



Outside Work Policy

Purpose

The purpose of this policy is primarily to:

- a) encourage and support the development of staff through relevant work experience outside Unitec, in a safe and proper manner
- b) support the entrepreneurial activities that contribute to Unitec's commercial objectives
- c) recognise and support unpaid professional and community activities and the staff who are involved where these activities are part of Unitec's community resource role
- d) ensure that Unitec staff and/or students are not unduly inconvenienced or have their workload increased as a result of a staff member undertaking outside work
- e) protect Unitec's legitimate interests where staff engage in outside work.

Scope

1. All staff are prohibited from undertaking any work or activity outside Unitec (whether paid or unpaid) where:
 - a) such work or activity involves paid private coaching or teaching of students enrolled at Unitec, including if this occurs during a period when a staff member may be on approved leave, including leave without pay.
 - b) Unitec staff and/or students are unduly inconvenienced or have their workload increased because of that outside work or activity; or
 - c) such work or activity is done at the expense, or to the detriment, of the quality of the performance of the staff member's Unitec duties; or
 - d) without authority from his or her manager the staff member associates their outside work or activity with Unitec; or
 - e) such work or activity may directly or indirectly damage Unitec's reputation and the staff member does not have prior approval to undertake the work or activity; or
 - f) such outside work or activity competes with Unitec's activities and the staff member does not have prior approval to undertake the work or activity; or
 - g) the staff member uses his or her connection to or status at Unitec in any way in obtaining or carrying out the outside work or activity activities and the staff member does not have prior approval to undertake the work or activity; or
 - h) the staff member uses any Unitec resources for the outside work or activity, beyond reasonable and occasional use approved by his or her manager.
2. Guidelines regarding the above prohibitions (including the meaning of "reasonable and occasional use") may be produced and/or amended from time to time for guidance only. If any staff member

is in doubt about the meaning of the above prohibitions, they should seek the advice of their Manager, or their Human Resources Business Partner. All staff will be assumed to have sought such advice where necessary, and any work or activity undertaken in breach of the above prohibitions will constitute a breach of this policy and may result in disciplinary action, up to and including dismissal.

3. This policy applies to all Unitec staff, engaging in any of the types of work or activities identified either expressly or by implication in this Policy.
4. Unitec staff members may undertake outside work, and work for Unitec that extends beyond that contemplated by their primary contract of employment, subject to and in accordance with the provisions of this policy.

Policy Statement(s)

Introduction

1. As a matter of principle, Unitec considers it desirable that the community should have access to the depth of knowledge and skills of its staff. The professional status and standing of Unitec requires staff members to have close connections to the professions and the industries for which they prepare students. Unitec recognises that it can be productive for staff to undertake some outside work for appropriate public, industrial, commercial, professional, scientific, educational, charitable, cultural, and international organisations. Therefore, Unitec encourages its staff to maintain and improve their expertise by becoming involved with government, industry, and the community through professional activities such as consulting, contract and collaborative research and service on committees.
2. Unitec acknowledges that such activities benefit Unitec in a number of ways, including:
 - allowing staff, and students where appropriate, to benefit from outside work experiences;
 - bringing credit to Unitec through the acknowledged expertise of its staff, and
 - generating additional resources for academic and administrative endeavours.
3. There are, however, natural tensions between Unitec's primary obligation to foster education, scholarship and research and the potential for outside work commitments to divert staff from their primary duties or even to conflict or compete with those duties. It is important, therefore,

to define the types of outside work that staff may undertake, and the ways in which permission to undertake such work is to be sought and approved.¹

It is also important to ensure that if Unitec any staff member engages in work outside of their employment at Unitec, this does not create an excessive workload for the staff member that may have a detrimental effect on his or her health or the staff members ability to perform their duties at Unitec.

4. Unitec is legally entitled to regulate staff activities which are inconsistent with their employment at Unitec, or which detract from their employment duties and responsibilities. While staff engaged in full-time or part-time employment are not precluded from also doing outside work that is consistent with their employment at Unitec, Unitec has a legitimate interest in knowing about and should be given the ability to approve or reject outside work arrangements that might reasonably be expected to affect its interests. In particular, Unitec is entitled to prohibit or limit the extent to which employees may be involved with outside activities where a staff members involvement compromises or conflicts with Unitec's interests and core values.

