



# Other Employment

Policy and Procedure

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## **Policy principles**

This procedure has been agreed by the Joint Unions Consultative Committee in consultation with the University.

The purpose of the Policy and Procedure is to provide guidance to managers in respect of new starters and employees who intend to start or who are engaging in employment in addition to their University duties.

The University allows its employees to engage in other employment/work. However, we need to make sure this is carried out safely, and that it is not detrimental to an employee's wellbeing or role at Aston. We also need to make sure that any additional employment does not cause a conflict of interest and/or impact on an employee's ability to fulfil their University duties. The University therefore has an approval process in place for employees who wish to have other employment/work.

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.
- 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.
- Ensure there are no health and safety implications.
- Prevent and detect any breach of intellectual property rights, data protection and confidentiality.
- Ensure that University resources are only used for University business.
- Ensure compliance with visa and immigration requirements.

Failure to report undertaking other employment/work will be considered a breach of this policy and may result in disciplinary action.

## **Scope of policy**

This policy will apply to all employees (with exception of paragraph a and b below). For clarity, the policy applies to all employees on full-time, part-time, term time contracts. This policy does not apply to casual workers. The following exceptions apply:

- a. This policy does not cover paid positions related to research and teaching that have limited hours and are deemed to be a contribution to the wider academic community such as external examining, guest lecturing or journal editing. If

you are unsure about whether any activity would qualify as such, you should seek advice of your line manager.

- b. The separate Consulting Policy and Procedure for Academic staff (those carrying out both teaching and research) details how academic staff should request prior approval to carry out consultancy activity and sets out the types of activity which are and are not considered to be consultancy. The [policy](#) is available on the Aston University intranet.

This policy does not apply to employees taking reasonable time off for public duties / Trade Union duties. The arrangements for this should be discussed directly with the employee's manager.

## 1. Definitions of 'Other Employment'

- 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).
- Voluntary work, where employees are under a contractual obligation to provide such work.
- Work undertaken as self-employed (this can include internet based businesses) or as the partner of a self-employed person.
- Any additional work, including paid and unpaid work an employee undertakes, or is planning to undertake, for another employer or person.
- Agency work.
- Directorships (paid and expenses based).
- Creation of separately registered businesses.
- Other employment does not include work as an external assessor, external examiner, or programme reviewer where this is part of their professional and personal development.

## 2. Working Time Regulations

The University is committed to the well-being of its employees and therefore has implemented the recommendations from the Working Time Regulations (WTR). 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 17 weeks. Where an employee has worked for the employer for less than 17 weeks, the reference period applicable is the period that has elapsed since the employee started work at the University.

Where an employee has more than one job, the total number of hours worked in both jobs should not exceed 48 hours per week. It is therefore essential that the University is kept fully informed about other employment. The University provides for employees to exercise their right to work in excess of 48 hours. In these circumstances, employees are to refer to the Working Time Regulations Policy and complete the opt-out form and return to Human Resources.

Please note, not all employees are considered to fall within the remit of the Working Time Regulations. Please refer to the guidance on the HR section of the intranet. For the purpose of rest breaks, daily rest, weekly rest this does not apply to security and surveillance staff. Full details are provided in the Policy Statement titled Working Time Regulations.

### 3. Responsibilities

Role	Responsibilities
<p><b>a. Managers/ Heads of Departments</b></p>	<p>Managers will have responsibility to consider the impact of other employment.</p> <ul style="list-style-type: none"> <li>• Where employment is not declared, but there is a reasonable belief that such employment is undertaken, the manager may approach the employee to establish the facts.</li> <li>• Where the employee confirms that they are undertaking additional employment, the manager will request that the employee complete the online approval process.</li> <li>• If the employee denies that they are undertaking additional employment, but the manager suspects that they are, the manager should discuss this with HR, and this may be investigated as a disciplinary issue.</li> <li>• The manager should review the information supplied and determine the impact.</li> </ul> <p>The manager will give consideration to the following when considering approval of other employment:</p> <ul style="list-style-type: none"> <li>• Compliance with the terms of an employee’s visa and immigration status e.g. whether employees visa enables them to do other work.</li> <li>• Health and safety implications (for the employee, colleagues, and wider university community).</li> <li>• Requirements of the Aston University post (we are aware that for some employees their Aston employment is other employment).</li> <li>• Working Time Regulations.</li> <li>• Potential conflicts of interest.</li> <li>• Impact on attendance / timekeeping.</li> <li>• Impact on performance.</li> </ul> <p>The manager should inform employees that any adverse impact on performance would be reviewed in accordance with the University’s Performance Management procedures.</p>

