

### 1. Introduction

The purpose of the Policy is to provide guidance to employees relating to the undertaking of secondary employment. It is possible that the individual's employment with the University could be their secondary employment.

The University's aim is to:

- Ensure that employees do not engage in other paid, or unpaid work that may conflict with or affect their performance or attendance under their Contract of Employment with the University, and
- Prevent employees and or the University contravening legislation on working times/hours including the total hours worked and breaks between work periods and annual leave.

### 2. What is Secondary Employment?

Secondary employment is any additional work, including paid and unpaid work an employee undertakes, or is planning to undertake, for another employer or work they may undertake as a self-employed person or as the partner of a self-employed person. Secondary employment also covers any additional employment within the University which is over and above an employee's contracted hours within their primary role (this includes any relief/casual work).

A conflict of interest may include but not be limited to the following:

- Undertaking additional work that may be a breach of the Working Time Regulations in relation to rest breaks.
- Issues of Data Protection and confidentiality.

### 3. Working Time Regulations

Aberystwyth University is committed to the well-being of its employees and therefore has implemented the recommendations from the Working Time Regulations (WTR), and Working Time Directive. The purpose of the (WTR) is to ensure the safety and health of employees. Regulation 4 of the WTR states that working time, including overtime, must not exceed 48 hours per week (7 days) averaged over a reference period of 26 weeks. For example, 1<sup>st</sup> January for a period of 26 weeks up to the 2<sup>nd</sup> June.

### 4. Procedure

Employees wishing to engage in secondary employment must complete the secondary employment form and forward to their Institute Director / Head of Professional Service Department for comment and sign off. The form will then be submitted to the Director of Human Resources or Depute for the final decision.

The Secondary Employment form is available for completion in Welsh and English from the Human Resources website <http://www.aber.ac.uk/en/hr/employment-information/hr-forms/>

The outcome from HR will be provided within 2 weeks of HR receiving the form. When a member of staff is granted such permission, the work undertaken is regarded as being secondary employment during his/her employment by the University.

Employees who engage in secondary employment should advise their line manager and ensure that there is no conflict of interest and complete the necessary paperwork. Employees must ensure they allow sufficient time to travel between the two places of work and adhere to the Working Time Regulations.

Unless any other arrangement is deemed appropriate by the University, as for example where the secondary employment work affects the extent to which the individual is able to fulfil the responsibilities arising by virtue of his/her University appointment, any monies arising from such

activity are confidential to the member of staff and do not need to be disclosed to the University and the University will have no interest in any rights arising from that activity.

The member of staff will not have the right to use University facilities unless it has been agreed that they will pay the full economic cost for such facilities as he/she may be permitted to use. Members of staff should be particularly careful in avoiding the use of University notepaper or any other medium whereby the name of the University might be introduced into such activities without authority.

It is the employee's responsibility to notify their Line Manager immediately if the secondary employment ceases or changes i.e. the number of hours worked or pattern of shifts. Employees must also advise their Line Manager if the duties and responsibilities associated with their secondary employment become more demanding and especially if they could lead to a conflict of interest with their work for the Organisation.

Where an employee undertakes secondary employment, it is their responsibility to ensure that their performance in their primary post is not affected. Any adverse impact on performance attributable to secondary employment will be investigated under the Capability and/or Disciplinary Policies.

## **5. Legal Liability**

For the avoidance of doubt, the University's Professional Indemnity Insurance does not cover a member of staff undertaking secondary work/employment with another employer.

The University will not, in any circumstances, be liable for any negligence arising from a member of staff's performance in any employment undertaken outside of the University. It is for the member of staff concerned to decide whether to insure personally against any liabilities incurred in the course of or as a result of this additional work/employment.

## **6. Appeals Process**

Notification of an intention to appeal must be submitted within 5 working days of receiving an outcome. The appeal can be submitted in Welsh or English and must be sent to the Director of Human Resources.

The appeal will be considered by the Director of Health, Safety and Environment within 5 days of being informed by the Director of Human Resources and having received the evidence in support of the appeal.

The appeal will be a desk top exercise where all the paperwork and processes followed will be considered.

The decision of the Director of Health, Safety and Environment will be confirmed in writing within a further 2 working days.

There will be no further right of appeal under the Secondary Employment Policy.

## **7. Policy Review**

The Director of Human Resources will co-ordinate a review of the University's Dignity & Respect at Work Policy as required to maintain compliance with legislation and good practice.

The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to JCNC for consideration and PDSEC for approval.

## **8. Equality Impact Assessment**

The University is committed to embedding the Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

## **9. Welsh Language – Employee Rights**

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

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