Guiding Principles

1. Unitec encourages and supports staff to engage in outside activities that:
 - a) involve Unitec in commercial initiatives for the benefit of Unitec, its staff and students
 - b) provide research and consultancy expertise linked to Unitec's activities
 - c) include teamwork and inter and intra-departmental programmes
 - d) support Unitec's strategic direction
 - e) link industry and business, public enterprise and community activities both on and off shore
 - f) link Unitec to a range of professional boards, committees and professional associations
2. As is stated in Unitec's **Code of Conduct**, Unitec is "committed to ethical conduct, and integrity is a core value of our organisation." This Code, which constitutes a set of general principles, binds all staff and stands beside, but does not exclude or replace, the rights and obligations of staff under the law. Under the Code, all staff are obliged to:
 - exercise responsible stewardship of Unitec's resources
 - avoid improper use of those resources for private gain or the gain of a third party
 - refrain from acting in a way that would unfairly harm the reputation or career prospects of other staff or students

¹ Although commercial exploitation of intellectual property may generate outside earnings, it is not dealt with under this policy. Such matters are dealt with under Unitec's Intellectual Property Policy.

- refrain from representing themselves as acting for, or on behalf of Unitec when undertaking any outside work unless they have been authorised to do so
 - take care that their financial and other interests and actions do not conflict, and are not seen to conflict, with the obligations and requirements of their position and employment at Unitec.
3. These standards of conduct both underpin and complement this Policy.

Treatment of Not Prohibited Outside Work or Activities

Unitec-initiated work activities

- 1.1 A Unitec- initiated work activity occurs if Unitec enters into a contract with a client or other business partner that requires the staff member to work externally. Staff undertaking work pursuant to this contract do so as employees of Unitec and have no separate contractual relationship with the client. Such work will usually (but not necessarily) involve:
- a) teaching and other educational activities undertaken on behalf of Unitec;
 - b) other commercial activities undertaken on behalf of Unitec; or
 - c) other professional activities undertaken on behalf of, or as a representative of Unitec.
- 1.2 There is no requirement to notify Unitec or to obtain approval to engage in Unitec-initiated work as the contractual arrangements entered into by Unitec with the client or other business partner to the particular activity will suffice.
- 1.3 Staff members may seek the approval of Unitec to convert a potential private paid outside work, as defined in paragraphs 12 – 13 below, to a Unitec-initiated work arrangement under this sub-section of this Policy. The Chief Executive, at his or her sole discretion, will determine whether or not Unitec will sponsor such private paid outside work activity.
- 1.4 A staff member shall not receive any personal payment of proceeds from any contract entered into by Unitec except with the prior approval of the Chief Executive.

Private Outside Work

- 2.1 There are three broad categories of private outside work: tertiary institution activities; private unpaid outside activities and private paid outside work.
- 2.2 Private paid outside work includes:
- a) private paid outside work by staff members for whom Unitec has not stipulated set days and hours of work (apart from casual staff);
 - b) private paid outside work by full or part time staff regardless of when the work is undertaken and including during periods of leave with or without pay; and
 - c) private paid outside work where a benefit flows to the staff member in any way, including to a trust, partnership or company with which the staff member, their immediate family or relatives are associated (including directorships of companies, beneficiaries and trustees).

Tertiary institution activities

3.1 Staff of tertiary institutions frequently engage in activities for which they may, but do not necessarily, receive remuneration. Such activities include:

- writing books or articles for publication in their field of expertise
- contributions to the press
- radio or television broadcasting engagements or contributions
- examining post-graduate theses and/or research papers for other institutions
- lectures, seminars or other speaking or training engagements
- service on governmental or related committees, tribunals or other bodies
- refereeing of articles in professional journals
- writing book reviews
- service on editorial boards or committees, and
- other similar activities

3.2 If the above activities occur frequently (e.g. weekly contributions to the press or a series of lectures/tutorials within an academic subject or course taught at another institution) and the staff member concerned receives remuneration or is granted a concession in workload allocation by their manager, then the provisions of this Policy relating to private paid outside work under 4.2 will apply.

