

# **Rules for handling secondary occupations**

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**Karolinska  
Institutet**



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## 1. Purpose

In the public sector in general and in the exercise of official authority in particular, it is important that the public have intact confidence in the university as an authority and in individual teachers/officials. KI's duties include research, education and providing information about its activities and how scientific knowledge can be applied. In addition to its interest in openness and freedom in the research, the public also has a highly legitimate interest in the research that is conducted being able to be translated into different kinds of benefit. To be able to accomplish this, KI needs to interact with both trade and industry and society at large.

KI has a positive attitude to employees accepting assignments and being involved in activities outside KI, within their respective fields of competence, provided that this takes place by mutual agreement and in accordance with the applicable regulatory framework. These rules are intended to facilitate handling of the regulatory framework.

## 2. General on secondary occupations

An employee has free disposal of his or her private life to the extent that a government employee wishing to engage in activities in the form of secondary occupations is obliged to take certain rules into account. Government employees' interest in being able to have secondary occupations alongside their employment must be weighed against other legitimate interests. The most important interest, which is provided for in law, is society's and the general public's demand that employees' secondary occupations do not collide with the government employment such that trust in the authorities' and their employees' integrity and independence is not jeopardised. Other interests, that are provided for in union agreements, are the employer's interest in limiting secondary occupations so that they do not prevent the employee devoting sufficient time and energy to his or her main employment and the employer, in the execution of its activities, not needing to face competition from its own employees.

## 3. What is a secondary occupation?

The term *secondary occupation* has been defined in the preparatory work and established practice. According to these, the term mainly includes every activity alongside the employment. Additional work for the main employer or other authority may also be considered to be secondary occupation as can temporary or short-time activity during an employee's spare time.

By additional work for the main employer is meant for example participation in external assignments or lectures for other authorities with the purpose of marketing KI. These activities are in most cases considered to be part of the employee's duties at KI and therefore do not count as secondary occupations, for example being a member of the Nobel Assembly at KI. Everything else that lies outside the framework of the employee's appointment is considered a secondary occupation, for example non-profit-making assignments for various foundations and scientific associations. It is the head of

department who decides what duties are to be considered to be included in each appointment.

It makes no difference if the secondary occupation is part of an employee's duties or employment or belongs to his or her own private activities. Nor is it of any importance if the secondary occupation is carried out for a private or a public client or whether it is paid or not. Nor does the scope of the assignment matter.

Activities that typically belong in the area of private life, and anything that has an immediate connection thereto, include protecting one's own or a closely related person's legal interests, for example drawing up documents concerning family law, and acting on one's own or a closely related person's behalf in a court of law or in dealings with another authority. Nor is membership of or engagement in non-profit-making associations concerning hobby or leisure activities such as sport and music clubs considered a secondary occupation. The clinical part of a combined employment does not constitute a secondary occupation.

It is the employer who assesses what is a secondary occupation; the employee is only to report his or her activity in accordance with KI's rules.

#### **4. Permitted secondary occupations**

All work that an employee carries out for KI is to be done within the framework of the employment. If, for example, a teacher carries out teaching or services within the framework of research, or teaching for another department than where he or she is placed, this is nonetheless to be considered work carried out within the employee's position at KI and thus not a secondary occupation. Payment for this is made in the form of salary or overtime payment.

An employee who has a secondary occupation shall keep this clearly separate from his or her main employment at KI. This means that KI's resources may not be used in the performance of a secondary occupation.

Examples of secondary occupations that are to be notified but that are normally permitted are given below.

- Temporary appearance in the press or on the radio or TV (in connection with the secondary occupation).
- Assignments within trade union organisations (where union work is concerned, an employee whose task it is to negotiate for the authority, deal with staff matters or in some other way protect the employer's interests should avoid board assignments or commissions of trust for a trade union organisation).
- Board assignments within scientific associations, for example the Swedish Research Council, the Swedish Heart-Lung Foundation or the Swedish Cancer Society.

- Political commissions of trust and other government and municipal commissions.
- Teaching at other universities and institutions of higher education.
- Commissions of trust in non-profit-making organisations and associations not connected to the employee's employment.
- Own or have influence in a company provided that the company's operations do not associate with KI's operations in a way that damages trust in KI.
- To undertake a board assignment, as long as it does not hinder the employee's work or risk damaging trust in KI.

## **5. Prohibited secondary occupations**

### **5.1 General**

Public employees' right to have secondary occupations is limited by statutes and agreements. Public employees' secondary occupations are regulated both in public law through statutes on trust-damaging secondary occupations and in agreements between the parties in the public labour market concerning work-hindering secondary occupations and competing secondary occupations.

