the scope of this procedure, as it involves regularly carrying out a function outside of one’s CHS position.
* Staff volunteering their time in the community on an ad hoc basis (eg. occasionally helping out in the school canteen or with a community-based organisation) are not considered bound by this procedure.

Applications for Approval to Work Outside the Service must be completed, processed and approved by the delegate before the second job is commenced.

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| Section 2 – Roles and Responsibilities |

## All Staff

CHS staff must ensure that they do not commence a second job without prior approval from the delegate. For appropriate delegations please refer to Delegation 287 of the [Canberra Health Services Delegations Manual](https://healthhub.act.gov.au/sites/default/files/2019-09/%23%20Canberra%20Health%20Services%20Delegations%20Manual_August%202019%20-%203.0b%20(TOPEA%20Update).pdf).

CHS staff are responsible for:

* Advising their manager of any work situation that may be perceived as a second job;
* Completing the second job application for consideration by the delegate, and passing it on to their manager, prior to taking up another job;
* Providing any additional information the delegate may request to assist in the decision process; and
* Contacting People & Culture (P&C) for further information in relation to specific concerns in relation to gaining approval to work a second job.

## Supervisors and managers

Supervisors and managers are responsible for ensuring that the delegate is able to make an informed decision based on the merits of an application for approval to work in a second job.

They are also responsible for the ongoing monitoring of the employee’s work performance, health and safety.

A manager may decide not to recommend approval of a second job application if they believe that an employee’s second job is likely to result in a decline in performance or output, a conflict of interest, a risk to the reputation of the organisation, or a risk to the health and safety of the employee or others.

Supervisors and managers are responsible for ensuring that staff are aware of this procedure and that if they have staff undertaking a second job without approval, they make both the employee and the delegate aware of the situation. If the matter is not resolved, a formal warning should be given to the employee. They should also be informed that if the situation persists they may be subject to disciplinary action.

Additionally supervisors and managers are responsible for:

* Advising employees of their obligations under this procedure;
* Considering employees’ applications for second jobs on a case-by-case basis;
* Where they have identified concerns with the second job application, contacting P&C to discuss these concerns; and
* Ensuring that the employee has fully completed the second job application form and making a recommendation to the delegate.

## Chief Executive Officer or delegate

The Chief Executive Officer (CEO) or their delegate will act within the boundaries of this procedure in a timely manner and make any decision within the principles of procedural fairness, taking into account all available information.

Delegates for decisions relating to employees requesting approval to work a second job are listed under Delegation No. 287 of the [CHS Delegations Manual](https://healthhub.act.gov.au/sites/default/files/2019-09/%23%20Canberra%20Health%20Services%20Delegations%20Manual_August%202019%20-%203.0b%20(TOPEA%20Update).pdf).

Delegates will be responsible for:

* Advising employees of their obligations under this procedure;
* Considering employees’ applications for second jobs on a case-by-case basis;
* Where they have identified concerns with the second job application, and these concerns have not been allayed after receiving information from the applicant or their manager, contacting P&C to discuss these concerns; and
* Signing the application form as delegate, and advising the employee of the outcome of their decision, and reasons where the application has not been approved, if that is the outcome.
* Where an application for approval to work a second job is refused, informing the employee of the option to seek an internal review of the decision (Section I of the core provisions of Enterprise Agreements).

## People & Culture (P&C)

P&C is responsible for:

* Implementing the procedure;
* Advising managers of the management of the procedure;
* Advising employees of the details of the procedure as it relates to them; and
* Making the second job application form readily available to all employees.

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| Section 3 – Application Process |

All CHS employees wishing to undertake a second job must submit an application and confirm approval for the nominated delegate using the Shared Services form [*Application for Approval for Work Outside the Service*](http://sharedservices/actgovt/HRforms/Approval_SecondJob.doc)*.* Applications must be completed, processed and approved before the second job is commenced.

When requesting approval to undertake a second job, an employee should ensure that the following matters are addressed:

* the type of work being proposed;
* the hours of work being proposed; and
* whether there will be any actual or apparent conflict of interest.

If the employee is seeking agreement to undertake a second job while they are on leave, they will need to approach their manager about this, and submit an Application for Approval for Work Outside the Service to the delegate.

