

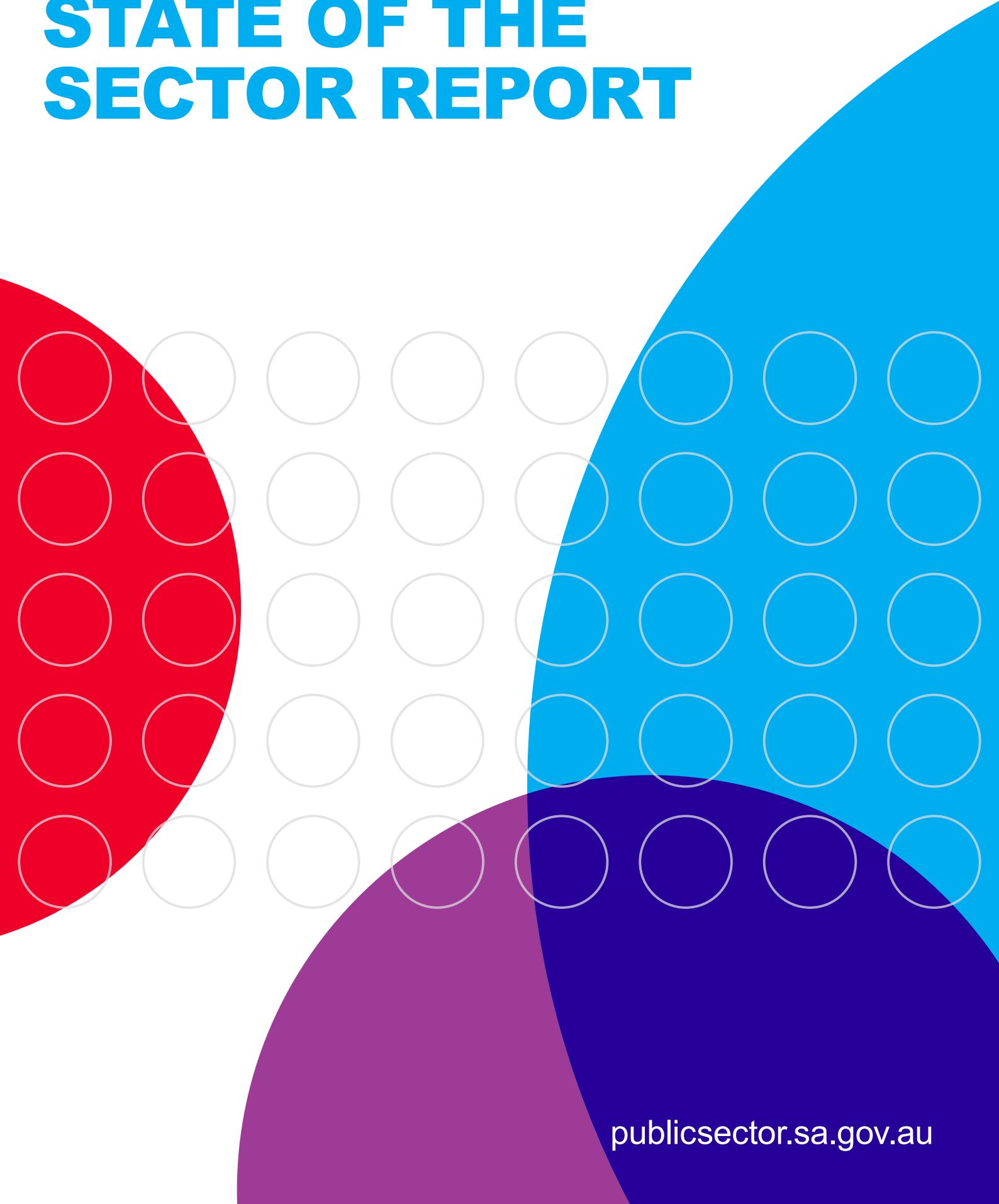
# 2019



Government of South Australia

Office of the Commissioner  
for Public Sector Employment

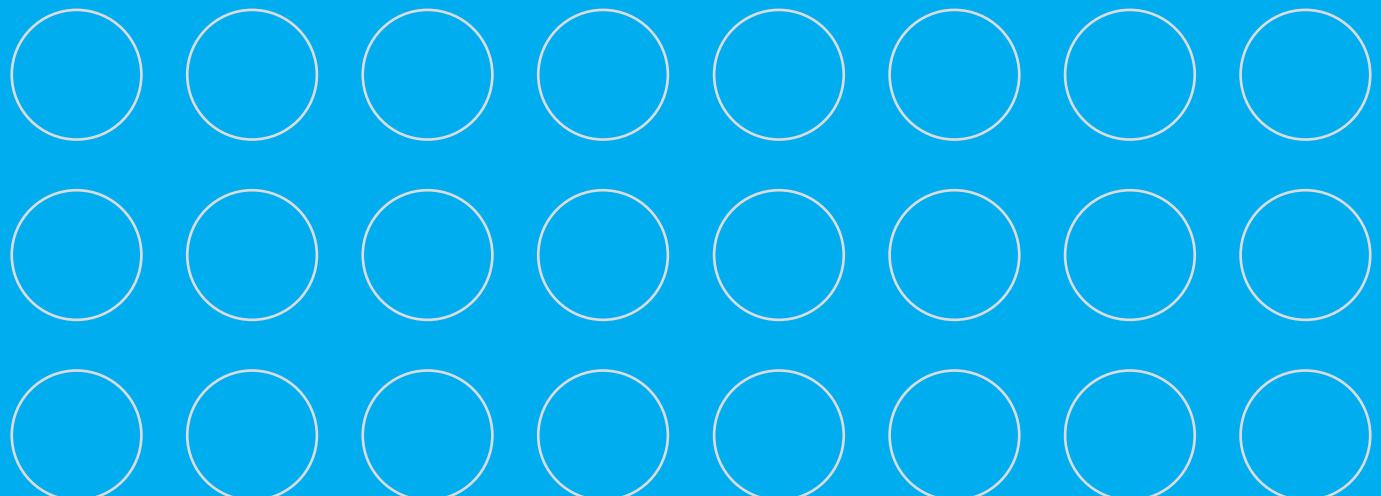
# STATE OF THE SECTOR REPORT



[publicsector.sa.gov.au](http://publicsector.sa.gov.au)

# CONTENTS

Commissioner's Foreword	1
About this Report	3
Chapter 1: Unlocking Potential	6
Chapter 2: Ethical Behaviour and Professional Integrity	22
Chapter 3: Commissioner's Reports	26
Appendix 1: Agencies Surveyed for the State of the Sector	30



# COMMISSIONER'S FOREWORD

As Commissioner for Public Sector Employment, it's my role to help unlock the potential of our public sector. I am committed to delivering sector-wide initiatives and collaborating with agencies, to ensure we are a high performing workforce and an employer of choice that positively delivers for the diverse community we serve.

The South Australian Public Sector workforce continues to embrace and value change and diversity. Preliminary workforce data available to me indicates positive trends, particularly in the areas of increasing women in leadership roles and, in Aboriginal employment. I will publish the final data in the *Workforce Information Report*, which will be available on my office's [website](#) when it is released later this year.

Creating change across government relies on collaboration, innovation and leadership, underpinned by our [South Australian Code of Ethics](#) and [Public Sector Values](#). It also requires perceptive and honest understanding of what is happening in our public sector workplaces.

Consistent with last year, I have reported on agency compliance with core across-government workforce and employment policies, as at 30 June 2019.<sup>1</sup> These policies are important because they enable the objects of the *Public Sector Act 2009* (the Act), and the Public Sector Principles set out within the Act, to be applied in public sector employment.

Based on the information provided to me by agencies through the annual *State of the Sector Agency Survey*, there is a high level of compliance across the sector with core workforce and employment policies. In some areas such as recruitment and performance management and development, there was significant compliance. The information provided by agencies, however highlights areas for improvement, such as continuing to ensure employee training in the Code of Ethics.

As well as the information provided by agencies, this year's *State of the Sector* draws upon the results of the inaugural *I WORK FOR SA - Your Voice Survey*. This voluntary survey invited all employees to have their say about their workplace.

The *I WORK FOR SA - Your Voice Survey*, conducted between 24 September and 26 October 2018, is a new data source that provides valuable insights at the sector and agency levels, using more than 24,000 responses from public sector employees. Highlights from the sector-wide survey results were published in March 2019 on my office's [website](#).

Importantly, this is the first time that this report has considered and used employee views. These results are integral to help our sector identify strengths, as well as inconsistencies between across-government workforce and employment policies and the experiences of public sector employees in their workplaces.

The survey responses identified six key focus areas, which are outlined in this report: **Leadership, Employee Wellbeing, Career and Working Conditions, Enabling Performance, Diversity and Inclusion and Continuous Improvement Culture**.

Pleasingly, survey results told us that the majority of respondents are highly engaged and motivated to do their best for South Australia. This is particularly noteworthy given the survey was conducted at a time of major change for many public sector workplaces as a result of agency restructures and the appointment of new chief executives.

When compared with agency responses provided to me, the *I WORK FOR SA - Your Voice Survey* identified gaps between policy and employee experience in the workplace, such as performance management and development, and career and working conditions.

<sup>1</sup> Core public sector workforce and employment policies includes relevant Premier's Directions and Commissioner's Determinations and Guidelines. These can be found at [www.publicsector.sa.gov.au](http://www.publicsector.sa.gov.au)

Performance management and development is a prime example to illustrate the gap between policy and employee experience. As I noted earlier, agencies reported near universal compliance with across-government policies in this area. Yet, there is room for improvement, with agencies also reporting to me that 53 per cent of employees in surveyed agencies had had a performance review in the last six months. Furthermore, less than half (45 per cent) of the *I WORK FOR SA – Your Voice Survey* respondents believed that performance management in their agency had benefitted their development.

As Commissioner, the wellbeing of our employees is paramount. It's essential that, as a sector, we continue to put a lens on this area, which includes bullying and harassment, to create positive change.

As an employer of choice, the public sector has zero tolerance for workplace harassment and bullying. Perpetrators are in breach of the Code of Ethics and may be liable to disciplinary action by their agency. Nearly all surveyed agencies reported having processes in place to investigate and act upon breaches of the Code of Ethics, including workplace harassment and bullying.