Assessment of whether a secondary occupation is permitted is a general assessment based on all relevant circumstances in the individual case. A secondary occupation's permissibility is normally assessed based on the employee's current position at a public university. A secondary occupation may be permitted for a certain person but not for another. The general guidelines that exist shall provide support but an individual assessment must be made and a decision taken against the background of a number of factors. The prohibition against trust-damaging and competing secondary occupations, however, also applies when an employee is on leave of absence from his or her employment or has been granted time off in accordance with the Right to Leave to Conduct a Business Operation Act (SFS 1997 :1293).

### **5.2 Credibility-damaging**

The prohibition against credibility-damaging secondary occupations is conditioned by the special requirements concerning integrity that employment in the public sector places on the employee. The requirement can be derived from the constitution, which among other things lays down that administrative authorities and others that execute duties in public administration are to take into account everyone's equality in law and observe objectivity and impartiality. This principle of objectivity means among other things that a public employee may not allow him- or herself to be influenced by irrelevant considerations. The principle

of objectivity is also reflected in the rules concerning conflicts of interest in the Administrative Procedure Act.

The prohibition against credibility-damaging secondary occupations targets the relationship between the authority and the public. An employee may not hold employment or assignments or otherwise carry on activity that risks damaging the public's credibility in his or her impartiality in his or her work or that can damage the authority's reputation. This means that an employee may not undertake a secondary occupation that entails a risk of a conflict of interest arising or other situations where the employee's objectivity can be called into question.

It is sufficient that there may be reason for the public to question the authority's or an employee's objectivity for a secondary occupation to be classified as credibility-damaging. With regard to the risk of the authority's reputation being damaged, it should in particular be noted that it is not necessary for anything specific to have occurred that can jeopardise the public's trust. It is sufficient that the authority's reputation may be harmed by the mere existence of the secondary occupation.

This may for example be the case when it may appear to the public that the secondary occupation is in fact carried on by KI or that the person conducting the secondary occupation in the eyes of the public obtains an exceptional position due to the connection to KI's operations. Other examples that can be mentioned are when KI's operations appear to the public to be controlled in a certain way, for example based on reasons that benefit or are motivated by external parties' interests, which is brought about by the employee's secondary occupation.

The risk of credibility being damaged is further increased if:

- the secondary occupation is extensive and is carried on over a long period,
- the secondary occupation competes with KI's operations,
- the secondary occupation gives a large financial return, and the tasks in the main employment require significantly undamaged credibility (e.g. exercise of authority, administration, or duties relating to procurement or supervision),
- KI's HR and material resources are used in the execution of the secondary occupation.

Importance is also attached to the employee's direct or indirect financial advantages from the secondary occupation.

### **5.2.1 Specific rules concerning conflicts of interest**

The risk of a secondary occupation damaging credibility is increased if carrying it on entails a risk of conflict of interest. The provisions of the Administrative Procedure Act concerning conflicts of interest must consequently also be taken into account. It must however be emphasised that even if a conflict of interest can be resolved in the individual case, a secondary occupation can nonetheless be deemed to be prohibited.

Decision-makers and administrators have an obligation to ensure that they are objective in their handling of a matter that they can influence. All employees therefore have an obligation to report and of their own accord disclose any event where a risk of conflict of interest may arise. It is important to note that it is not the employee's own perception of his or her objectivity that is decisive in the determination of whether a conflict of interest exists.

In order for a conflict of interest to be avoided, the employee must thus entirely refrain from dealing with a matter. It is thus not sufficient to leave a meeting when a decision is to be taken or to have another employee sign an agreement where one has taken part in the drafting.

### **5.3 Work-hindering secondary occupation**

Work-hindering secondary occupations are regulated in union agreements that state that the employee has an obligation to provide details of whether and to what extent he or she has a secondary occupation. The purpose of this is to prevent an employee neglecting his or her duties as a result of a secondary occupation. It is the employee's responsibility to ensure that his or her secondary occupations do not hinder their work and that the employee carries out his or her work to a sufficient and agreed extent.

Regarding the time consumed by a secondary occupation, in addition to normal duties, an assessment is made by the employee's head of department or immediate superior. The same applies in the case of major deviations that require special circumstances and the head of department's or immediate superior's written consent.

The point of departure is that the requirements that normally apply for employees with similar duties at KI are to be demanded. Extensive absence, unsatisfactory performance or the employee taking a long time to complete a task are circumstances that are taken into account in the assessment. If an employee is referring to a secondary occupation as a reason for being absent from work or declines a certain task due to a secondary occupation, these are further reasons for prohibiting a secondary occupation.

