Side-Line Occupation Policy

Aim

This side-line occupation policy applies to all Karlstad University staff and describes the regulations for side-line occupations. The policy may also guide any decisions that need to be made regarding the side-line occupations of employees.

Side-line occupations are regulated in laws, ordinances, and collective agreements. See the different stipulations in the attached Appendix. This policy gives an account of the regulations and their implementation at the University.

In summary, the regulations stipulate that side-line occupations are not permitted when their effects are detrimental to public confidence in the University, if they impede employees’ work performance, or if they are in competition with University activities. The University is under the obligation to inform employees about the regulations and has to intervene against impermissible side-line occupations. The University also has to document the side-line occupations of employees, which means that employees have to report their side-line occupations to the employer.

This is a revision replacing the policy from 26 October 2016 (Ref No C2016/716). Revisions have primarily been made in relation to teachers’ reports of side-line occupations that are unrelated to their subject, and the duty of administrative and technical staff to report side-line occupations.
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Introduction

The concept side-line (or secondary) occupation in principle refers to any commitment or activity, temporary or permanent, paid or unpaid, that employees undertake beyond the duties of their employment at Karlstad University, and which cannot be said to belong to the private sphere.

Activities in the private sphere, for instance certain association activities, are not considered side-line occupations. Private matters unrelated to the University, such as for instance commitments in housing societies, child-care cooperatives, sports associations, or hobbies are not side-line occupations. However, such commitments may still not impede on regular duties.

The purpose of regulating and monitoring the side-line occupations of public sector employees, including rules related to conflicts of interest, is to maintain the trust of the public in public administration, a cornerstone of a democratic society like ours. Everybody’s equality before the law, objectivity, and impartiality in processing and making decisions are crucial. There may never be cause for suspicions that we are biased or that we engage in side-line occupations that undermine the University’s reputation. Accordingly, there is comprehensive legislation on the side-line occupations of public sector employees and special regulations pertaining to managers and teaching staff in the higher education sector.

Side-line occupations are regulated in laws, ordinances, and collective agreements. See the different stipulations in the attached Appendix. This policy gives an account of the regulations and their implementation at the University.

General principles

The rule of thumb is that side-line occupations are permitted, provided that they are not damaging to confidence, impede employee performance, and are not in competition with University activities. The University encourages collaboration with organisations and businesses, not only through organised partnerships, but also through contract education or the side-line occupations of employees.

Employees are expected to have basic knowledge of what side-line occupations may be non-permitted or illegal, and are therefore required to acquaint themselves with the regulations. The employer is responsible for making sure that all employees are aware of the regulations. For this reason, all employees must confirm annually that they are aware of the regulations pertaining to side-line occupations, and report their side-line occupations, where applicable.

Anyone who is uncertain about these matters should consult their immediate supervisor in the first instance, and thereafter the dean, a HR officer, or the University’s legal adviser.
- Side-line occupations have to be kept separate from University activities. University resources, such as premises, copiers, computers, office material, or other equipment, may not be used to engage in side-line occupations, unless per specific agreement with the University.

- No companies or foundations are permitted to conduct affairs on campus or to use University resources without prior agreement.

- The University has decided never to purchase services or materials/products from companies owned or run by employees or their relations. In special cases, and if the connection to the company is minor or inconsequential, the University may make an exception. In such cases, the financial manager should be consulted, and the reasons for the exception documented.

**Assessment of side-line occupations**

Each side-line occupation is assessed individually. A side-line occupation may be permissible for one person and not for another. Although some general principles for different side-line occupations have been given, individual assessment may lead to different decisions. Determining whether a side-line occupation is permitted depends on various factors and variables:

- The employee’s regular work duties. The closer a side-line occupation is to regular duties, the more questionable it is. Consideration will be given to what clients, partners, project participants, etc the employee deals with in his/her regular work, and what clients, etc are targeted in the side-line occupation.

- To what extent the side-line occupation is associated with faculty/department areas.

- The more influential the employee is at the University or in the side-line occupation, the more closely the potential risk of damaging public confidence should be investigated.

