



# Outside Employment Policy

## 1. Background

This policy outlines the conditions under which WA Country Health Service (WACHS) employees may lawfully be permitted to undertake outside employment, meaning all paid employment, including volunteer work where a payment or honorarium is received.

This policy enables WACHS to identify the workforce risks associated with the outside employment of employees, particularly during a pandemic response. WACHS has a responsibility to manage the consequences of outside employment for other WACHS employees, patients and clients.

By adhering to this policy, employees undertaking outside employment will be aware of their obligations to their employer and avoid any conflict of interest with their official duties. This will reduce the risk of:

- WACHS employees being in breach of Section 102 of the *Public Sector Management Act 1994* ([Appendix 1](#)).
- WACHS being inconvenienced and minimise the impact on operational service delivery.
- Fatigue for WACHS employees and the potential impact on other employees and/ or patient safety.
- WACHS employees undertaking remunerated work outside of WACHS that may present an actual, perceived or potential conflict of interest.
- WACHS's reputation being damaged.

## 2. Policy Statement

This policy applies to all employees (permanent, temporary, sessional, full-time, part-time and casual). This policy does not apply to contractors/agency staff that are not employed by WACHS.

Outside employment is not to commence unless written approval has been granted. Outside employment requests are to be initiated via the approved HSS form [eD18 Request to Engage in Additional Employment](#).

Exercising rights of private practice while employed by and working within WACHS under the terms specified in the [WA Health System - Medical Practitioners - AMA Industrial Agreement 2016](#), does not constitute outside employment. The practice of any profession outside of public hospital employment does constitute outside employment.

This policy is to be read in conjunction with the WACHS [HR Intranet - Outside Employment page](#), which provides additional information to review and progress requests for outside employment.

### 2.1 Key principles

When considering a request for outside employment, WACHS has a duty of care to assess if the outside employment is likely to cause fatigue, stress or adversely affect the employee in their employment at WACHS. Thus written permission to undertake outside employment may be provided, if:

- The proposed employment will have no detrimental effect on the employee's performance.
- There is no conflict of interest or inconvenience to the employer.

Applications by a full time employee, seeking permission to engage in regular part time work, additional to their current position, will be reviewed carefully. The demands of a full time position are such that to engage in additional, regular employment would most likely affect an employee's performance.

Applications to undertake outside employment during approved periods of leave will only be approved in exceptional circumstances, as the purpose of leave is rest and recreation. Whilst some industrial instruments enable employees on parental leave to work casually, any work undertaken outside of WACHS is subject to written permission and approval in accordance with this policy.

A new application to undertake outside employment must be submitted where there are any changes to existing arrangements, as understood by the employer. This includes changes to the:

- WACHS employment circumstances e.g. promotion, transfer or change in working hours.
- Changes to the outside employment arrangements e.g. increased hours, changed days or the cessation of the arrangement.

The employee must report any other change of circumstances.

Applications are approved for a maximum period of 12 months, at which time the employee is responsible for re-applying.

### 2.2 Withdrawal

Subject to a review of existing arrangements or changes in circumstances from either the employer or employee, the employer's permission may be withdrawn at any time.

Non-compliance with this policy may result in withdrawal of outside employment approval.

### 2.3 Conflict of interest

Employees are to consider if their outside employment may create an actual, possible, or perceived conflict of interest with their WACHS employment.

The [WACHS Conflicts of Interest](#) intranet page provides advice and guidance to staff about identifying and declaring a conflict of interest. The WA Department of Health [Managing Conflicts of Interest Policy \(MP0113/19\)](#) and [Managing Conflicts of Interest Information](#) provides further information.

For WACHS staff, the process outlined in the [WACHS Interest Register \(WIRe\) Business Rules](#) must be followed, irrespective of whether any declaration has previously been recorded in another location, or as part of a separate process.

### 2.4 Grievance Resolution

If an employee has a concern about the outcome of their request for outside employment, the employee is to be made aware of the employee [Grievance Resolution Policy](#) and process. The employee can also escalate any concern to Tier 4 management.

## 3. Definitions

<b>Conflict of interest</b>	A situation giving rise to form a conflict between the performance of public duty and private or personal interests. Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.
<b>Outside employment</b>	Occurs when an employee undertakes additional paid or employment for reward, including during absences on approved leave, outside of their WACHS employment contract. It includes appointments to a Government office, post or position.  Employees who are involved in a self-managed superannuation fund as a trustee or director or a corporate trustee is considered to be carrying out a business and is subject to this policy.  Some common examples of instances where an employee may seek permission to engage in outside employment include work as a consultant in a second job, to run a business or to register for work with a private agency. Outside employment may also be referred to as secondary, additional or external employment.
<b>Rights of private practice</b>	Practitioner's right to treat a patient who could receive treatment free of charge but who has elected to be treated privately in the public health system, or a patient who agrees to be a fee paying patient of the medical officer and makes this election on the basis of informed financial consent.

## 4. Roles and Responsibilities

**Delegated authority** is required to assess and make a decision to either approve or decline the outside employment request.

**Regional /Executive Director** provides policy governance and support. Local coordination of centrally requested data, for example, ministerials, Chief Executive requests, audit.

**Line manager** is required to communicate the requirements of this policy. Facilitate the request process and monitor employee's that have been approved.

**Employees** seeking outside employment are required to discuss the request with their line manager and follow the requirements of this policy, including communicating any changes in circumstances.

**Regional HR** provides advice and guidance on outside employment applications.

**WACHS HR** provides advice and guidance to Regional HR. Policy governance and reporting.

**WACHS Integrity Unit** provides advice and guidance to HR on conflicts of interest queries.

### 5. Compliance

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (WA) and is binding on all WACHS staff.

