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1. BACKGROUND

This policy establishes the requirement to report, manage and approve secondary employment (including all assignments within NSW Health) and unpaid work undertaken by NSW Health staff.

It is designed to ensure the following with regard to secondary employment and unpaid work:

- Ensure the integrity and objectivity of NSW Health is maintained and that decisions are made free from actual, perceived or potential conflicts of interest.
- Prevent and/or minimise the risk of fraud or corrupt conduct.
- Safeguard community trust and confidence in NSW Health.
- Ensure NSW Health's work, health and safety obligations are met; in particular the management of work-related fatigue.
- Ensure that public resources or information are not misused for personal benefit.
- Ensure that any external secondary employment or unpaid work does not interfere with the performance of a staff member's role in NSW Health.

NSW Health acknowledges that secondary employment can be an opportunity for staff to gain further knowledge and skills, as well as providing additional income. It also acknowledges and values the efforts of staff in volunteering or contributing to community activities outside their NSW Health position.

1.1. Scope

This policy applies to all NSW Health staff who have or seek to engage in secondary employment (including any additional assignments within NSW Health).

This policy also applies to NSW Health visiting practitioners and agency, locum and casual staff however defined. Refer to Sections 1.3.1 and 1.3.2.

NSW Health staff who have an active/volunteer role in the Defence Reserves Service or an emergency services organisation are subject to the provisions of the *State Emergency and Rescue Management Act 1989*.

While the application and approval provisions outlined in this policy do not apply to such arrangements; NSW Health staff engaged in reservist/emergency volunteer activities must engage with their manager/supervisor to ensure any risks including work-related fatigue are addressed.

1.2. Key definitions

<p>Additional NSW Health Assignment(s)</p>	<p>NSW Health staff employed in more than one position within NSW Health.</p> <p>This may be different roles in the same NSW Health agency or in different NSW Health agencies.</p>
<p>Approving officer</p>	<p>Considers and approves secondary employment applications upon recommendation from a supervisor/line manager. The approving officer is usually one level above the supervisor/line manager.</p>
<p>Conflict of Interest</p>	<p>In a work context, a conflict of interest can arise where a staff member could be influenced or perceived to be influenced, by a competing interest when carrying out their public duty. Competing interests may arise through personal or private interests, or through separate professional interests.</p>
<p>Emergency services organisation</p>	<p>In accordance with the <i>State Emergency and Rescue Management Act 1989</i>, emergency services organisations include:</p> <ul style="list-style-type: none"> • Ambulance Service of NSW • Fire and Rescue NSW • A fire brigade within the meaning of the <i>Fire and Rescue NSW Act 1989</i> • NSW Police Force • NSW Rural Fire Service • State Emergency Service • Surf Life Saving New South Wales • New South Wales Volunteer Rescue Association Inc • Volunteer Marine Rescue NSW • An agency that manages or controls an accredited rescue unit • A non-government agency that is prescribed by the regulations for the purposes of this definition.

Employee	Employed by NSW Health in either a full time, part time, or casual capacity.
Locum/Agency staff	A temporary staff member engaged either by NSW Health or externally.
Secondary employment	Any instance of paid work outside of the NSW Health position in question or an additional NSW Health Assignment.
NSW Health staff	All persons working in NSW Health in any capacity.
Private interest declaration	Refers to senior executives (or acting senior executives) who are required provide a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.
Unpaid work	Refers to work where no payment is received. It also refers to voluntary work or activities.
Visiting Practitioner	<p>A medical practitioner or dentist who is appointed, otherwise than as an employee, to practice as a medical practitioner or dentist in accordance with the conditions of appointment including:</p> <ul style="list-style-type: none"> • Honorary Medical & Dental Officers • Visiting Medical & Dental Officers <p>The term can be applied to visiting practitioners appointed otherwise than under a service contract (i.e. who are not VMOs or HMOs).</p>

1.3. What is secondary employment?

Secondary employment is any paid employment outside the staff member's position with NSW Health and/ or where a staff member has more than one NSW Health position.

It may include, but is not limited to:

- Working for another employer.
- Additional assignments within NSW Health.
- Self-employment and owning, operating or being a director of a private business.
- Administering a family trust where the trust is used to run a business.
- Holding a paid position on a company board.

- Being an elected local government councillor or other local government official.
- Receiving a fee for sitting on a committee, NGO, board or other business related group.

All secondary employment arrangements must be applied for and approved prior to commencement or continuation of the work.

