

Other Work Policy

Purpose

This policy outlines the City of Sydney's (the City) management of paid, unpaid or volunteer work that is undertaken outside the City by an employee, where that work relates to the business of the City or might conflict with the employee's duties with the City.

Scope

This policy applies to full time, part-time, casual, temporary and fixed term employees of the City of Sydney (City Employees).

Definitions

Term	Meaning
Conflict of interest	<p>A conflict of interest exists when a reasonable person might think that an employee's personal interests could be favoured over their role at the City. A conflict of interest can be pecuniary or non-pecuniary:</p> <ul style="list-style-type: none">• Pecuniary – A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or your spouse, de-facto partner, relative, business partner, second employer, or a company that you or any of these people are a shareholder or member of.• Non-pecuniary - A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to matter. <p>A conflict of interest can be an actual, perceived or potential conflict of interest.</p>
Other work	<p>Any paid or unpaid work or employment with an organisation/entity other than the City. This includes:</p> <ul style="list-style-type: none">• self-employment, independent contracting or consulting and employment or work with a family or privately owned company• casual, part time and full time work or employment with another employer, agency or organisation regardless of the duration of the employment or work• voluntary work• employment or work already held by a person at the time of their initial employment by the City• employment or work subsequent to their initial employment at the City• employment or work undertaken during periods of paid or unpaid leave (including leave without pay, long service leave, parental leave, extended leave).

Policy Statement

Employees must meet their obligations in relation to other work in accordance with section 353 of the Local Government Act 1993 (NSW) and the City's Code of Conduct.

A City Employee must not engage, for remuneration, in private employment or contract work outside the service of the City that relates to the business of the City or that might conflict with the City Employee's council duties unless they have obtained written approval from the Chief Executive Officer for them to engage in the employment, work or business.

Principles

1. The onus is on the Employee to identify if work undertaken outside the City relates to the business of the City, or may create a conflict of interest with the Employee's duties. This includes their ability to carry out their duties with care, diligence and safety.
2. Employees must ensure that other work does not:
 - a. conflict with their official duties at the City
 - b. involve using confidential information or City resources
 - c. require them to work while on City duty
 - d. discredit or disadvantage the City
 - e. interfere with their ability to carry out their duties with care, diligence and safety (see Fatigue Management below).
3. Employees must not be under any financial or other obligation to any individual or organisation that might reasonably be thought to influence their performance in carrying out their official duties.
4. The CEO's prior approval is required in order for an Employee to carry out other work that relates to the business of the City or that might conflict with the Employee's duties with the City.
5. When reviewing the Other Work Approval Request Form, where a conflict exists, decisions will prioritise the Employee's duties at the City.

