



POLICY NO:
CG09-004

Secondary or Other Employment Policy

Human Resources Directorate

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1 Purpose

The purpose of this policy is establish standards to maintain the reputation and integrity of Fire & Rescue NSW (FRNSW) by setting out principles and requirements for managing secondary or other employment for permanent and retained firefighters (hereafter referred to as firefighters) regardless of their rank, grade or position.

It is aimed at protecting both firefighters and FRNSW to ensure that there will be no instances of inappropriate secondary or other employment by firefighters.

2 Scope and Application

This policy is to uphold the reputation and integrity of FRNSW and is supported by FRNSW's core values and principles, including its commitment to safety, honesty, integrity and professionalism. Firefighters may engage in secondary or other employment provided they meet the relevant requirements under this policy.

At the inception of this policy any secondary or other employment work that is currently being undertaken will need to comply with this policy. Firefighters engaged in secondary or other employment must complete the attached checklist to ensure there are no conflict of interest issues, workplace safety issues or risk management concerns. This checklist should be completed annually.

3 Legal and Policy Framework

3.1 Legal framework

This policy is supported by the following legal framework:

§ Fire Brigades Regulation 2008.

The Workplace Health & Safety Act 2012 (WHS) requires FRNSW to ensure the safety of its employees, which extends to ensuring employees are fit for work. In the case of secondary or other employment this means considering how external work commitments may affect issues such as fatigue and safety in a firefighter's primary employment (FRNSW).

3.2 Policy framework

This policy is supported by the following FRNSW policies:

- § Code of Conduct
- § Conflict of Interest Policy
- § Intellectual Property Policy

4 Policy Principles

FRNSW recognise employees may have secondary or other employment. Firefighters engaged in secondary or other employment, must ensure these activities are consistent with FRNSW's Values and Code of Conduct and ensure the reputation and integrity of FRNSW is maintained at all times.

Firefighters should be aware of any conflicts of interest (actual, perceived or potential) in regards to their secondary or other employment, and report and manage this appropriately.

At all times, firefighters engaged in secondary or other employment must ensure they comply with applicable laws and regulations of FRNSW; work in a competent and safe manner; act honestly; and refrain from disclosing or using FRNSW confidential information or resources.

5 Policy Implementation

To ensure firefighters are not engaged in secondary or other employment contrary to the conditions of this policy, individuals must ensure secondary or other employment:

- § Is not carried out during the same hours that a firefighter is rostered for duty or whilst on sick leave or personal carer's leave from FRNSW.
- § Does not involve the use of FRNSW property including equipment, clothing, branding, computer software and intellectual property.
- § Does not include any political party activities or the making of adverse political comments in relation to FRNSW.
- § Is not in any way endorsed by FRNSW.

Firefighters must not use the professional reputation and standing of FRNSW to promote or gain any personal benefit or advantage within their secondary or other employment.

5.1 Secondary & Other Employment Checklist

To ensure the reputation and integrity of FRNSW is upheld firefighters must complete the 'Secondary or other Employment checklist'.

This must occur:

- § in respect of any existing secondary or other employment activities;
- § prior to engaging in any new secondary or other employment;
- § where secondary employment circumstances change.

If all answers on the checklist result in a 'no', then there is no need for further action. If one or more of the answers on the checklist result in a 'yes' the checklist and supporting information is to be submitted to Workplace Standards, Human Resources Directorate (via email – workplacestandards@fire.nsw.gov.au) for assessment.

Note: Selecting yes on the checklist does not immediately preclude a firefighter from engaging in secondary or other employment, however, if the outcome of this assessment finds the secondary or other employment is inconsistent with FRNSW policies, the firefighter will be required to adopt recommended changes or cease their secondary or other employment.

5.2 Annual Review - Secondary or Other Employment Checklist

The Secondary or Other Employment Checklist must be completed on an annual basis, regardless of any change in circumstances.

5.3 Paid Leave

If a firefighter wishes to utilise paid leave arrangements to engage in secondary or other employment approval must be obtained. Firefighters must complete the checklist and provide supporting documentation to Workplace Standards, Human Resources Directorate. This condition also applies if a firefighter commences secondary employment during the course of paid leave.

5.4 Use of FRNSW Property and Official Information

- § During any period of secondary or other employment, firefighters must not use or communicate official information gained through employment with FRNSW.
- § Firefighters must not use any FRNSW property including; equipment; vehicles; uniform/s; documents; training materials; logos; computer software; or intellectual property for the purpose of engaging in secondary or other employment.
- § FRNSW vehicles are not to be used for travel to and from secondary or other employment.
- § Firefighters must not use FRNSW information improperly to gain any kind of advantage for themselves, another person, organisation, or to gain any secondary or other employment.
- § Firefighters must not take advantage of or benefit, financially or otherwise, from information that is obtained in the course of FRNSW duties and which is therefore not generally available to the public.

