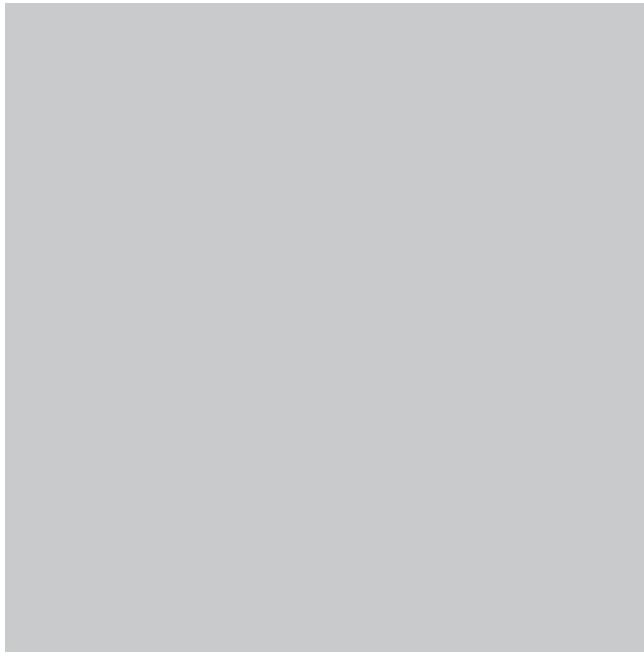


Guidelines for external work at NHH

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NHH



1. INTRODUCTION

‘External work’ is the term used to describe offices and work (paid and unpaid) that staff perform in addition to their ordinary position at NHH. Any ownership interests/shareholdings in sole proprietorships or companies are also regarded as external work.

NHH is proud of its highly competent and socially committed staff. When our staff participate in society, they contribute to increasing the public’s understanding of their fields, and gain valuable experience that they bring back with them to NHH.

NHH therefore recognises, appreciates and encourages its staff engaging in activities that go beyond their duties at NHH.

In some cases, however, NHH must limit the possibility of staff carrying out external work.

This is largely due to potential conflicts of interests and impartiality problems or to the capacity of the staff member in question to deal with the workload that follows with their position.

As a public educational institution, NHH has a responsibility to safeguard its integrity and neutrality. It is therefore necessary that our staff are not involved in external work that represents a challenge in this respect. In light of this, it is important for us to have an open and transparent overview of employees’ external work. This helps us to safeguard our role as an impartial actor and to deal with potential conflicts of interest.

In the same way, NHH as an employer has a responsibility to ensure that its employees are capable of carrying out their duties at NHH. External work that, because of its nature or scope, hampers or delays an employee’s work at NHH may be incompatible with the employee’s position at NHH.

NHH therefore wants its employees to report what external work they have. This overview of external work will be published on our website.

Because the registration of such external work is deemed to constitute personal data, it is only permitted to register external work carried out by employees in certain position categories. It is not permitted to register external work that concerns topics that are protected by the equality and anti-discrimination regulations.

In these guidelines, we describe which external work is to be registered, how it is to be registered and how the employer will follow up such registration. The guidelines also provide guidance on how to assess whether external work is compatible with a position at NHH.

2. DELIMITATIONS – WHO IS OBLIGED TO REGISTER AND WHAT EXTERNAL WORK MUST BE REGISTERED

Information about an employee's external work is regarded as personal data. It is a condition for collecting and registering such data that there is legal authority for doing so.

The legal authority in question is Section 39 a) of the Government Employees Act, which states the following:

'In order to prevent conflicts of interest, an enterprise may decide that employees in certain positions shall register their offices and financial interests if necessary because of the enterprise's responsibilities and areas of work and the employees' position or function. In such case, it must also be determined what information is covered by the duty of registration, and how the registration is to take place.'

This legal provision means that limitations apply to which employees may be required to disclose external work, what external work they may be required to disclose information about and how the employer must process these data.

2.1 Who is obliged to register?

NHH has decided that all employees must report their external work in accordance with Section 3 – Registration of external work. After an employee has reported the external work, NHH will assess whether the external work is to be registered in NHH's public register of external work.

The background to the assessment is as follows:

It follows from the Section 39 a) of the Government Employees Act that an employer may only register employees' external work if *'this is necessary based on ... the employees' position or function'*. In the guide *'Registration of government employees' offices and financial interests'*, the Ministry of Local Government and Regional Development provides more detailed guidance on assessments of which positions are subject to such a registration duty.

The following is stated on page 3:

'A specific assessment must be made, and it is therefore not possible to impose a general duty of registration on all employees in the enterprise.'

