



# **Guidelines for Secondary Employment at the University of Skövde**

These guidelines were ratified at the Vice-Chancellor's Meeting for Decisions on March 12, 2024 and were applied on said day.

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# 1 Introduction

As a main principle, secondary employment is permitted as long as it does not undermine confidence, impede regular work, or is competitive in nature. Regulations for secondary employment—as prescribed in laws and ordinances as well as those in collective agreements—apply to everyone who is a government employee.

In the public sector in general and in exercising public authority in particular, it is important that the general public has unwavering confidence in the University as a public agency as well as in individual teachers/officials. There must never be any suspicion regarding employees of the University being biased or engaged in secondary employment that may harm the authority's reputation. As a consequence, there is a comprehensive regulatory framework in existence in relation to secondary employment in the public sector.

Regulations in respect to secondary employment are to be found in laws, ordinances, and collective agreements. These provisions summarize the rules of the University's application of the same. The rules dictating secondary employment can be found in:

- Lagen om offentlig anställning (1994:260) [The Public Employment Act]
- Högskolelagen (1992:1434) [The Higher Education Act]
- Högskoleförordningen (1993:100) [The Higher Education Ordinance]
- Villkorsavtal/Villkorsavtal-T [Terms and Conditions of Employment]

## 2 What is secondary employment?

Secondary employment can be conducted both temporarily and permanently and essentially refers to any employment, assignment, or engagement that an employee at the University fulfills with another employer or principal or on their own behalf. The tasks normally included in the employment cannot constitute secondary employment. Secondary employment activities are usually remunerated or associated with some form of benefit other than salary, such as director's fees, stock dividends, etc., but can also be entirely voluntary. There are no requirements for the secondary employment to be performed to a certain extent, as even with low involvement, it may be considered damaging to trust, obstructive to work, or competitive. The rules regarding secondary employment also apply when an employee is on leave of absence or on vacation.

## 3 What does not count as secondary employment?

Activities of various kinds that typically belong to private life, such as pursuing a hobby or managing one's own and family's property and

personal affairs, are not considered secondary employment. Tasks within the framework of employment at the University of Skövde are not considered secondary employment, such as assessment of research applications and reports or holding positions as research leaders at the University.

## **4 The responsibilities and obligations of the University: inform and document**

It is primarily the responsibility of the employee to assess whether secondary employment is permitted or not. To enable the employee to fulfill this obligation, legislation requires that the employer appropriately inform about which secondary employments are normally permitted or prohibited.

At the University, this information is primarily provided at the start of employment as part of all employees' induction and through these guidelines, as well as when the University (HR department) reminds all employees once a year to review the guidelines and reminds teachers to report any subject-related secondary employments. Furthermore, the University should provide employees with individual advice, upon request in writing, regarding whether a specific secondary employment is prohibited.

The University is also obligated to document teachers' notifications of subject-related secondary employments so that it is possible to continuously monitor which secondary employments teachers have. The HR department is responsible for archiving submitted reports and keeping records of submitted reports.

The University's managers, with support from the HR department, are responsible for providing further information or advice regarding secondary employment rules and their application.

## **5 Employee's responsibilities and obligations: familiarize oneself with the rules and report secondary employments**

All employees at the University have a personal responsibility not to engage in prohibited secondary employments. Secondary employments and work at the University must always be clearly separated, and each secondary employment should be carried out entirely outside of the University's employment, both in terms of content and time.

Disclosure of secondary employments occurs upon request from the immediate supervisor if the employer deems it necessary, and the employee is then obligated to provide the information needed for the

employer to assess the employee's secondary employments. Examples of this information include the nature of the secondary employment, duration, the principal or employer, and the extent of the secondary employment. Disclosure of secondary employment is done in Primula after discussion with the immediate supervisor. Disclosure of subject-related secondary employments for teachers is described in section 5.1.