WACHS staff are reminded that compliance with all policies is mandatory.

### 6. Records Management

All WACHS corporate records must be stored in the approved Electronic Documents and Records Management System in accordance with [Records Management Policy](#).

### 7. Evaluation

Evaluation of this policy is to be carried out by the Director Human Resource Services.

### 8. Standards

[National Safety and Quality Health Service Standards](#) – 1.1

### 9. Legislation

[Public Sector Management Act 1994 – Section 102](#)

[Freedom of Information Act 1992](#)

[Health Services Act 2016](#)

[Occupational Safety and Health Act 1984](#)

Commission for Occupational Safety and Health [Code of Practice Working Hours 2006](#) and [Risk Management Guidelines](#)

## 10. References

[Commissioner's Instruction No. 7 Code of Ethics](#)  
[Department of Fire and Emergency Services – The Employer's Guide to employing Emergency Services Volunteers](#)  
[Public Sector Commissioner's Circular - Self-Managed Superannuation Funds \(SMSF – Outside Employment Section 102 of the \*Public Sector Management Act 1994\* \(PSMA\) \(No. 2012-02\)](#)  
[Premier's Circular - State Government Boards and Committees \(No. 2019/07\)](#)  
[Awards and Agreements Library](#)

## 11. Related Forms

[eD18 Request to Engage in Additional Employment form](#)  
[WACHS Allied Health Outside Employment Agreement \(Template\)](#)

## 12. Related Policy Documents

[WACHS Discipline Guide](#)  
[WACHS Interest Register \(WIRe\) Business Rules Policy](#)

## 13. Related WA Health System Policies

[WA Health Code of Conduct](#)  
[WA Health Managing Conflict of Interest Policy and Guidelines](#)  
[WA Health Employee Grievance Resolution Policy](#)  
[WA Health Discipline Policy](#)

## 14. Policy Framework

[Employment Policy Framework](#)  
[Integrity Policy Framework](#)

**This document can be made available in alternative formats  
on request for a person with a disability**

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## Appendix 1 – Public Sector Management Act 1994

The *Public Sector Management Act 1994* states:

**“102 Employees not be employed outside Government etc. without permission**

(1A) In this section —

***any local government or regional local government*** includes any regional subsidiary;

***council of a local government or regional local government*** includes the governing body of a regional subsidiary.

- (1) Except with the written permission of his or her employing authority, which permission may at any time be withdrawn, an employee shall not:
- a) Accept or continue to hold an office, post or position under the Government or a paid office, post or position in or under any local government or regional local government or the council of a local government or regional local government or any other public body corporate; or
  - b) Accept or continue to hold or discharge the duties of or be employed in a paid position in connection with any banking, insurance, mining, mercantile or other commercial business, whether it be carried on by any corporation, company, firm or individual; or
  - c) Engage in or undertake any business referred to in paragraph (b), whether as principal or agent; or
  - d) Engage or continue in the private practice of any profession; or
  - e) Accept or engage in any employment for reward other than in connection with the functions of his or her office, post or position under the State.
- (2) Subsection 1 does not apply to or in relation to any case or class of case specified in public sector standards for the purposes of this section.
- (3) A person shall not be regarded as holding a paid office, post or position in or under any local government or regional local government or the council of a local government or regional local government for the purposes of subsection 1.1(a) by reason only of the person being paid a fee or allowance or being reimbursed for an expense if the payment or reimbursement is in accordance with Part 5, Division 8 of the *Local Government Act 1995*.”

## Appendix 2 – Outside Employment Request Process

<p><b>Step 1 - Employee</b></p>	<p>Employee discusses request with their line manager.</p> <p>Completes and submits to the line manager, the Request to Engage in Additional Employment form (D18).</p> <p>If a conflict of interest exists, the employee is required to complete the <a href="#">Conflict of Interest (COI) Assessment Guide and Record Form</a>.</p>
<p><b>Step 2 - Line Manager</b></p>	<p>On receipt of the D18 the line manager is to assess the application and determine if a COI is required. If a COI is required the D18 form should be sent back to the employee to resubmit.</p> <p>Upon receipt of the completed documentation:</p> <ul style="list-style-type: none"> <li>• Ensure all sections of the form are complete.</li> <li>• Liaise with the human resources to seek advice on the request submitted (if required).</li> <li>• Assess and make a decision to either support or not support the request.</li> <li>• Forward the form to the Delegated Authority (Tier 3).</li> </ul>
<p><b>Step 3 - Delegated Authority</b></p>	<p>On receipt of the D18 application:</p> <ul style="list-style-type: none"> <li>• Assess and make a decision to either approve or decline the request. Clarify information provided (if required).</li> </ul> <p><b>If approved:</b></p> <ul style="list-style-type: none"> <li>• Complete the relevant section on the D18 form and send to HSS.</li> <li>• Communicate the outcome to human resources and the line manager.</li> </ul> <p><b>If declined:</b></p> <ul style="list-style-type: none"> <li>• Consult with Human Resources, and advise the employee in writing, the outcome of the request.</li> <li>• Communicate the outcome to the line manager.</li> </ul>
<p><b>Step 4 - Line Manager</b></p>	<p>Line manager communicates the outcome to the employee.</p> <p>If approved, the line manager notes date of approval to discuss it with the employee before the approval expires in 12 months.</p> <p><u>Note:</u> It is the employee’s responsibility to resubmit a request.</p>
<p><b>Step 5 - HSS</b></p>	<p>HSS will record, retain and store the documentation.</p>
<p><b>Step 6 - Employee</b></p>	<p>The employee to submit a renewal of the outside employment request before the expiry of their approval period.</p>