- The workload of the employee. Extensive side-line activities should be concentrated to a short period, or the employee needs to apply for leave of absence from the University.

- The financial compensation for the side-line occupation.

- The work situation in general.
Obligations of employers and employees

The employer provides information

The employer has to inform employees about the circumstances that may render a side-line occupation impermissible. At Karlstad University this information is primarily provided through this policy and at the start of employment. Information is also given during the introduction and via the University intranet. Employees are to be informed of the regulations by their immediate supervisor who should also encourage them to report any side-line occupations. The University regularly reminds all employees to take note of the policy and to register their side-line occupations.

The employer also has to advise employees individually, in writing on request, about the permissibility of side-line occupations, whether they meet the requirements of being separated from regular work duties and whether they are not detrimental to public confidence in the University.

Anyone who wants more information or advice regarding the regulations on side-line occupations or their implementation, should consult their immediate supervisor, the dean, a HR officer, or the University’s legal adviser.

Employees confirm that they know about the regulations

All Karlstad University employees, except those remunerated on an hourly basis, are expected to be aware of the regulations regarding side-line occupations. All employees must confirm that they know about the regulations at the start of each year via the HR administration system.

Employees inform the employer of side-line occupations

A key principle for all employees is to keep the employer informed of side-line occupations. This can be done through appraisal interviews, in connection with employment planning, and so on. All employees should consult their immediate supervisor before embarking on a side-line occupation, especially if it is related to the work tasks of their employment at the University.

Teachers have an extended duty to inform. Teachers must necessarily report any side-line occupations related to the subject in which they are employed of their own accord. This is done annually at the start of each year via the HR administration system. Notifications of new or changed side-line occupations are submitted throughout the year.

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1 Teachers include professors (including adjunct, senior, and guest professors), senior lecturers, associate senior lecturers, postdocs, guest researchers, adjunct teachers (including adjunct lecturers), and lecturers.
Senior managers included in the Manager’s Agreement, that is Vice-Chancellors, Deans, University Directors, Library Directors, Heads of HR, and Heads of Communications, also have an extended duty to inform and must necessarily report any side-line occupations to the employer of their own accord.

Administrative and technical staff must report those side-line occupations that are related to the work tasks of their employment at the University, or that in any way risk being detrimental to public confidence in the University.

If there is reason, due to an employee’s performance of work duties, the employer may demand information about the employee’s side-line occupations. This rule is valid for all employees and all kinds of side-line occupations. The employee is required to provide information about the nature and scope of any side-line occupation, and any additional information that the employer requests.

**The employer is responsible for documentation**

The employer is obliged to document teachers’ information about side-line occupations in such a way that it is possible to monitor the side-line occupations of all teachers continuously. The employer is also obliged to document all decisions regarding the permissibility of side-line occupations. This is done via the HR administration system.

**Permitted side-line occupations**

Some generally permitted side-line occupations are listed below. Some side-line occupations are so naturally part of teachers’ duties that they do not need to be reported to the University. If there are any doubts, the employees should always consult their immediate supervisor. Even when a formal notification is not required, employees are encouraged to keep their immediate supervisors informed in an appropriate manner, for instance during appraisal interviews, or via e-mail. Decisions on the permissibility of side-line occupations are made on a case-by-case basis.

**Generally permitted side-line occupations not subject to reporting**

- Serving as experts during recruitments, participating in examining committees, performing as an external reviewer, and serving in reference groups and similar tasks. The scope of the task should not have an impact on the performance of regular duties. The prior approval of the immediate supervisor is needed before University resources are used.

- Temporary participation in seminars outside the University.

- Owning a dormant company does not need to be reported.
• Activities in the private sphere.

• Media appearances which are a natural part of employment at the University, such as expert commentary, op-ed articles, and so on.

**Generally permitted side-line occupations subject to reporting**

The University takes a positive stance to research and development work as side-line occupations, if it can for some reason not be included in regular University activities. Side-line occupations have to be clearly separated from regular University duties, and may not be damaging to confidence, impede employee performance, or compete with University activities. Decisions on the permissibility of side-line occupations are made on a case-by-case basis. The total working time should not be more than full-time in total, unless for a short period.

