

SECONDARY EMPLOYMENT POLICY

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Chesterfield Borough Council strives to provide a safe working environment and ensure the safety and wellbeing of all its' employees. The council seeks to ensure that employees do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life.

This policy has been produced to ensure the needs of the service are achieved when employees take on secondary employment, recognising the importance that such other work does not adversely affect any employee's performance or attendance or breach the terms of the Working Time Regulations. Also the council wants to ensure that employees maintain good health if they have taken on secondary employment.

SCOPE

The policy shall apply to all council employees as defined by the regulations. This includes trainees on work experience or other training programmes. The policy does not apply to contractors, consultants or any self-employed individuals working for the organisation.

PRINCIPLES

This policy has been written in line with the Working Time Regulations 1998 focusing in particular on the number of hours worked and the minimum rest periods eg a rest period of at least 20 minutes where the working day is more than 6 hours and a daily rest period of not less than 11 consecutive hours in each 24 hour period.

The council has a responsibility under Health and Safety Regulations to ensure the safety of all employees and it is recognised that controlling hours of work is an integral part of promoting health and safety at work. More information on this can be found in the Working Time policy.

Employees are required to comply with the Working Time Regulations, including declaration of hours worked, breaks taken and taking of annual leave. Employees also have a duty to report any instances where their working pattern may result in a health and safety risk, either to themselves or others. For example an employee working a day shift with the council who then goes on to work a night shift with another employer. Employees have the right not to be subjected to any unlawful detriment by reporting any concerns under the regulations.

The Regulations require the council to take all reasonable steps to ensure that employees do not work more than an average of 48 hours of weekly working time. This includes considering the effects that any other employment or appointment will have upon the employee. Employees should complete an opt out form if they wish to work in excess of 48 hours per week. The opt out form is attached as an appendix to the Working Time policy.

In this policy the term primary employment refers to their post with the council where the majority of the employee's hours are worked and the term secondary employment covers:

- Any additional employment within the council;
- Any job, whether paid or unpaid, with any employer;
- Relief work;
- Agency work;

- Work the employee may undertake as a self-employed person or as the partner of a self-employed person.

An employee who wishes to take another job must, before commencing the second job, has an obligation to declare details of the secondary employment to their line manager.

If the employee takes a second job, the employee's manager will review the arrangements annually. If at any time the employee's manager considers that there might be a problem (for example if the employee frequently appears tired or distracted) the manager should immediately set up an informal meeting with the employee to discuss the matter.

The council reserves the right, at any time, to discuss the situation if, in the line manager's reasonable view, the second job is having an adverse impact on the employee's performance, attendance, timekeeping or any other aspect of the employee's employment with the council.

Employees who take a second job have a duty to the council to ensure that they remain fit to do their job, for example to make sure that they do not become over-tired through working long hours and work in line with the Working Time Policy.

If the employee holds two or more concurrent posts within the council they will be expected to have due regard to the needs of all the posts and to treat them equally if they plan to undertake further work either within or outside the council. If performance is affected due to their additional work, all posts held with the council will be considered when reviewing performance.

It is the employee's responsibility to notify their line manager immediately if the secondary employment ceases or changes i.e. the number of hours worked or pattern of shifts.

Failure to comply with the procedures set out in this policy may result in disciplinary action.

SECTION 2: PROCEDURE

Potential employees

Recruiting Managers should raise the secondary employment policy at interview or when a job offer is made to ensure that any other employment (paid/unpaid/voluntary) which has been declared on their original job application form and the potential employee intends to continue with it, does not interfere with their role with the council. Potential employees will be asked to disclose any secondary employment which they intend to continue with after commencing employment with the council during the induction period using the form at Appendix 1.

The line manager will consider whether the secondary employment needs to be discussed with the potential employee and whether any parameters need to be established to ensure there is no adverse impact on/implications for their primary job. If so, these will need to be discussed between the line manager and appointee prior to their offer being processed further.

Current employees

All employees considering taking up secondary employment must complete the form at Appendix 1 when they are at the application stage for the secondary employment and submit to their line manager.

On receipt of the notification the line manager should meet with the employee to discuss the proposed secondary employment and potential impact on their current primary job, paying particular attention to performance, attendance and Working Time Regulations. This meeting should take place within 5 days of receiving the notification.

The line manager should consider all the factors and decide whether the secondary employment would be detrimental or not – if it is deemed that the secondary employment is against the interests of the council then the manager should contact HR for a further discussion. A response would be communicated to the employee within 5 days.

If secondary employment is against the interests of the council and the line manager, following a discussion with HR, feels that the council or the employee will suffer as a result of taking on the secondary employment the employee will be advised to adjust their secondary employment to accommodate their primary employment.

The council should be satisfied that the secondary employment does not conflict with the following:

- The interests of the council;
- The performance of the employee's duties in their primary employment;
- The requirements of the Working Time Regulations;
- The employee's wellbeing and levels of sickness absence.

The form at Appendix 1 should be completed and signed by the employee and the line manager and retained on the personal file.

SICKNESS

Employees must seek guidance initially from their line manager, regarding the prospect of continuing their secondary employment where they are unfit for work with the council. Working elsewhere whilst on sick leave from the council, without having obtained permission from the council beforehand, could be regarded as fraud, and/or a disciplinary matter and dealt with accordingly. Employees would normally be required to refrain from their secondary employment if they are on sick leave from the council.

The payment of Statutory Sick pay may be affected if an employee continues to work in their secondary employment.

If an employee's absence is being managed under the Managing Attendance Policy, a review of the secondary employment arrangements would be undertaken and advice sought from Occupational Health as to whether the secondary employment adversely affects their health and the agreement should be reviewed immediately which reflects the Occupational Health recommendations.

CAPABILITY AND PERFORMANCE

Where an employee undertakes secondary employment it is their responsibility to ensure that their performance in their primary post is not affected. Any adverse impact on performance will be managed under the Capability Policy.

If an employee's performance is being managed under the Capability Policy, a review of the secondary employment agreement would be undertaken and updated as required.

DISCIPLINARY MATTERS

Any adverse impact on employee's conduct or behaviour which is potentially considered to be attributable to secondary employment will be investigated under the council's Disciplinary Policy.

Where an employee undertakes secondary employment and is subject to a disciplinary sanction a discussion would need to take place with the employee as to the suitability of them continuing to work in the secondary role. The agreement should be updated as required.

Appendix 1

**SECONDARY EMPLOYMENT – AGREEMENT AND RECORD OF DISCUSSION BETWEEN
LINE MANAGER AND EMPLOYEE**

PERSONAL DETAILS

Full Name	
Employee number	
Department	
Job Title	

PRIMARY EMPLOYMENT

Job title of primary employment	
Base	
Current contracted hours (include all posts)	
Work pattern eg hours, days	

SECONDARY EMPLOYMENT

Job title of secondary employment	
Employers name and address	
Description of work to be undertaken	
Location where work	

will be undertaken	
Work pattern eg hours, days	
Proposed start date	
Outline the potential impact the secondary employment may have on your primary employment eg Working Time policy, boundaries, attendance, potential conflict of interest.	

Signature (employee)	
Date	

OUTCOME OF DISCUSSION

<p>Outcome of discussion.</p> <p>Please outline the areas discussed and solutions which have been agreed to manage issues/ impact on primary employment as identified above.</p>	
Signature (line manager)	
Date	

Review date (12 months following original approval)	
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Actions for line manager:

- Advise employee of outcome;
- Send copy of form to HR;
- Retain copy of form locally.
- Set review date for 12 months.

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