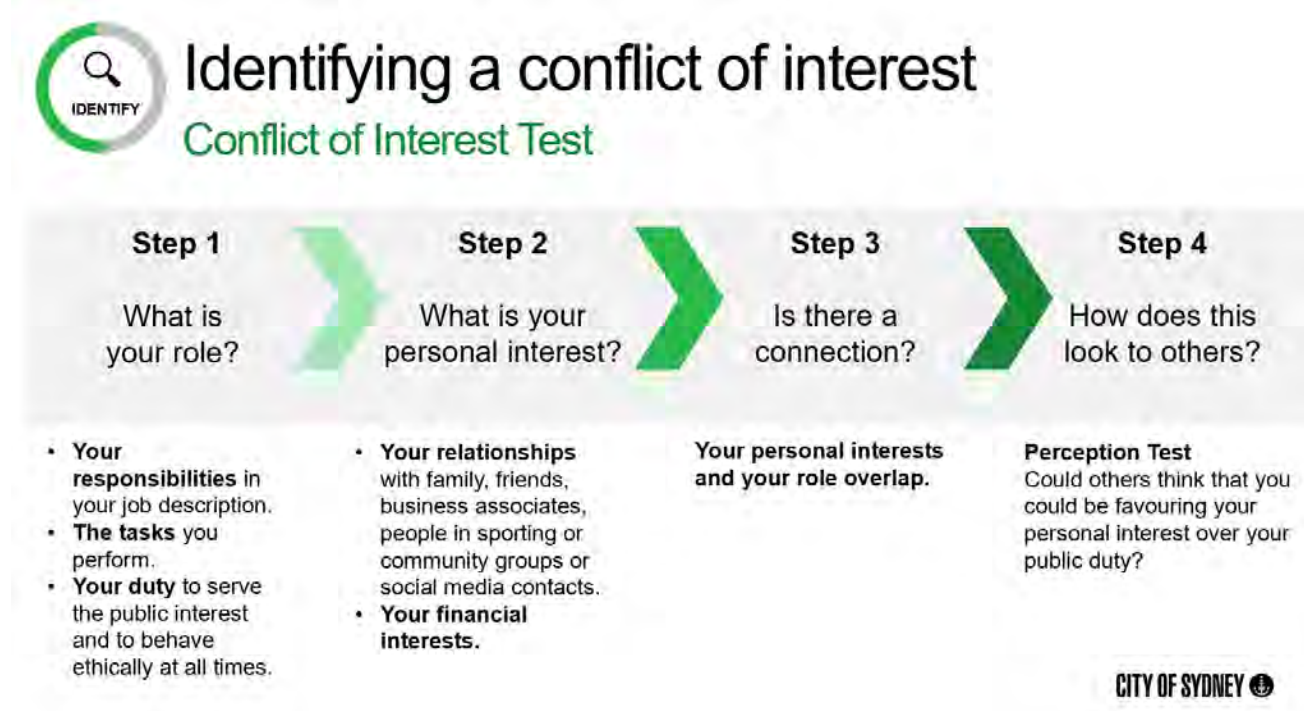
Process

1. The Other Work Approval Request Form is to be used to notify and seek approval to engage in other work that could relate to the business of the City or that might conflict with the Employee's duties with the City.
2. Failure to obtain approval for other work that may relate to the business of the City or conflict with the Employee's duties with the City may be a breach of the City's Code of Conduct which may result in disciplinary action up to and including termination of employment with the City.
3. An Other Work Approval Request Form may not be required where the Employee has identified that the other work:
 - a. does not relate to the business of the City;
 - b. does not conflict with the employee's duties with the City;
 - c. is not in conflict with the work undertaken by the Employee, if they occupy a Category 1 or 2 Child Safety assessed role with the City (see *the Child Safety Policy for further clarification*);

- d. does not present a fatigue management risk to the undertaking of their duties with care, diligence and safety with the City.
4. However, it is recommended that Employees carrying out other work seek guidance from their manager, or their People and Culture Business Partner to determine if an Other Work Approval Request Form is required.
5. The Other Work Approval Request Form must identify appropriate strategies developed by the Employee and their manager to mitigate any risk posed by a potential conflict of interest.
6. Where additional actual, perceived or potential conflicts arise relevant to the approved Other Work that are not captured in the Other Work Approval management plan, the Employee must add the conflict of interest to the general Conflict of Interest Register on CityNet. This should include an appropriate management plan to adequately address the conflict. This register is managed by the City's Governance team.
7. Other work that has been approved may be revoked if new information becomes available or if relevant internal or external circumstances change.

How to identify a conflict of interest

A conflict of interest exists when a reasonable person might think that your personal interests could be favoured over your role at the City. A conflict of interest can be pecuniary or non-pecuniary (see Definitions section above). The diagram below outlines the City's Conflict of Interest test that can assist employees in determining actual, perceived or potential conflicts.



Personal interest

Personal interest refers to the interests that arise from an individual's private or non-work life that can bring financial or other material benefits or result in disadvantages to the public interest or to other people. Personal interests include social, professional and financial interests of yourself or someone personally associated with you. These interests can develop through family or personal relationships outside of work, previous jobs or perhaps involvement in sporting, social, religious or other cultural groups or associations.

Additional considerations for identified Child related roles

The City has measures to ensure the safety and welfare of children and young people.

The City has identified four categories of employees in relation to child safety and protection (as outlined in the City's Child Safety Policy). Category 1 and 2 employees come into direct contact with children and young people as part of their role.

Category 1 employees

This category includes City Employees who work in Child and Family Services or who undertake youth work, and are Mandatory Reporters.

These roles have direct contact with children and young people and have access to sensitive information relating to children and young people.

Category 2 employees

This category encompasses a wide range of City Employees who come into Direct Contact with children and young people as a usual part of their work, may have Unsupervised Access to children and young people, but are not identified Mandatory Reporters.

This category includes City Employees working in a diverse range of community facilities, who regularly come into contact with children or young people, as well as those delivering community programs or services for children and young people as a usual part of their work.

Category 1 or Category 2 employees are prohibited from undertaking other work (such as, but not limited to, baby sitting or tutoring) **for families who utilise or attend a service operated by the City, or for the families of City employees.**

Fatigue Management

Fatigue makes you feel mentally and/or physically exhausted and reduces your ability to work safely and effectively.

In accordance with the NSW Work Health and Safety Act 2011, the City's Safety Management System provides Fatigue Management procedures that should be considered before undertaking other work.

Even if the work undertaken outside the City does not relate to the business of the City or does not create a conflict of interest with the Employee's duties, there is a need to consider whether the other work would compromise an Employee's capacity to undertake their duties to the expected performance standard, or compromise their health and safety obligations, or the health and safety of others.

Responsibilities

Employees:

The Employee is often the only person who is aware of a conflict of interest that could result from work undertaken outside of the City. Therefore the onus is on the Employee to identify and notify the City of all other work to be undertaken outside of the City and any actual, potential or perceived conflicts of interest.