5.5 Use of FRNSW Intellectual Property

- § Firefighters are not permitted to use FRNSW intellectual property outside FRNSW for the purposes of secondary or other employment.
- § Computer software is considered the property of FRNSW and firefighters must not make unauthorised copies of computer programs or documents, whether for personal or commercial use or for distribution.
- § In addition, anything FRNSW employees develop, invent or create (alone or in collaboration with others) using information gained in the course of their employment with FRNSW is the property of FRNSW.

§ Please refer to FRNSW Intellectual property policy and implementation guidelines for a detailed overview prior to applying for secondary or other employment.

5.6 Conflicts of Interest

Firefighters must ensure that any secondary or other employment does not involve a conflict of interest including any potential or perceived conflict.

A conflict of interest involves a conflict between an employee's official duties with FRNSW and responsibilities of serving the community and that of their private interests.

To protect the integrity and reputation of both FRNSW and its employees, it is the responsibility of all employees to take reasonable steps to:

- § identify and avoid actual, potential or perceived conflicts of interests;
- § report those conflicts of interest which cannot be avoided; and
- § monitor, reassess and manage any conflict of interest.

If a conflict of interest or a perceived conflict of interest exists in relation to an offer or acceptance of a gift / benefit, this must be declared in accordance with the FRNSW Conflicts of Interest policy.

A conflict of interest does not immediately preclude a firefighter from engaging in secondary or other employment, however it must be reported and managed.

Managing Conflicts of Interests

Management may include one of the following strategies and the firefighter will be required to adopt recommended changes:

- § **Report** the matter as soon as practical to a Manager and to Workplace Standards, Human Resources, Directorate.
- § **Record** details of the conflict in writing.
- § **Review** one or more of the management strategies listed below and determine the most appropriate action required.
- § **Register** the conflict with Workplace Standards, Human Resources Directorate.
- § **Recruit** – a management strategy where an independent third party is used to oversee part or all of the process that deals with the matter.
- § **Remove** - a conflict management strategy where an employee removes themselves completely from the matter.
- § **Relinquish** – a conflict management strategy where an employee relinquishes the private interest that is creating the conflict.
- § **Resign** – a conflict management strategy where the employee resigns from their position with FRNSW.

If a conflict does exist which can not be appropriately managed firefighters may be requested to cease the secondary or other employment.

5.7 Election to Local Government

§ Firefighters who are elected as a Local government official must avoid any potential conflict of interest between their duties within FRNSW Local government commitments.

§ It is essential the high regard the community holds for the firefighters of FRNSW be maintained by appropriately managing any potential or actual conflict of interest between the functions and responsibilities of being a firefighter and any private pursuits or civic responsibilities.

5.8 Change of Circumstances

If any of the following changes in circumstances occur, the firefighter will be required to review their secondary or other employment arrangements using the Checklist and submit the Checklist for assessment to Workplace Standards, Human Resources Directorate:

§ A firefighter is on restricted duties.

§ A firefighter is suspended from duty, either with or without pay.

§ Where there are changes to a firefighter's employment with FRNSW, including a promotion, transfer and/or temporary appointment.

§ When changes occur within the secondary or other employment such as, hours worked and/or duties undertaken.

§ It is the firefighter's responsibility to disclose any of these changes to their Zone Commander and Workplace Standards, Human Resources Directorate.

6 Roles & responsibilities

6.1 Fire & Rescue NSW

As a responsible employer, and a trusted and respected organisation in the community we serve, FRNSW will:

1. Create an awareness of the impact of the misuse of secondary or other employment amongst employees.
2. Develop and administer policies and procedures that respect employee rights, are positive in their intent, and comply with the law.

6.2 Manager / Supervisors

Managers will ensure that:

1. The Secondary or Other Employment Policy is communicated in a manner that is fair and consistent.

2. The policy is communicated such that all employees are made fully aware of the Policy Principles and Policy Standards, including relevant procedures and checklists.
3. Employees have an understanding of their roles and responsibilities in declaring and managing secondary or other employment.

6.3 Employees

Employees are expected to take personal responsibility in meeting the standards articulated in this policy and must be able to demonstrate that engaging in secondary or other employment will not interfere with their ability to satisfy the requirements of their primary employment with FRNSW.

Some examples of this include, but are not limited to, the following:

- § Be available for all standard working hours, rostered and on call shifts.
- § Arrive at work fit to perform the full range of duties and functions efficiently and safely for the entire shift or work period.
- § Not engage in secondary or other employment activities whilst working a rostered shift or standard hours (i.e. taking/making telephone calls, photocopying, emails).
- § Not wear any part of the FRNSW uniform nor use any FRNSW services, equipment or facilities while engaging in, or for the purposes of secondary or other employment.

Additionally:

- § There is no specific limit on the number of hours per week of secondary or other employment that can be undertaken. However, firefighters must ensure compliance with WHS regulations, to ensure any hours worked in secondary or other employment does not impact on their primary employment in regard to workplace safety.
- § At no time should it be suggested or implied secondary or other employment is in any way associated with or has the endorsement of FRNSW.
- § Secondary or other employment must fit in with the operational requirements of FRNSW and it must not interfere with the firefighter's official duties¹.
- § Secondary or other employment must not be accommodated by the use of sick leave or personal/carer's leave. Doing so could result in disciplinary action.