### **5.4 Competing**

Competing secondary occupations are regulated in union agreements and target secondary occupations that compete with KI's activities and operations. An employee may not carry on research, education or development work outside KI if this activity can and should be carried on at KI.

## **6. Restrictions in connection with secondary occupations**

Below are listed some important restrictions that are to be taken into account in connection with carrying on secondary occupations.

### **6.1 General restrictions**

- All work that an employee of KI carries out for the university is to be done within the framework of his or her assignment. Payment for this may only be made in the form of salary or overtime payment.
- The employee must keep his or her secondary occupations clearly separate from KI's activities and operations.
- In the execution of secondary occupations the employee may not give the impression that KI is involved in the activities, authorises the activities or in some other way guarantees their content.
- KI's logotype, email address, telephone numbers or other distinguishing marks may not be used in activity that constitutes secondary occupation without a special decision. Such consent is decided by the Director of Communications.
- Marketing of a secondary occupation via KI is not permitted under any circumstances.

### **6.2 Use of KI's resources**

- KI's premises, services, equipment, materials, etc may not be used in connection with carrying on secondary occupations unless special written agreement thereon has been entered into. Where such is approved, KI shall have full cost coverage for the use of such resources.
- Doctoral students' services may not be used in activities in an employee's company regardless of whether it is a secondary occupation or in some other context unless special reasons exist. Where special reasons exist to be permitted to use doctoral students' services, the head of department at the department concerned shall draw up a written, well-motivated decision.
- The question of right of ownership and right of use of research results is regulated in regulatory documents concerning rights to intellectual assets and business collaboration. Research material in the form of research data or primary data generated in a research project or that are part of research work is the property of KI and not the private property of the individual researcher or research team, either during the course of a project or after its conclusion, regardless of whether the project is financed with external funding.



### **6.3 Business transactions with an employee's, relative's or other closely related person's company**

- A secondary occupation shall normally not involve business transactions between KI and an employee of KI or with a business in which he or she has operative influence. This also applies if the employee is on full or partial leave of absence from his or her employment and regardless of whether the secondary occupation that he or she has been approved by KI or not.
- Such business transactions may only occur if special reasons exist and provided that it is a matter of a unique performance that cannot be carried out by someone else. The transaction must in such cases be approved in advance by special decision of the vice-chancellor or person appointed by the vice-chancellor.
- All business transactions are to be characterised by openness and adherence to the law. It is also important that it must tolerate scrutiny by the surrounding world.
- Business transactions between KI and a company owned by family members of or closely related persons, close acquaintances or business companions of an employee of KI, may take place if the employee is not involved in or can be said to be concerned by the transaction.
- If the employee is involved in some way, the matter is considered to be sensitive from a conflict of interest point of view. Such transactions are only permitted after approval by special decision of the vice-chancellor or person appointed by the vice-chancellor. By involvement in a matter is meant preparation, participation in meetings, participation in decisions and other things that can affect the outcome of a matter.

## **7. Special rules concerning persons associated to KI**

A persons associated to KI is anyone who is not employed at KI but who takes part in its activities and operations within the framework of that person's employment with another employer and anyone who receives scholarships as a post-doc or who has another main means of support.

A person who is to be associated to KI must in conjunction with the affiliation process, i.e. when the regulations agreement is entered into or extended, also declare any secondary occupations additional to employment with his or her employer.

The provisions concerning secondary occupations in statutes and collective agreements apply only to employees at KI. KI however has the right to decide how an associated persons' secondary occupations are to be handled. Associated persons must therefore at the request of the head of department report a secondary occupation to KI. Such a request may be made at any time after the association agreement has been entered into.

If such a request is not complied with, the association will not be continued/extended or where appropriate will be terminated.

## **8. R&D (research and development) secondary occupations**

### **8.1. General**

University teachers have an augmented right to carry on subject-related so-called R&D secondary occupations by alongside their employment as teachers, being allowed to have employment or assignments to carry on activities that concern research or development work within the subject area of their employment..

The secondary occupation may not damage credibility in their work. The secondary occupation must also be kept clearly separate from the teacher's work in his or her position. Nor may it hinder the teacher's normal work or compete with KI's operations.

The rule covers only the teachers' R&D work. By teachers is meant professors, lecturers and other staff categories that are defined as teaching staff according to KI's appointment regulations. The rule does not apply to purely educational assignments or other similar undertakings. A secondary occupation that includes educational work – for example contracted teaching – outside KI's framework may constitute a competing secondary occupation if it is performed in competition with KI and is therefore not permitted.

