



Skandinaviens nordligaste tekniska universitet
Forskning & utbildning i världsklass

Guidelines

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Decision
The Vice chancellor

Secondary employment

Ref 2649-13

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1. Introduction

The role of Luleå University of Technology (LTU) includes working together with both industry and society as a whole. Many members of teaching staff, researchers and other employees at LTU have knowledge and expertise that is in great external demand. This means that many employees have secondary employment and are involved in external projects, both within and in addition to their employment at the university, which in turn increases the university's visibility and involvement in the world around us. However, secondary employment should take into account the regulations that apply in this context. The regulations that set out the framework for secondary employment include the Swedish Constitution Act (1974:152), which decrees that everyone is equal before the law, implying objectivity and impartiality, as well as the Swedish Higher Education Act (1992:1434) and the Swedish Public Employment Act (1994:260).

2. The purpose of the guidelines

The purpose of this document is to provide support and clarity on which rules apply to secondary employment for employees at the university, so that a position can easily be taken on issues relating to secondary employment, thereby safeguarding the confidence of those around us in LTU. With all forms of secondary employment, it is important to act in a way that inspires confidence. Employees should be able to take responsibility themselves and avoid secondary employment that could leave them open to objections or put them in any other position where their professionalism and reputation could be called into question.

3. Definition of secondary employment

In principle, secondary employment is anything to which a civil servant temporarily or permanently devotes himself or herself alongside his or her main employment, and which cannot be attributed to his or her private life. This could involve working additional hours in a job, holding commissions (such as a position on a board) or running one's own business alongside one's ordinary work. It does not matter whether or not such secondary employment brings financial remuneration. Additional work for one's employer or another authority can also constitute secondary employment.

Various activities that typically relate to an employee's private life, such as practising a hobby or managing one's own and one's family's property and private affairs, do not count as secondary employment.

4. Approach

LTU wants to create an incentive for making use of knowledge obtained through research or artistic development within the university. However, this should take place with regard to an ethically correct approach. Secondary employment should never damage confidence, hinder work or compete.

4.1. Objectivity and impartiality

What distinguishes public administration from other activities, administration or business is the absolute requirement established in chapter 1, § 9 of the Swedish Constitution Act that administrative authorities and other bodies that carry out assignments within public administration

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must take into account the fact that everyone is equal before the law, and must observe objectivity and impartiality.

It is also important that confidence in the authority and its employees is maintained, as stated in § 7 of the Swedish Public Employment Act. It is in the university's direct interests that employees make good efforts and devote their energy to an agreed extent to the work for which they are paid, and that the employer should not have to encounter competition from its own employees.

4.2. Openness and confidence

An open and trusting climate within the university with regard to employees' commitment and secondary employment is important in order to maintain and promote the university's reputation and employees' and industry's confidence in the university's operations. Both employees and external players should feel secure with the university, its operations and its research projects.

5. Permitted secondary employment

The general rule is that a civil servant controls his or her own free time, and that secondary employment is permitted. Many forms of secondary employment, such as political and trade union commissions, commissions within scientific associations and commissions of trust in voluntary associations, are normally permitted for everyone if these do not hinder work.

The question of what is and is not permitted must always be answered based on an overall assessment. Factors such as the scope of the secondary employment, the financial remuneration, the relationship with the university's fields of activity and the employee's position at the university and in the secondary employment should be taken into consideration. Forms of secondary employment that damage confidence, hinder work or compete are, however, never permitted.

5.1. Specific rules for teaching staff

In relation to other civil servants, university teaching staff have a greater entitlement in accordance with chapter 3, § 7 of the Swedish Higher Education Act to carry out subject-related R&D (research and development) secondary employment through employment, commissions or activities alongside their appointment as teaching staff that relate to research or development work within the subject area of their appointment, provided that they do not thereby harm the public's confidence in the university. Any such secondary employment must be kept clearly separate from the member of teaching staff's work within the context of his or her appointment. The university's resources must not be used in this secondary employment. The secondary employment must not hinder the member of teaching staff's ordinary work or compete with the university's commissioned operations.