• Teaching at other higher education institutions (except contract education).

• Teachers may do research or development work in their own subject outside Karlstad University. Side-line occupations have to be clearly separated from teachers’ regular work and may not compete with research commissioned from the University.

• Appointments in scholarly associations.

• Advisory services/consulting assignments related to research issues.

• Activities based on teachers’ innovations in their subject.

• Appointment as a board member/chairperson in a company which is active in an area related to the teacher’s subject. The activities of the company may not be in competition with University activities.

• Teaching at upper secondary level.

• Commissions of trust in political or labour organisations. If the employee holds a managerial position at the University and/or the labour/political organisation has or could have Karlstad University as a partner or an opposite party, the issue of conflicts of interest should be especially observed.
Non-permitted side-line occupations

Side-line occupations that damage confidence in the University, compete with University activities, or impede employee performance are not permitted. The three categories are described below.

Side-line occupations detrimental to public confidence in the University

According to the Public Employment Act, it is not permitted to hold a position or commission or to engage in any other activity that may be detrimental to an employee’s or another employee’s impartiality in performing their duties, or that may be damaging to public confidence in a government agency. This regulation applies to all public sector employees, irrespective of their position, or the form or extent of their employment, including employees on leave of absence.

To assess the risk of damage to public confidence, the scope of the side-line occupation and whether it is related to the work of the government agency must be taken into account.

- All the work that a university employee performs for the employer must be part of his or her employment. Working for the University and charging consulting fees for his or her own company is not allowed.

- Employees may not engage in side-line occupations that may lead to conflicts of interest in relation to the performance of work tasks.

- Employees are not permitted to engage in side-line occupations in such a way as to create the impression that the University is involved in or sanctions activities. The University logo may not be used in connection to side-line occupations.

- Employees are not permitted to participate in commercials or the marketing of teaching material in such a way as to create the impression that the University endorses the material.

- Marketing side-line occupations via the University homepage is prohibited.

- It is not permitted to use University material, premises or databases for side-line occupations.

There may be risk of damage to public confidence in the following cases, for example:

- If an employee has a Board of Directors assignment, owns, or otherwise exerts major influence in a company that provides education, research, or development in subjects
offered at the University, or if the company has/has had/might have the University as a customer, client, partner, or competitor.

- If several employees within the University engage in a joint economic venture outside the University that may influence the direction of activities at the University/faculty/subject/research group.

- If an employee engages in a side-line occupation at a company that collaborates with the University on projects.

- If an employee participates in an externally-funded project managed by a principal/coordinate other than the University, there is a risk that a side-line occupation, in which the employee works or to which the employee provides services through his/her own company to the principal/coordinate, may have a detrimental effect on confidence in the University. These types of activities are therefore carefully examined on a case-by-case basis.

- If an employee has a public authority function, manages public property, is responsible for procurement, or supervises public activities.

- If the side-line occupation may have a detrimental effect on the planning or performance of duties, for example through causing changes to established schedules or plans.

- If services provided free of charge by the University are instead performed privately by an employee for a fee.

- Commissions of trust in political or labour organisations **which have or could have Karlstad University as a partner or an opposite party.** The issue of conflicts of interest should be especially observed when assessing the permissibility of such side-line occupations.

**Competing side-line occupations**

Having a side-line occupation that competes with University activities is not permitted. Nevertheless, the Higher Education Act specifically allows research and development projects in the employee’s subject area, provided that public confidence in the University is not damaged and that the side-line occupation is clearly separated from regular duties. Side-line occupations may not compete with research or education commissioned from the University.

Side-line occupations involving post-secondary education generally compete with University activities and are prohibited. There are some exceptions: a lecturer employed part-time or on a leave of absence may also be employed by another higher education institution. Lecturers
employed full-time may also have side-line occupations at other higher education institutions, provided that the total workload is not more than full-time, unless in exceptional cases. See below, regarding performance-impeding side-line occupations.