In 2018-19, surveyed agencies reported a total of 762 investigations into breaches of the Code of Ethics, which is 23 fewer than last year. About 47 per cent of investigations in 2018-19 found a breach of the Code of Ethics.

As outlined in this report, our sector is responding to the *I WORK FOR SA – Your Voice Survey* results, which found that 37 per cent of survey respondents reported witnessing workplace harassment and bullying in the last 12 months. Further, 21 per cent of survey respondents reported that they had experienced workplace harassment and bullying.

I will continue to collaborate with chief executives and agency heads to build the capability of our leaders to address these important matters.

The across-government actions in response to the opportunities and areas for improvement identified in the *I WORK FOR SA – Your Voice Survey* results, are outlined in the Survey's [South Australian Public Sector Action Plan 2019-20](#), released in July 2019. During the reporting period, work was underway to develop this plan, and I have referred to some actions in this report.

In parallel to this across-government action plan, I note most surveyed agencies were still developing their action plans in response to agency-level results from the *I WORK FOR SA – Your Voice Survey* as at 30 June 2019. It is important that agencies develop and implement their action plans without delay. I will continue to ask agencies about their progress and will report with further details in next year's *State of the Sector*.

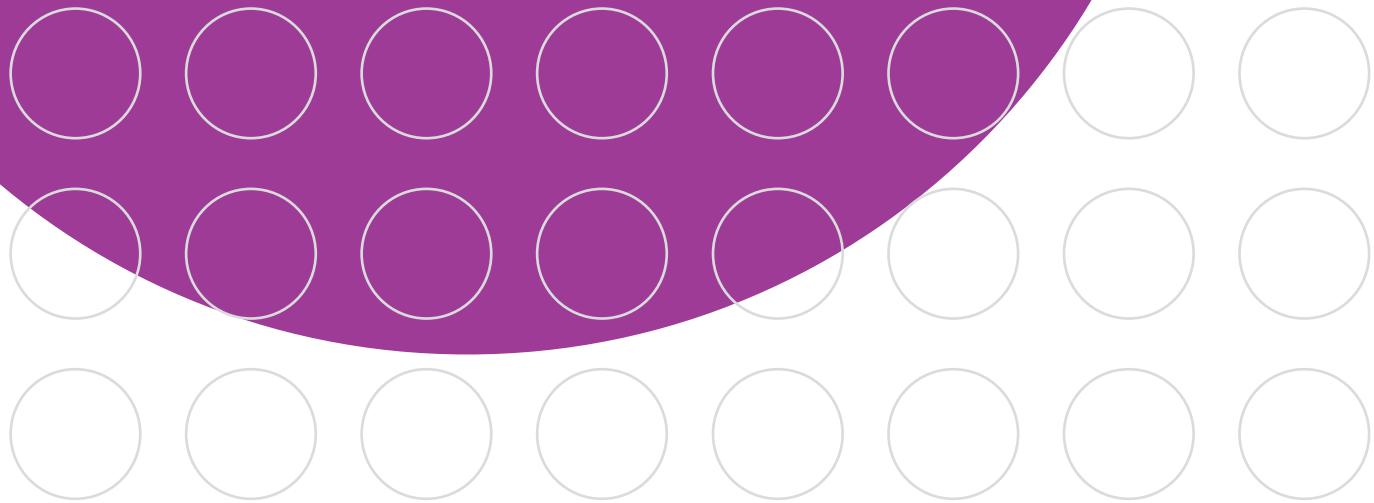
This snapshot of 2018-19, especially relating to the *I WORK FOR SA – Your Voice Survey*, shows deep collaboration between my office and public sector agencies. I appreciate the support given to me from my fellow chief executives and I thank agencies for their contribution.

The reporting period was also the first year of operation for my office, the Office of the Commissioner for Public Sector Employment (OCPSE). I wish to thank all OCPSE staff for their hard work and commitment, and I look forward to another year of working with my staff to deliver successful outcomes for the South Australian Public Sector.



**Erma Ranieri**  
Commissioner for Public Sector Employment

# ABOUT THIS REPORT



**The *State of the Sector* is my annual report to the Parliament of South Australia, as required by section 21 of the *Public Sector Act 2009* (the Act). It is separate to the annual report by the Office of the Commissioner for Public Sector Employment (OCPSE) on its operations, which all agencies must prepare under section 12 of the Act.**

Section 21 of the Act requires my annual report to describe how the Public Sector Principles in relation to public sector employment are being observed in the Public Sector, and report on my actions to promote the observance of those principles.

The Public Sector Principles are the expectations of Parliament and South Australians in regards to public sector performance, culture and integrity.

Regulations 11(a) and 11(b) of the Public Sector Regulations 2010 (the Regulations) also require my annual report to include:

- variations or substitutions of the Public Sector Code of Conduct
- new public sector employment determinations
- new guidelines relating to public sector employment matters
- the number of occasions on which public interest information was disclosed to the Commissioner under the *Whistleblowers Protection Act 1993*.<sup>2</sup>

The reporting period for this year's *State of the Sector* is 1 July 2018 to 30 June 2019.

The *State of the Sector* draws upon the following data sets: Workforce Data, *State of the Sector Agency Survey*, and *I WORK FOR SA - Your Voice Survey*.

<sup>2</sup>The *Whistleblowers Protection Act 1993* was replaced by the *Public Interest Disclosure Act 2019* on 1 July 2019.

## **WORKFORCE DATA**

OCPSE collects workforce data from all agencies and publishes key highlights in the annual *Workforce Information Report*, which is the official record of the size and composition of the South Australian Public Sector. Sector-wide workforce information and dashboards are available at <https://publicsector.sa.gov.au/about/office-for-the-public-sector/workforce-information/>.

## **STATE OF THE SECTOR AGENCY SURVEY**

This year's report contains information and data submitted by 72 agencies through a sector-wide survey in July 2019. Based on indicative workforce data for 2019, these agencies employed 106,349 employees in total, as at 30 June 2019. Although the final 2019 headcount for the Public Sector has not been finalised as at the time of writing, I can confirm that the workforce of the surveyed agencies represents more than 98 per cent of the total public sector workforce as at 30 June 2019.

Agencies that participated in the survey, as well as non-participating agencies, are listed in Appendix 1.

It is critical that all agencies provide data for the *State of the Sector*. Consistent participation of all agencies in successive *State of the Sector* reports makes it easier to assess compliance by the Public Sector with the Public Sector Principles over time.

The agency survey comprised of two parts:

### **1. Public Sector Employment Review (PSER)**

Agencies were asked to self-assess their compliance with Premier's Directions, Commissioner's Determinations and Guidelines and other workforce policy/legislative instruments.

These core policies implement the Public Sector Principles. By assessing agency compliance with these policies, I can measure the observance of the Public Sector Principles across the Public Sector.

Agencies were asked to assess their compliance with a specific policy as:

- *Implemented* - The policy requirement is fully implemented within the agency
- *Developing* - A strategy to implement the policy requirement has been approved or is being developed
- *Not Implemented* - Implementation of the policy requirement has yet to be considered, or the agency did not respond to the question.

OCPSE then quantified the agency responses to each PSER question to determine how many employees across surveyed agencies were covered by a particular policy.

Aggregated responses to the PSER will be published on my office's website after this report has been tabled in Parliament.

### **2. Agency Information Collection (AIC)**

Agencies were asked to provide statistical data concerning their implementation of Premier's Directions, Commissioner's Determinations and Guidelines and other workforce policy/legislative instruments.

## **I WORK FOR SA – YOUR VOICE SURVEY**

All public sector employees were invited to complete the *I WORK FOR SA - Your Voice Survey* between September and October 2018. A total of 24,341 responses were received (22 per cent response rate).

The survey asked employees for their experiences at work and their perceptions on a range of workplace matters including values, wellbeing, development, leadership and inclusivity.

Survey results provide both a 'big picture' view of working in the Public Sector and 'local' insights into individual agencies.

The 2018 survey was facilitated by ORC International, an independent research company.

Further information about the survey, including highlights of across-government results and the Action Plan, are available at <https://publicsector.sa.gov.au/survey>.

# PUBLIC SECTOR PRINCIPLES

Source: [Public Sector Act 2009](#)

## 1. PUBLIC FOCUS

The Public Sector is to:

- Focus on the provision of services to the public
- Recognise the diversity of public needs and respond to changing needs
- Consult and involve the public, where appropriate, to improve services and outcomes on an ongoing basis.

## 2. RESPONSIVENESS

The Public Sector is to:

- Implement the policies of the Government of the day in a timely manner
- Provide accurate, timely and comprehensive advice
- Align structures and systems to achieve major strategies while continuing to deliver core services.

## 3. COLLABORATION

The Public Sector is to:

- Ensure collaboration between all agencies in order to achieve outcomes for the government and community
- Focus on services and outcomes within their agency as well as those that involve and impact multiple agencies across the sector.

## 4. EXCELLENCE

The Public Sector is to:

- Provide services with a high level of efficiency and effectiveness
- Move resources rapidly in response to changing needs
- Devolve decision-making authority to the lowest appropriate level
- Manage resources effectively, prudently and in a fully accountable manner
- Maintain and enhance the value of public assets.

## 5. EMPLOYER OF CHOICE

Public Sector agencies are to:

- Treat public sector employees fairly, justly and reasonably

- Prevent unlawful discrimination against public sector employees or persons seeking employment in the Public Sector
- Ensure that public sector employees may give frank advice without fear of reprisal
- Encourage public sector employees to undertake professional development and to pursue opportunities throughout the Public Sector
- Set clear objectives for public sector employees and make them known
- Acknowledge employee successes and achievements and address underperformance
- Ensure that public sector employees may join, or choose not to join, organisations that represent their interests
- Consult public sector employees and public sector representative organisations on matters that affect public sector employment.

