



## SIDELINE ACTIVITIES RULES AT THE UNIVERSITY OF BORÅS

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## Introduction

As a general rule, sideline activities are allowed on the condition that they may not adversely affect public confidence in or work done within the university and are not conducted in competition with the university. The rules for sideline activities apply to all who are employed at the university.

In public activities in general and in the work of governmental authorities in particular, it is important that the public has a unwavering confidence in the university as an authority and for individual employees. There must never be any suspicion that the university's employees are biased or engaged in sideline activities that harm the authority's reputation. Therefore, there is a comprehensive regulatory framework regarding sideline activities in governmental work activities. Rules are contained in the Public Employment Act, the Higher Education Act, the Higher Education Ordinance, and the General Salary and Benefit Agreement for Government Employees. The university's own rules summarise how these rules are to be applied.

## What is a sideline activity?

In this context, a sideline activity is any employment, assignment, or commitment that an employee fulfils with another employer or constituent or on one's own account, also termed "incidental employment" by the Public Employment Act, "secondary occupation" by the Higher Education Act, and "secondary employment" by the Higher Education Ordinance. A sideline activity does not necessarily have to lead to any financial compensation.

## What's not a sideline activity?

Activities of various kinds related to one's personal life, such as hobbies or taking care of one's and one's family's possessions or properties, and private affairs, are not considered to be sideline activities. Assignments as such as acting as an external expert in recruitments, participation in examining committees, being external reviewers and the like are a natural and important part of teachers' collaborations with other higher education institutions and are therefore counted as sideline activities which do not need to be registered.

## Permitted sideline activities

Employees who have permitted sideline activities should keep them clearly separate from their employment at the university. Normally, all sideline activities must be reported, but some sideline activities are such a natural part of a teacher's employment that notification is not necessary. When in doubt, err on the side of making a notification.

### Examples of normally permitted sideline activities

- Elected and representative posts as well as other governmental and municipal assignments
- Assignments within trade unions
- Elected and representative posts in other associations and groups unrelated to one's employment (e.g. sports or housing association)
- Temporary participation in press, radio, and television. Participation that is a natural part of one's employment need not be reported, for example expert commentator.

### Research and development sideline activities

Teachers have expanded rights to exercise subject-related sideline activities; in everyday terms this is called research and development sideline activities. Examples of such sideline activities are advising on scientific issues and other assignments within the subject area of the employment, activities on

one's own account based on inventions and products developed by the teacher, as well as being a board member of a company whose activities link to the teacher's subject area.

However, the sideline activity must not harm public confidence in the university, be a deterrence to work, or constitute competitions with the university's commissioned work.

## Impermissible sideline activities

A sideline activity is not permissible if it can have a negative influence on public confidence in or work within the university or is done in competition with the university.

### Sideline activities with an adverse effect on public confidence

It is not permitted to have any employment, assignment, or to conduct any activity that may have an adverse effect on confidence in one's own or another employee's impartiality at work or which may harm the university's reputation.

The university must comply with the rules of the Administrative Procedure Act regarding conflicts of interest. No employee may have a sideline activity which means that work duties cannot be performed due to there being a conflict of interest. The purpose of the restriction on governmental employees' holding sideline activities harmful to public confidence in the university as well as the rules regarding conflicts of interest is to ensure a foundation for the public's confidence in public administration, a cornerstone of Swedish democratic society.

Employees are not permitted to practice a sideline activity in such a way that it gives the impression that the university participates in or authorises the activities. The university logo or other hallmarks of the university may not be used in connection with a sideline activity.

Employees are not allowed to participate in the advertising or marketing of teaching materials in such a way that it can be perceived as if the university is behind the teaching material. Marketing of sideline activities via the university's website is not allowed. It is also not allowed to use the university's materials, equipment, premises, or databases in the conducting a sideline activity.

There may be a risk of public confidence damage in some cases:

- If employees have a decisive influence in a company that conducts activities that are education, research, or development in subject areas that are represented at the university.
- If several employees have a common financial commitment outside the university, this can influence the direction of activities at the university.
- If employees have their sideline activity in companies that participate in a project that is conducted at the university.
- If employees participate in an externally funded project in which a party other than the university is the principal, there is a risk that a sideline activity in which the employee works extra or sells services through the firm to the principal can cause damage to public confidence in the university. These engagements must therefore be specially examined on a case-by-case basis.

### Sideline activities that prevent work from being done

The starting point for assessing whether a sideline activity has a negative effect on work being done, or prevents work from being done at the university, has to do with the requirements normally placed on an employee. A sideline activity can be judged to be work-preventing if an employee does not

perform her/his regular work satisfactorily or if the employee's work performance is adversely affected. Under the General Salary and Benefit Agreement for Government Employees, the employer may require an employee to cease a sideline activity that, according to the employer's assessment, has a work-preventing effect on the employee.

It is not permitted to have a sideline activity that encroaches on scheduled or timed tasks or a sideline activity that is conducted at such a time that it somehow prevents the employee from having her/his regular working hours or availability. It is the employer who makes a determination on whether a sideline activity is work-preventing.

