



**NEW SOUTH WALES FIRE BRIGADES**

**SECONDARY EMPLOYMENT  
POLICY**

**for employees under the  
Public Sector Management Act 1988**

**January 2001**

## 1. Policy

*Secondary employment conditions for public servants are described in the Public Sector Management Act 1988, Public Sector Management Act (General) Regulation 1996, the NSW Government Personnel Handbook and the NSW Premier's Department Model Code of Conduct for NSW public sector agencies.*

*Employees must carefully consider whether undertaking secondary employment may adversely affect the performance of their NSWFB duties and responsibilities or give rise to a conflict of interest. This applies whether the secondary employment is full-time, part-time, temporary or casual.*

## 2. Purpose

The purpose of this policy is to ensure that

- the integrity of the NSWFB is maintained,
- employees are available to perform their duties as required,
- the health and welfare of employees is maintained,
- risk management is applied by the NSWFB and its employees to ensure that all employees are capable of providing a safe and effective service to the public and to themselves, and
- employees act in the public interest when they are faced with a conflict of interest or a situation which the general public could perceive to be in conflict with their official duties.

## 3. Scope

This policy covers all staff of the NSWFB employed under the Public Sector Management Act 1988.

## 4. Basic Provisions

Public Sector Management Act 1988, Section 80 (1), (2), (3), (4), (5), (6), (7)  
NSW Government Personnel Handbook August 1999, pages 139 – 142  
Privacy and Personal Information Protection Act 1998

## 5. Restrictions on other employment or duties

The policy of the NSWFB is that, in accordance with Section 80 the Public Sector Management Act 1988, an employee must not:

- (a) *accept or continue to hold or discharge the duties of or be employed in any paid office in connection with any banking, insurance, mining, mercantile or other commercial business, whether it is carried on by a corporation, company, firm or individual; or*
- (b) *engage in or undertake any such business whether as principal or agent; or*



- (c) *engage in or continue in the private practice of any profession, occupation or trade or enter into any employment, whether remunerative or not, with any corporation, company, firm or individual so engaged,*

except with the written approval of the Commissioner or authorised delegate.

Section 80 of the Act further requires that if an employee:

- (a) *is the holder of an office or position; or*
- (b) *is engaged in any employment whatsoever,*

otherwise than in connection with the duties of his or her position in the NSWFB, they must at once notify the fact to the Commissioner.

Nothing in this section prevents an employee from:

- (a) becoming a member only of a corporation or of a company or society of persons registered under an Act of Parliament; or
- (b) accepting or continuing to hold:
- an elected office in Local Government; or
  - an elected office which may only be held in Local Government.

## 6. **Conflict of interest**

Conflicts of interest exist when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- financial interests in a matter the department deals with or having friends or relatives with such an interest that the employee is aware of;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships with the people the department is dealing with or investigating that go beyond the level of a professional working relationship;
- secondary employment that compromise the integrity of the employee and the department; and
- party political activities or making adverse political comments that relate to the department's work.

An individual employee may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their manager or other senior employee.



If employees are uncertain whether a conflict exists, they should discuss the related interest matter with their manager and attempt to resolve any conflicts of interest that may exist.

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the employee relinquishing the personal interest; and
- the employee transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

Disputes over alleged conflicts of interests may be resolved through the normal grievance handling procedures of the NSWFB. It is the responsibility of employees to ensure that there are no conflicts of interest between their duties and responsibilities as employees and any private pursuits caused by secondary employment. In some instances, even the appearance of a conflict of interest could itself jeopardise the public integrity of the employee or the NSWFB.

In the course of their duties during secondary employment, employees should not give improper preference to any person, organisation or interest (whether pecuniary, commercial, political, religious or other) as a result of any association with that person, organisation or interest obtained through their employment with the NSWFB.

In many cases, only the individual concerned will be aware of the potential for conflict. In these circumstances, the onus is on the employee to notify his/her immediate supervisor as soon as a potential or actual conflict of interest arises.

Employees should automatically and immediately disclose potential conflicts of interest when dealing in the course of their official NSWFB duties with parties with whom they have some connection or involvement in their secondary employment.

## **7. Use of official information**

During any period of secondary employment, employees must not use or communicate official information gained through employment with the NSWFB. Employees must not use official information to gain improperly any kind of advantage for themselves or for another person or organisation or to gain secondary employment. Nor should they knowingly take improper advantage of or benefit from information that is obtained in the course of official duties and responsibilities and therefore not generally available to the public.

## **8. Use of private or confidential information**

Employees, in the course of their official duties with the NSWFB, may have access to private or confidential information relating to both members of the public and other employees. Employees must not disclose this information to any person in the course of their secondary employment. If in any doubt over what information is considered private or



confidential, employees should refer to the Privacy and Personal Information Protection Act 1998.