## 6. ETHICAL BEHAVIOUR AND PROFESSIONAL INTEGRITY

Public Sector employees are to:

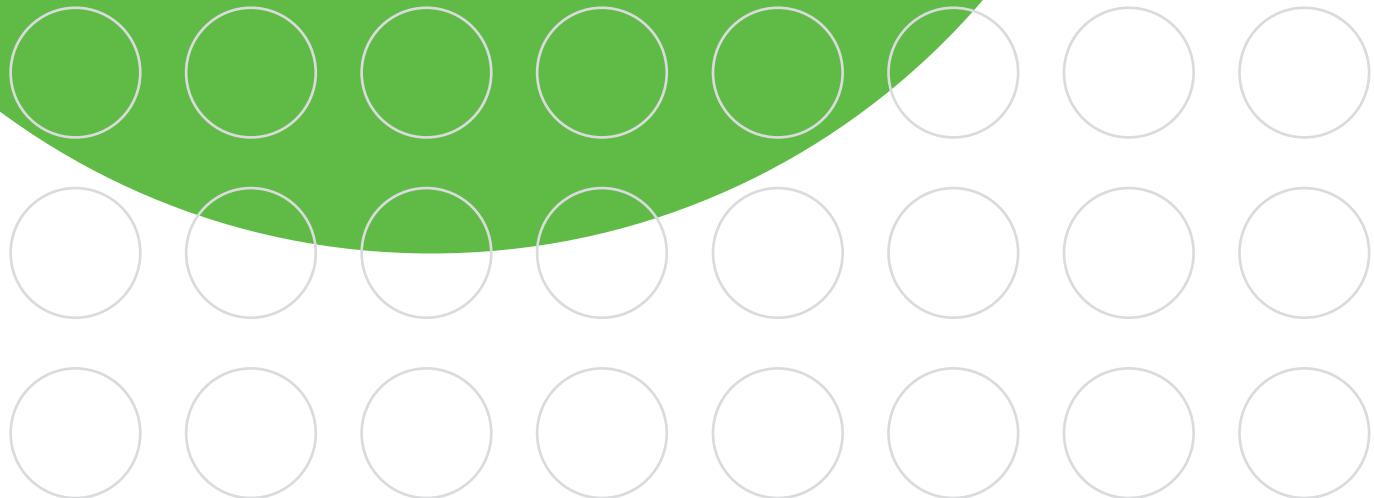
- Be honest
- Promptly report and deal with improper conduct
- Avoid conflicts of interest, nepotism and patronage
- Treat the public and public sector employees with respect and courtesy
- Make decisions and provide advice fairly and without bias, caprice, favouritism or self-interest
- Deal with agency information in accordance with law and agency requirements
- Avoid conduct that will reflect adversely on the Public Sector
- Accept responsibility for decisions and actions
- Submit to appropriate scrutiny.

## 7. LEGAL REQUIREMENTS

Public Sector agencies are to:

- Implement all legislative requirements relevant to agencies
- Properly administer and keep under review legislation for which the agencies are responsible.

# CHAPTER 1: UNLOCKING POTENTIAL



This chapter examines opportunities to enhance employee productivity and potential.

These opportunities arise where there are gaps between sector-wide employment and workforce policies and the experience of employees.

I have grouped the opportunities under the *I WORK FOR SA - Your Voice Survey* themes:

- Leadership
- Employee Wellbeing
- Career and Working Conditions
- Enabling Performance
- Diversity and Inclusion
- Continuous Improvement Culture.

## LEADERSHIP



Public sector leaders<sup>3</sup> play a significant role in the South Australian Public Sector's capacity to deliver for our community. They oversee the delivery of government services and policies, and leaders are expected to promote and ensure the observance of the Public Sector Principles in the workplace.

The [South Australian Leadership Academy](#), led by my office, is a strategic approach to ensuring all leaders receive the development they need throughout their career. The Academy's programs complement the tailored leadership opportunities provided by agencies.

During the reporting period, the South Australian Leadership Academy provided the following programs:

- The Next Execs Program
- Executive Excellence Program
- Aboriginal Frontline Leadership Program
- Executive Seminars and Masterclasses
- Executive Induction
- Jawun Secondment Program
- Modern Manager Series
- Public Sector Management Program

**Leaders are expected to promote and ensure the observance of the Public Sector Principles in the workplace**

### HOW ARE WE PERFORMING?

Respondents to the *I WORK FOR SA – Your Voice Survey* were asked a variety of questions on their perceptions of leaders within their organisations.

Less than half of survey respondents believed senior managers were sufficiently visible in the agency, particularly during times of change (Figure 1).

Question	Positive *
Senior managers <sup>4</sup> are sufficiently visible in this agency	49%
I believe senior managers provide clear direction for the future of the agency	42%
I feel that senior managers keep employees informed about what's going on	41%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 1: Employee Perceptions on Senior Managers' Visibility and Engagement (Source: *I WORK FOR SA - Your Voice Survey*, 2018)

Given the employee response to the above questions, it is interesting to note that nearly all agencies (employing 99.97 per cent of the total workforce of surveyed agencies, or 106,312 employees as at 30 June 2019) reported to me through the *State of the Sector Agency Survey* that they had a formal process in place where the chief executive and senior leadership could inform, engage and consult employees on important workplace matters (Figure 2).

<sup>3</sup> Includes executives and managers

<sup>4</sup> The *I WORK FOR SA - Your Voice Survey* gave employees the following definition of 'Senior Manager': "we mean a group of senior managers in your agency, not an individual manager. For example, the Executive team, the Secretary and their Deputies, the Chief Executive and their team, Executive Directors, General Managers, Operational Managers, the managers above your manager, Directors Educational Leadership, Local Health District/Network Executives including Directors and hospital Division Managers."

There is a formal process for the agency Chief Executive and/or Leadership Group to communicate, engage, and consult with staff on important and key matters.



Note: The percentage figure above has been rounded up

Figure 2: Agency Responses on Employee Consultation (Source: State of the Sector Agency Survey – Public Sector Employment Review, 2019)

**The *I WORK FOR SA – Your Voice Survey* results show a clear need to continue investment in quality leadership development**

The *I WORK FOR SA – Your Voice Survey* results show a clear need to continue investment in quality leadership development.

Half of survey respondents believed senior managers promoted collaboration with stakeholders and less than half indicated senior managers effectively led and managed change (Figure 3).

Question	Positive *
Senior managers promote collaboration between my agency and other agencies or organisations we work with	51%
I feel that senior managers effectively lead and manage change	40%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 3: Employee Perceptions on Senior Managers' Qualities (Source: *I WORK FOR SA – Your Voice Survey*, 2018)

## WHAT WILL WE DO?

When my office engaged with agency leaders and human resources professionals about the *I WORK FOR SA – Your Voice Survey* results between December 2018 and January 2019, the feedback included that OCPSE should continue to work closely and collaboratively with agencies to lift leadership capability.

The Survey's [South Australian Public Sector Action Plan 2019-20](#) contains two deliverables that aim to improve leadership and management capability in the Public Sector.

In 2019-20, OCPSE will undertake a project with agencies to scope and present options for a revised sector-wide Leadership Capability Framework, to aid recruitment, talent management and leadership development. Building on past and current leadership capability initiatives, the project will explore key capabilities required by leaders at various levels across the sector and bring together latest research on adult development, mindset and leadership. It is anticipated that the project will culminate in the development of a revised draft framework for consultation by June 2020.

The Leadership Academy will also continue to deliver a suite of sector-wide leadership development initiatives, with expanded content addressing areas identified by the *I WORK FOR SA – Your Voice Survey* results. These include change management, performance conversations, recruitment, mentally healthy workplaces and continuous improvement.

A new initiative to be rolled out in 2019-20 is the Manager Essentials Program. This program, as part of the South Australian Leadership Academy, will be offered to 500 managers and will focus on equipping them with the core skills and knowledge that they need to lead high performing teams.

Based on information provided to me through the *State of the Sector Agency Survey*, initiatives or actions being developed or implemented by agencies to lift leadership capability include new learning and development programs for executives and managers, renewed focus on succession planning, and improved leadership-employee communications and engagement. I anticipate further initiatives will be developed as more agencies engage their employees and finalise their action plans.

## EMPLOYEE SAFETY AND WELLBEING



**By providing safe and healthy workplaces, the Public Sector ensures it is observing the Public Sector Principles of excellence and legal requirements**

The Public Sector strives to be a leader in creating supportive workplaces where employee safety and wellbeing is integral.

By providing safe and healthy workplaces, the Public Sector ensures it is observing the Public Sector Principles of excellence and legal requirements. As outlined in the Act's excellence principle, this is by managing resources effectively and that appropriate legal requirements are in place (i.e. by meeting obligations under the *Work Health and Safety Act 2012*).

The [Building Safety Excellence in the Public Sector](#) strategy (currently under review) provides guidance for agencies, built around four pillars:

- safety leadership: leaders demonstrate commitment to safety by their actions
- wellbeing and engagement: organisational practices support wellbeing and engagement
- risk management: risk management is systematic and proportionate
- performance measurement: regular verification and evaluation of safety performance is undertaken.

A maturity index is provided in the strategy that allows agencies to assess their programs against good practice.

OCPSE provides strategic advice on work health safety and employee wellbeing and coordinates:

- mental health first aid training, with more than 3000 public sector employees trained so far
- audit and verification of agency work health and safety management systems
- reporting and benchmarking of agency work health safety and injury management performance.

### HOW ARE WE PERFORMING?

As at 31 March 2019, the incidence rate for accepted significant injury claims per 1000 FTE decreased by 24 per cent since June 2015.

**A 24 per cent reduction in the number of new workplace injury claims (accepted) since June 2015**

During 2018-19, the total work injury claims expenditure was \$97.64 million, an increase of \$17.33 million from 2017-18. The increase was driven by income support payments and lump sum payments.

The *I WORK FOR SA - Your Voice Survey* found 76 per cent of survey respondents agreed they were provided with the tools and equipment to do their job safely (Figure 4).

Question	Positive *
I am provided with the tools and equipment to do my job safely	76%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 4: Employee Perceptions on Workplace Safety (Source: *I WORK FOR SA-Your Voice Survey*, 2018)

Responses to the *I WORK FOR SA – Your Voice Survey* about employee wellbeing showed this is an area for improvement (Figure 5). Fifty-two per cent of survey respondents thought their agency cared about their health and wellbeing. Similar results were recorded on questions about the effectiveness of wellbeing policies and practices, work-life balance and resourcing for workgroups.

**Forty-four per cent of survey respondents reported stress was impacting negatively on their performance**

Forty-four per cent of survey respondents reported stress was impacting negatively on their performance, which reinforces the need for this to be a sector-wide focus.