Which positions can be made subject to a registration duty must be decided after a concrete assessment of the enterprise's areas of responsibility and tasks, and the function or role of the position. The assessment must place particular emphasis on:

- a) the position's place in the enterprise's hierarchy, including whether the position requires special trust because it is a leading position or particularly independent. It is particularly for employees in leading positions that it is necessary to impose a registration duty*
- b) whether the duties and area of responsibility of the position mean that considerations of objectivity and neutrality are especially pertinent, and if the employee has regular dealings with such cases*
- c) whether the enterprise has supervisory or control responsibilities*

- d) *whether the enterprise has an overarching role in the government administration and has power of instruction in relation to other state agencies*
- e) *whether the enterprise has responsibilities that entail the allocation of goods between or to private actors, the exercise of regulatory power, the management of state ownership or regularly carries out procurements in certain areas*

Based on this, NHH has concluded that the following job categories will automatically be subject to a duty to register external work:

POSITION	LEGAL BASIS IN THE GUIDE	ASSESSMENT
Employees in teaching and research positions	Subsection b)	By virtue of their duties relating to teaching and research, these employees will be identified with NHH to such an extent that it could affect NHH's reputation as an objective educational and research institution and a participant in public debate.
Managers in the Rector's management team, including vice rectors and directors	Subsection a)	By virtue of their place in NHH's organisational hierarchy, these managers are very likely to be identified with NHH, and their external work could affect NHH's reputation.
Heads of section in the administration	Subsection a)	

For the other job categories at NHH, an assessment will be made once the external work has been reported of whether the individual position meets the requirements for registration of external work mentioned in this section.

2.2 What external work must be registered?

The point of departure is that all external work must be registered. 'External work' is the term used to describe offices and work (paid and unpaid) that staff perform in addition to their ordinary position at NHH. Any ownership interests/shareholdings in sole proprietorships or companies are also regarded as external work.

2.2.1 2.2.1. External work that must not be registered, since it concerns confidential information

Employees are not required to report offices or work relating to:¹

- a) their racial or ethnic origin
- b) their political opinions

¹ Information about political opinions and membership of a trade union is sensitive information pursuant to the Personal Data Act Section 2(8) (lovdata.no), and is subject to a duty of confidentiality pursuant to the Public Information Act Section 13, cf. the Public Administration Act Section 13.

- c) their religion
- d) their philosophical beliefs
- e) trade union membership
- f) health information
- g) their sexual orientation

The reason for this is that external work relating to such matters is deemed to be sensitive from a data protection perspective since the employer has a duty of confidentiality pursuant to the Public Information Act Section 13.

The prohibition on registering such external work also applies even if the external work entails a financial interest.

2.2.2 2.2.2. External work which does not have to be registered, but which the employee can choose to register

- a) membership of external expert committees or evaluation committees
- b) external examiner activities
- c) referees for academic journals
- d) individual minor teaching assignments, academic lectures, dissemination assignments
- e) assignments as a professional expert
- f) activities of a limited scope that are considered part of the school's social responsibility
- g) academic offices that accompany the employee's principal position
- h) unpaid offices and activities of a limited scope for voluntary organisations

3. GUIDELINES TO ASSESSING WHETHER EXTERNAL WORK IS COMPATIBLE WITH A POSITION AT NHH

3.1 Power of decision

While NHH sets store by employees engaging in activities in addition to their duties as employees, NHH must in some cases limit the individual employee's possibility of engaging in such work. The main reasons for this are either the possibility of a conflict of interest in relation to the employee's position at NHH or because the external work is of such a scope or nature that it is seen as difficult for the employee in question to have sufficient capacity to perform the duties that follow from his/her employment relationship.

The initial decision to limit an employee's possibility to take on external work is made by the manager who has personnel responsibility for the employee. The Vice Rector for Faculty Affairs and the Director of Organisation and Governance have overarching responsibility for how NHH practises the external work regulations, and they can be consulted when necessary.

3.2 External work that is incompatible with a position at NHH because of possible conflicts of interest

While NHH sets store by and encourages staff to engage in activities that go beyond the duties of their position at the institution, it is necessary to limit this if there is a potential for a conflict of interest arising between the external work and the position at NHH. We must safeguard the integrity and impartiality of our work if we are to maintain the high quality of our teaching and research.

For external work relating to the following matters, a separate assessment must be carried out of whether it is compatible with a position at NHH.

In particular, it must be assessed whether the following offices/work are compatible with a position at NHH:

- external work that involves using the school's resources

If use of NHH's resources, such as equipment, databases and premises, is to be permitted beyond a trivial level, the external work must be academically relevant and not supplant NHH's own activities. An agreement must be signed concerning the terms and conditions for such use, including compensation. The compensation shall be based on market terms.

- external work that may come into competition with the NHH's own activities

External work that entails collaboration with, or teaching at, other research or educational institutions is in principle desirable and can be a source of important positive values and impulses for NHH. Permission to engage in external work should be denied if it is in competition with NHH's own activities, or hampers or makes ongoing work at NHH more difficult.

- external work that may give rise to partiality in matters the employee is responsible for at NHH

If it is established that there is a strong risk of a conflict of interest between the employee's external work and the employee's obligations at NHH, permission for the external work shall be denied. In such case, the employee is obliged to terminate the external work.

It is not permitted to emphasise factors relating to the employee's personal finances or that it is necessary to approve the external work in order to retain or recruit employees.

