Outside activities: Brief information about outside activities

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What is an outside activity?
An outside activity is in principle anything a government employee temporarily or permanently devotes time to alongside his or her employment and cannot be considered part of his/her private life. This can mean working a job, carrying out an assignment, or running your own business alongside your regular employment. It is immaterial whether this outside activity is gainful in terms of income. Extra work for your main employer or another authority may be an outside activity.

What is not an outside activity?
Activities of various kinds that are typically part of private life, such as pursuing a hobby or maintaining your own or your family’s property and private matters, are not considered outside activities. For university teachers various paid academic activities and duties, such as serving as an external examiner or on an expert panel, membership in examination panels, and less comprehensive assignments for research councils and academic journals, are not considered outside activities as they are regarded as work within the framework of the position.

Why are outside activities regulated?
The main reasons that the right of government employees to pursue activities alongside their employment is regulated are:

- The interest of the general public regarding objectivity and impartiality in the execution of public activities to maintain trust in the governmental authority and its employees. Regulations regarding conflict of interest also aim to guarantee objectivity and fairness in public operations.
- The direct interest of the employer to have employees deliver fully satisfactory work and devote an adequate amount of their efforts to the work they are receiving a salary for, and so that employers will not face competition from their own employees. The state as such and ultimately the
general public have an interest in government employees not having outside activities that have a negative impact on their regular work or on the operations of the authority.

Permissible outside activities
The main rule is that outside activities are permitted. Many outside activities, such as political or union assignments, duties within academic associations, and positions of trust in volunteer organisations, are normally permissible for all. Other types of outside activities are also normally permissible unless one or more of the circumstances below obtain. A governmental employee is under personal obligation not to pursue any prohibited outside activities.

Prohibited outside activities
Under certain circumstances an outside activity is prohibited. Prohibited outside activities are divided into three categories:

- **Outside activities that erode trust:** The prohibition against such outside activities involves the relationship between the governmental authority and the general public and is statutory; an employee is not permitted to have any employment or any assignment or otherwise pursue any activity that risks eroding the public’s trust in his/her or any other employee’s impartiality in their work or that might damage the reputation of the authority. The significance of the prohibition is primarily that an employee in principle may not devote him/herself to an outside activity that entails the risk of a conflict of interest arising vis-à-vis the employee in his/her main employment. The risk of eroding trust increases if the outside activity is comprehensive, the assignments are advanced in nature, touch upon the operational sphere of the authority, are highly remunerated, and if the duties in the main employment require especially untarnished trust, such as the exercise of power, property management, procurement, or oversight duties.

- **Outside activities that interfere with work:** The prohibition against such outside activities involves the relationship between the employer and the employee and is regulated by collective agreements; the prohibition is to prevent employees from neglecting their work duties as a result of an outside activity. It is the responsibility of management to ensure that employees devote all their work time to their duties and that outside activities are pursued in their spare time. The employer has the right to inhibit outside activities that interfere with regular work. Extensive outside activities that interfere with work and are allowed to continue unchecked can entail a risk of eroding the trust of the general public.

- **Outside activities that constitute competition:** This prohibition against outside activities also involves the relationship between the employer and the employee and is regulated by collective agreements; the prohibition applies only to authorities that run business activities or contract operations and is to prevent employers from facing competition from their employees. The University does not run any business operations, but does have some
contract activities. An employee at the University is not permitted to take assignments or personally pursue activities within the sphere of the University’s contract activities. The prohibition does not apply if the employer permits the outside activity.

**Expanded rights for university teachers**
In relation to other state government employees, university teachers (professors, senior lecturers, junior lecturers, postdoctoral fellows, visiting teachers and hourly teachers) enjoy an expanded and statutory right to pursue subject-related so-called R&D outside activities in that, alongside their employment as teachers, they are allowed to be employed, take assignments, or pursue activities regarding research or developmental work in the subject area of their employment, provided that the teacher does not thereby erode the general public’s trust in the university. Please note that this regulation does not include teaching as an outside activity. In such a case the regular rules apply regarding erosion of trust. Nor may the outside activity interfere with the teacher’s regular work, that is, get in the way of duties, or compete with the university’s contract assignments. The outside activity must be kept clearly distinct from the teacher’s duties within the framework of his/her employment. Among other things, this means that university resources must not be used in the outside activity.

**Rights**
The employer has the right to inquire about and call for reporting of all outside activities. Any teacher who so wishes has the right to be told whether an outside activity is permissible or not.

**Obligations**
The employer is obligated to inform employees about both what circumstances can render an outside activity erosive of public trust and what kinds of outside activities are not compatible with the right to have subject-related outside activities in the Higher Education Act, to document reporting of outside activities, to report these to the Government, to decide about permissible outside activities that have been reported and, should this be necessary, to decide to prohibit outside activities that erode the public trust.
Employees are obligated to report all outside activities at the behest of the employer. Teachers are obligated to report subject-related outside activities on their own initiative. Managers covered by the Managers’ Agreement (certain civil servant in managerial positions and professors, except those covered by the Teachers’ Agreement) must report their outside activities on their own initiative. Heads of civil service departments must report their outside activities to the Government on their own initiative.

**Sanctions**
As mentioned above, the employer (authority) is obligated to prohibit outside activities that erode the public trust. The employer may order an employee to fully or partially cease outside activities that interfere with regular work. Rectification of
infringements should primarily be achieved through dialogue with and advice to the employee. Failure to comply with such decisions may lead to a disciplinary sanction (warning or salary deduction) and in a further stage to notice of termination or dismissal.

**Appeal**

Decisions to prohibit an outside activity that erodes the public trust cannot be appealed. Instead, a civil suit may be brought, which means that the decision may be tried in a general court or in the Swedish Labour Court as the final instance. The previous possibility of appealing to the Government has been eliminated. A civil suit may also be brought regarding decisions to prohibit outside activities that interfere with work or constitute competition.