Question	Positive *
I am satisfied with the policies/practices in place to help me manage my health and wellbeing	58%
My workgroup has the tools and resources we need to perform well	57%
I am able to strike the right balance between my work and home life	57%
I think my agency cares about my health and wellbeing	52%
I feel the level of stress in my job has a negative impact on my work	44%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 5: Employee Perceptions on Wellbeing (Source: *I WORK FOR SA - Your Voice Survey*, 2018)

Recognising the impact of negative behaviours on wellbeing, the *I WORK FOR SA – Your Voice Survey* included questions on harassment and bullying. Employees were provided definitions to ensure a consistent interpretation of harassment and bullying:

**Harassment:** *Workplace harassment entails offensive, belittling or threatening behaviour directed at an individual or group of employees. The behaviour is unwelcome, unsolicited, usually unreciprocated and usually, but not always, repeated. Reasonable management action carried out in a reasonable way is not workplace harassment.*

**Bullying:** *A worker is bullied at work if, while at work, an individual or group of individuals repeatedly behaves unreasonably towards the worker, or group of workers of which the worker is a member, and that behaviour creates a risk to health and safety. To avoid doubt, this does not apply to reasonable management action carried out in a reasonable way.*

**Twenty-one per cent of survey respondents reported that they had been subjected to harassment and bullying in their current workplace in the previous 12 months**

Participant responses to questions on harassment and bullying highlight this as a key issue for the sector. Thirty-seven per cent of survey respondents stated in their response that they had witnessed harassment and/or bullying in their current workplace during the last 12 months.<sup>5</sup> Over the same period, 21 per cent reported that they had been *subjected to* harassment and bullying in their current workplace (Figure 6).

Question	Yes	No	Unsure
During the last 12 months, have you witnessed harassment and bullying in your current workplace?	37%	52%	10%
During the last 12 months, have you been subjected to harassment and bullying in your current workplace?	21%	71%	7%

\* Does not add up to 100% due to rounding up

Figure 6: Employee Perceptions on Harassment and Bullying (Source: *I WORK FOR SA - Your Voice Survey*, 2018)

<sup>5</sup> It is important to note that a single instance of harassment or bullying may be witnessed by many individuals in the workplace, which may lift the level of affirmative responses to this question.

Of the survey respondents who reported being subjected to harassment and bullying in the previous 12 months (21 per cent of total survey respondents), we also learnt that:

- verbal abuse is the most common form of harassment and bullying (28 per cent of respondents who reported being subjected to harassment and bullying)
- more than half of respondents indicated that the alleged perpetrator was someone more senior to them (e.g. a current or previous manager, or a senior person “other than their supervisor”) (52 per cent)
- many reported that the harassment and bullying caused them to take sick leave (39 per cent)
- only a minority indicated that they made a formal complaint regarding the harassment and bullying (17 per cent)
- more than half of respondents who complained reported that their complaint was not resolved satisfactorily (52 per cent).

There is zero tolerance in the Public Sector for harassment and bullying. The [Code of Ethics](#) clarifies the expectations for the conduct of employees, including professional and courteous behaviour. Breaches to any of the professional standards in the Code may result in disciplinary action.

Chapter 2 provides further information on Code of Ethics investigations.

**The Code of Ethics sets expectations of employee conduct. There is zero tolerance in the Public Sector for harassment and bullying.**

The survey results on employee wellbeing, particularly on stress and harassment and bullying, is a call to action for the Public Sector. We now better understand the level of employee stress, and the extent of harassment and bullying in the sector.

## WHAT WILL WE DO?

Three initiatives in the Survey’s South Australian Public Sector Action Plan aim to increase support for employee wellbeing, in addition to identifying and addressing harassment and bullying in workplaces.

The **first initiative** is the Mentally Healthy Workplaces Framework and Toolkit. This will identify actions for achieving mentally healthy workplaces, under three themes: building the positive, preventing harm and managing risks, intervening early and supporting recovery. There will also be a self-assessment tool for agencies to evaluate their current activities and a toolkit to plan and implement new activities.

**The public sector will introduce new initiatives to increase support for employee wellbeing**

The **second initiative** will trial the use of peer support officers to support employees experiencing stress and negative behaviours in the workplace. OCPSE will work with agencies to conduct the trial. If the trial is successful, the model may be applied across the Public Sector.

Finally, the **third initiative** will develop and implement preventative measures to help reduce the incidence of harassment and bullying. Measures are expected to include:

- a review of current reporting and response procedures across the sector
- piloting of psychological risk assessment tools
- a panel of providers to provide interventions to reduce harassment and bullying.

Agencies are also working on employee wellbeing options, including developing or reviewing wellbeing strategies and frameworks, establishing wellbeing committees to oversee their agency’s efforts and improving employee awareness of the supports available to them.

## CAREER AND WORKING CONDITIONS



**Rewarding career and working conditions are central to the Public Sector's commitment to be an employer of choice, one of the Public Sector Principles**

Rewarding career and working conditions are central to the Public Sector's commitment to be an employer of choice, which is one of the Public Sector Principles that the Public Sector is obliged by the Act to observe.

Career and working conditions include matters such as recruitment, remuneration, mobility, career development, flexible working arrangements (including flexible hours of work, patterns of work, locations of work, or other arrangements), and reward and recognition.

Public sector career and working conditions are set through:

- legislation including the *Public Sector Act 2009*
- industrial awards and agreements
- policies at the across-government (such as Premier's Directions and Commissioner's Determinations) and agency levels.

### HOW ARE WE PERFORMING?

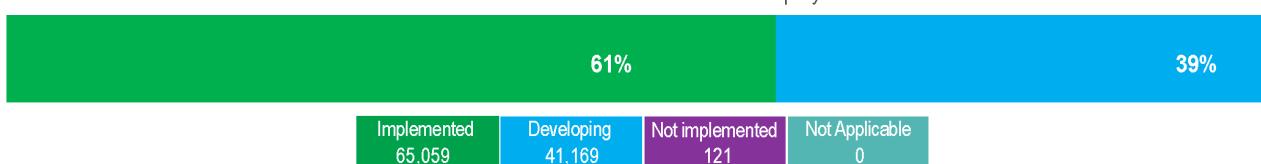
**Across-government policies on flexible working arrangements are widely implemented across agencies**

According to agency information reported to me, across-government policies on flexible working arrangements are widely implemented across agencies. As per a [Premier's Direction](#), most agencies (employing 89.62 per cent of total workforce of surveyed agencies, or 95,310 employees) reported that they redesigned vacancies to accommodate flexible working arrangements. A smaller number of agencies (employing 61.17 per cent of total workforce of surveyed agencies, or 65,059 employees) had measures in place to ensure job applicants seeking part-time or other flexible working arrangements were given serious consideration (Figure 7).

Delegates and hiring managers within the agency have been advised to give serious and positive consideration as to how a vacancy can be redesigned to enable access to flexible working arrangements, prior to advertising.



Delegates and hiring managers within the agency have been advised to give serious and positive consideration to all applicants who desire to work on a parttime basis or utilise other flexible working arrangements, subject to them being otherwise assessed as a suitable candidate for an offer of employment.



*Note: The percentage figure above has been rounded up*

Figure 7: Agency Implementation of Flexible Working Arrangements (Source: State of the Sector - Public Sector Employment Review, 2019)

The efforts of agencies to provide flexible working arrangements are reflected in the *I WORK FOR SA – Your Voice Survey* results where 65 per cent of survey respondents agreed they were satisfied with their ability to access and use flexible working arrangements (Figure 8).

Question	Positive *
I am satisfied with my ability to access and use flexible working arrangements (flexible hours of work, patterns of work, locations of work, or other arrangements)	65%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 8: Employee Perceptions on Flexible Working Arrangements (Source: *I WORK FOR SA - Your Voice Survey, 2018*)

There was also high satisfaction amongst survey respondents with remuneration and non-monetary employment conditions (Figure 9).

Question	Positive *
I am satisfied with my non-monetary employment conditions (eg leave, flexible work arrangements, other benefits)	71%
I am fairly remunerated (eg salary, superannuation) for the work that I do	62%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 9: Employee Perceptions on Non-Monetary Employment Conditions (Source: *I WORK FOR SA – Your Voice Survey, 2018*)

### Survey respondents wanted more support to develop their careers

Survey respondents however wanted more support to develop their careers, including mobility within and outside their agency, and better recognition of good performance (Figure 10). This feedback points to the need for better talent identification and management across the Public Sector.

Question	Positive *
My agency provides opportunities for mobility within my agency (eg temporary transfers)	49%
I am satisfied with the recognition I receive for doing a good job	48%
I am satisfied with the opportunities available for career development in my agency	40%
My agency provides opportunities for mobility outside my agency (eg secondments and temporary transfers)	39%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 10: Employee Perceptions on Career and Working Conditions (Source: *I WORK FOR SA - Your Voice Survey, 2018*)

There is also an opportunity to close the gap between policy and employee experience in regards to recruitment. Thirty-eight per cent of survey respondents agreed that recruitment and promotion decisions in their agency were fair (Figure 11). Yet, nearly all agencies (employing 99.78 per cent of the total workforce of surveyed agencies, or 106,110 employees) reported that their recruitment processes were consistent with the Premier's Direction and Commissioner's Guideline on recruitment (Figure 12).

**There is an opportunity to close the gap between policy and employee experience in regards to recruitment**

Question	Positive *
In my agency, recruitment and promotion decisions are fair	38%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 11: Employee Perceptions on Recruitment (Source: I WORK FOR SA - Your Voice Survey, 2018)

Recruitment practices of the agency are consistent with the Commissioner's Guideline and Premier's Direction on recruitment and is reviewed and approved by the designated authorities in a periodic manner.



Note: The percentage figure above has been rounded up

Figure 12: Agency Implementation of Recruitment Policies (Source: State of the Sector - Public Sector Employment Review, 2019)

## WHAT WILL WE DO?

OCPSE will support improved public sector recruitment processes through:

- expanded training for executives and managers to promote best practice recruitment
- refreshed across-government standards and resources on recruitment
- increased use of contemporary e-recruitment systems across the Public Sector.

