

Outside Work Policy (Professional Staff)

Section 1 - Key Information

Policy Type and Approval Body	Administrative – Vice-Chancellor
Accountable Executive – Policy	Chief Operating Officer
Responsible Manager – Policy	Chief People Officer
Review Date	23 May 2028

Section 2 - Purpose

(1) The purpose of this Policy is to:

- a. define permissible Outside Work;
- b. outline expectations for approval and conduct of Outside Work;
- c. ensure transparency and accountability in the conduct and management of Outside Work;
- d. ensure that staff of the University engaging in Outside Work act in accordance with the [Code of Conduct](#) and [Conflict of Interest Policy](#) to promote and maintain confidence and trust in the University; and
- e. support a flexible approach to Outside Work that recognises the value to all parties, while managing risks to the University.

Section 3 - Scope

(2) This Policy applies to:

- a. applies to Professional Staff employed on a continuing or fixed-term contract on the following basis:
 - i. full-time
 - ii. part-time or fractional; and
 - iii. part-year or annualised hours.
- b. all forms of paid Outside Work performed by Professional Staff outside the circumstances provided in clause 4 of this Policy, whether via an employment arrangement, as a University consultant or independent consultant, contractor, business owner, director, or board member.

(3) Where this Policy does not apply to a Professional Staff Member, the [Conflict of Interest Policy](#) and [Code of Conduct](#) will still apply to any Outside Work undertaken. Any breaches of the [Conflict of Interest Policy](#) and/or [Code of Conduct](#) arising due to Outside Work may result in disciplinary action being taken against the staff member.

(4) This Policy does not apply to:

- a. academic staff;
- b. casual staff;
- c. part-time or fractional staff where the combined total work hours of their University and Outside Work will be 38 hours per week or less;
- d. part-year or annualised hours staff where the Outside Work will be undertaken outside the periods where they are working for the University;
- e. paid additional work within the University. Further information available in the [Paid Additional Work Within the University - Full Time Staff Procedure](#) and the [Additional Work intranet](#) page;
- f. secondments or unpaid volunteer work.

(5) Notwithstanding the exclusions in clause 4 above, academic staff are required to comply with [Outside Work Policy \(Academic\)](#). Professional staff in circumstances b to f of clause 4 are still required to meet obligations under the [Code of Conduct](#) and [Conflict of Interest Policy](#) and other University policies in force at the time, if engaging in Outside Work.

Section 4 - Key Decisions

Key Decisions	Role
Approve Outside Work	Dean or Executive Director equivalent

Section 5 - Policy Statement

Outside Work and Conflict of Interest

(6) There are a number of areas of perceived, actual or potential conflicts of interest which may arise in the context of Outside Work for Professional Staff which are listed below. The list is not exhaustive and other situations of Conflict of Interest may arise and should be assessed on an individual basis. Conflict of Interest concerns may arise in the following situations:

- a. Outside Work undertaken during the same hours that a staff member is being paid to work for the University. The conflict of interest may still arise whether the work is undertaken at a University location or another location and where the Professional Staff Member is not engaged to perform work for the University or is on paid leave;
- b. the demands of the Outside Work compromises the staff member's capacity or ability to perform their duties or meet their Workplace Health and Safety obligations within the University;
- c. Outside Work makes use of any University facility, equipment or resources including computer software and information technology resources;
- d. Outside Work makes use of, or may allow the University staff member to benefit from, commercial or other information that the University staff member possesses by virtue of their employment with the University;
- e. Outside Work is with an organisation that may compete with the University;
- f. Outside Work is with an organisation that supplies the University with equipment, services or staff; and
- g. Outside Work is with an organisation that is a customer of the University and may acquire equipment, services or staff from the University.

Principles of Outside Work

(7) Undertaking Outside Work may have benefits for a Professional Staff Member and the University. The University does not preclude such arrangements from occurring, provided:

- a. the staff member discloses the arrangements and seeks approval from the University prior to the commencement of a period of Outside Work;
- b. the arrangements do not interfere with the staff member's discharge of their professional duties or encroach unduly on work time;
- c. the arrangements do not create a conflict of interest with other obligations that cannot be actively and appropriately managed;
- d. the proposed activity is not contrary to the University's interests, values or reputation; and
- e. Outside Work does not create a risk of foreign interference which cannot be appropriately managed. Areas which may be taken into account include:
 - i. whether the Outside Work is with a foreign government, political party, military, policing or security organisation;
 - ii. what the obligations are owed to foreign institutions;
 - iii. the nature of the role; and
 - iv. the payment (in any form) received.

