

11.12 Staff – Secondary employment

Introduction

Objective To ensure no conflict of interest with primary employment

History Former Policy 1.3.16
Adopted 19 December 2007

Policy Statement

1. Policy statement and purpose

The Shire of Trayning recognises that its employees may undertake secondary employment outside of their employment with the Shire of Trayning.

This policy aims to provide guidance on what the Shire of Trayning defines as secondary employment, when employees are required to make an application for secondary employment and what the Shire of Trayning will consider when reviewing an application for secondary employment.

2. Application

This policy applies to all employees engaged by the Shire of Trayning.

3. What is secondary employment?

Secondary employment includes paid or unpaid work the employee undertakes in addition to their position with the Shire of Trayning.

Examples of secondary employment include:

- undertaking paid employment with another organisation
- running a business
- assisting or running a family business
- maintaining a professional practice or consultancy
- undertaking contract work
- being a director on a Board
- undertaking work experience, and
- volunteering for a community organisation, charity or professional association.

4. When can an employee engage in secondary employment?

An employee must not engage in secondary employment without receiving the prior written approval of the Chief Executive Officer (CEO).

5. Responsibility of the employee

An employee must avoid and appropriately resolve any conflict or incompatibility between the employee's private or personal interests and the impartial performance of their public or professional duties.

Employees with approval to engage in secondary employment have a duty to notify the CEO of any change in circumstances which might give rise to a conflict of interest,

incompatibility with the Local Government employment or any real or perceived adverse impact on their performance of professional duties.

6. Responsibility of the CEO

The CEO will exercise their discretion to consent to an employee's application for secondary employment unless the secondary employment will have, or is likely to have, an adverse impact on the employee's employment with the Shire of Trayning. In considering the application the CEO will have consider the principles affecting employment under section 5.40 of the Local Government Act 1995 (WA).

The CEO may deny an application to engage in secondary employment where it presents a conflict with the employee's Local Government duties.

The CEO may make the termination of secondary employment a condition of commencement or continuation of employment with the Shire of Trayning or place any necessary restrictions on secondary employment to ensure it does not interfere with the employee's position with the Shire of Trayning.

The CEO may delegate their authority to deal with all or any part of this policy to the relevant Director/Executive manager.

7. Conflicts of interest with the Shire of Trayning

Secondary employment can lead to conflicts of interest and/or conflicts of duties. An employee must not use Local Government time, resources, or information obtained from the Local Government in the course of secondary employment. An employee must not take advantage of their position at the Local Government for the benefit of their secondary employment.

An assessment of secondary employment will be undertaken annually during the employee's performance review or more regularly if required, to minimise risks including but not limited to:

- the creation of an actual or perceived conflict of interest between official and private business interests
- misuse of Local Government resources such as telephones, email and office stationery and material
- unauthorised use of information and intellectual property
- absenteeism due to competing commitments
- diminished work performance resulting from tiredness, distraction or time pressures
- the potential for an increased load on co-workers who must cover the reduced performance of an employee, and
- adverse effects on the public's perception of the integrity of the Local Government.

8. Breach of this policy

An employee who engages or continues to engage in secondary employment after being informed that their application has been denied, may be subject to disciplinary action including but not limited to, termination of employment.

In some circumstances the Shire of Trayning may be obliged to notify the Public Sector Commission or the Corruption and Crime Commission if the secondary employment arrangement requires further investigation.

9. Variation to this policy

This policy may be cancelled or varied from time to time. The Shire of Trayning's employees will be notified of any variation to this policy by the normal correspondence method.

10. Related documents

10.1 Internal

- Application for Secondary Employment Form
- Annual Employee Declaration Form

10.2 External

- Local Government Act 1995 (WA)
- Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 (WA)
- Local Government (Administration) Regulations 1996
- Public Sector Management Act 1994 (WA)

- End of Policy

COMMENT

Nil