There will also be a greater focus on talent management, with OCPSE to:

- build awareness within the sector of the need to identify and develop talented employees
- support agencies to align their talent management processes with good practice
- ensure a strategic and coordinated approach to succession planning for chief executive and key positions.

Agencies are working on initiatives addressing career and working conditions, including investigation of new mobility and secondment opportunities, greater recognition of employee achievements, improved induction and additional support for staff development.

## ENABLING PERFORMANCE



**Performance management and development is an important tool for chief executives to ensure observance of the Public Sector Principles in agency operations and by employees**

All agencies are directed by section eight of the Act to have an effective performance management and development system in place. Section eight also requires performance management and development be considered when making an employment decision.

In addition, performance management and development is an important tool for chief executives to ensure observance of the Public Sector Principles in agency operations and by employees.

A Premier's Direction and Commissioner's Guideline provide minimum standards to help agencies meet their obligations under the Act.

Training for executives and managers on effective performance management and development is available through the South Australian Leadership Academy and via online learning modules. OCPSE also provides advice to agencies on performance management and development systems.

In previous *State of the Sector* reports, I have highlighted inconsistent employee participation in performance management and development reviews despite most agencies reporting an effective performance management and development system was in place.

### HOW ARE WE PERFORMING?

**Nearly all agencies reported having a performance management and development system in place with mandatory employee participation**

As in previous years, nearly all agencies reported having a performance management and development system in place with mandatory employee participation (Figure 13). Together these agencies employed 99.13 per cent of the total workforce of surveyed agencies, or 105,428 employees.

In the agency, the performance management and development (PMD) system is implemented by management and is communicated to all staff. The participation in the PMD process is mandatory for all staff.

99%

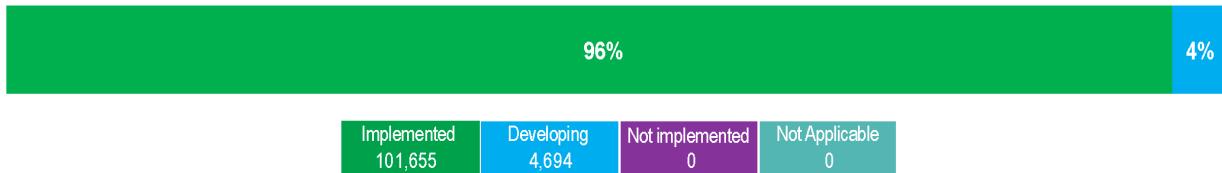
Implemented 105,428	Developing 884	Not implemented 37	Not Applicable 0
------------------------	-------------------	-----------------------	---------------------

*Note: The percentage figure above has been rounded up*

Figure 13: Agency Implementation of Performance Management and Development Systems and Requirement for Mandatory Employee Participation (Source: State of the Sector - Public Sector Employment Review, 2019)

Most agencies also reported they required mandatory six-monthly performance management and development reviews (Figure 14). These agencies employed 95.59 per cent of the workforce of survey agencies or 101,655 employees.

In the agency, an employee PMD review is conducted at least twice a year and an appropriate level of documentation is maintained for records.



*Note: The percentage figure above has been rounded up*

Figure 14: Agency Implementation of Twice-Yearly Performance Reviews and Records Maintenance (Source: State of the Sector - Public Sector Employment Review, 2019)

Nearly all agencies reported that they had a process in place to manage unsatisfactory performance, including misconduct (Figure 15). These agencies employed 99.85 per cent of the workforce of survey agencies or 106,188 employees.

The agency has a formal process in place to manage unsatisfactory performance, including misconduct.



*Note: The percentage figure above has been rounded up*

Figure 15: Agency Implementation of Processes to Manage Under-Performance

In previous *State of the Sector* reports, I have expressed concern that the high level of agency compliance with policy is not necessarily reflected in practice. Based on the data provided to me this year, helping agencies improve in this area remains my priority.

As I noted above, most agencies reported they required mandatory six-monthly performance management and development reviews. Yet agencies also reported to me that 53 per cent of employees in surveyed agencies had reported completing a performance review in the last six months.

One in four *I WORK FOR SA – Your Voice Survey* respondents did not have a current performance and development plan despite a Commissioner's Guideline on performance management and development recommending all employees having a plan in place.

The survey also included questions on the quality of performance management and development from the employee perspective (Figure 16).

As Commissioner, ensuring employees have meaningful performance management discussions and plans in place is a priority. It is concerning that only 45 per cent of survey respondents found performance management and development to be useful for their development. The survey results indicate a pressing need to work with managers and executives to improve the quality of performance conversations with employees.

**There is a pressing need to work with managers and executives to improve the quality of performance conversations with employees**

Question	Positive *
My manager recognises and acknowledges when I have done my job well	65%
I have regular feedback conversations with my manager	61%
In the last 12 months I received useful feedback on my work to enable me to deliver required results	60%
My manager openly demonstrates commitment to performance management	58%
Support by my manager has helped to improve my performance	54%
Learning and development activities I have completed in the past 12 months have helped to improve my performance	53%
My performance is assessed against clear criteria	54%
My overall experience of performance management in my agency has been useful for my development	45%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 16: Employee Perceptions on Performance Management and Development (Source: I WORK FOR SA – Your Voice Survey, 2018)

## WHAT WILL WE DO?

OCPSE is leading two projects to promote better performance management and development practice.

The **first project** includes further engagement with agencies to promote new and existing education and supporting resources, that aim to improve employee understanding and participation in effective performance management and development. This includes the development of content on performance management and development for the new Manager's Essentials Program that will be rolled out by the South Australian Leadership Academy in 2019-20.

The **second project** focuses on strengthening agency performance management and development systems. OCPSE will investigate the establishment of a cluster of small agencies to procure a performance management and development system. Advice and support will continue to be provided to agencies on updating or redesigning existing systems.

These across-government actions will work in-tandem with the planned actions of agencies to improve their performance management and development practices. Some of the actions that agencies have advised me that they are considering or have implemented include reviewing and enhancing current practices, training for managers in performance management and development and improved monitoring of performance management metrics.

## DIVERSITY AND INCLUSION



**Diverse and inclusive workplaces enables the Public Sector to observe the Public Sector Principles of public focus, employer of choice and legal requirements**

Diverse and inclusive workplaces enable the Public Sector to observe the Public Sector Principles of public focus (by recognising the diversity of public needs), employer of choice (no unlawful discrimination against employees or job seekers) and legal requirements (ensuring compliance with the *Equal Opportunity Act 1984*).

My office works with agencies to deliver across-government diversity employment programs. During 2018-19, these have focussed on:

- Aboriginal people
- people with a disability
- young people.

### ABORIGINAL EMPLOYMENT

There were 2,154 Aboriginal public sector employees as at 30 June 2018. In percentage terms, Aboriginal employees made up 1.99 per cent of the public sector workforce. I will publish 2019 data in the *Workforce Information Report*.

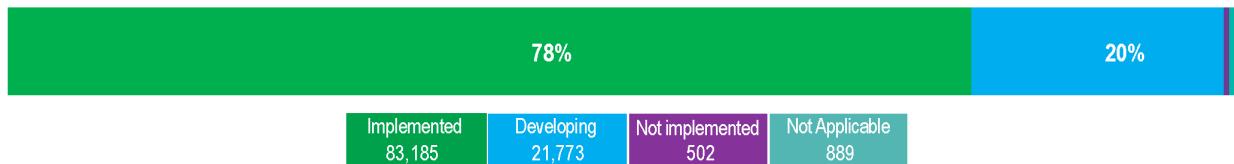
**Aboriginal employees made up 1.99 per cent of the public sector workforce**

Increasing Aboriginal employment is a priority for the Public Sector. OCPSE leads initiatives on behalf of the Public Sector to connect Aboriginal job seekers to job opportunities including:

- the South Australian Aboriginal Employment Register (currently more than 900 candidates have been assessed and placed on the Register)
- the Aboriginal Traineeship Program that will provide 100 traineeship placements for Aboriginal job seekers aged 17- 35 years by 30 June 2020.

The Public Sector is also focussed on ensuring Aboriginal employees are supported to progress their careers in the Public Sector. Most agencies reported that they offered leadership development opportunities for Aboriginal employees (Figure 17). Together these agencies employed 78.22 per cent of the total workforce of surveyed agencies (83,185 headcount). This is higher than the 71.17 per cent reported last year by agencies.

Your agency has offered leadership development opportunities to Aboriginal and Torres Strait Islander employees.



*Note: The percentage figure above has been rounded up*

Figure 17: Agency Provision of Leadership Development Opportunities for Aboriginal Employees (Source: State of the Sector - Public Sector Employment Review, 2019)

OCPSE also supports Aboriginal employees to advance their careers through numerous programs, including various initiatives through the South Australian Leadership Academy including the Aboriginal Frontline Leadership Program, The Next Execs and confidence building workshops.

## EMPLOYMENT OF PEOPLE WITH A DISABILITY

Each agency has an obligation under Section 16 of the *Disability Inclusion Act 2018* to prepare a disability and inclusion plan. Information on how the agency will support people with a disability in respect to employment is required in each disability and inclusion plan.

To assist agencies to meet their legislative obligations, my office:

- signed a partnership agreement with JobAccess Australia in November 2018 to promote and support recruitment of people with a disability
- commenced development of tools and resources to increase employment of people with a disability.

## EMPLOYMENT OF YOUNG PEOPLE

As part of the Government's Skilling South Australia initiative, my office is delivering a public sector signature program that will train more than 2,600 apprentices and trainees over four years. The target for 2018-19 was achieved by the Public Sector.

**2,600 apprentices and trainees in the Public Sector over four years**

The program will provide new training opportunities for young people, while also upskilling or reskilling existing public sector employees, with a focus on areas with high need for skilled employees such as allied health, child protection, education support, horticulture and cyber security.

## HOW ARE WE PERFORMING?

The *I WORK FOR SA – Your Voice Survey* contained questions about diversity and inclusion in public sector workplaces, including:

Question	Positive *
The people in my workgroup behave in an accepting manner towards people from diverse backgrounds	83%
Personal background is not a barrier to success in my agency (eg cultural background, age, disability, sexual orientation, gender etc)	68%
My agency is committed to creating a diverse workforce (eg gender, age, cultural and linguistic background, disability, Indigenous, Lesbian, Gay, Bisexual, Transexual and Intersex)	65%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 18: Employee Perceptions on Diversity and Inclusion (Source: *I WORK FOR SA – Your Voice Survey, 2018*)

These are encouraging results, but there is room for further improvement.