To ensure that all legislative obligations and Award provisions are met, all secondary employment must be declared and approved prior to its commencement. This includes all existing and newly hired NSW Health staff who may have other paid employment arrangements in place.

NSW Health will not unreasonably deny applications for secondary employment, provided the mandatory requirements and considerations highlighted in this policy are, and continue to be satisfied.

Where approved, the secondary employment approval applies for up to 24 months whilst the NSW Health staff member remains in the same position. A change in their NSW Health position/ NSW Health agency and/ or facility will require a new application for approval.

Refer to section 1.4 for requirements relating to unpaid work.

1.3.1. Visiting Practitioners

As part of their appointment, visiting practitioners are to disclose the scope of their outside private practice arrangements as reasonably practicable, as well as any additional secondary employment, so NSW Health can meet its obligations (refer to sections 2.1 and 2.2). Visiting Practitioners should disclose any changes to this scope that may impact on the ability of NSW Health to meet its obligations.

1.3.2. Casuals/Locums

In order to meet work health and safety obligations, NSW Health casuals and locums are required to provide an estimate of expected maximum working hours across all employment and to update these where there are substantial changes to such hours.

1.3.3. Junior Medical Officers

Junior Medical Officers regularly rotate to different Local Health Districts and/ or facilities. An application for secondary employment must be completed for each rotation; in the same way as for other NSW Health staff that have changed position/ NSW Health agency and/ or Facility since their secondary employment was last approved.

Approval will not be provided for a Junior Medical Officer to undertake locum work within their current NSW Health agency, or where overtime shifts can be worked within their NSW Health agency; subject to availability.

1.4. What is unpaid work?

This refers to any work where no remuneration or payment is received including:

- Assisting in a family business without receiving any payment.
- Volunteering with an organisation to gain experience in a particular field.
- Serving as non-paid member on a strata management committee.
- Involvement in community sporting and other groups.

It also refers to voluntary work or activities that are principally charitable in their nature, and volunteering in emergency service organisations.

Staff are not required to seek approval to engage in unpaid work where there are no adverse effects on the performance of and/ or no conflicts of interest with their role with NSW Health.

However, staff must exercise discretion to complete an application for approval where there is a potential impact on their role in NSW Health. Where a staff member is unsure if they should apply for approval, they should consult their supervisor/line manager.

Considerations include:

- Whether or not the unpaid work may compromise the independence or performance of the staff member.
- If a conflict of interest may arise.
- Any work health safety risks or other performance-related risks that may be carried over to their NSW Health assignment/s.
- The time involved for the unpaid work.
- Any media or social media related risks.

1.5. Existing arrangements

NSW Health acknowledges that there are staff members who have current secondary employment or unpaid work arrangements in place at the time this Policy is implemented, but where approval was either not required, or may now have changed or expired.

In these circumstances the staff member is to submit an application for the arrangement going forward. This is to be done as soon as practicable but within three (3) months from the publication of this Policy.

This also applies to new employees who have other existing employment arrangements in place. They have up to three (3) months to ensure that an application is submitted to continue such arrangements.

Irrespective of the three (3) month grace period to achieve compliance, staff members are to notify their supervisor/line manager of any risks, concerns or conflicts of interest arising from their secondary employment or unpaid work arrangements as soon as such issues are identified.

Where the staff member does not make such an application for approval; or approval is not granted; they are to cease the secondary employment arrangement within the three (3) month period.

1.6. Relationship to legislation

Relevant legislation includes:

- *Code of Ethics and Conduct for Government Sector Employees*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Independent Commission Against Corruption Act 1988*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 2022*
- *Work Health and Safety Act 2011*
- *Privacy and Personal Protection Act 1998*
- *State Emergency and Rescue Management Act 1989*

1.7. Relationship to NSW Health policy documents

- *Conflicts of Interest and Gifts and Benefits* [\[PD2015_045\]](#)
- *Corrupt Conduct – Reporting to the Independent Commission Against Corruption (ICAC)* [\[PD2016_029\]](#)
- *Employment and Management of Locum Medical Officers by NSW Public Health Organisations* [\[PD2019_006\]](#)
- *Fatigue Management in NSW Health Workplaces* [\[GL2023_012\]](#)
- *Managing Misconduct* [\[PD2018_031\]](#)
- *NSW Health Code of Conduct* [\[PD2015_049\]](#)
- *Leave Matters for the NSW Health Service* [\[PD2023_045\]](#)
- *Public Interest Disclosures* [\[PD2023_026\]](#)
- *Recruitment and Selection of Staff to the NSW Health Service* [\[PD2023_024\]](#)
- *Work Health and Safety: Better Practice Procedures* [\[PD2018_013\]](#)

2. SECONDARY EMPLOYMENT REQUIREMENTS

All secondary employment engagements must be applied for and approved prior to commencement.