## **5.1 Enhanced obligation for teachers to report subject-related secondary employments**

Due to the fact that the University's teachers, as defined in the University's employment regulations, have the right to engage in R&D secondary employments, see point 8, they are obliged to keep the University informed of all secondary employments related to their own subject area. All of the University's teachers must report these secondary employments in the personnel system Primula. Teachers also have a duty to continuously update their subject-related secondary employments in case of any changes (Chapter 4, Section 15 of the Higher Education Ordinance).

The teacher's disclosure of secondary employments related to their own subject area should include the nature of the secondary employment, duration, the principal or employer, and the extent of the secondary employment. If the secondary employment concerns activities in their own or a relative's company, the extent of any ownership, the company name, and organization number should be specifically disclosed.

## **5.2 Obligation to report secondary employments in other cases**

For employees who are not teachers, there is no obligation to voluntarily report secondary employments. However, there is an obligation to provide information about secondary employments upon request from the employer so that the employer can assess the permissibility of the secondary employments. Disclosure of secondary employment is done in Primula.

Similarly, teachers are required to provide information regarding other secondary employments besides subject-related secondary employments upon request from the employer.

## **6 Authorized secondary employment**

The main principle is that government employees freely dispose of their own free time, and the University of Skövde looks favorably on

its employees collaborating with both the business sector and society in general.

Secondary employment which generally is permitted includes:

- elected office duties as well as other government duties at state or local level
- scientific association tasks
- labor union tasks
- elected office duties in other associations and organizations with no connection to one's employment (such as sports associations and resident associations)
- temporary participation in the press, radio, and TV
- simple types of work (such as proofreading)

An employee with authorized secondary employment must keep these clearly separated from his or her employment at the University.

## **7 Unauthorized secondary employment**

Secondary employment is not permitted if it undermines confidence, impedes an employee's regular work, or is competitive in nature. These three areas are described below.

### **7.1 Secondary employment that undermines confidence**

According to Section 7 of Lagen om offentlig anställning [the Public Employment Act], it is not permitted to have any kind of employment or any assignments/tasks or to be involved in any activity that can undermine the confidence in regard to his or her or any other employee's impartiality with respect to their work or that can damage the reputation and good name of the authority. All employees are subject to this prohibition, regardless of position, form of employment or the scope of the employment.

The University is a government agency and adheres to the rules of Förvaltningslagen [the Administrative Procedure Act] regarding conflicts of interest<sup>1</sup>. No employee may have secondary employment if as a consequence his or her work duties cannot be carried out due to conflict of interest.

The purpose of the prohibition against government employees having secondary employment which undermines confidence as well as the rules regarding conflict of interest is to maintain the trust and

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<sup>1</sup> Regulations about conflict of interest can be found in Sections 16–18 in Förvaltningslagen (2017:800)

confidence of the general public in public administration, a cornerstone of our democratic society.

It is not permitted for an employee to engage in secondary employment in such a fashion that it creates the impression that the University is participating in or accrediting the activity. The University logo may not be used in connection with secondary employment.

Furthermore, an employee may not participate in advertising or marketing course literature in such a way that it may be construed that the University is backing this course literature. Marketing of secondary employment via the University website is not permitted. Nor is it permitted to use University material, equipment, rooms, or databases for the purpose of the secondary employment.

An evaluation whether any form of secondary employment may affect the confidence in the impartiality of University employees or put the reputation of the University at risk must be done based on a comprehensive evaluation of significant circumstances. Among factors which have an impact on whether secondary employment may undermine confidence or not, the following can be named:

- the scope of secondary employment,
- the financial compensation given,
- to what degree the secondary employment is related to the area of business of the school/department,
- the degree of secondary employment assignments/tasks, basic or of a more qualified kind, and the degree of influence the employee has in the business/organization where secondary employment is conducted,
- the employee's work duties and position at the University, or
- if other employees at the University are involved in the same specific secondary employment.

## **7.2 Secondary employment that impedes regular work**

If the prohibition against secondary employment which undermines confidence is about the relation between the University and the general public, secondary employment that impedes an employee's regular work aims at the relation between the employer and the employee.

Secondary employment that impedes an employee's regular work is regulated in Villkorsavtal/Villkorsavtal-T [Terms and Conditions of Employment].