3.3 A staff member engaging in tertiary institution activities is not required to disclose or obtain approval to undertake such activities, provided that such activities do not conflict with his or her employment at Unitec. If circumstances change and/or the staff member is unsure if the prohibitions on certain kinds of outside work (both paid and unpaid) set out at the Scope of this Policy (Paragraphs 1-4) apply to the work or activity, they should seek guidance from their Manager.

Private unpaid outside activities

4.1 Unpaid outside activities are unpaid industry or community based work performed by a staff member that benefits Unitec and/or the community being served. Such activity may include membership of professional associations, committees, boards and directorships, as well as other work in the community.

4.2 Staff members engaging in private unpaid outside activities that do not fall under the prohibited categories set out at the Scope of this Policy, paragraphs 1 – 2 are not required to disclose or obtain approval to undertake such activities.

Private paid outside work

5.1 Private paid outside work is paid work (other than those activities described in paragraph 3.1 above) undertaken by a staff member in a private capacity which is outside of the staff member's annual work programme and does not form part of the staff member's work at Unitec. In this situation the staff member acts in a private capacity and sells his or her services, either as an employee or as an independent contractor or through a company or partnership. In general,

private paid outside work requires disclosure and approval must be obtained prior to undertaking this work as set out in paragraphs 7.1 – 7.8 below.

- 5.2 Private paid outside work does **not** include work performed for Unitec commercial entities, offshore activities, or other Unitec-sponsored activities in which Unitec is engaged.

Liability and insurance

- 6.1 Private paid outside work is not covered by any of Unitec's insurance policies, in particular those relating to public risk and professional indemnity. Unitec accepts **no liability** for any matters arising out of any private paid work, or any private unpaid work that is not recognised in the staff member's workload allocation. All staff, in all circumstances, engage in such work **at their own risk**. It is the responsibility of staff, if they so wish, to arrange for appropriate insurance cover.

Private paid work for Unitec

- 6.2 A staff member shall not do any work for Unitec in a private paid consultative, advisory or professional capacity, whether as an independent contractor or through any intermediate entity (including a company) that is in addition to their ordinary duties, unless that staff member's Manager has on behalf of that staff member obtained the prior written approval of the Chief Executive or his or her delegate.

Disclosure and Approval

Disclosure

- 7.1 All staff members must disclose to and seek approval from their Manager for all existing and intended outside work.
- 7.2 It is the responsibility of **all** staff to whom this policy applies to disclose all private paid outside work as defined under this policy using the [Outside Work or Activity Disclosure and Approval Form](#). Failure to disclose constitutes a breach of this policy and may result in disciplinary action. All new staff (other than casual staff) must disclose all such work or activities prior to starting work at Unitec. Thereafter, any new work or activity or change to previous disclosures will require a new disclosure as soon as the staff member becoming aware of this.

Approval

- 7.3 When a staff member submits an [Outside Work or Activity Disclosure and Approval Form](#) to their Manager, the Manager shall review the form and, where appropriate, discuss the proposed work or activity with the staff member. The Manager may then, at their discretion, pass the form to the relevant Executive ("**Approving Authority**") with the recommendation to approve the staff member undertaking the disclosed private paid outside work, provided that the Manager is satisfied that:
- a. the work or activity does not involve paid private coaching or teaching of students enrolled at Unitec;

- b. there will be no undue inconvenience to other Unitec staff or students or cause their workload to increase;
- c. the staff member will be able to meet all their employment duties and normal workload obligations, and that student access to them will not be impeded;
- d. the proposed work will not adversely affect the reputation of Unitec and / or any of its commercial arms;
- e. there is no actual or potential conflict of interest between the proposed work and Unitec's educational and commercial activities; and
- f. the staff member will not use any Unitec resources for the private paid outside work, or the use of Unitec resources is approved under paragraph 6.8 below.