<p><b>b. Employees</b></p>	<p>Employees will have responsibility to consider following:</p> <ul style="list-style-type: none"> <li>• Whether it complies with visa and immigration status e.g. whether the employee’s visa enables them to do other work.</li> <li>• Health and Safety implications (for the employee, colleagues, and wider university community). Consider whether they would be able to perform their role safely if they take on additional employment elsewhere.</li> <li>• Whether the needs of the service and the requirements of the role with the University will be met.</li> <li>• The Working Time Regulations - to ensure the working week is no longer than 48 hours.</li> <li>• Potential conflicts of interest.</li> <li>• Consider impact on performance, attendance and time keeping.</li> </ul>
<p><b>c. Human Resources</b></p>	<p>HR will have responsibility for the following:</p> <ul style="list-style-type: none"> <li>• Associate HR Directors (HR Director or nominee for Senior roles) will provide advice and guidance to the Line Manager/ Heads of Department and will be part of the decision-making process to enable a fair assessment of the other employment request.</li> <li>• Ensure each application has been adequately reviewed in accordance with the manager responsibilities outlined in 3a, before confirming the decision of the Head of Department on the online system.</li> <li>• Review and assess equality of decision-making across the University.</li> </ul>

#### **4. Conflict of Interest**

There are a number of specific dimensions to conflict of interest, which arise in the context of other employment. Examples are set out below of possible conflicts of interest (this list is not exhaustive):

- Other employment is undertaken when the employee is due to work for the University.
- The demands of the other employment may compromise the employee's capacity to perform their duties or meet their obligations within the University.
- The employee uses University property for their other role e.g. equipment or resource including computer software and information technology resources, parking facilities.
- The other employment makes use of, or may benefit from, commercial or other information that the employee possesses by virtue of their employment with the University.
- The other employment is with an organisation that may compete with the University for funds, employees, students, projects, consultancy or in any other activity.
- The other employment is with an organisation that is a customer of the University and may acquire equipment, services, or employees from the University.

#### **5. Procedure:**

All requests for other employment must be submitted through the online system. Requests should not be considered approved unless core notification confirming approval is received.

The University will agree requests for approval of secondary employment that do not breach the requirements of this policy.

The guidance is located on the following pathway:

<https://www2.aston.ac.uk/staff/documents/HR/Portal/current/employee-requests-guide.pdf>

##### **New Starters**

- New starters will receive the other employment form along with their conditional offer details. The form will need to be completed and returned to the Recruitment team in Human Resources who will send the form to the Line Manager. The role of the Line Manager is to assess the application in line with responsibilities in Section 3 and 4 in conjunction with their Head of Service. For senior roles, the approver will be the Executive Director of HR (or their nominee).
- The outcome will be provided as soon as reasonably practicable.



- Once the conditional offer is confirmed and the new starter receives their employee log in details, they will be asked to confirm the other employment details through an online system.
- Approved requests will form part of the employees HR record.

### **Current employees**

- Employees will need to complete the online form in Aston staff portal. Guidance is available on the intranet.
- If employees are currently/or would like to undertake other work outside of Aston University, they will need to submit a request for this, which will go to their Line Manager/ Head of Department and Associate Director - HR for approval. The role of the Line Manager/ Head of Department is to assess the application in line with the responsibilities outlined in section 3 and 4.
- The request will be submitted for approval to the Head of Department and the Associate Director - HR. For senior roles, the approval will be the Executive Director of HR (or their nominee)
- The outcome will be provided as soon as reasonably practicable.
- Approved requests will be filed in the employees HR file.

### **Appeals Process – This process applies for current employees.**

- Notification of an intention to appeal including evidence in support of the appeal must be submitted within 10 working days of receiving an outcome. The appeal must be sent to the HR Business Partner for the area.
- This will be a one-stage appeal process. The appeal will be a desktop exercise by a manager, normally from a different area, at the equivalent or higher grade with no prior knowledge of the application, and a HR Representative. The appeal will consider all the paperwork and process followed.
- The decision will be confirmed in writing and there will be no further right of appeal under the Other Employment Policy.

## **6. Approval of Application**

Where approval of other employment is confirmed, employees should:

- Avoid the use of University resources i.e. email, headed paper or any other medium whereby the name of the University is introduced into such activities without authority.

- Ensure they allow sufficient time to travel between the two places of work and adhere to the Working Time Regulations.
- Notify their Line Manager immediately if their other employment ceases or changes i.e. the number of hours worked or pattern of shifts.
- Where Aston is the main employer, ensure that their performance in their primary post is not affected. Any adverse impact on performance attributable to their other employment would be reviewed under the University's Performance Management procedures.

## **7. Legal Liability**

- The University's Professional Indemnity Insurance does not cover an employee undertaking secondary work/employment with another employer.
- Employees may be required to complete a form to indemnify the University from any claims.
- The University will not, in any circumstances, be liable for any negligence arising from a member of employee's performance in any employment undertaken outside of the University. It is for the employee to decide whether to insure personally against any liabilities incurred in the course of or because of this additional work/employment.

## **8. Review of Other Employment**

Other employment approvals will be reviewed annually to ensure continued compliance with this policy.

## **9. Confidentiality**

HR and University representatives will treat all requests for approval of other employment confidentially for all purposes other than review and action.

Employee personal data will be processed and stored in a secure location in compliance General Data Protection Regulations and Aston University procedures.

**Author and owner:** Human Resources

**Date implemented:** March 2021

	Date	Change
1	March 2021	New