## 9. **Specific private employment activities**

Section 5-9.6 of the NSW Government Personnel Handbook sets out guidelines for the following specific activities:

- Fees for lecturing, teaching, tutoring, demonstration and related activities
- Examiners or members of examining committees
- Appearances in radio and television programs
- Publications (books or articles for magazines and other publications)
- Directors of companies
- Primary producing properties

Section 5-9.5 of the Personnel Handbook sets out the appropriate provisions for payment for private employment, if payment is involved.

The provisions of the Personnel Handbook cover all employees of the NSWFB who are employed under the Public Sector Management Act 1988.

## 10. **Public comment**

Public comment by an employee during any period of secondary employment includes public speaking engagements, comments on radio and television and expressing views in letters to newspapers or in books, journals or notices, where it might be expected that the publication or circulation of the comment will spread to the community at large.

Employees, as members of the community but not as employees of the NSWFB, have a right to make public comment and enter into public debate on political and social issues. However, the Code of Conduct and Regulation precludes a person employed in any capacity by the NSWFB from making public comment on the administration of the NSWFB.

There are additional circumstances in which public comment during secondary employment is inappropriate, unless specifically authorised by the Commissioner or Minister. These include circumstances where:

- the implication that the public comment, although made in a private capacity, is in some way an official comment on Government or NSWFB policies and programs; or
- an employee is directly involved in advising or directing the implementation or administration of NSWFB policy, and the public comment would compromise the ability of the NSWFB to do so; or
- the employee comments on matters relating to their NSWFB duties.



In a *secondary employment situation*, employees are not to comment on matters relating to their NSWFB duties.

## 11. Political activity by employees

Employees of the NSWFB have the same right as any other citizen to freedom of political views and association. However, any paid political activity by employees *is to be conducted in a clearly private capacity*.

For employees engaged in paid political activity, care should be exercised that a conflict of interest does not arise with official duties.

It is essential that employees clearly separate any NSWFB official action or views from their private political action or views.

## 12. Election to Local Government Council

Employees who are elected as councillors to municipalities or shires *must avoid* any potential conflict of interest between their duties within the NSWFB and shire/council commitments.

It is essential that the high community regard for employees of the NSWFB be maintained by avoiding at all times any potential or actual conflict of interest between the functions and responsibilities of an employee and any private pursuits.

## 13. Guidelines and conditions for secondary employment

- 13.1 Secondary employment must be wholly in the employee's own time and must not interfere with the efficient performance of NSWFB duty. The employee's primary responsibility is to the NSWFB and the employee must arrive at the NSWFB fit for duty and able to perform all the functions of the position efficiently for the entire work period. If not, an authorised officer may suspend or take disciplinary action under the Public Sector Management Act 1988.
- 13.2 Employees with potential access to confidential information with regard to a business or company must not engage in secondary employment with that business or company if such information arises from or is associated with NSWFB operations.
- 13.3 Employees will not be authorised to undertake outside employment or work part-time in positions involving the delivery of services to the NSWFB by a third party.
- 13.4 NSWFB needs must always take priority. All employees **must** be available for duty.
- 13.5 Under no circumstances is an employee to wear the NSWFB uniform, or any part of the uniform, while engaging in secondary employment;
- 13.6 Employees must not use NSWFB facilities or any other resources in connection with their secondary employment.



- 13.7 No employee will be granted preference in rostering or flexible work arrangements to the detriment of other employees to facilitate an employee's secondary employment.
- 13.8 Employees must not advertise that they are employees of the NSWFB or use the NSWFB logo or copyright material in order to gain a competitive advantage in their secondary employment.
- 13.9 Employees must not engage in the conduct of their secondary employment whilst on duty at a NSWFB workplace. This includes the use of mobile telephones to conduct any secondary employment activities.
- 13.10 The Public Sector Management Act 1988 provides for disciplinary action where required if employees do not comply with this policy. Disciplinary action may be initiated if employees engage themselves in secondary employment which impacts adversely on the NSWFB and/or if the employee seeks to shift responsibility onto the NSWFB for problems created or encountered while engaged in secondary employment.

#### 14. **Workers compensation, accident and illness insurance**

Where employees are employed secondarily by some other person or organisation, they are responsible for ensuring that the employer has complied with the statutory requirements to effect relevant workers compensation insurance cover for workers in their employ. Any injuries sustained or illness suffered as the result of secondary employment forms a claim against the workers compensation policy of the secondary employer.

If the secondary employment relates to self-employment, employees must hold a personal accident/illness insurance policy before approval will be granted. Proof of such cover may be sought by the NSWFB.

The NSWFB workers compensation policy only covers injuries and illness sustained during the course of employment with the NSWFB.

#### 15. **Sick leave**

NSWFB will allow sick leave for injuries arising from secondary employment where a medical certificate is provided. If a recredit of the sick leave lost from the NSWFB is desired, a claim must be made through the secondary employment insurance policy and full payment for the time lost forwarded to the NSWFB.

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