That the right to have R&D secondary occupations is augmented in relation to what applies for other employee categories means only that the threshold for what is considered to be damaging to credibility is higher. Unlike what applies in other respects only whether the teacher through his or her secondary occupation damages the public's credibility in KI and thus not whether the secondary occupation can damage credibility in the teacher's own or some other employee's impartiality in their work may be considered in the assessment. In the assessment of damage to credibility, those factors stated above concerning trust-damaging secondary occupations are also to be taken into account in the case of R&D secondary occupations.

Examples of secondary occupations that, provided that they fall within the subject area of the employment, should normally be able to be accepted within the framework of the augmented right to secondary occupations are:

- consultation on scientific issues,
- production or other commercialisation by the teacher of the teacher's own inventions or production methods,
- board assignments in companies whose activities and operations are linked to the teacher's subject area.

## 8.2 The teacher exception

In addition to research and education, an important duty for KI is to interact with surrounding society and provide information about its activities.

The point of departure is that right of ownership to intellectual assets created within research and education at KI are to belong to the rightholder. Teachers have an extended right to patentable inventions compared to what applies otherwise in working life. Read more about this in governing documents concerning intellectual property rights and business collaboration.

## 9. Research ethics

According to the Civil Service Act (SFS 1994:260), an employee may not undertake an assignment or carry on any activity that may damage credibility in his or her impartiality in his or her work or that can damage the authority's reputation. It is also of great importance that credibility in the researchers' activities, their objectivity and their integrity is maintained. This is also stated in the Higher Education Act, which says that research may be conducted as a secondary occupation if the teacher does not thereby damage trust in the institution of higher education.

Because the state, the citizens and commercial parties need reliable scientific results, at the same time as it is of importance that the public can keep its credibility in the research, it goes without saying that every researcher must aim an honest procedure. The Higher Education Act states that "*higher education institutions shall uphold academic credibility and good research practice*".

The researcher personally has ultimate responsibility to ensure that research as a secondary occupation is carried on in accordance with applicable legislation, regulations and KI's internal rules. The same ethical attitude that is applied in Sweden shall as far as possible also apply with regard to research conducted as a secondary occupation abroad. Secondary occupations that are considered to be scientifically dubious damage credibility in KI and its activities.

If the head of department, or other person according to the delegation rules, assesses that the secondary occupation does not satisfy Swedish regulatory frameworks and ethical requirements, the employee shall be informed of this. Where an already approved secondary occupation changes, and this means that Swedish regulatory frameworks are no longer satisfied, a re-examination should be made by the person's head of department or immediate superior. One example of doubtful collaborations that can damage KI's reputation is links to the tobacco industry.

When declaring the secondary occupation a number of questions concerning research ethics arise that must be answered. Further support for KI's assessment may sometimes be required by asking the ethical council.

## **10. The employer's rights and obligations**

The employer is obliged to prohibit a secondary occupation that is assessed to be damaging to credibility. The employer shall in an appropriate manner inform the employees of what kinds of circumstances can cause a secondary occupation to be credibility-damaging and thereby prohibited.

The decision shall be in writing and contain a motivation. It is important that the employer, before a secondary occupation is prohibited, obtain reasonable grounds for the decision. The employer's decision is a standpoint taken on the basis of legislation and shall therefore not be negotiated with any employee organisations according to the Co-Determination at work Act (SFS 2017:362).

The employer may order an employee to completely or partially cease a secondary occupation that the employer considers to be work-hindering and/or competing. The employer is thus able, but not obliged, to prohibit it.

It is the head of department or immediate superior who decides whether an employee at KI is to cease or is not to undertake a credibility-damaging secondary occupation. The same applies in the case of a secondary occupation assessed to be work-hindering or competing and is to be prohibited.

## **11. The employee's rights and obligations**

There is no obligation for the employee, at his or her own initiative, to report secondary occupations (with the exception of certain managers and teachers in accordance with items 11.1-11.2). The employee shall nonetheless at the employer's request provide the information needed for the employer to be able to assess whether the employee's secondary occupations are credibility-damaging.

This applies to all employees. Such a request shall normally be made if it comes to the employer's attention, or the employer has reason to assume, that the employee has a secondary occupation and the employer therefore needs to assess the secondary occupation's permissibility.

It is the individual employee him- or herself who primarily bears responsibility for assessment of whether a secondary occupation complies with legislation or not (note that by this is meant carrying on a secondary occupation and not whether it is to be reported or not). The employee is assumed to have a basic knowledge of what secondary occupations it may be unsuitable to have and can therefore not claim ignorance of the rules that apply. An employee who is uncertain whether a secondary occupation is permitted or not should always consult his or her head of department or immediate superior on the matter or contact the HR department at KI.