Section 6 - Procedures

Part A - Outside Work

(8) The University will approve Declarations of Proposed Outside Work by Professional Staff that do not breach the requirements of this Policy. Outside Work Requests for Professional Staff will not be approved unless the Outside Work clearly:

- a. will not create either directly or indirectly an unacceptable risk of conflict of interest with University;
- b. will not create an unacceptable risk of foreign interference; and
- c. will not impair in any way the Professional Staff Member's ability to perform all expected duties and responsibilities of their position with the University.

(9) All requests will be treated confidentially for all purposes other than the review and action by appropriate persons with authority or delegated authority of the University.

(10) All requests and approvals for Outside Work will be provided to the Dean or Executive Director equivalent, who shall confirm in writing, that the approval has been given.

(11) Outside Work is work performed by a professional staff member, who is employed by the University on a continuing or fixed-term basis, in their personal capacity outside their contract of employment with the University.

Non-permissible Outside Work

(12) The following activities are not permissible and will not be approved for Outside Work:

- a. work involving a conflict of interest or foreign interaction concern where the concern is not able to be adequately addressed;
- b. paid private tuition of students of the University;
- c. paid design or delivery of courses for any other institution other than a subsidiary or affiliate of the University, except where specifically approved by the University;
- d. work for persons who may have a direct or indirect material interest in a decision or action for which the staff member is responsible at the University;
- e. work during periods of paid leave including periods of long service leave (in accordance with the [Long Service](#)

[Leave Act 2018](#)). For the avoidance of doubt if the staff member is employed on part-time basis and takes paid leave, there may be circumstances where the staff member can undertake Outside Work for the days that they are not on paid leave.

Part B - Requesting and Approving Outside Work

Declaration of Proposed Outside Work

(13) Professional Staff (excluding casual Professional Staff) proposing to engage in any Outside Work, whether for payment or not, must email a declaration to their Dean or the Executive Director equivalent at least fourteen (14) days before the Outside Work is proposed to commence or sooner by agreement with approval.

(14) Prior to submitting a written declaration, a Professional Staff Member should speak with their supervisor about the proposed Outside Work and any potential impacts on their role with the University.

(15) The Professional Staff Member's email declaration to their Dean or Executive Director equivalent should outline the following in relation to the proposed Outside Work:

- a. position title;
- b. name of company/organisation;
- c. duties;
- d. commencement date and end date;
- e. appointment type (E.g., Continuing, fixed-term, casual);
- f. hours of work, days of work per calendar month, total expected days per calendar year; and
- g. any risks and how those risks will be mitigated (E.g., possible reputational risk to the University due to a potential or perceived conflict of interest, additional work hours creating a health and wellbeing risk).

Approval of Outside Work

(16) Deans or Executive Director equivalent are responsible for approving Outside Work if:

- a. they have received the staff member's completed declaration by email;
- b. they are satisfied that the declaration is true and complete; and
- c. the Outside Work does not compromise the interests of the University.

(17) The below Outside Work is deemed to be automatically approved unless a real, potential or perceived conflict of interest exists:

- a. directorships of for-purpose organisations, or organisations formed to deal solely with private affairs and do not operate for profit or as a company;
- b. advice to parliamentary committees, tribunals and other public bodies; or
- c. support, organisation and administration for professional bodies directly linked to the staff member's role or professional disciplinary conferences.

(18) Deans or Executive Director equivalent have the discretion to withhold approval if:

- a. the staff member fails to include in their declaration sufficient information to determine whether the Outside Work should be approved;
- b. the staff member proposing to undertake Outside Work fails to email a completed declaration fourteen (14) days before the work is proposed to commence, unless otherwise agreed and approved; or

- c. they believe that there is a risk that the proposed work may interfere with the staff member's ability to perform their University duties; or
- d. the approval of Outside Work is likely to adversely impact the health and wellbeing of a staff member; or
- e. the proposal of Outside Work would conflict with the University's [Code of Conduct](#), or any other policy in force at the time; or
- f. the proposal of Outside Work is for any of the non-permissible reasons outlined in Part A.

(19) Deans or Executive Director equivalent may stipulate reasonable conditions as part of any approval of Outside Work which must be included in their response to the staff member.

(20) Deans or Executive Director equivalent should communicate any decisions by reply email to the staff member's request at least seven (7) days before the date on which the work is proposed to commence.

Part C - Compliance with this Policy

(21) Deans or Executive Director equivalent are responsible for:

- a. ensuring staff in their relevant School or Division comply with the process and requirements outlined in this Policy;
- b. maintaining a record of approved Outside Work; and
- c. monitoring the approved Outside Work for their relevant School or Division.