## WHAT WILL WE DO?

OCPSE is developing new across-government strategies to promote diversity and inclusion. These include:

- a Diversity and Inclusion Strategy to set out inclusion and equality principles that will be embedded into employment practices across the sector
- a Disability Employment Strategy that will set out how the Public Sector will increase employment of people with a disability
- a Work Health Safety Cultural Safety Framework to break down the barriers to cultural understanding and expression in the workplace.

**OCPSE is developing new across-government strategies to promote diversity and inclusion**

There will also be additional supports for agencies to increase the recruitment and retention of people with a disability. By June 2020, my office intends to develop a disability awareness toolkit for managers and human resources professionals and coordinate the participation of human resources professionals in a train-the-trainer disability awareness program.

## CONTINUOUS IMPROVEMENT CULTURE



**A culture of continuous improvement supports the Public Sector to observe the Public Sector Principles of public focus, responsiveness and excellence**

A culture of continuous improvement supports the Public Sector to observe the Public Sector Principles of public focus (by ensuring services are focussed on the needs of the public), responsiveness (implementing government priorities impartially and in a timely manner) and excellence (services are provided effectively and efficiently).

Through the [South Australian Public Sector Innovation Lab](#) (the Lab), OCPSE drives across-government efforts to embed a culture of continuous improvement. The Lab seeks to use innovation to make government more effective and efficient for South Australians.

Projects undertaken through the Lab include:

- management of the Connected Youth Journey Lab to identify new opportunities to help young people transitioning from the youth justice system back into the community
- development of a Disability Industry and Workforce Strategy to guide the growth of the Care industry, comprising disability, health, aged care and child care
- assessing and redesigning the processes of referral to discharge at Flinders Medical Centre Paediatric Outpatient Department to better meet the needs of patients and their families.

## HOW ARE WE PERFORMING?

*I WORK FOR SA - Your Voice Survey* respondents were asked to consider whether their workplace was supportive of a culture of continuous improvement (Figure 19). Of note, just over 50 per cent of employees who responded indicated that when things go wrong, their agency used this as an opportunity to review, learn, and improve the management of similar risks.

Question	Positive *
Employees in my agency have the right skills to manage risk effectively	61%
There is too much 'red tape' in my work (eg regulatory or administrative processes)	61%
When things go wrong, my agency uses this as an opportunity to review, learn, and improve the management of similar risks	56%
I think it is safe to speak up and challenge the way things are done in this agency	47%
The work processes we have in place allow me to be as productive as possible	49%
In my agency, the benefits of risk management match the time required to complete risk management activities	40%

\*Percentage of survey respondents who agreed or strongly agreed with the statement.

Figure 19: Employee Perceptions on Continuous Improvement (Source: I WORK FOR SA - Your Voice Survey, 2018)

## WHAT WILL WE DO?

The work of the Lab will continue, with more projects in the pipeline that will focus on improving services to South Australians.

**OCPSE will also simplify across-government human resources policies to cut red tape and duplication**

OCPSE will also simplify across-government human resources policies to cut red tape and duplication. Currently there are over 30 Premier's Directions, Commissioner's Determinations and Commissioner's Guidelines that collectively set out how most of the public sector workforce is managed. An improved suite of policies will make it easier for human resources professionals and managers to access contemporary information that they need for workforce management.

This project is being undertaken alongside similar projects by the Department of Treasury and Finance and the Department of Premier and Cabinet to simplify across-government policies and procedures.

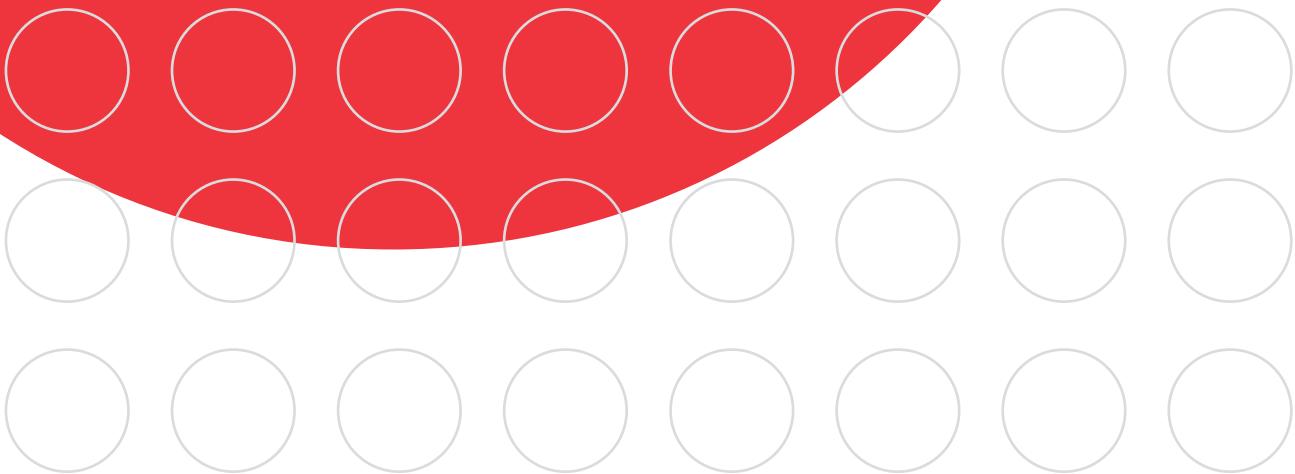
A new project in 2019-20 will seek to build continuous improvement capability in the Public Sector.

My office will work with agencies to:

- identify and share examples where lean and other continuous improvement programs have been implemented
- procure an independent provider to design and implement a business improvement education program for small agencies
- develop continuous improvement and risk management content for inclusion into South Australian Leadership Academy programs.

Several agencies have reported to me that they intend to implement lean thinking programs in response to their I WORK FOR SA - Your Voice Survey results.

# CHAPTER 2: ETHICAL BEHAVIOUR AND PROFESSIONAL INTEGRITY



**The Public Sector Principles include ethical behaviour and professional integrity. These principles are applied into the everyday work of employees through the Code of Ethics.**

All public sector employees agree to uphold the behaviours and conduct described in the Code of Ethics when they commenced employment in their agency. Established under section 15 of the *Public Sector Act 2009* (the Act),<sup>6</sup> the Code contains the Public Sector Values and the Professional Conduct Standards. Contravention of any of the Professional Conduct Standards is defined as misconduct under the Act, and an employee may be liable to disciplinary action by their employing chief executive.

The Act assigns me, as the Commissioner for Public Sector Employment, the roles of issuing the Code of Ethics, monitoring and reporting to the Minister on the observance of the Code and investigating matters of employee conduct or discipline.

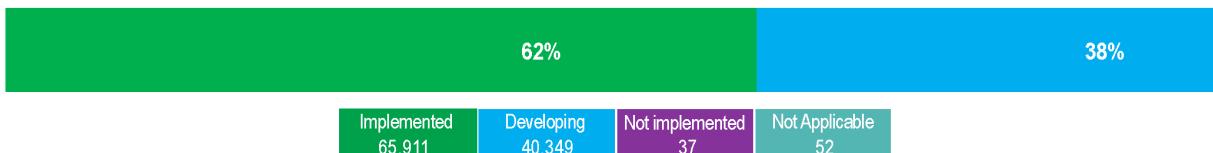
My office has developed an online Code of Ethics awareness program to help promote a greater understanding of the Code and its application in day-to-day work. I have reminded all chief executives of their obligations to ensure that staff are familiar with the Code and the requirement to complete the online program.

<sup>6</sup> The Code of Ethics is known as the Code of Conduct under the Act.

## IMPLEMENTATION OF THE PUBLIC SECTOR VALUES AND CODE OF ETHICS

A majority of agencies reported that they monitored completion of training on the Public Sector Values, Code of Ethics and ethical decision-making by employees (Figure 20). These agencies employed 61.98 per cent of the total workforce of surveyed agencies (65,911 headcount). Agencies should continue to ensure all employees undertake this important training.

Strategies are in place in the agency for promoting the Public Sector Values, the Code of Ethics and ethical decision-making, including: Completion of training for these modules is monitored and measured to ensure all training is undertaken within an appropriate timeframe.

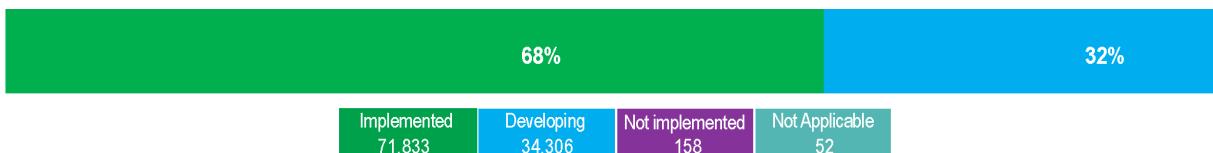


*Note: The percentage figure above has been rounded up*

Figure 20: Agency Monitoring of Employee Participation in Training on the Public Sector Values, Code of Ethics and Ethical Decision-Making (Source: State of the Sector - Public Sector Employment Review, 2019)

Most agencies ensured their ethical conduct training was up-to-date (Figure 21). These agencies employed 67.54 per cent of the total workforce of surveyed agencies (71,833 headcount).

Strategies are in place in the agency for promoting the Public Sector Values, the Code of Ethics and ethical decision-making, including: Training modules are reviewed periodically to ensure they are relevant and up-to-date.

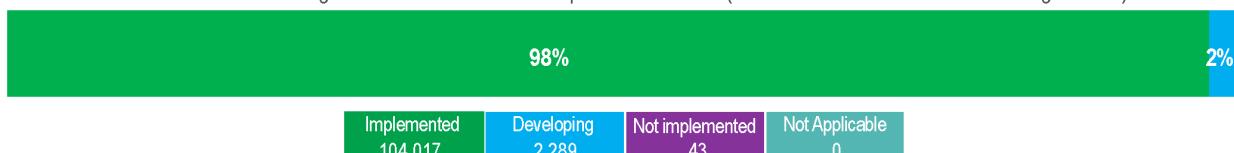


*Note: The percentage figure above has been rounded up*

Figure 21: Agency Review of Training Modules on the Public Sector Values, Code of Ethics and Ethical Decision-Making (Source: State of the Sector - Public Sector Employment Review, 2019)

Nearly all surveyed agencies educated employees about their obligation to report if they had been charged with a criminal offence (Figure 22). These agencies employed 97.81 per cent of the total workforce of surveyed agencies (104,017 headcount).

