



HR OFFICE

Sideline Occupation Policy

Aim

This sideline occupation policy applies to all Karlstad University staff and describes the regulations surrounding sideline occupations. The policy may also guide any decisions that need to be taken regarding employees' sideline occupations.

Sideline occupations are regulated in laws, ordinances and collective agreements. See the different stipulations in the attached Appendix. This policy describes the regulations, as well as the University's implementation of them.

In summary, the regulations stipulate that sideline 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 obligated to inform employees about the regulations and has to intervene against impermissible side-line occupations. The University also has to document employees' sideline occupations, which means that employees have to report their sideline occupations to the employer.

This is a revision replacing the policy from 25 November 2019 (reg.no. C2019/897). The revision is made based on the Swedish Higher Education Authority's monitoring of Karlstad University's enforcement of regulations (report 2021:28) and the internal auditor's report 2021,4 Sideline Occupations (reg.no. C2021/890)

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Introduction

The concept sideline (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 considered a part of the private sphere.

Activities in the private sphere, for instance certain association activities, are not considered sideline 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 sideline 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 our democratic society. 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 sideline occupations that undermine the University's reputation. Accordingly, there is comprehensive legislation on the sideline occupations of public sector employees and special regulations pertaining to higher education managers and teaching staff.

Sideline occupations are regulated in laws, ordinances and collective agreements. See the different stipulations in the attached Appendix. This policy describes the regulations, as well as the University's implementation of them.

General principles

The general rule is that sideline 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 sideline occupations of employees.

Employees are expected to have basic knowledge of which sideline occupations may be illegal or not permitted, 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 sideline occupations, and report their sideline occupations, where applicable.

Anyone who is uncertain about these matters should consult their immediate supervisor in the first instance, and thereafter the dean, an HR strategist, or the University's legal adviser.

- Sideline 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 chief financial officer should be consulted, and the reasons for the exception documented.

Assessment of sideline occupations

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

- The employee's regular work duties. The more closely related a sideline 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 sideline occupation.
- To what extent the sideline occupation is associated with faculty/department area of operations.
- The more influential the employee is at the University or in the sideline occupation, the more closely the potential risk of damaging public confidence should be investigated.
- The workload of the employee. Extensive sideline 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 sideline 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 sideline 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 sideline occupations. The University regularly reminds all employees to take note of the policy and to register their sideline occupations.

The employer also has to advise employees individually, in writing on request, about the permissibility of sideline 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 sideline occupations or their implementation, should consult their immediate supervisor, the dean, a HR strategist or the University's legal adviser.

Employees confirm that they know the regulations

All staff are obligated to know the regulations on sideline occupations. Every year, all staff must confirm that they have read the regulations. This is done at the start of each new calendar year in the staff management system.

Employees inform the employer of sideline occupations

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

Teaching staff has a more extensive duty to inform. Teachers must of their own accord report any sideline occupations related to their subject area. This is done at the start of each year, via the HR administration system. Notifications of new or changed sideline occupations are submitted throughout the year.

Senior managers included in the Manager's Agreement, such as vice-chancellors, deans, university directors, library directors, heads of HR, and heads of communications, also have an extensive duty to inform and must, of their own accord, report any sideline occupations to the employer.

Administrative and technical staff must report those sideline 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 sideline occupations. This rule is valid for all employees and all kinds of sideline occupations. The employee is required to provide information about the nature and scope of any sideline occupation, and any additional information that the employer requests.

The employer is responsible for documentation

The employer is obliged to document teaching staff's notifications about sideline occupations in such a way as to enable continuous monitoring of all the teaching staff's sideline occupations. The employer is also obliged to document all decisions regarding the permissibility of sideline occupations. This is done via the HR administration system.

Permitted sideline occupations

Karlstad University takes a positive stance on research or development work being performed as sideline occupations, if these activities cannot be included in the regular university activities. Sideline occupations have to be clearly separated from the lecturer's regular university duties, and may not be damaging to the confidence in the university, impede employee performance, or compete with university activities. The total amount of working hours should not exceed full-time, unless for a short period of time. University resources may not be used without permission from the immediate supervisor. When in doubt, always consult your immediate supervisor. Assessments of sideline occupations are made on a case-by-case basis. Below you will find a few examples of sideline occupations that are often approved.