7.4 If the Approving Authority is satisfied that the conditions of this policy are met, they may approve the proposed private paid outside work. All decisions with regard to approval shall be made and notified directly to both the staff member concerned and the Manager as soon as possible of the Approving Authority receiving the Outside Work or Activity Disclosure and Approval Form.

7.5 The Manager and/or Approving Authority may place terms or conditions on approval, including implementing a trial period for the work or activity to assess if the work or activity will be approved.

7.6 If a staff member does not receive approval for any disclosed work or activity, the staff member may appeal the decision to the Chief Executive. In all such appeals, the decision of the Chief Executive shall be final and shall be notified directly to both the staff member concerned and the Manager and Approving Authority as soon as possible of the Chief Executive receiving notice of the appeal.

Use of Unitec resources

7.7 Except with the prior approval in writing of their Manager, no staff member may use resources provided by Unitec, such as accommodation, the services of other Unitec staff (whether technical, administrative or academic), facilities, equipment, telephone (other than reasonable and occasional use), computing or network links (other than reasonable and occasional use), and the like in connection with private outside work. If this use is likely to occur a cost that the Manager and/or Approving Authority assesses should be recovered from the staff member;

7.7.1 the staff member's Manager must ensure that any costs associated with the provision of any resources to the staff member is fully identified in accordance with any current Cost Recovery Guidelines as may be promulgated by the Director Finance, from time to time;

7.7.2 the staff member is issued with an appropriate GST invoice for such costs; and

7.7.3 the staff member agrees in writing to repay such costs within the specified period.

7.8 Any amount owed to Unitec by a staff member under this policy constitutes a debt to Unitec and may be recovered by Unitec by any lawful means.

7.9 Except as otherwise permitted by their Manager, the staff member must direct all outside work communications to a non-Unitec address.

Associated Procedures

Procedures

- 1.1 The disclosure and approval procedures that must be followed are summarised at Appendix 1.

Reporting

- 2.1 By 31 March of each year, all Managers within Unitec shall produce to the Chief Executive a statement of all notified and/or approved outside work activities undertaken during the previous year within their area of responsibility.

Transitional Arrangements

- 3.1 Staff members currently undertaking outside work or activities that have not already done so are required to complete the [Outside Work or Activity Disclosure and Approval Form](#) and submit the form to their Manager in the first instance.

Review of Policy

- 4.1 This policy will be reviewed to ensure that the policy remains relevant and responsive to the needs of both Unitec and its staff.

Responsibilities

Role	Responsibilities
Executive Director, People and Safety	<ul style="list-style-type: none">Has the delegated authority to update forms or appendices associated with this policy

Reference Documents

- Unitec's [Code of Conduct](#)
- [Outside Work or Activity Disclosure and Approval Form](#)

Appendices

- Appendix 1: Synopsis of Approval Procedure

Approval Details

Version number (this version):	Version 4	Issue Date (this version):	June 2017
Consultation Scope:	All Unitec staff		
Approval authority:	Executive Leadership Team	Date of Approval	April 2005/April 2006
Policy Sponsor (May have authority to approve minor amendments)	Executive Director - People and Safety	Policy Owner:	HR Services Lead
Contact Person	HR Business Partner	Date of Next Review	June 2020

Amendment History

Version History (Amendments made to this version)	Date of amendment/s:	Amendment/s:
	<ul style="list-style-type: none"> May 2016 	<ul style="list-style-type: none"> To reflect changes to organisational structure

Appendices

APPENDIX 1: SYNOPSIS OF APPROVAL PROCEDURE

	RESPONSIBILITY	ACTION
1	Discussion and Agreement	
1.1	Staff member	Discusses with their Manager any ongoing, existing or proposed outside work or activity
1.2	Staff member	Completes the Outside Work or Activity Disclosure and Approval Form
1.3	Staff member and Manager	Formally meet if necessary to identify implications for workload and clarify scope of the outside work or activity.
1.4	Manager	Forwards request with recommendation to their relevant Executive (as appropriate) for approval
1.5	Executive (as appropriate)	Approves or declines request. Copy of decision sent to Manager, staff member and also to Human Resources for inclusion on the staff member's personal file.