1. **PURPOSE**

The purpose of this policy is to outline secondary employment expectations and guidelines as they pertain to employees of the NDIS program/s of The Junction Clubhouse Cairns Ltd (“The Junction”).

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| **Related documents** | |
| Related policies and procedures, how-to task lists, forms, registers or other organisational documents of The Junction | * Code of Conduct Policy * Conflict of Interest Policy * Risk Management Policy |
| Legislation or other requirements | * NDIS Practice Standards and Quality Indicators * Work Health and Safety Act 2011 * Work Health and Safety Regulation 2011 |

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| **Definitions** | |
| Conflict of Interest (COI) | A conflict of interest (COI) occurs when an employee has, or is seen to have, a private interest (either financial or non-financial) which conflicts with or may conflict with the discharge of the employee’s primary duties.  Types of COI:   * An *actual* COI involves a direct conflict between an employee’s current duties and responsibilities, and existing private interests * A *perceived* or *apparent* COI can exist where it could be perceived, or it appears, that an employee’s private interests could improperly influence the performance of their duties with The Junction (whether or not this is in fact the case) * A *potential* COI arises when an employee has a private interest that could conflict with their duties with The Junction in the future |
| Employee | A person is an employee of The Junction Clubhouse Cairns Ltd. if they are contracted as:   * A general employee * A fixed-term employee; or * A casual employee |
| Manager | A person holding a delegation to make a determination on matters to which this policy relates. Specifically, a person holding delegation within the NDIS Program of The Junction |

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| **Definitions (cont.)** | |
| Interest | Anything that can bring a benefit or disadvantage to an individual, or to others whom we may wish to benefit or disadvantage. Interests may be financial or non-financial  *Financial (pecuniary) interests:*  Involve an actual or potential financial gain or loss. Money does not have to change hands for an interest to be financial  *Non-financial (non-pecuniary) interests:*  May arise from personal or family relationships or involvement in sporting, social, community or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could create bias in the making of a judgement or decision. They also include the personal, professional or business interests of individuals or groups |
| Secondary employment | For the purpose of this policy, secondary employment is:   * Paid employment as an employee or contractor, self-employment, involvement in a business or partnership, the provision of paid consultancy services or completion of company director duties * Unpaid work (for example work experience) and/or * Volunteering   Either on a full-time, part-time or casual basis, performed by an employee of The Junction Clubhouse Cairns Ltd NDIS program.  Examples or voluntary activities could include but not be limited to:   * Voluntary work that may need to be undertaken during ordinary working hours, or for which the employee may be expected to respond to phone calls or email during working hours * Volunatry activities (such as Board membership) with an organisation that has commercial or other interest with The Junction NDIS program * Voluntary activities with organisations which promote practices or ideas which are inconsistent with The Junction Clubhouse policies or values and/or the [NDIS Practice Standards](https://www.ndiscommission.gov.au/providers/registered-ndis-providers/provider-obligations-and-requirements/ndis-practice-standards) |

1. **Scope**

This policy applies to all employees of The Junction NDIS programs (e.g., NDIS Mental Health Support Workers).

1. **Policy Statement**

The Junction Clubhouse is committed to fostering an ethical, safe, and transparent workplace culture in which any actual, perceived, or potential conflicts of interest, or health and safety risks, are resolved or appropriately managed.

Secondary employment occurs when a person engages in paid work with another organisation while employed by The Junction. Secondary employment includes self-employment, involvement in a private business or partnership, provision of paid consultancy services, or service as a company director.

Secondary employment is permissible; however, The Junction Clubhouse requires that it be managed to ensure it does not negatively impact on the employee’s capacity to fulfil their primary role.

Employees must declare secondary employment to the NDIS Manager and take steps to resolve or manage any actual, perceived, or potential risks. Failure to declare other employment may be in breach of the organisation's Code of Conduct and the greater NDIS Commission requirements.

This policy should be read in conjunction with **JQS.F1.10 Code of Conduct** and **JQS.P1.7 Conflict of Interest** policy.

1. **Risk and risk management**

The risks associated with secondary employment depend on the job roles involved. Potential risks include:

* The creation of a perceived or actual conflict of interest between primary employment and secondary business interests
* Misuse of primary employer resources (e.g. phones, office consumables)
* Unauthorised use/disclosure of information and intellectual property
* Absenteeism due to clashing commitments
* Diminished work performance which places participants at risk, due to employee tiredness, distraction, or time constraints
* Increased workload for colleagues who must cover the reduced performance of staff with secondary employment

The risks to The Junction Clubhouse are greatest when the second employer:

* Has or is likely to have contractual dealings with The Junction
* Is in, or may come into, commercial competition with The Junction
* Has a regulatory relationship with The Junction

Managers are entitled and obligated to:

* Ensure that employees undertaking secondary employment will perform their role with The Junction efficiently, safely and effectively
* Ensure that there is no potential or actual conflict of interest in relation to the employee’s duties
* Evaluate whether the secondary employment will, or has the potential to, compromise the integrity of The Junction

If the NDIS Manager cannot satisfy themselves about these risks (or the employee cannot explain how they will adequately manage their ongoing efficiency, safety, and effectiveness obligations), then the manager will need to seriously consider risk management strategies for the employee undertaking secondary employment.

1. **Responsibilities**

Employees must:

* Carefully consider the demands that additional work activity will create before accepting outside employment. Outside/secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early or refusal to travel
* Declare secondary employment and complete the JQS.NDIS.F7.16 [Notification Secondary Employment Form](https://thejunctioncairns.sharepoint.com/:w:/g/Ea6_od94CbBFopmZK9C-RwoBy3272kxbZ_H5U5PXUbvPsQ?e=0a6psM)
* Not undertake secondary employment or functions related to the secondary employment, during times they are performing paid employment for The Junction
* Not use The Junction leave balances to perform work for another employer
* Not utilise The Junction resources in relation to their secondary employment
* Ensure that any conflict of interest or health & safety risks that arise as a result of the secondary employment are declared and documented
* Develop and participate in strategies to resolve and/or manage identified risks
* Promptly notify the NDIS Manager of any change in circumstance that may need an updated (or new) notification of secondary employment

Managers must:

* Ensure employees are aware of their obligations to notify the NDIS Manager of any other employment, including the duties undertaken, hours worked, and any current links the second employer has with The Junction
* Assess notifications of secondary employment to determine whether there are risks which could impact on the employee’s primary duties of providing support to participants
* Ensure that any declared risks or conflicts of interest are documented on the HR Compliance Register and saved to employee personnel files
* Develop strategies to manage any risks or conflicts of interest in accordance with organisational policies and procedures
* Document risk management strategies, and review the document on an annual basis (or earlier where there is a change to secondary employment circumstances) to assess the relevance & currency of risks and mitigation strategies
* Complete a risk management process with any employee whose outside work activity causes or contribute to job-related problems or conflicts of interest (actual, perceived or potential)
* Ensure that employees are aware they may be subject to the normal disciplinary procedures for dealing with secondary employment-related problem(s)