**Contract education**

Karlstad University offers commissioned courses. These are administered by Karlstad University’s Professional Development Services AB and taught by teachers employed by the University, as part of their regular employment. The company negotiates and draws up contracts for all such courses with clients, on behalf of the University.

Employees in public agencies that offer contract education may not be hired by or carry out tasks for a company operating in the areas of the University’s commissioned services. It is not permitted to be part of, manage, or manage by proxy such a company, or in any way engage in activities for the purpose of profit in areas covered by the University’s commissioned services. Thus, to provide education as a side-line occupation would compete with University activities and not be permissible. An employee who considers becoming involved in an activity that normally can and should be carried out by the University has to consult his/her immediate supervisor before embarking on the project.

Teaching commissioned courses forms a natural component of teachers’ duties like any other teaching task. Such teaching is carried out as part of the teachers’ employment, does not constitute a side-line occupation, and does not have to be reported. Participation in higher vocational education programmes should take place as part of one’s position at Karlstad University in the form of a commissioned course.

Determining how commissioned teaching should be defined is unclear. The ordinance for commissioned education indicates no minimum extent. The purpose of offering commissioned education is “to strengthen the University’s undergraduate education and research.” This suggests that even very brief courses offered on behalf of the University may yield contacts, goodwill, and further commissions, and that these effects are desirable. At the same time there is of course a point at which the administration of a minor commission costs more than what the client can reasonably be charged. It is considered better to undertake such commissions as side-line occupations than not undertaking them at all.

In summary, the following guidelines apply to commissioned education: if the teaching is infrequent and takes no longer than half a day, it can be performed as a permitted side-line occupation that is not regarded as competing with the University’s commissioned education. Teaching that spans more than half a day, or recurrent contributions, are deemed competitive and are thus not permitted side-line occupations. If cases are difficult to define, the employee has to consult his/her immediate supervisor, and assessment is always done on a case-by-case basis.
The University also conducts commissioned research. A teacher who considers a research and development assignment as a side-line occupation has to consult his/her immediate supervisor before embarking on the project, and report it via the HR administration system.

**Performance-impeding side-line occupations**

Side-line occupations that in any way hinder employees in the performance of their regular duties are not permitted. According to the different collective agreements [Villkorsavtalen], the employer may force an employee to wholly or partly discontinue a side-line occupation that, in the employer’s judgment, impedes work performance. Performance-impeding side-line occupations include, for example:

- Side-line occupations that cannot be completely separated from regular work. These include, for example, side-line occupations that are wholly or partly conducted at the workplace, during working hours, or using University equipment. If an employee engaged in a permitted side-line occupation wishes to use University equipment, a separate contract needs to be entered into that also includes reimbursement to the University.

- Side-line occupations which are so extensive that they impede employees’ performance of their regular University duties. Teachers, for example, may not engage in side-line occupations that will render them less accessible at the workplace, jeopardising contacts with students or colleagues. Only in exceptional cases may a side-line occupation and the employee’s position at Karlstad University together comprise more than fulltime.

- Side-line occupations that encroach on scheduled work duties, such as teaching or meetings. Likewise, side-line occupations encroaching on teaching preparation or follow-up, research, development, professional development, or administration are not permitted.

- Side-line occupations that are permitted and normal, such as serving as an external reviewer, but which are so extensive or inconveniently timed that they impede the performance of regular duties.

- Side-line occupations that are so extensive or inconveniently timed that the stipulations of the Working Hours Act regarding daily/weekly rest cannot be complied with.

**Decisions and consequences**

If an employee refuses to submit information upon request, or if incorrect or incomplete information is submitted, the employer can take legal action against the employee, resulting in
disciplinary measures or termination of employment, as can be done in other cases of violation of employment obligations.