It is not permitted to have secondary employment of such proportions, or conducted at such working hours, that it in any way

interferes with the employee's regular work or his or her accessibility at the workplace.

It is the employer, i.e. the University, who decides what the limit is for secondary employment that impedes regular work.

The basis for whether secondary employment is an impediment to regular work should be those demands that are normally made on an employee of the University. Secondary employment may be deemed an impediment if the employee does not carry out his or her ordinary duties in a satisfactory manner or if the employee's performance is negatively affected. According to Villkorsavtal/Villkorsavtal-T, the employer may order an employee to completely or partly discontinue secondary employment which, according to the employer's assessment, has a negative effect on the performance of an employee's duties.

### **7.3 Secondary employment of a competitive nature**

The prohibition against competing secondary employments focuses on the relationship between the employer and the employee, with regulations outlined in the collective agreements "Villkorsavtal" or "Villkorsavtal-T."

The prohibition on competing secondary employments means that employees are not allowed to hold another employment or undertake assignments for another employer within the areas where the University conducts commissioned activities.

The University may permit an employee to have a competing secondary employment. If such permission has been granted, the employee is obligated to provide information about the nature and extent of the competing secondary employment upon request from the University.

## **8 Extended rights for teachers**

In comparison to other state employees, teachers at a university have a more extensive and legally mandated right (Chapter 3, Section 7 of the Higher Education Act) to engage in subject-related R&D secondary employments. This means that, alongside their employment as teachers, they are permitted to hold positions, undertake assignments, or engage in activities related to research or development work within their subject area. This right primarily targets activities that do not naturally fall within the scope of their employment duties.

The purpose is to effectively utilize the societal resource represented by the highly qualified and specialized expertise of the university's teachers.



Subject-related R&D secondary employments include, for example:

- Advising on scientific matters and other consulting assignments within the subject area of their employment.
- Activities undertaken independently that are based on the teacher's inventions or products developed by the teacher.
- Membership in the board of a company whose operations are related to the teacher's subject area.

However, the secondary employment must not damage public trust in the university, hinder the teacher's regular work (i.e., be obstructive), or compete with the university's commissioned activities. The secondary employment must be clearly separate from the teacher's work within the scope of their employment.

Educational assignments are not considered R&D secondary employments. Similarly, assignments that the researcher has based on their broader knowledge rather than their subject-specific expertise are not considered R&D secondary employments.

Contract education is a natural part of a teacher's duties in their employment at the university. Therefore, teaching in contract education, which is conducted within the framework of the teacher's employment, is not considered a secondary employment and does not need to be reported. The same applies to commissioned research. This means that educational assignments or commissioned research conducted outside of employment can constitute competing secondary employment, i.e., prohibited secondary employment.

Even though educational assignments and assignments based on the researcher's broader knowledge are not considered R&D secondary employments, they are subject-related secondary employments and should be reported as per section 5.1 above.

## **9 Evaluating secondary employment**

It is the immediate boss who, in accordance with the delegation procedure, assesses whether the secondary employment is prohibited. Each situation must be assessed individually, and it is always the circumstances of the specific case that ultimately determine whether a secondary employment is prohibited or should be forbidden.

In addition to the annual reminder initiated by the HR department for teachers to report subject-related secondary employments, secondary employments are discussed continuously between the boss and the employee when the issue arises.

## 10 Decisions and penalties

If an employee refuses to provide information upon request or provides incorrect or incomplete information, it may, like other breaches of employment obligations, constitute grounds for employment-related measures.

When a secondary employment is deemed prohibited, the decision shall be communicated in writing and include a justification.

The University is obligated to decide that an employee may not engage in or must cease a secondary employment that damages trust. The University may also require an employee to cease an unauthorized R&D secondary employment, a work-obstructing or competing secondary employment, or refrain from undertaking such secondary employment.

In cases of violations against the regulations, the immediate supervisor should first hold discussions and consult with the employee. If the employee does not comply with the University's decision regarding unauthorized secondary employments or otherwise fails to adhere to the University's secondary employment regulations, the employee may be subject to disciplinary action (warning or salary deduction) and, in cases of serious misconduct, termination of employment.