### **11.1 Specifically pertaining to teachers**

A teacher is obliged to keep KI informed about the secondary occupations that he or she has and that are connected to his or her employment's subject area. In the case of a teacher, KI must be kept informed of the teacher's secondary occupations, which means that the teacher is to of his or hers own accord and as

soon as possible provide information about changes to the secondary occupation. The notification must contain details of the nature and size of the secondary occupation.

In the case of teachers who have a so-called combined employment, notification of the secondary occupations is to be made to the respective employers.

### **11.2 Specific duty of disclosure for certain managers**

An employee in the public sector with positions that place particularly high demands regarding trust, for example heads of authorities who report directly to the government, are to report secondary occupations of their own accord. KI's vice-chancellor is one of these.

Some heads/managers in the public sector have a specific obligation to of their own accord report secondary occupations according to local agreements on who is included in the managerial group (document reg. no. 2-4512/2015). The agreement applies to the local managerial group at KI as agreed between KI and the local employer organisations.

These employees' secondary occupations can be prohibited if they are work-hindering (according to the manager agreement) and if they are credibility-damaging (the Public Employment Act).

## **12. Assessment and decision**

Every secondary occupation is assessed individually. A secondary occupation may therefore be permitted for a certain person but not for another. The decision on the secondary occupation's permissibility is dependent on many reasons and must be taken against the background of a number of factors. It is the employer who assesses and decides on secondary occupations. Who is instructed to make this assessment and make these decisions on the employer's behalf is regulated in the decision and delegation rules. The employee is however never allowed to make his or her own assessments of a secondary occupation's permissibility.

KI is to take a specific decision on whether an employee is to cease a secondary occupation or prohibit an employee from undertaking secondary occupations.

## **13. Responsibility and sanctions in the case of a prohibited secondary occupation**

KI has an obligation to prohibit credibility-damaging secondary occupations and can also impose an employee to cease a work-hindering and/or competing secondary occupation. Rectification in the case of infringement of the regulatory framework should be achieved through dialogue and counselling with the employee to rectify the shortcomings. Where it is not possible to rectify the shortcomings, the employer is to

make a decision that a secondary occupation is prohibited and order the employee to cease the secondary occupation.

Should the employee refuse to provide information when it is requested or provide false or incomplete information, customary penalties under labour law, such as disciplinary sanctions or dismissal, may be imposed, as in the case of other infringements of his or her employment's obligations.

Should the employee, after being ordered or after a decision has been made, not comply with KI's decision concerning prohibited secondary occupations, a disciplinary sanction (warning or salary deduction) may be imposed and ultimately, in the case of serious breaches, dismissal.

This applies to all secondary occupations, that is to say also work-hindering or competing secondary occupations. Such a decision is taken by KI's Staff Disciplinary Board (PAN) or the National Disciplinary Offence Board (SAN).

The choice of sanction in the case of a prohibited secondary occupation is subject to whether the employer has or has not made clear what rules apply in the case of secondary occupations. A decision by the employer that the employee is to cease a secondary occupation cannot be appealed but can nonetheless undergo review in accordance with the Labour Disputes (Judicial Procedure) Act (SFS 1974:371) with the Labour court as a final instance.

## **14. Follow-ups and checks**

KI's HR department is responsible for issuing procedures for reporting secondary occupations and for following up that all procedures and regulatory frameworks are adhered to. The HR department is also responsible for ensuring that KI's employees receive the information they need to be able to handle their secondary occupations according to the rules.

KI requests a report on secondary occupations from all employees once a year. Notification is made in writing via a form in the Primula administrative system. This also applies if the nature of the secondary occupations is such that they can be expected to be approved.

Specific rules apply in the case of teachers and managers who at their own initiative are to provide a report on their secondary occupation. Changes in the secondary occupation are to be notified in the form of a new report and this is to be done as soon as possible after the change has occurred.

In addition to the annual collection, checks are also made in conjunction with invoice reviews to check whether financial transactions are being made between employees' companies and KI.

Further random checks may be made on the basis of a risk and importance perspective but also on the basis of certain rotation to avoid predictability. Selection can also be

made by checking against Bolagsverket's (the Swedish Companies Registration Office) registers to see whether an employee's involvement in a company agrees with the secondary occupation they have reported. Checks may also be made against supplier registers and internal financial systems to ensure that procedures and regulatory frameworks are adhered to. Relevant checks are made first and foremost in the event of incorrect or changed information in secondary occupation reporting being suspected.