The University is obliged to prohibit side-line occupations that may be detrimental to public confidence and may also require employees to discontinue side-line occupations deemed to impede work performance or to be competitive. Rectification of violations of the regulations should preferably be made through meeting with the employee. Formal decisions not to permit side-line occupations have to be presented in writing and have to include the grounds for refusal. Decisions are made in accordance with the current delegation of authority and documented via the HR administration system. No appeals can be lodged against decisions about side-line occupations.

Decisions regarding side-line occupations that may be detrimental to public confidence do not require negotiations in accordance with the Co-determination at Work Act (MBL). Decisions to require employees to discontinue side-line occupations deemed to impede work performance or to be competitive should be preceded by such negotiations.
Appendix: Regulations on side-line occupations in laws, ordinances and agreements

**Public Employment Act**

§ 7 An employee may not hold another position or commission or pursue any other activity that may compromise confidence in the employee’s or other employees’ impartiality, or that may damage the authority’s reputation.

§ 7 a The employer shall inform employees appropriately of the circumstances under which a side-line occupation may be non-permissible, as per § 7 of Act (2001:1016).

§ 7 b An employee shall, at the employer’s request, submit the required information for the employer to assess the employee’s side-line occupations. Act (2001:1016).

§ 7 c An employer shall decide that an employee engaged in or intending to undertake a side-line occupation that contravenes § 7 shall discontinue with or not undertake the side-line occupation. The decision shall be in writing and state its grounds. Act (2001:1016).

§ 7 d Permanently employed judges and executives of public agencies directly subordinated to the government shall, of their own accord, report their side-line occupations to the employer. Act (2004:833).

**Higher Education Act, Ch. 3**

§ 7 In parallel with their teaching posts, teachers at higher education institutions may hold positions or commissions or pursue activities related to research or development work in their subject area of their employment, provided that they do not damage public confidence in the institution by doing so. Such side-line occupations shall be kept clearly separate from the regular duties assigned to them in the course of employment. Other issues related to side-line occupations are subject to the provisions of the Public Employment Act (1994:260). Act (1997:797).

**Higher Education Ordinance, Ch. 4 (effective from 1 January 2011)**

§ 14 Higher education institutions shall provide appropriate information to their teachers about which side-line occupations, or types of side-line occupation, contravene Ch. 3 § 7 of the Higher Education Act (1992:1434). A higher education institution shall provide advice to its teachers in assessing whether a certain side-line occupation complies with the provision. If a teacher so requests, the higher education institution shall issue a written response on such a matter.

§ 7a of the Public Employment Act (1994:260) stipulates that a higher education institution shall provide appropriate information to employees about the circumstances under which a

§ 15 A teacher is obliged to keep the higher education institution informed about any side-line occupations he/she undertakes that pertains to the subject area of his/her post. The higher education institution shall keep records of these notifications. These records shall be kept in such a way to enable continuous monitoring of the side-line occupations of each teacher. Ordinance (2010:1064).

Collective agreements [Villkorsavtal and Villkorsavtal-T], Ch. 13

Performance-impeding side-line occupation
§ 10 Upon request an employee is obliged to provide information to the employer about whether he/she has a side-line occupation and to which extent. The employer may only request this information if there is a reason to do so as regards the employee’s performance of his/her duties.

The employer may compel the employee to wholly or partly discontinue the side-line occupation, if the employer finds it detrimental to work performance (performance-impeding side-line occupation).

Competing side-line occupation
§ 11 Employees at agencies that manage business or commissioned activities may not hold a position or commission at a company in the same area of activity. The employee may not be involved in, run or run by proxy such a company, and may not for profit pursue activities pertaining to this area (competing side-line occupation).

The first paragraph applies unless the employer consents otherwise. If such consent has been granted, the employee is obliged on request to submit information to the employer on the type and extent of the competing side-line occupation.

Prohibition on side-line occupations in the Public Employment Act
Further information
In addition to §§ 10 and 11, the stipulations on side-line occupations of §§ 7–7d in the Public Employment Act (1994:260) apply, as well as Ch. 3 § 7 of the Higher Education Act (1992:1434) and Ch. 4 §§ 14–15 of the Higher Education Ordinance (1993: 100).