A formal process exists to ensure that agency employees are aware of their obligation to, at the earliest possible opportunity, report to their manager or other relevant delegate if they have been charged with a criminal offence where the employee, if convicted for the alleged breach is liable to be imprisoned or fined (as outlined in the Commissioner's guideline).

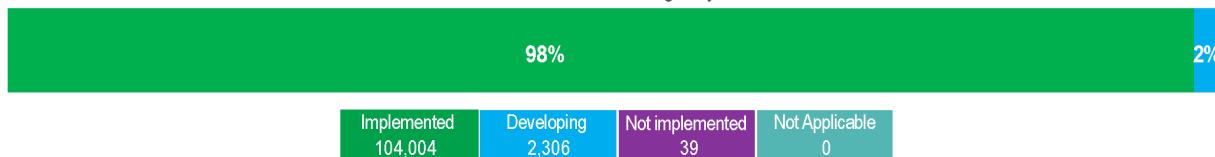


*Note: The percentage figure above has been rounded up*

Figure 22: Agency Implementation of Processes to Raise Employee Awareness of their Obligation to Report if They Have Been Charged with a Criminal Offence (Source: State of the Sector - Public Sector Employment Review, 2019)

Nearly all surveyed agencies reported their gifts and benefits policy was consistent with the Commissioner's Guideline on gifts and benefits (Figure 23). These agencies employed 97.79 per cent of the total workforce of surveyed agencies (104,004 headcount).

The agency's policy on gifts and benefits is equivalent to the Commissioner's Guideline and it has been communicated to all staff within the agency.



*Note: The percentage figure above has been rounded up*

Figure 23: Agency Implementation of Policy on Gifts and Benefits (Source: State of the Sector - Public Sector Employment Review, 2019)

Noting the compliance with across-government policies described above, employees were asked in the *I WORK FOR SA – Your Voice Survey* about their perceptions of senior managers and ethical conduct. As can be seen in Figure 24, 69 per cent of survey respondents agreed that senior managers acted in accordance with the Public Sector Values.

Question	Positive *
Do senior managers <sup>7</sup> in your agency act in accordance with the South Australian Public Sector Values?	69%

*\*Percentage of survey respondents who agreed or strongly agreed with the statement.*

Figure 24: Employee Perceptions on Executive Conduct (Source: *I WORK FOR SA - Your Voice Survey*, 2018)

## CODE OF ETHICS INVESTIGATIONS

In 2018-19, agencies reported 762 investigations into breaches of the Code of Ethics. There were 785 investigations in the previous year. Caution should be exercised in interpreting investigations data over time, as the number of agencies that have previously reported data varies.

OUTCOME AS AT 30 JUNE	NUMBER OF INSTANCES			
	2017-18 (total)	2017-18	2018-19 (total)	2018-19
Breach found	357	45%	361	47%
Breach not found	150	19%	185	24%
Investigation continuing	278	35%	216	28%
Total	785	100%*	762	100%*

*\*percentage figure rounded up*

Figure 25: Investigations into Breaches of the Code of Ethics, 1 July 2017 to 30 June 2019 (Source: State of the Sector - Agency Information Collection, 2019)

<sup>7</sup> The *I Work For SA - Your Voice Survey* gave employees the following definition of 'Senior Manager': "we mean a group of senior managers in your agency, not an individual manager. For example, the Executive team, the Secretary and their Deputies, the Chief Executive and their team, Executive Directors, General Managers, Operational Managers, the managers above your manager, Directors Educational Leadership, Local Health District/Network Executives including Directors and hospital Division Managers."

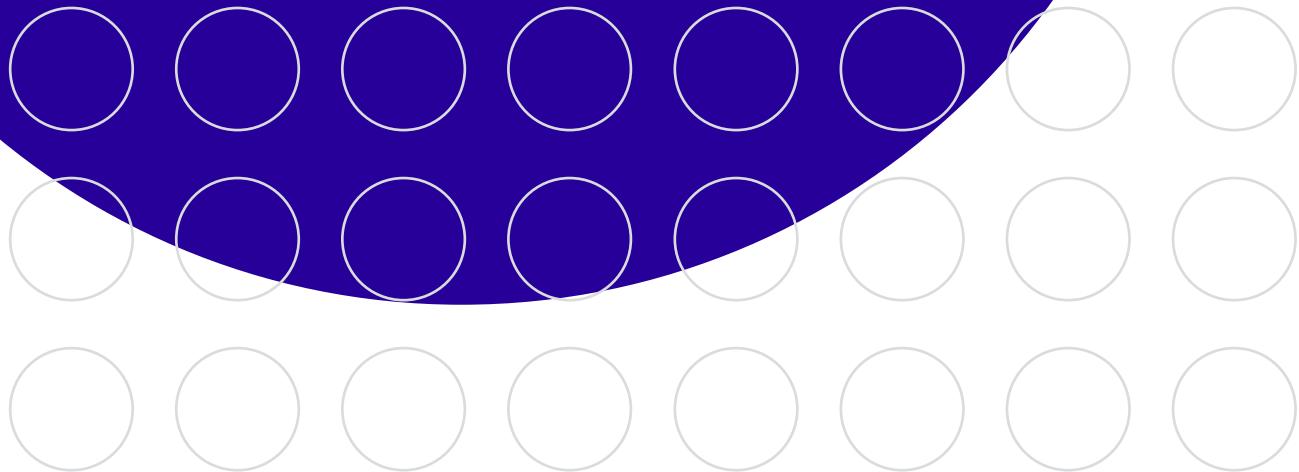
The main types of breaches found included:

- professional and courteous behaviour (57 per cent in 2018-19, down from 60 per cent the previous year)
- handling official information (8 per cent in 2018-19, down from 9 per cent the previous year)
- use of government/public resources (6 per cent in 2018-19, down from 8 per cent the previous year).

These categories of breaches are broadly consistent with last year.

Approximately 26 per cent of completed investigations took more than six months to complete.

# CHAPTER 3: COMMISSIONER'S REPORTS



This chapter presents data that I am either required to report by the *Public Sector Act 2009* (the Act) or the Public Sector Regulations 2010 (the Regulations), or which I think there is significant public interest in.

## PREMIER'S DIRECTIONS

The Premier may under section 10(1) of the Act give directions to agencies about the implementation of specified whole-of-government objectives and the sharing of information and collaboration required for that purpose.

As at 30 June 2019, the following Premier's directions were in place:

Title	Purpose
<b><i>Standard Duration of Executive Level Employment</i></b>	Requires relevant agencies to restrict the term of new contracts for executive level employees to a maximum of three years, except in exceptional circumstances
<b><i>Recruitment</i></b>	Outlines the minimum standards that relevant South Australian Public Sector agencies are obligated to implement in their recruitment systems
<b><i>Public Sector Mobility Strategy</i></b>	Outlines minimum standards to help relevant South Australian Public Sector agencies prioritise consideration of Department of Human Services (DHS) employees affected by organisational change resulting from the implementation of the National Disability Insurance Scheme and Commonwealth aged care reforms, after work injured employees and employees declared excess to requirements
<b><i>Restraints on Re-engagement of Former Executive Employees and Other Public Office Holders in Certain Circumstances</i></b>	Outlines obligations of relevant South Australian Public Sector agencies when engaging a person previously employed on an executive basis under a fixed term contract or appointed to public office and whose employment was terminated or who was removed from office, entitling them to a termination payment
<b><i>Induction</i></b>	Outlines the minimum standards that relevant South Australian Public Sector agencies are obligated to implement in their induction systems

<b>Employee Exit Feedback</b>	Outlines the minimum standards that relevant South Australian Public Sector agencies are obligated to implement in their employee exit feedback systems
<b>Performance Management and Development</b>	Outlines the minimum standards that relevant South Australian Public Sector agencies are obligated to implement in their performance management systems
<b>Flexibility for the Future</b>	Outlines the minimum standards that relevant South Australian Public Sector agencies are obligated to implement to increase the opportunities for existing and future public sector employees to access flexible working arrangements and invest in the creation of additional new positions for trainees and graduates

Figure 26: Premier's Directions, as at 30 June 2019

## COMMISSIONER'S DETERMINATIONS

Pursuant to section 16(1) of the Act, I may issue determinations relating to employment in the Public Service and, in some cases, to public sector employment outside the Public Service. Determinations are binding on agencies to which the determination applies.

During 2018-19, I issued two new Determinations: *Commissioner's Determination: Materially Affected Former Employees of the Department of Human Services – Eligibility to Apply for Vacancies in the Public Sector for a Set Period* and *Commissioner's Determination and Guideline: Employment Relations*. The latter replaces the previous *Commissioner's Standard 3.3: Responsive and Safe Employment Conditions – Employment Relations*.

Additionally, I updated the following existing Determinations:

- *Commissioner's Determination 3.2: Employment Conditions – Remuneration – Allowances and Reimbursements*
- *Commissioner's Determination 4: Qualifications for Designated Whistleblower Contact Officers*
- *Commissioner's Determination and Guideline 7: Changes to Workforce Composition and Management of Excess Employees – Redeployment, Retraining and Redundancy*

As at 30 June 2019, the following Determinations were in force:

1	<b><i>Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees</i></b>
2	<b><i>Excess Employees – Income Maintenance</i></b>
3.1	<b><i>Employment Conditions – Hours of Work, Overtime and Leave</i></b>
3.2	<b><i>Employment Conditions – Remuneration – Allowances and Reimbursements</i></b>
4	<b><i>Qualifications for Designated Whistleblower Contact Officers</i></b>
5	<b><i>Classification and Remuneration of Employees</i></b>
6	<b><i>Recovery of Overpayments (which is also a Guideline)</i></b>
7	<b><i>Changes to Workforce Composition and Management of Excess Employees – Redeployment, Retraining and Redundancy (which is also a Guideline)</i></b>
8	<b><i>Flexible Workplaces (which is also a Guideline)</i></b>
9	<b><i>Employment Relations (which is also a Guideline)</i></b>
	<b><i>Materially Affected Former Employees of the Department of Human Services – Eligibility to Apply for Vacancies in the Public Sector for a Set Period</i></b>

Figure 27: Commissioner's Determinations, as at 30 June 2019

## **COMMISSIONER'S GUIDELINES**

I may issue guidelines on employment matters, as per section 14(1)(d) of the Act. Guidelines are intended to help agency managers and employees improve practice in specific employment matters.