It should be noted that this rule only applies to members of teaching staff's R&D activities ("member of teaching staff" refers to professors and senior lecturers, as well as other staff categories that are defined as teachers by the University's Appointment procedure, including researchers and post-doctoral research fellows), and not to purely teaching-related activities or other undertakings in general. Secondary employment that includes educational activities – such as commissioned education – outside the context of the university may constitute competing

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secondary employment if it is carried out in competition with the university, and thus risks not being permitted.

6. Prohibited secondary employment

A civil servant is responsible for not carrying out any unpermitted secondary employment, such as secondary employment that damages confidence, hinders work or competes. Secondary employment that damages confidence is prohibited by law, while the prohibition against other types of secondary employment is governed by the collective agreement.

6.1. Secondary employment that damages confidence

The prohibition on secondary employment that damages confidence is aimed at the relationship between the authority and the public. An employee must not hold any position or any commission or otherwise carry out any business that risks damaging the public's confidence in his or her or any other employee's professional impartiality, or that could harm the authority's reputation. The significance of this prohibition is primarily that an employee must not, in principle, take on secondary employment that involves the risk of an objection arising against the employee in his or her main employment.

The risk of damaging confidence increases if the secondary employment is extensive in its scope, involves qualified duties, affects the authority's fields of activity or provides significant financial remuneration, and if the work tasks of the main employment require particularly resolute confidence, such as authoritative, administrative, procurement-related or supervisory tasks. Significance is also attached to the employee's direct or indirect financial benefits from the secondary employment.

It is sufficient for secondary employment to be classified as damaging confidence if there is cause for the public to question the objectivity of the authority or any employee.

6.2. Secondary employment that hinders work

The prohibition on secondary employment that hinders work aims to counter the risk of an employee neglecting his or her duties as a result of secondary employment. It is the employee's responsibility to ensure that his or her secondary employment does not hinder work, and that his or her duties are performed to a sufficient and agreed extent.

An employee should not have secondary employment that exceeds around 150 hours per year. The number of hours may vary to some extent depending on other circumstances. In the case of significant deviations, there must be special reasons and written permission from the Head of Department or the Head of University Administration in order for the secondary employment to be carried out.

6.3. Competing secondary employment

An employee of the university must not carry out activities as secondary employment that compete with the university's own activities. A university employee must not carry out research, education or development work outside the university if this work can and should be carried out at the university. The extent to which a certain activity should or should not be carried out at the

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university should be decided on and agreed in writing by the Head of Department or the Head of University Administration.

7. Guiding points of view

Below are some important restrictions regarding secondary employment.

All work that an employee of the university carries out for the university must be carried out within the context of employment. Remuneration may only be paid in the form of salary or overtime pay.

- Employees must keep their secondary employment clearly separate from the university's operations.
- On carrying out secondary employment, an employee must not give the impression that the university is involved in the activity, authorises the activity or otherwise guarantees the content of the activity.
- The university's logo, e-mail addresses, telephone numbers or other distinguishing characteristics must not be used in activities carried out as secondary employment without specific permission.
- Marketing secondary employment via the university is not permitted.
- It is not permitted to divide up a commission into a "fitting out element", where the commission is awarded to the university, and a "business element", where the commission is awarded to the employee privately or to his or her company.

7.1. Innovation and research ethics

LTU is a research-centred university in continuous interaction with industry and research funders. Its research must feature openness, and must be subject to discussion and criticism. Research findings must be documented and made available in such a way that independent review is possible.

When carrying out research, all financial and other links between the relevant researchers and funders must be openly reported. This can counter objections and conflicts of interest that can arise as a result of the fact that researchers may have other roles within and outside academia.

LTU shall not accept external research funding in contravention of open publication, method reporting, scientific review and good research practice. Similarly, receiving research funding should be avoided if it could result in confidence in the university suffering.

7.2. The university's resources

The university's premises, services, equipment, materials, etc. must not be used in connection with carrying out secondary employment until a specific written agreement on this has been reached. In such a case, the university shall receive full cost coverage for the use of such resources. The agreement must be signed by the Head of Department or the Head of University Administration.