Employees will:

- familiarise themselves with their obligations under section 353 of the Local Government Act 1993 (NSW), this policy and the City's Code of Conduct.
- give consideration to how others would view the situation when deciding if a declaration is required
- if unsure whether a Other Work Approval Request Form is necessary, seek advice from their Business Unit Manager, their People and Culture Business Partner
- immediately declare and describe the conflict or potential conflict of interest to their Business Unit Manager on the Other Work Approval Request Form
- act honestly in declaring private interests relating to public duties in accordance with this policy and the Local Government Act 1993 (NSW) (Section 353)
- only perform other work if approval has been granted by the appropriate delegate on the Other Work Approval Request Form
- ensure that other work does not compromise their capacity to perform their duties to the expected performance standard or compromise their health and safety obligations or the health and safety of others
- attend or complete any training or information session provided by the City that relates to the City's Code of Conduct or the City's policies
- manage any conflicts of interest as agreed in their Other Work Approval
- notify their Business Unit Manager immediately if any relevant internal or external circumstances change
- engage in a review of the current and approved Other Work Approval Request with their Business Unit Manager annually
- Where additional actual, perceived or potential conflicts arise from the approved Other Work application, declare the relevant details and appropriate management action plan in the City's online Conflict of Interest register.

Business Unit Manager

Business Unit Managers have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the City.

Business Unit managers will:

- familiarise themselves and understand their own obligations as an employee and manager under section 353 of the Local Government Act 1993, this policy and the City's Code of Conduct
- attend or complete any training or information session provided by the City that relate to the City's Code of Conduct or the City's policies.

- evaluate Other Work Approval Requests and develop an appropriate management plan in consultation with the Employee, making recommendations to the relevant Director regarding the management action regarding any conflict or potential conflict of interest.
- ensure that any management actions implemented to manage conflict or potential conflict of interest do not include modifying the employee's role by changing duties or responsibilities or performance expectations.
- regularly monitor the situation to ensure any conflicts or perceived interest are managed and take relevant action if they are not being managed as agreed or if circumstances change
- review all approved Other Work Approval Requests in their Business Unit annually, in consultation with the employee.
- Explain to the employee the outcome of the Other Work Approval Requests, reviews, and the ongoing responsibilities under the approval.

Directors will:

- review all Other Work Approval Request applications in their Division and consider all risks as well as the proposed risk management strategies.
- If agreed, endorse and forward in TRIM through to People & Culture.
- If not endorsed, return to Business Unit Manager for discussion and feedback with the employee.

People & Culture Business Partners will:

- provide advice to managers and employees in relation to this policy, section 353 of the Local Government Act 1993, the City's Code of Conduct and other policies
- review all Other Work Approval Requests and submit to Chief People & Culture with recommendations for CEO approval where the Other Work relates to the business of the City or may conflict with the employee's duties with the City.
- ensure recommendations to the CEO are in line with the Local Government Act 1993, policies, the City's Code of Conduct
- maintain an Other Work Register and provide review date reports to Business Unit Managers and Directors as required.

Chief People & Culture will:

- approve 'Other Work Approval Request Forms' for other work that does *not* relate to the business of the City or does *not* conflict with the Employee's duties with the City
- forward to the CEO any Other Work Approval Requests for work that relates to the business of the City or that could conflict with an Employee's duties with the City for the CEO's consideration/approval.

CEO will:

- consider and approve any Other Work Requests for work that relates to the business of the City or that may conflict with an Employee's duties with the City.

Approval Flowchart

See **Appendix 1** at the end of this policy, for the flowchart summarising the approval process that is to be undertaken prior to commencing other work outside of an employee's role with the City.

Policy compliance

Breaches of this policy will be investigated by an appropriate person. Disciplinary action may apply, including termination of employment.

Consultation

This policy has been reviewed in consultation with Legal & Governance, Procurement, Finance and City Life.

References

Laws and Standards

- The Local Government Act 1993 (NSW)

Policies and Procedures

- Code of Conduct
- Conflict of Interest Policy
- Workplace Flexibility Policy
- Flexible Work Arrangement Guidelines
- Work Health and Safety Policy
- Child Safety Policy
- Operational Procedure - Fatigue Management
- Performance and Development Policy

Review period

This policy will be reviewed every three years.

Approval Status

The Chief Executive Officer approved this policy on 24/11/2023



Monica Barone, Chief Executive Officer

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	June 2013	Endorsed by the Executive	2010/138771-08
Reviewed	20 April 2015	Full review. Endorsed by the Executive	2015/065604-01
Reviewed	12 July 2018	Fit for Purpose. Endorsed by the Executive	2018/277486
Reviewed	14 September 2020	Strengthened the definitions of Conflict of Interest and Other Work. Clarified and expanded the policy principles. Clarified and expanded the employee and manager responsibilities. Introduced the elements of the Conflict of Interest Test as used by ICAC.	2018/381526
Reviewed	24 November 2023	Additional considerations for identified Child related roles, Clarified responsibilities.	2018/381526
Commence Review Date	24 February 2026		
Approval Due Date	24 November 2026		

Ownership and approval

Responsibility	Role
Author	Chief People & Culture
Owner	Chief People & Culture
Endorser	City of Sydney Executive
Approver	Chief Executive Officer

APPENDIX 1: OTHER WORK APPROVAL REQUEST - FLOWCHART

