

## **Enforcing regulations regarding secondary occupations**

### **Instrument of Government (RF)**

**Chapter 1 Section 9** Courts, administrative authorities and other organisations that perform functions within public administration shall consider the equality of all persons under the law and observe objectivity and impartiality.

### **Administrative Procedure Act**

**Section 11** The person charged with handling a matter has a conflict of interest

1. if the matter concerns himself or his spouse, parents, children, brothers or sisters or anyone else who is closely related to him, or if he or someone closely related to him can expect extraordinary advantage or detriment from the outcome of the matter,
2. if he, or anyone closely related to him, is the legal representative of someone that the matter concerns or of anyone that can expect extraordinary advantage or detriment from the outcome of the matter,
3. if the matter has been brought before the authority by an appeal or the subordination of the decision of another authority or by reason of the supervision of another authority and he had taken part earlier under the auspices of the subordinate authority in the final handling of a matter concerning the same material issue,
4. if he as regards the material issue has served someone as a representative or has assisted him for payment,
5. if there is some other special circumstance that is likely to undermine confidence in his impartiality in the matter.

Disqualification shall be disregarded where the question of impartiality is obviously of no importance.

**Section 12** A person who is disqualified may not handle the matter. He may, however, take those steps that cannot be made by someone else without an inconvenient delay.

Anyone who knows of any circumstance that could constitute his disqualification is obliged to disclose it on his own motion.

If an issue of disqualification has been raised and the person in question has

not been replaced, the authority shall decide the issue of disqualification as soon as possible. The challenged person may not take part in the consideration of the issue of his disqualification, unless the authority is not competent to act without him and there is

no one available to replace him without an inconvenient delay.

A decision concerning an issue of disqualification may be appealed against only in conjunction with an appeal against the decision by which the authority determines the matter.

### **The Public Employment Act (1994:260)**

Section 7 An employee may not have any employment or any assignment or exercise any activities that may adversely affect confidence in his or any other employee's impartiality in the work or that may harm the reputation of the authority.

Section 7a The employer shall in an appropriate way inform the employees which kinds of circumstances may constitute prohibited secondary occupations under Section 7.

Section 7 b An employee shall at the request of the employer provide the information necessary for the employer to be able to assess the employee's secondary occupations.

Section 7 c An employer shall decide that an employee who has or intends to undertake secondary occupations that are not compatible with Section 7 shall cease or not undertake such secondary occupations. This decision shall be in writing and include reasons.

Section 7 d A judge and heads of authorities that report directly to the Government shall on their own initiative notify the employer of what kinds of secondary occupations they have.

### **Higher Education Act (1992:1434)**

**Chapter 3 Section 7** A teacher at a higher education institution may be employed or have a commission or carry out activities relating to research or development work within the employment's subject area alongside their normal employment, provided that the teacher in so doing does not damage the public's confidence in the higher education institution. Such secondary occupations shall be kept clearly separate from the tasks assigned to them within their posts.

### **Higher Education Ordinance (1993:100)**

**Chapter 4 Section 14** A higher education institution shall inform their teachers appropriately about which secondary occupations or types of secondary occupations do not comply with Chapter 3 Section 7 of the Higher Education Act (1992:1434). A

higher education institution shall provide its teachers with advice in assessing whether a certain form of secondary employment complies with the provision. If a teacher so requires, the higher education institution shall issue a written response on an issue of this nature.

**Chapter 4 Section 15** Teachers are obliged to keep the higher education institution informed of any secondary occupations that they have which are related to the subject area of their position. The higher education institution shall keep records of this information. Documentation must be organised so that it is possible to continuously monitor what secondary occupations each teacher has.

## **Agreement conditions/Agreement conditions T**

### **Chapter 13, Section 11 in Competing Secondary Occupations**

An authority employee who conducts business or consulting activities may not be employed or have an assignment at a company within the field of these activities. Nor may the employee partly own a business, run a business personally or by means of a third party, or carry out activities that relate to the field for commercial gain (competing secondary occupation).

What is stated in the first paragraph applies unless the employer agrees otherwise. If such consent has been given, the employee is required to, upon request, give the employer information regarding the nature and the extent of a competing secondary occupation.

### **Local conditions agreement Ref.no. 2-3500/2013**

#### **Section 5 Secondary occupations (Work-hindering secondary occupation)**

Instead of what is stated in Chapter 13, Section 10 of Term Agreement and Term Agreement T, the following applies. An employee must, when requested, provide information to the employer regarding if and to what extent they have secondary employment. The employer may order the employee to completely or partially stop their secondary employment if the employer believes that it has a hindering effect on their work (work-hindering secondary employment).

#### **Managers agreement (state collective agreement)**

**Section 9 p. 2** Employees are obliged to provide information to the employer if and the extent to which they hold or intend to take on secondary occupations. The employer may decide that an employee must wholly or partly stop a secondary occupation that has a hindering effect on work.