Secondary employment will only be approved for a maximum period of 24 months. Any changes to a previously approved secondary employment arrangement will require a new application. This includes a change to their NSW Health position/NSW Health agency or facility.

Under no circumstances should a new secondary employment engagement begin without being granted prior approval.

NSW Health staff must ensure that their personal interests do not conflict with their public duties. Staff are expected to perform their public duties in a fair and unbiased way and not to make decisions which are affected by self-interest or personal gain.

The secondary employment arrangement or unpaid work arrangement must not:

- Interfere with the NSW Health assignment/s.
- Be performed within working hours for the NSW Health assignment/s including periods of both paid and unpaid leave unless prior written approval is received.
- Conflict with or impact the staff member's ability to fulfil their role requirements and performance expectations.
- Impact the safety of the staff member, their colleagues, patients, clients or members of the public.
- Use NSW Health resources, including but not limited to intellectual property in the case of any external secondary employment arrangement.
- Have any private interests that may conflict with the staff member's current duties or the role and functions of NSW Health or inappropriately influence or obtain opportunities for future employment.
- Involve the referral of public patients/clients to the employee's business or external secondary employer. For visiting practitioners, refer to section 1.3.1 for further information.

2.1. Work Health and Safety

NSW Health has a duty of care to take reasonable steps to prioritise the safety and wellbeing of its staff, patients, clients and members of the public.

When applying for or considering an application for secondary employment, it is essential to assess the impact this may have on duty of care obligations and to mitigate and/or eliminate any associated risks.

Secondary employment and unpaid work must not create fatigue-related risks or cause workplace or work performance concerns.

Considerations may include ensuring:

- Adherence to any applicable breaks during and between shifts as outlined in the relevant Award/s.
- Total working hours across all employment engagements are not excessive (refer to the NSW Health Guideline: Fatigue Management in NSW Health Workplaces).
- The requirement to present fit for work and to perform duties safely and according to the expected standard.
- Relevant regulatory, agency or safe working requirements are not breached.
- Regular review of approved secondary employment arrangements to address any safety and wellbeing concerns that may arise.
- Both the NSW Health staff member and the approver consider the impact the secondary employment may have on their physical and/or mental health and the NSW Health staff member is made aware of the health and wellbeing support available to them.

2.1.1. Workers compensation and return to work plans

To ensure that any secondary or unpaid work arrangement does not impede injury management and/or return to work plans, approval must also be sought when:

- Receiving workers' compensation benefits.
- Working reduced hours due to an injury.
- On a return to work plan for a non-work related injury.
- Undertaking alternative duties or on reasonable adjustment arrangement.

Where a NSW Health staff member with secondary employment sustains a work related injury or illness, the secondary employment must be reported to the agency's workers compensation Claims Service Provider/ Insurer to allow accurate calculation of pre and post injury earnings and entitlements.

2.2. Conflicts of Interest

In accordance with the *Conflicts of Interest and Gifts and Benefits* policy [[PD2015_045](#)], NSW Health staff must immediately declare any actual, potential or perceived conflicts of interest that may arise because of their secondary employment. This includes staff who undertake unpaid work, where a conflict may arise.

This requirement applies throughout the duration of the secondary employment arrangement and there are specific notification and record keeping requirements under PD2015_045 which must be met. Detailed information about identifying, assessing and managing conflicts of interest is also provided in PD2015_045.

Should any conflict be identified, it must be declared and the staff member must work with the supervisor/line manager to ensure it is appropriately assessed and managed. If needed, they can seek the assistance of their People and Culture team. The Chief Audit Executive

and Corporate Governance team in their NSW Health agency should also be consulted for advice if required.

Where a conflict of interest cannot be resolved, this may result in the application not receiving approval or an existing approval being withdrawn.

Note: Practitioners are not to refer public patients to their private practice, as this constitutes an actual conflict of interest, unless consistent with existing approved referral frameworks.

3. APPLYING FOR SECONDARY EMPLOYMENT

All secondary employment requires approval before it can commence.