(22) Professional Staff Members (full-time or part-time) engaged in Outside Work must:

- a. manage any possible conflict of interest, and intellectual property and foreign interference following the [Conflict of Interest Policy](#), [Intellectual Property Statute 2009](#), and [Foreign Influence Transparency Scheme Act 2018](#), and the associated policy and procedures;
- b. ensure the work does not inhibit or detract from the standards of performance of duties for the University; and
- c. advise third parties for whom such work is undertaken that it is not being undertaken on behalf of the University.

(23) If Outside Work is undertaken:

- a. such work is not covered by any University insurances. Where relevant, the staff member must maintain adequate insurance coverage including professional indemnity and public liability coverage in relation to the work; and
- b. the financial proceeds must not be deposited into University accounts.

Conduct during Outside Work

(24) Staff members engaged in Outside Work must not:

- a. use the University's resources or intellectual property to benefit a third party without University approval from the Dean or Executive Director equivalent;
- b. take any action or make any statement as part of their Outside Work which may serve to bring the University into disrepute by association;
- c. undertake any activity for which the University may be held legally liable;
- d. allow their private interests or the interests of others to interfere or be perceived to interfere with their obligation to act in the best interest of the University; and
- e. represent themselves as speaking or acting on behalf of the University.

(25) It is a condition of approval that staff confirm that they remains bound by all University policies with respect to conduct, particularly the [Code of Conduct](#), while performing the Outside Work.

Part D - Disputes, Complaints and Breaches of this Policy

(26) Staff should refer to their contract of employment with respect to disputes and concerns in relation to Outside Work.

(27) In relation to disputes regarding the outcome of declaration of Outside Work, in the first instance staff should attempt to resolve the dispute at the local level with their Dean or Executive Director equivalent . If the dispute cannot be resolved at the local level, a Workplace Issue may be submitted to the Chief People Officer (formerly Executive Director Human Resources) as per the [Workplace Issue Resolution \(Staff\) Procedure](#) and [La Trobe University Enterprise Agreement 2023](#).

(28) Staff who wish to make a complaint in relation to another staff member's Outside Work should notify their Dean or Executive Director equivalent who will review the complaint and determine if any action is required.

(29) A breach of this Policy may be dealt with by the staff member's Dean or Executive Director equivalent by:

- a. reviewing the approval for the Outside Work and amending or withdrawing approval;
- b. referring the matter to the Chief People Officer as per clause 67 of the [La Trobe University Enterprise Agreement 2023](#) to consider whether misconduct and serious misconduct procedures should be enacted; and
- c. any other action considered necessary by the Dean or Executive Director equivalent or their nominee.

Section 7 - Definitions

(30) For the purpose of this Policy and Procedure:

- a. Additional Work: Where a staff member undertakes work in a different work unit to their normal area. Refer the [Paid Additional Work Within the University - Full Time Staff Procedure](#) and the [Additional Work intranet](#) page for further information.
- b. Foreign Arrangement Scheme: The scheme created by Australia's [Foreign Relations \(State and Territory\) Act 2020](#) ("the Act") to ensure Australian entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy. The [Act](#) requires the University to notify the Minister of Foreign Affairs of all arrangements that the University has and proposes to enter with foreign entities.
- c. Foreign Influence: Activities carried out by or on behalf of a foreign actor conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate.
- d. Foreign Interference: Activities carried out by, or on behalf of, a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.
- e. Staff: means any person employed by the University as per the definition in the [La Trobe University Act 2009](#) (Vic).
- f. Outside Work: Work undertaken not for the University or as part of the normal duties of the staff member's role and includes employment or any other form of paid work external to the University, including proprietorship, directorships, independent contracting, or consultancy.

Section 8 - Authority and Associated Information

(31) This Policy is made under the [La Trobe University Act 2009](#).

(32) Associated information includes:

- a. [Code of Conduct](#)
- b. [Conflict of Interest Policy](#)
- c. [Intellectual Property Policy](#)
- d. [Intellectual Property Statute 2009](#)
- e. [La Trobe University Enterprise Agreement 2023](#)
- f. [Research Contracts and Grants Policy](#)
- g. [Outside Work Policy \(Academic\)](#)
- h. [Paid Additional Work Within the University - Full Time Staff Procedure](#)
- i. [Workplace Issue Resolution \(Staff\) Procedure](#)

Status and Details

Status	Current
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Responsible Manager - Policy	Regan Sterry Chief People Officer
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