The University's decision regarding whether an employee may not engage in or must cease a secondary employment cannot be appealed but may be reviewed in a dispute process with the Labour Court as the final instance. The University's notice that an R&D secondary employment is unauthorized cannot be reviewed separately but may be subject to legal review in a case involving employment-related measures, such as a decision on disciplinary action or termination of employment.

## 11 Coming into force

These revised guidelines apply from March 12, 2024 and thus replace the previous guidelines from November 20, 2018 (dnr HS 2018/868).

## **Rules regarding secondary employment by law, ordinances, and agreements**

### **The Public Employment Act**

Section 7: An employee may not have any employment or any assignment or exercise any activities that may adversely affect confidence in his or any other employee's impartiality in the work or that may harm the reputation of the authority.

Section 7 a: The employer shall in an appropriate way inform the employees of which kinds of

circumstances can constitute incidental employment that is not allowed under Section 7. Ordinance (2001:1016).

Section 7 b: An employee shall at the request of the employer provide the information necessary for the employer to be able to assess the employee's incidental employment. Ordinance (2001:1016).

Section 7 c: An employer shall decide that an employee who has or intends to undertake incidental employment that is not compatible with Section H7H shall cease with or not undertake such incidental employment. This decision shall be in writing and include reasons. Ordinance (2001:1016).

Section 7 d: A permanent judge and heads of authorities that report directly to the Government shall on their own initiative notify to the employer what kinds of incidental employment they have. Ordinance (2004:833).

### **The Higher Education Act, Chapter 3**

In parallel with their teaching posts, teachers at higher education institutions may undertake employment or assignments or pursue activities relating to research and development work within the subject area of their posts, if in doing so they do not undermine the confidence of the general public in the higher education institution. Such secondary occupations shall be kept clearly separate from the tasks assigned to them within their posts.

Other issues relating to secondary occupations are subject to the provisions laid down in the Public Employment Act (1994:260). Ordinance (1997:797).

### **The Higher Education Ordinance, Chapter 4**

Section 14: A higher education institution shall provide appropriate information to their teachers about secondary employment or types of secondary employment that contravene Section 7 of Chapter 3 of the Higher Education Act (1992:1434). A higher education institution shall provide its teachers with advice in assessing whether a certain form of secondary

employment complies with the provision. If a teacher so requires, the higher education institution shall issue a written response on an issue of this nature.

Section 7a of the Public Employment Act (1994:260) lays down that a higher education institution shall provide its employees with appropriate information on the types of circumstances that could lead to secondary employment being incompatible with Section 7 of the Public Employment Act. Ordinance (2010:1064).

Section 15: A teacher is obliged to keep the higher education institution informed of any secondary employment that he or she undertakes and that pertains to the subject area of his/her post. The higher education institution shall keep records of this information. These records shall be arranged to enable continuous monitoring of the secondary employment undertaken by each teacher. Ordinance (2010:1064).

### **Terms and Conditions of Employment, Chapter 13**

#### ***Secondary employment that impedes regular work***

Section 10: Upon request, an employee is obligated to submit data to the employer in regard to whether he or she has secondary employment and to what extent. However, the employer may only request such information if he or she deems that there is cause for this in view of the way the employee is performing his or her duties. The employer may order the employee to completely or partially terminate any secondary employment in the event that the employer considers that this is an impediment to the employee's regular work (secondary employment that impedes regular work).

#### ***Secondary employment of a competitive nature***

Section 11: Employees at public authorities, involved in business activities or contract work, may not be employed by or carry out contract work for a company within the field of these activities. Nor may the employee be part owner, run or through another party run such a company, and not for the purpose of acquisition be involved in activities connected to this field or area (secondary employment of a competitive nature). The text in the first paragraph does not apply if the employer has consented to something else. If such consent has been given, the employee is obligated to provide the employer with information regarding the type and scope of the competitive secondary employment.