During 2018-19, I updated the following guidelines:

- *Commissioner's Guideline: Public Sector Employee Mobility*
- *Commissioner's Guideline: Management of Unsatisfactory Performance (including Misconduct).*

As at 30 June 2019, the following Commissioner's Guidelines were in force (note the three Determinations that are also Guidelines in (Figure 27):

<b>Recruitment</b>
<b>Review of Employment Decisions</b>
<b>Public Sector Employee Mobility</b>
<b>Management of Unsatisfactory Performance (including Misconduct)</b>
<b>Gifts and Benefits</b>
<b>Management of Excess Employees</b>
<b>Women in Leadership in the Public Sector</b>
<b>Requests by Members of Parliament for Briefings</b>
<b>Extent of Obligation of Employees to Report They have been Charged with a Criminal Offence</b>
<b>Power to Require Medical Examination</b>
<b>Domestic and Family Violence</b>
<b>Volunteers</b>
<b>Induction</b>
<b>Employee Exit Feedback</b>
<b>Performance Management and Development</b>

Figure 28: Commissioner's Guidelines, as at 30 June 2019

All Determinations and Guidelines are continuously reviewed to ensure relevance and appropriate principle-based governance.

As Commissioner for Public Sector Employment, I will ensure my office will continue to advocate and support the principles of and compliance with my Determinations, Guidelines and the obligations under the Premier's Directions to public sector agencies.

## **WHISTLEBLOWER DISCLOSURES**

Regulation 11 requires that I report “the number of occasions on which public interest information has been disclosed to the Commissioner under the *Whistleblowers Protection Act 1993* during the financial year”.

No disclosures were made to me during the reporting period.

## **EMPLOYEE MOVEMENT**

The rules relating to mobility of employees are outlined in Regulation 6.

Chief executives may decide not to apply this regulation in relation to a specified area of their agency, but under Regulation 6(11) must notify me of any such decisions. I did not receive any such notifications during 2018-19.

## **EXEMPTIONS TO MERIT-BASED SELECTION PROCESSES**

Regulation 17(1)(i) allows for chief executives to engage an individual under Part 7 of the Act without a merit-based selection process, taking into account the individual's skills and experience.

During 2018-19, agencies reported via the *State of the Sector Agency Survey* a total of 97 exemptions. In the previous year, agencies reported 80 exemptions.

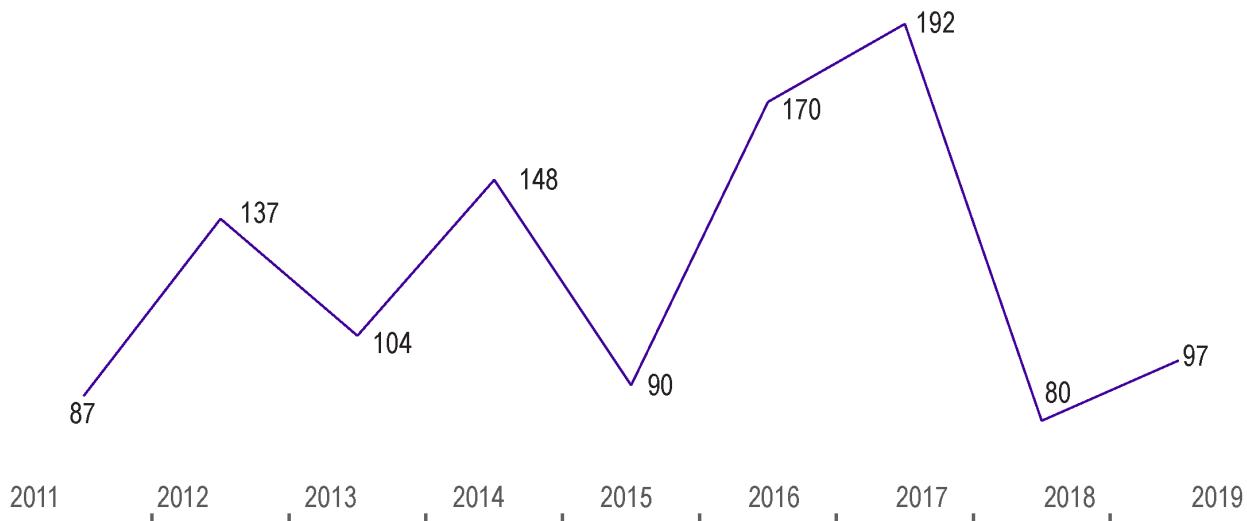
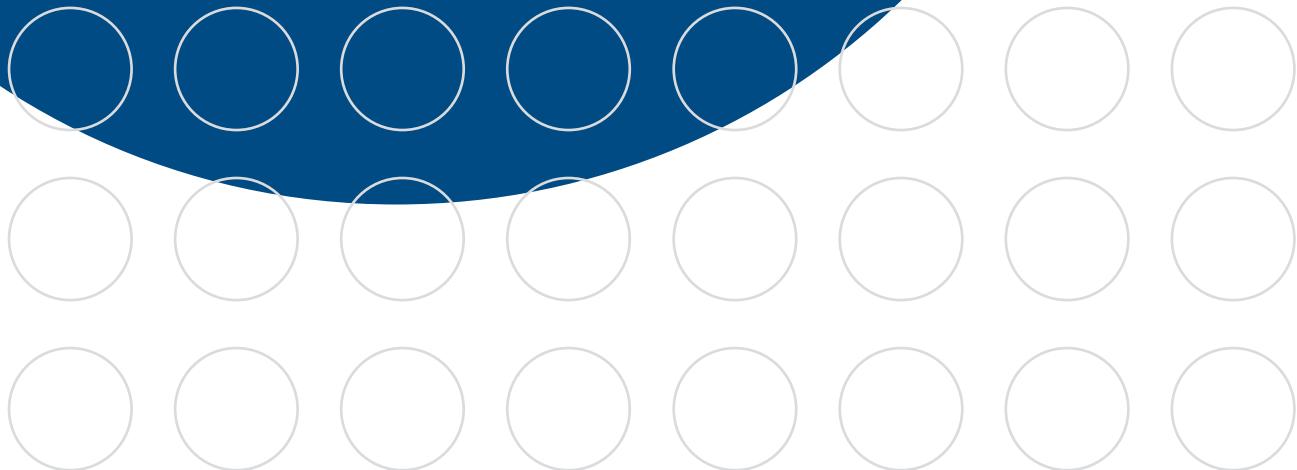


Figure 29: Exemption from Merit-Based Selection Processes across the Public Sector, 2011 to 2019 (Source: State of the Sector Agency Survey – Agency Information Collection, 2019, previous State of the Sector reports)

# **ATTACHMENT 1:**

## **Agencies Surveyed for the *State of the Sector***



### **AGENCIES THAT PARTICIPATED**

- |  |  |
|--|--|
| Adelaide Festival Centre Trust         | Department for Health and Wellbeing                  |
| Adelaide Festival Corporation          | Department of Human Services                         |
| Adelaide Venue Management Corporation  | Department for Innovation and Skills                 |
| Art Gallery of South Australia         | Department of Planning, Transport and Infrastructure |
| Attorney-General's Department          | Department of the Premier and Cabinet                |
| Auditor-General's Department           | Department of Primary Industries and Regions         |
| Carclew Youth Arts Centre Incorporated | Department of Treasury and Finance                   |
| Carrick Hill                           | Education Standards Board                            |
| Central Adelaide Local Health Network  | Electoral Commission of South Australia              |
| Country Arts SA                        | Electorate Services                                  |
| Country Health SA                      | Environment Protection Authority                     |
| CTP Regulator                          | Essential Services Commission of South Australia     |
| Dairysafe                              | ForestrySA   |
| Department for Child Protection        | Funds SA   |
| Department for Correctional Services   | Government House                                     |
| Department for Education               | Green Industries SA                                  |
| Department for Energy and Mining       | History Trust of South Australia                     |
| Department for Environment and Water   | HomeStart Finance                                    |
|  | Independent Commissioner Against Corruption          |

Infrastructure SA  
JamFactory Contemporary Craft and Design  
Lifetime Support Authority of South Australia  
Motor Accident Commission  
Northern Adelaide Local Health Network  
Office for Recreation, Sport and Racing  
Office of the Commissioner for Public Sector Employment  
Office of the South Australian Productivity Commission  
Public Trustee  
Renewal SA  
ReturnToWorkSA  
SA Ambulance Service  
SA Housing Authority  
SA Lotteries  
SA Water  
SACE Board of South Australia  
South Australia Police  
South Australian Country Fire Service  
South Australian Film Corporation  
South Australian Fire and Emergency Services Commission  
South Australian Government Financing Authority  
South Australian Mental Health Commission  
South Australian Metropolitan Fire Service  
South Australian Museum  
South Australian State Emergency Services  
South Australian Tourism Commission  
Southern Adelaide Local Health Network  
State Library of South Australia  
State Opera of South Australia  
Super SA  
TAFE SA  
Teachers Registration Board  
Veterinary Surgeons Board  
West Beach Parks  
Women's and Children's Health Network

#### **AGENCIES THAT DID NOT PARTICIPATE**

Adelaide Cemeteries Authority  
Defence SA  
Department for Trade, Tourism and Investment  
Legal Profession Conduct Commission  
State Theatre Company of South Australia  
Study Adelaide  
Vinehealth Australia

#### **OUT OF SCOPE**

Courts Administration Authority  
Legal Services Commission  
Parliament of South Australia

**Department names were  
as at 30 June 2019**

The **OFFICE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT** welcomes comments about this report and suggestions on how it may be improved.

Feedback and enquiries may be directed to:

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