3.3 External work that is incompatible with a position at NHH because of possible capacity challenges

Even though NHH sets store by employees engaging in external work, it may be necessary to refuse permission for such work in some cases. This is discussed under more detail in section 3. 1.

When assessing whether such external work can be approved, particular emphasis shall be placed on whether

- **the employee is in a recruitment position, for example as a PhD research scholar, post-doctoral fellow or a tenure-track position**
- **the external work must wholly or partly be carried out during normal working hours**

At NHH, teaching and research positions, as well as positions as PhD research fellows, are as a rule regarded as particularly independent positions. In practice, employees in such positions are obliged to be present, for example in connection with teaching, meetings etc. at scheduled times, and the hours they work in their position at NHH must correspond to their percentage of a full-time position.

External work that has been approved and that will be carried out within ordinary working hours must not, combined with the principal position, amount to more than 120% of a full-time position. If an employee is to be permitted to spend more than a trifling proportion of his/her working hours on external work, it is a condition that the head of department finds that the loss of working hours will not have a significant negative effect on the employee's performance. Emphasis may be placed on when the external work is carried out, for example if the external work could lead to difficulties in carrying out teaching plans etc.

The ordinary working hours spent on the external work must either be recouped without any increase in pay from NHH or deducted from pay from NHH pursuant to a deduction agreement.

- **external work of a long-term or extensive nature**

External work that is capable of casting doubt on the employee's willingness or ability to perform his/her work at NHH in the manner his/her position and NHH require, shall not be approved.

A permanent and long-term attachment to one actor may give reason to doubt the employee's trust and integrity. NHH should be cautious about permitting permanent employment, partnership, directorships or general, long-term assignment agreements with actors that largely operate within the employee's field of work. This does not apply to institutions that have an agreement on academic cooperation with NHH.

On the other hand, NHH's employees should be permitted to take on individual assignments and limited ongoing assignments, unless such external work has a strong potential to cast doubt on the employee's trust and integrity.

Doubt could arise if the client has a clear and significant interest that could conceivably influence the outcome of the employee's work at NHH.

An employee should not be permitted to take on external work that could potentially, and more than just sporadically, disqualify the employee from considering matters that fall within the employee's area of responsibility. This could include, for example, cases where the employee in his/her position at NHH is in a position to directly or indirectly influence purchasing decisions that are of importance to the client.

Correspondingly, NHH should be cautious about permitting the same client or employer to repeatedly hire the employee for assignments that, taken together, are of substantial

importance to the employee's personal finances or in cases where the employee is in a position to influence individual matters in the client's favour.

4. HOW TO REGISTER EXTERNAL WORK

The employee must first clarify with his/her immediate superior whether the external work is compatible with his/her position and whether the external work must be registered.

If the immediate superior approves the external work and decides that it must be registered, the employee must register the external work in NHH's registration system for external work. The registration solution is on NHH's web page for external work.

This must be done when employees take up their positions and continuously during the employment relationship whenever there are changes in an employee's external work. In addition, an email will be distributed every six months informing employees that they must update their external work in the registration system.

5. APPROVAL OF EXTERNAL WORK

The employee must clarify with his/her immediate superior whether the external work is approved. It is the employee's immediate superior who is authorised to assess whether approval of the external work will be granted.

The Vice Rector for Faculty Affairs and the Director of Organisation and Governance have overarching responsibility for how NHH practises the external work regulations. Any disputes shall be submitted to the Vice Rector for Faculty Affairs or the Director of Organisation and Governance for decision.

External work that may be in a grey area as far as the guidelines are concerned is likely to require longer processing.

If the external work is not compatible with the employee's position at NHH, they will be notified of this in writing. In such case, the employee is obliged to terminate the external work.

6. PERSONAL DATA PROCESSING

From a data protection perspective, the purpose of collecting data about external work is to give employers the information they need to allocate tasks in a way that avoids conflicts of interest. This means that the data should not contain more information, or be stored for a longer period, than is necessary to fulfil this purpose.

It also means that information about offices shall be deleted if:

- the employee terminates the office
- the employee resigns

- the employee is assigned other duties, which means that they no longer have a duty of registration

The employee has right of access to the registered data and to request correction or deletion of the data.

7. PUBLICATION AND APPLICATIONS FOR EXEMPTION FROM PUBLICATION

Registered external work and ownership interests will be published on NHH's website. If the employee wishes to be exempted from publication, they must submit an application to that effect to the Vice Rector for Faculty Affairs or the Director of Organisation and Governance.

Applications for exemption shall be considered without undue delay. NHH shall not make the information public until NHH has decided the application and notified the employee of the result.

8. BREACH OF THE GUIDELINES

If an employee has not registered external work, NHH will assume that they do not engage in any external work that should be registered or approved in accordance with NHH's guidelines for external work. Breach of the guidelines for external work may have consequences for the employment relationship.

9. APPENDIX

The Ministry of Local Government and Regional Development's guide 'Registration of government employees' offices and financial interests'.