Please refer to Section 1.5 for existing secondary employment or unpaid work arrangements.

Secondary employment applications can only be requested for a maximum period of 24 months, after this time a new application must be submitted if the employee wishes to continue their secondary employment.

Where the secondary employment sought is an additional NSW Health Assignment; the total full time equivalent that a staff member can be approved to occupy concurrently is 1.0FTE (excluding any casual assignments).

Any conflict of interest is to be declared and the staff member's supervisor/line manager must assess it before approval is given.

The application is to include:

- The nature of the employment and the length of the engagement, including the proposed days and/or hours of work.
- How the applicant will manage their health and wellbeing.
- Confirmation that the proposed arrangement does not raise any conflicts of interest or that any potential conflicts will be managed.

Secondary employment applications are to be submitted at least four (4) weeks prior to commencement of the arrangement, where practical. Secondary employment must not commence without prior approval.

All applications must be reviewed by the applicant's supervisor/line manager within seven (7) business days; and may require further information to be provided about the proposed secondary employment.

The supervisor/line manager will provide reasons for their recommendation to either support or not support the application. Where required, they will detail any suggested management strategies that have been discussed with the staff member.

The supervisor/line manager must provide their recommendation and submit to the relevant approver to make the final determination within seven (7) business days of receiving the supervisor/line manager's recommendation.

Decisions on applications must be made on the individual merit of an application and having regard to procedural fairness principles; and approval will not be unreasonably withheld.

Applications for secondary employment will be made and approved in a Service Now based solution.

3.1. Outcome of Application

The approving officer will provide their decision in relation to approval or otherwise of the application to both the staff member and their respective supervisor/line manager within seven (7) days. This will also include any relevant comments and/or recommendations.

3.2. Declining or withdrawing applications and/or approvals

NSW Health retains the right to decline any application for secondary employment where the above mentioned mandatory requirements are not met.

Any breach of the above conditions following approval may result in approval to engage in secondary employment being withdrawn, and may constitute a breach of the NSW Health Code of Conduct.

In such instances, the staff member will be advised of the withdrawal and secondary employment related records in Service Now will be updated accordingly.

3.3. Appealing a decision

If a staff member is not satisfied with the outcome of their secondary employment application, they can contact the relevant people and culture team who will liaise with the staff member and the relevant approver and review the application.

Where resolution cannot be achieved, the matter will escalate to the next organisational level for final decision. The staff member will be advised in writing accordingly and secondary employment related records updated in Service Now where appropriate.

3.4. Withdrawing an application for or an approved secondary employment arrangement

Staff members who wish to withdraw their application for or approved secondary employment must notify their supervisor/line manager in writing and ensure secondary employment related records in Service Now are updated accordingly.

3.5. Changes to secondary employment

Any changes to a staff member's secondary employment will require the completion of a new application. This is to ensure that an appropriate re-assessment of the secondary employment can be undertaken and relevant conditions can be updated accordingly.

One common change is additional hours; for this reason it is important to seek approval for the highest total number of hours likely to be worked in the secondary employment.

4. ROLES AND RESPONSIBILITIES

4.1. Secretary, NSW Health Executive,

- Exercise leadership, promote culture of probity and ethical conduct and model NSW Health values in managing any secondary employment or unpaid work issues that could adversely affect the performance of duties or the management of conflicts of interest.

4.2. Staff

- Ensure that their personal interests do not conflict with their public duties.
- Comply with the mandatory requirements of this policy.
- Apply for and obtain prior approval for secondary employment.
- Provide truthful, up-to-date information regarding secondary employment including for the purpose of any assessment of risks arising from the secondary employment.
- Ensure any changes to secondary employment arrangement are advised and updated as soon as practicable but within seven (7) business days.
- Ensure applications remain current. The staff member must not engage in secondary employment where approval has been declined, withdrawn, or expired.
- Maintain the required standard of work performance in the NSW Health role while undertaking any other employment.
- Ensure that the secondary employment does not give rise to a conflict of interest.
- Not engage in secondary employment while on leave, unless approved in advance.
- Adhere to any applicable breaks during and in between shifts as outlined in the relevant Award.
- Maintain a record of hours worked in secondary employment, and where requested provide details to their supervisor/line manager.
- Ensure that the arrangement does not impact on time or attendance in the NSW Health workplace.
- Cooperate with any investigative enquiry about the secondary employment.
- Prior to changing roles, notify new supervisor/line manager of the secondary employment arrangements prior to moving to that role.