Employees on any approved leave (for example long service leave, birth [maternity] leave and leave without pay), remain employed in the ACTPS during that leave. Employees wishing to undertake other employment while on leave must apply for permission to do so:

* As long service leave is for recreational purposes, approval of a request to engage in a second job while on such leave will only be given in exceptional circumstances.
* As the intention of birth (maternity) leave and paid primary care givers leave is to enable an officer to be absent to take care of their own health and that of another, if the employee wishes to engage in employment they would be expected to resume duty.

Approval will be reviewed (and may be withdrawn) outside the annual review cycle where:

* an officer’s circumstances change;
* an actual or apparent conflict of interest arises;
* the officer’s work performance is affected; or
* the second job is not performed totally in the officer’s private time.

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| Section 4 – Delegate’s responsibilities further explained |

## Delegate’s approval

In considering applications to begin or continue a second job, the CEO or their delegate, as per the [CHS Delegations Manual](https://healthhub.act.gov.au/sites/default/files/2019-09/%23%20Canberra%20Health%20Services%20Delegations%20Manual_August%202019%20-%203.0b%20(TOPEA%20Update).pdf), must consider the interests of the ACT Government as well as those of the employee. Issues to consider include:

* the potential for an actual or apparent conflict of interest;
* the impact on the health and safety of the employee;
* the impact on the health and safety for other employees and clients; and
* the potential for adverse impact on work performance.

## Non-approval by the delegate

Undertaking a second job is not an entitlement and the CEO or their delegate may reject a request if any aspect is found to be unsatisfactory.

Reasons for the refusal should be given in writing to the employee by the delegate.

If the employee is not satisfied with the decision they may seek a review under Section I of the relevant Enterprise Agreement.

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| Evaluation |

**Outcome**

* All staff working in second jobs have approval to do so from the CEO or delegate.
* There are no incidents or adverse outcomes adversely impacting on CHS efficiency or reputation due to staff having unapproved second jobs.

**Measures**

* Ongoing monitoring will occur when managers are reviewing staff and patient incidents reported through RiskMan.
* P&C may monitor the number of cases that arise due to staff not adhering to the requirements of this procedure.

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| Related Policies, Procedures, Guidelines and Legislation |

**Procedures**

* Conflict of Interest Procedure
* Gifts and Benefits

**Guidelines**

* CHS Delegations Manual
* Guidelines for the Granting of Leave to ACT Public Servants who Apply to do Volunteering Work

**Legislation**

* *Public Sector Management Act* 1994
* *Public Sector Management Standards* 2016

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| Search Terms |

Second; employment; conflict.

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| Attachment |

Attachment 1 –Extracts from *Public Sector Management Act* 1994 and Public Sector Management Standards

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*Policy Team ONLY to complete the following:*

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| *Date Amended* | *Section Amended* | *Divisional Approval* | *Final Approval* |
| *24/11/2020* | *Complete Review* | *Janine Hammat, ED P&C* | *CHS Policy Committee* |
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*This document supersedes the following:*

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| *Document Number* | *Document Name* |
| *DGD16-027* | *Second Job Procedure* |
| *DGD16-026* | *Second Job Policy* |

## Attachment 1 – Extracts from Public Sector Management Act 1994 and Public Sector Management Standards

***Public Sector Management Act* *1994 –* section 244**

**Work outside the service**

1. A public servant must have the approval of the head of service for any of the following activities, other than in the exercise of the public servant’s functions:
2. employment;
3. business activities;
4. membership of a board or committee.
5. However, a public servant does not need approval to be a member or shareholder of, or hold an unpaid position in, an incorporated company, a political party or a body registered under a law of the Territory, a State or the Commonwealth.

*Note* ***State*** *includes the Northern Territory (see Legislation Act, dict, pt 1).*

***Public Sector Management Standards 2016 –* section 108**

**Second jobs**

1. This section applies if a public servant requires the head of service’s approval for an activity under the Act, section 244 (1).

*Note A public servant requires the head of service’s approval for employment, business activities or membership of a board or committee other than in the exercise of the officer’s functions.*

1. The public servant must tell the head of service, in writing, about an activity as soon as practicable before the public servant plans to start the activity.
2. The head of service must not approve an activity if the head of service reasonably believes to do so—
3. would not be consistent with the public sector principles; or
4. would create a real or perceived conflict of interest for the public servant.
5. The head of service must tell the public servant if the activity has been approved, in writing, as soon as practicable.
6. A decision under this section is reviewable.