- Serving as experts during recruitments, participating in examining committees, serving as external reviewers and similar tasks.
- Temporary participation in seminars outside of Karlstad University.
- Appearances in the media which can be considered to be a natural part of the employment, such as expert commentary, debate articles and similar.
- Teaching at other higher education institutions, outside of the framework of contract education.
- Research and development work outside of Karlstad University, but within the employee's own subject area. Sideline occupations have to be clearly separated from the employee's regular university duties, and shall not be possible to be performed as contract research.
- Assignments for research consortiums.
- Advisory and consulting assignments related to academic matters.
- Activities based on the lecturers' innovations within their own subject areas.
- Being a board member or chair in a company within an industry related to the lecturer's subject area. The company must not be considered a competitor.
- Teaching in upper secondary school.
- Commissions of trust in political organisations or labour unions. In case the employer has an executive position at the university, and/or the labour union/political organisation has or could potentially collaborate with Karlstad University as a partner or counterparty, the issue of a possible conflict of interest must be considered.

Non-permitted sideline occupations

Sideline 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. Employees are not allowed to invoice the University for services rendered, on behalf of their private businesses.
- Employees may engage in sideline occupations that could lead to conflicts of interest in relation to the performance of work tasks.
- Employees are not permitted to engage in sideline 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 sideline 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 sideline occupations via the University homepage is prohibited.
- Using University material, premises or databases for sideline occupations is prohibited.

Examples of cases where there may be risk of damage to public confidence:

- 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/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 sideline occupation at a company that collaborates with the University on projects.
- If an employee participates in an externally-funded project managed by a principal/coordinator other than the University, there is a risk that a sideline occupation, in which the employee works or to which the employee provides services through his/her own company to the principal/coordinator, 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 sideline occupation may have a detrimental effect on the planning or performance of duties, such as 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 sideline occupations.

Competing sideline occupations

Having a sideline 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. Sideline occupations may not compete with research or education commissioned from the University.

Sideline occupations involving post-secondary education generally compete with University activities and are prohibited. There are some exceptions, however. 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 Services Ltd 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 sideline 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 contract education.

What should be considered commissioned teaching is not clearly defined. 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 sideline 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. 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 sideline occupations

Sideline occupations that in any way hinder employees in the performance of their regular duties are not permitted. According to the collective agreements [Villkorsavtalen], the employer may force an employee to wholly or partly discontinue a sideline occupation that, in the employer's judgment, impedes work performance. Examples of performance-impeding sideline occupations include:

- Sideline occupations that cannot be completely separated from regular work, such as sideline occupations that are wholly or partly conducted at the workplace, during working hours, or using University equipment. If an employee engaged in a permitted sideline occupation wishes to use University equipment, a separate contract needs to be entered into that also includes reimbursement to the University.
- Sideline occupations that are so extensive they impede the performance of the employee's regular University duties. Teachers, for example, may not engage in

sideline occupations that will render them less accessible at the workplace, jeopardising contacts with students or colleagues. Only in exceptional cases may a sideline occupation and the employee's position at Karlstad University together comprise more than fulltime.

- Sideline occupations that encroach on scheduled work duties, such as teaching or meetings. Likewise, sideline occupations encroaching on teaching preparation or follow-up, research, development, professional development, or administration are not permitted.
- Sideline 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.
- Sideline occupations that are so extensive or inconveniently timed that compliance with the stipulations of the Working Hours Act regarding daily/weekly rest is not possible.

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 sideline occupations that may be detrimental to public confidence and may also require employees to cease any sideline occupations deemed to impede work performance or to be competitive. If an employee has failed to comply with the regulations, the primary means of rectification should be a meeting with the employee in question. A formal decision not to permit a sideline occupations must include the grounds for refusal in writing. Decisions are made in accordance with the current delegation of authority and documented via the HR administration system. Decisions regarding sideline occupations cannot be appealed.

Decisions regarding sideline 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 sideline 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 sideline occupations. Act (2001:1016).

§ 7 c An employer shall decide that an employee engaged in or intending to undertake a sideline occupation that contravenes § 7 shall discontinue with or not undertake the sideline 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 sideline occupations shall be kept clearly separate from the regular duties assigned to them in the course of employment.

Other issues related to sideline 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 sideline 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 sideline 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 sideline occupation may become incompatible with § 7 of the Public Employment Act. Ordinance (2010:1064).

§ 15 A teacher is obliged to keep the higher education institution informed about any sideline 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 sideline occupation

§ 10 Upon request an employee is obliged to provide information to the employer about whether he/she has a sideline occupation and to which extent. If there is reason, due to an employee's performance of work duties, the employer may demand information about the employee's sideline occupations.

The employer may compel the employee to wholly or partly cease the sideline occupation, if the employer finds it detrimental to work performance (*performance-impeding sideline 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 sideline 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 sideline occupation.

Prohibition on side-line occupations in the Public Employment Act

Additional information

In addition to §§ 10 and 11, the stipulations on sideline 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).