7 Breaches of Policy

Failure to comply with this policy or providing of false or misleading information on the secondary or other employment checklist or supporting documentation may result in disciplinary action.

¹ ICAC: <http://www.icac.nsw.gov.au/preventing-corruption/knowning-your-risks/secondary-employment/4302>

8 Training and Support

Advice and support is available from Area Commanders, Managers, and Human Resources and Workplace Standards Branch.

9 Record Keeping

All applications submitted for assessment and approval will be stored confidentially and securely. It is recommended firefighters keep a copy of the completed checklist for their records.

10 Monitoring and Review

This policy will be subject to ongoing monitoring and reviewed every three years.

11 Further Information

For further information please contact Human Resources, Workplace Standards Branch.

12 Definitions

1. Secondary or other Employment

§ Refers to paid or unpaid (voluntary) work for another company, government organisation, business, charity or community group in addition to a firefighter's primary employment with FRNSW. **This includes self employment or using professional skills for payment or reward.**

§ Secondary or other employment does not include the ownership and/or investment in shares in a publicly listed company or investments in rental properties or other similar activities.

§ All FRNSW firefighters are free to participate in voluntary organisations and are encouraged to contribute to the community. While this is not generally regarded as secondary or other employment, it must be disclosed as outlined in this policy to ensure that any fatigue issues, potential conflicts of interest or intellectual property issues are adequately considered.

2. Firefighter

§ Any firefighter employed by FRNSW in either a permanent or retained capacity.

3. Conflict of interest

§ A conflict of interest exists where a public official can be influenced or appears to be influenced by private interests when doing their job. It can involve avoiding personal disadvantage, as well as gaining personal advantage.

§ Conflicts of interest are not wrong in themselves. It is how they are managed that is important.

- Actual conflicts of interest is where an employee holds a public position where **right now they could influenced** by private interests when doing their job.
- Perceived conflicts are where an employee appears to be **influenced** by private interests when doing their job.
- Potential conflicts are where an employee holds a public position where **in the future they may be influenced by** private interests when doing their job.

4. Intellectual Property

- § Is defined in FRNSW's Intellectual Property policy as "anything employees develop, invent or create (alone or in collaboration with others) in the course of their employment automatically becomes and remains the property of FRNSW".
- § The Intellectual Property policy applies to all firefighters and as such should be referred to when engaging in secondary or other employment.

13 Document Information

13.1 Related documents

- § Code of Conduct
- § Conflict of Interest Policy
- § Intellectual Property Policy
- § ICAC Secondary Employment Guidelines
- § Workplace Health & Safety Act 2012
- § FRNSW Intellectual Property Policy & Implementation Guidelines : In Orders 2010/21

13.2 Document control

Policy Manager	Director Human Resources
Contact Officer	Assistant Director Workplace Standards
Contact No	02 9265 2826
Document type	Policy
Applies to	<input checked="" type="checkbox"/> Permanent Firefighters <input checked="" type="checkbox"/> Retained Firefighters
Status	APPROVED
Security	Unclassified
File Reference	WPS12/1172
Review date	1 December 2015
Rescinds	
Copyright	© State of New South Wales through Fire & Rescue NSW

13.3 Revision history

Version	Date	Status	TRIM Ref	Details
01	4 Dec 2012	Approved	D12/7316	



Secondary & Other Employment Checklist

If you are engaging or intend to engage in any secondary or other employment you are required to complete this checklist by ticking the relevant Yes/No box. If you answer yes to any of the questions please forward this checklist to Workplace Standards, Human Resources Directorate for assessment.

Selecting Yes to any of the questions below does not necessarily preclude you from undertaking secondary or other employment.

Name: _____ Date: _____ Service No: _____				
		Yes	No	Comments
1	Will your hours of secondary or other employment conflict with your FRNSW roster or hours?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Will you be required to undertake associated activities (such as phone, email or internet) for your secondary employment while at work for FRNSW?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Will your secondary or other employment take place while you are utilising any form of leave from FRNSW (e.g. sick, personal/carers, long service, annual etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Will you use any FRNSW property, equipment, documents or other resources for the purposes of carrying out secondary or other employment activities (e.g. vehicles, uniforms, intellectual property, software etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Did you or do you use your position and/or employment as a firefighter to promote or gain benefit in your secondary or other employment (e.g. including obtaining contracts, discounts or other benefits)?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Does your secondary or other employment as a firefighter state or in any way imply that it is connected with or endorsed by FRNSW (e.g. using FRNSW logo on your website/letterhead)?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Does your secondary or other employment involve any activity that a reasonable person would regard as being a conflict of interest (either actual, potential or perceived) with the functions of a firefighter?	<input type="checkbox"/>	<input type="checkbox"/>	
8	Does your secondary or other employment involve any activity that a reasonable person would regard as incompatible with your job at FRNSW or may damage the reputation or integrity of FRNSW.	<input type="checkbox"/>	<input type="checkbox"/>	
THIS CHECKLIST MUST BE COMPLETED ANNUALLY				