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The services of doctoral students must not be used within the context of an employee's company carrying out secondary employment. If specific reasons exist for nevertheless using the services of doctoral students, the head of the relevant department must issue a written and justified decision on this. In such a case, the issue of ownership of the research findings and the university's right to make use of these findings must also be governed by a specific agreement between the university and the company. This is because the university has the right to make use of all research findings obtained within the context of employment at the university.

7.3. Business transactions

The university is in constant interaction with the rest of the world as part of its commission. This means that business transactions are made every day. Since the university's commission is financed through state funding, it is important that all business transactions feature openness and lawfulness, and that they stand up to external scrutiny.

7.3.1. Employees' companies

Secondary employment should generally not result in business transactions between the university and an employee of the university, or a company in which an employee of the university has operational influence. This applies even if the employee is on leave of absence from his or her employment, and regardless of whether or not the secondary employment has been approved by LTU. Such business transactions may only take place if special reasons exist. In such a case, the transaction must be approved in advance through a specific decision by the Vice-Chancellor.

7.3.2. Relatives' companies

If a close relative, acquaintance, relation or business associate of an employee of LTU owns a company, LTU may carry out business transactions with this company provided that the related LTU employee is not involved in the transaction. If the related LTU employee is involved in the transaction, the matter will be deemed to be sensitive since objections may arise. Such transactions must be approved through a decision by the Vice-Chancellor. Restrictiveness must prevail.

8. The employer's obligations and the employee's obligations

8.1. The employer's responsibilities

In connection with recruitment at the university, the manager responsible shall make the employee aware in a suitable manner of the content of applicable rules on secondary employment.

The university has documentation obligations in relation to notifications made about secondary employment. Such notifications must be kept ordered in such a way that it is always possible to monitor what secondary employment each employee has.

8.2. The employee's responsibilities

All employees at the university, regardless of the position they hold, must report all secondary employment on initial recruitment, when circumstances change, and once a year at the request of the employer.

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According to the Higher Education Ordinance (1993:100), members of university teaching staff have a specific duty to report and are thereby obliged to keep the university informed of any secondary employment they carry out and that has a connection to the subject area of their appointment. According to the legislative background, teaching staff's duty to report applies to all subject-related secondary employment, regardless of whether the secondary employment relates to research, development work or other activities such as teaching, and regardless of the scope and duration of the secondary employment.

Secondary employment must be reported electronically using the system provided by the employer.

8.2.1 Decisions

Assessments regarding employees' secondary employment must be documented with justified decisions.

The Head of Department makes decisions regarding secondary employment for employees at their department, while the Head of the University Administration makes decisions for staff at the University Administration.

Heads of Departments must consult with the Head of University Administration or the Vice-Chancellor regarding the overall point of view and on individual matters of a complex or fundamental nature.

Advice and decisions communicated to an employee that secondary employment complies with provisions and guidelines must be provided by the Head of Department or the Head of University Administration. An employee who has undertaken or intends to undertake secondary employment can, at his or her own initiative, request that the university carries out a prior assessment and makes a decision on the suitability of the secondary employment.

9. Penalties

Before a decision is made to forbid secondary employment, advisory discussions should be held with the employee with the aim of rectifying the situation. Otherwise, the university is obliged to forbid secondary employment that damages confidence, hinders work or competes, by issuing a written decision. Failure to take corrective action after such a decision may lead to disciplinary action – a warning or salary deduction – and subsequently to termination or dismissal.

10. Monitoring and control

Heads of Departments and the Head of University Administration must report back annually on secondary employment to the Vice-Chancellor. Reporting back shall be carried out in connection with follow-up three within the planning and monitoring process. A summary of the secondary employment report must be included in the Board of the University's assessment documentation on the university's internal governance and control.

The report should specifically state how many members of teaching staff are engaged in subject-related secondary employment, the type of commission held, the extent of the commission and an opinion of the value of the secondary employment to the university. **In terms of management**

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employees, Heads of Departments and the Head of University Administration report secondary employment for each individual person to the Vice-Chancellor.



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