### Competing sideline activities

It is not permitted to have a sideline activity that competes with the university's activities. Nevertheless, the Higher Education Act explicitly allows research and development assignments in one's own subject area provided that public confidence in the university is not harmed and the sideline activity is clearly separated from work. The sideline activity must not compete with the university's commissioned research and contract education.

There are exceptions to this prohibition. A teacher who has part-time employment or is on leave may also have employment at another university. Full-time teachers may also have a sideline activity at another university, but if the overall extent/time commitment of the employment becomes too large, the sideline activity can instead be considered to be work-preventing.

### Information and documentation

The university is to inform all employees of the regulations regarding sideline activities. At the university, this information is provided in connection with the sending of the employment contract. Information is also provided at the university-wide introductory training. Managers are responsible for following up that employees have familiarised themselves with the content of the regulatory framework. All employees are to report in the university's Primula HR system that they have familiarised themselves with the regulatory framework and whether they have sideline activities. In cases where the employee has no sideline activity, no further registration is required.

Accounting for sideline activities is done annually in the university's Primula HR system. By the last day of January of the current year, registration is to be completed. New sideline activities are to be registered on an ongoing basis.

### Assessment of the sideline activity

Whether the sideline activity is permitted or not is to be determined by the closest manager. Each situation must be assessed separately and it is always the circumstances of the individual case that ultimately determine whether a sideline activity is permitted or not.

In addition to the annual accounting in January, sideline activities are discussed most appropriately during employee dialogues or in connection with work planning.

### Decisions and penalties

If an employee does not provide information when requested or provides incorrect or incomplete information, this may, as for other breaches of employment obligations, constitute grounds for labour law penalties such as disciplinary penalties or termination.

Whether the sideline is permitted or not is to be determined by the closest manager. Decisions on the impermissible sideline activities are to be written and contain a justification. The decision is

documented in a special template provided by HR. The decision is to be placed in the employee's personal file. Decisions on sideline activities cannot be appealed.

The university has a duty to prohibit harmful sideline activities that can harm public trust and can also require an employee to cease sideline activities considered to be work-preventing or be in competition with the university. Correction in the event of any violation of the rules should primarily be achieved through talks with the employee. If the employee does not comply with the university's decision on impermissible sideline activities or does not comply with the university's rules on sideline activities, a disciplinary penalty may be considered (warning or salary deduction) and ultimately, in the event of serious offences, termination of employment.

## Addendum, Rules on sideline activities in laws, ordinances, and agreements

The university's rules summarise the application of the following:

### Public Employment Act

7 § An employee may not have any employment or 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.

7(a) The employer shall in an appropriate way inform the employees of which kinds of circumstances can constitute incidental employment that is not allowed under Section 7 (SFS 2001:1016).

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 incidental employment. (SFS 2001:1016).

7 c § An employer shall decide that an employee who has or intends to commit to undertake incidental employment that is not compatible with Section H7H shall cease with or not undertake such incidental employment. This decision shall be in writing and include reasons. (SFS 2001:1016).

7 d § A permanent judge and heads of authorities that report directly to the Government shall on their own initiative notify to the employer what kinds of incidental employment they have. (SFS 2004:833).

### Higher Education Act, Chapter 3

7 § In parallel with their teaching posts, teachers at higher education institutions may undertake employment or assignments or pursue activities relating to research and development work within the subject area of their posts, if in doing so they do not undermine the confidence of the general public in the higher education institution. Such secondary occupations shall be kept clearly separate from the tasks assigned to them within their posts. Other issues relating to secondary occupations are subject to the provisions laid down in the Public Employment Act (1994:260). Ordinance (1997:797).

### Higher Education Ordinance, Chapter 4

A higher education institution shall provide appropriate information to their teachers about secondary employment or types of secondary employment that contravene Section 7 of 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. Section 7a of the Public Employment Act (1994:260) lays down that a higher education institution shall provide its employees with appropriate information on the types of circumstances that could lead to secondary employment being incompatible with Section 7 of the Public Employment Act. Ordinance (2010:1064).

Section 15 A teacher is obliged to keep the higher education institution informed of any secondary employment that he or she undertakes and that pertains to the subject area of his/her post. The higher education institution shall keep records of this information. These records shall be arranged to enable continuous monitoring of the secondary employment undertaken by each teacher. Ordinance (2010:1064).

## General Salary and Benefit Agreement for Government Employees, Chapter 13

### *Work-preventing sideline activity*

Section 10 An employee is obliged to submit information to the employer if and to what extent she/he has a sideline activity. However, the employer may request such a registration only if there is considered to be a reason for this in view of the employee's way of carrying out her/his duties. The employer may require an employee to cease the sideline activity in whole or in part if the employer considers that it has a negative effect on the work (work-preventing sideline activity).

### *Competing sideline activity*

Section 11 Employees at authorities engaged in business or commissioned activities may not be employed or assigned to a company in the same field of this activity. Employees may not personally, or through another party, lead a business, or for another acquisitive purpose, conduct activities that are in the same area (competing sideline activity). What is said in the first paragraph does not apply if the employer consents otherwise. If such a consent has been provided, the employee is obliged to provide information to the employer upon request about the nature and extent of the competing sideline activity.