4.3. Supervisor/Line Manager

- Review applications for secondary employment within seven (7) business days.
- Discuss the application with the staff member and be fair and transparent when supporting/not supporting an application. This includes proposing strategies to manage the arrangement, including any issues that may have an impact on their role/s with NSW Health.

- Ensure that each staff member's circumstances are considered and that no application is unreasonably refused.
- If endorsing the application, refer on to the approving officer via the workflow process. If not endorsing, provide the staff member with reasons why the application is not supported.
- Clarify the staff member's understanding of and agreement to any risk management strategies that will form part of the agreement.
- Report any issues that arise in relation to the proposed arrangement to the appropriate approver. This includes, but is not limited to work health and safety issues, performance issues and any conflicts of interest.
- Ensure that any secondary employment arrangement is implemented and monitored in line with ongoing monitoring of performance and wellbeing of the staff member.
- Report suspected breaches of this policy and cooperate with any investigative enquiries.
- Advise, support and remind staff of their obligations to apply for secondary employment as set out in this policy.

4.4. Approving officer

- Ensure applications for secondary employment are evaluated, taking into consideration the staff member's circumstances, relevant NSW Health Awards, policies and relevant legislation.
- If there are concerns, discuss the application with the relevant supervisor/line manager to ensure the arrangement will not influence or interfere with the NSW Health role and not impair the staff member's ability to perform their duties effectively and safely.
- Apply procedural fairness principles when assessing whether to approve or reject an application, including any strategies for minimising and/or managing issues.
- Ensure that each staff member's circumstances are considered and that no application is unreasonably refused.
- Approve the application via the system workflow process.
- Provide the outcome of the application to the supervisor/line manager and any relevant details as to how the decision was determined.
- Reported suspected breaches of this policy cooperate with any investigative enquiries.
- Exercise leadership, promote a culture of probity and ethical conduct and model NSW Health values in relation to the management of secondary employment and unpaid work.
- Ensure the mandatory requirements of this policy are met.

4.5. People and Culture team

- Provide support to supervisors/line managers and approving officers where required to ensure the mandatory requirements of this policy are met.
- Ensure secondary employment applications brought to their attention for review are assessed taking into consideration the relevant NSW Health Awards, NSW Health Policies and relevant legislation.
- Review secondary employment applications where a staff member is appealing a decision.
- Ensure any appeals are discussed with the approving officer and supervisor/line manager of the applicant.
- Ensure that each staff member's circumstances are considered in full and that no application is unreasonably refused.
- Provide the staff member with outcome of an appeal within seven (7) business days, together with any relevant details as to how the decision was determined.
- Review requests for staff members to undertake secondary employment during a period of paid or unpaid leave on a case-by-case basis and providing written advice on the outcome of such requests.
- Assess and respond to reports of suspected breaches of this policy.

5. BREACHES OF THIS POLICY

5.1. Addressing breaches

Any breach of the above conditions following approval may result in approval to engage in secondary employment being withdrawn and may constitute a breach of the *NSW Health Code of Conduct* [\[PD2015_049\]](#) and may lead to disciplinary action outlined in the *Managing Misconduct* policy [\[PD2018_031\]](#).

Depending on the nature of the breach, the matter may also be reported to the NSW Independent Commission Against Corruption (ICAC). NSW Health *Corrupt Conduct – Reporting to the Independent Commission Against Corruption (ICAC)* PD2016_029 provides information about making such notifications.

5.2. Independent Commission Against Corruption (ICAC) reporting obligations

Section 4 of the *NSW Health Code of Conduct* [\[PD2015_049\]](#) states that all staff must immediately report any suspicion of corrupt conduct internally to a senior staff member through their organisation's reporting system. External reporting channels are also available on the [ICAC website](#). NSW Health *Corrupt Conduct – Reporting to the Independent Commission Against Corruption (ICAC)* PD2016_029 provides information about making such notifications.

Protections apply to whistleblowers under the *Public Interest Disclosures Act 1994* where the disclosure falls within the scope of that Act.

6. RETENTION OF RECORDS

6.1. Privacy

Any information provided when declaring secondary employment is protected under the *Privacy and Personal Information Protection Act 1998*. Records are maintained securely, and only used or disclosed by authorised persons for workforce management purposes. Secondary employment information may also be used in future to assess other risks that could arise, for example, when it may lead to fatigue or conflicts of interest.

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