

2020 *State of the Sector Report*



SOUTH
AUSTRALIA



Government of
South Australia

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“The public sector has stood alongside South Australians, delivering essential public services, supporting the economy and facilitating effective government decision-making.”

Erma Ranieri, Commissioner for Public Sector Employment

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Commissioner's foreword

In the 12 months since my last *State of the Sector* report, South Australians have battled drought, bushfire and the Coronavirus (COVID-19) pandemic with resilience and courage.

The public sector has stood alongside South Australians, delivering essential public services, supporting the economy and facilitating effective government decision-making. Public sector employees have been responsive, collaborative and open to doing things differently. They have acted with compassion and integrity, putting the needs of the community before their own.

As Commissioner for Public Sector Employment, I thank our public sector employees for their tireless efforts and dedication during this time. As a sector we should be proud of the way we have managed the initial COVID-19 emergency and positioned the State for recovery.

This year's *State of the Sector* report focuses on the public sector's response to the COVID-19 pandemic that has brought profound change to our workplaces.

New policy supports and resources were rolled out to help employees look after themselves and remain productive. I issued new leave provisions to support employees impacted by COVID-19. Employees worked from home where possible and appropriate, while the [Office of the Commissioner for Public Sector Employment](#) (OCPSE) published advice to help employees remain healthy and productive during the pandemic. The [South Australian Leadership Academy](#) also developed new leadership programs and a toolkit to help leaders navigate their workforce through the challenges of the pandemic.

I am proud of the ingenuity and commitment that has ensured services are maintained or were resumed when possible.

Public sector agencies quickly activated business continuity plans to continue service delivery, sometimes with modifications to protect public health. At times, services such as elective surgery and driver's license testing have had to be paused or redesigned using technology to meet the needs of South Australian teachers, students and families as in the case of education.

In a first for the public sector, a policy was developed to mobilise employees in response to an emergency. Through the new [Public Sector Mobilisation Policy](#), employees were identified and referred to undertake critical roles to support the Government's pandemic response. These roles have included project officers and contact tracers for SA Health and staff for the expanded State Emergency Information Call Centre (SEICC). Other employees have handled concessions and grant applications and processed cross-border travel applications.

While the pandemic has rightly shone a spotlight on the extraordinary work of frontline health and care workers, it has also illustrated crucially important roles throughout the sector. This includes teachers and support staff, those making national parks accessible for community wellbeing or the crucial back-office support for business grants, concessions and payroll – all professions have contributed.



2,291

ABORIGINAL PUBLIC
SECTOR EMPLOYEES



52.76%
FEMALE EXECUTIVES

The public sector continues to be a South Australian leader on gender equality in leadership.

Although the operational response to the COVID-19 pandemic continues, the public sector is already looking ahead to a 'new normal', taking advantage of the disruption to work practices and reimagining service delivery with a renewed focus on the customer, accelerated digitalisation, and a reshaped workforce that is more adaptable and diverse.

Chapter one of this report provides an account of the public sector's response to the COVID-19 emergency that has affected workplaces across the sector.

Chapter two discusses progress on issues raised in the 2018 *Work for SA – Your Voice* survey of public sector employees, including new strategies and programs to build workplaces that:

- promote and support employee mental health
- reflect the diversity of South Australia and are inclusive of all people
- support the employment of people with disability
- equip frontline managers with the skills and knowledge needed to lead successful teams.

In 2019-20, the public sector continued its recent record-breaking trend on Aboriginal employment. I am pleased to report that a record 2,291 public sector employees identified themselves as Aboriginal at 30 June 2020. In percentage terms, Aboriginal employees made up 2.13 per cent of the public sector workforce.

Employment of employees with a declared disability continued to increase. There are 1,482 employees with a declared disability,

representing 1.38 per cent of the workforce at June 2020. This is an overall increase of 48 employees compared to June 2019.

The public sector continues to be a South Australian leader on gender equality in leadership with women making up 52.76 per cent of executives.

In previous [State of the Sector](#) reports I have noted my concerns about performance management and development in the sector. Performance management and development is an essential foundation of productive workplaces.

Based on data provided to me from agencies, I remain concerned that many employees are not having performance reviews every six months. I will work with chief executives and agency heads in the coming months to understand the situation and how it can be addressed, as matters of priority.

Chapter three considers the public sector's observation of the [Code of Ethics](#). During the year, agencies advised me that there had been 696 investigations into breaches of the Code of Ethics, with 51.15 per cent finding that a breach had occurred.

Extensive collaboration has been a feature of my interactions with agencies in recent months as we respond to the pandemic.

I thank my chief executive colleagues and the human resources community for their support and assistance, and for all employees who have helped us negotiate this extraordinary time.

Finally, I would like to thank all OCPSE staff for their hard work and commitment during the year. I am proud of what we have achieved together.

The coming year will be busy, as we focus on supporting South Australia's COVID-19 recovery, but I am confident we will continue to build a stronger public sector for our employees and the community we serve.

Erma Ranieri
Commissioner for Public Sector
Employment

1,482

EMPLOYEES WITH A
DECLARED DISABILITY



About this report

The *State of the Sector* is my annual report to the Parliament of South Australia, as required by the *Public Sector Act 2009* (the Act). My report must describe how the public sector principles in relation to public sector employment are being observed within the sector and outline 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 [Public Interest Disclosure Act 2018](#).

The reporting period for this year's *State of the Sector* is 1 July 2019 to 30 June 2020.

This year's report contains information and data submitted by 78 agencies through a sector-wide survey in July 2020. Together these agencies employed 105,771 employees or 98.9 per cent of the public sector workforce.

It is important 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 compare data over time. One agency did not participate in this year's survey. All agencies that participated or did not participate are listed in Appendix 1.

The *State of the Sector* includes data and insights gained through key data collected by my office, including:

Workforce Data

This *State of the Sector* uses public sector workforce data as at 30 June 2020. My office collects this data and publishes key highlights in the annual *Workforce Information Report*. Current and past reports are available at <https://www.publicsector.sa.gov.au/about/Our-Work/Reporting/Workforce-Information>.

State of the Sector Agency Survey

The survey was in two parts:

1.

Public Sector Employment Review

In the 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 enable the implementation of 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.

Based on agency submissions, compliance across the public sector is assessed as either:

- **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 / Not applicable** – implementation of the policy requirement is yet to be considered, or the agency did not respond to the question.

Throughout this report, results from the PSER are weighted by agency employee headcount at 30 June 2020, to understand compliance across the public sector and with regard to agency size.

Aggregated PSER responses will be published on my office's [website](#) after this report has been tabled in Parliament.

2.

Agency Information Collection

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 to the Agency Information Collection (AIC).

Several AIC questions required agencies to report data for those employees covered by Part 7 of the Act. Part 7 sets employment arrangements such as recruitment and separation for public service employees and for those public sector employees declared by their employing legislation or by the Regulations as being covered by Part 7.



The Public Sector Principles

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 Government's policies in a timely manner and regardless of the political party forming Government
- provide accurate, timely and comprehensive advice
- align structure and systems to achieve major strategies while continuing to deliver core services.

3. COLLABORATION

The public sector is to:

- ensure there is ongoing collaboration between public sector agencies
- focus on whole-of-Government, as well as agency-specific, services and outcomes.

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 achievement 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.

“The coming year will be busy, as we focus on supporting South Australia’s COVID-19 recovery, but I am confident we will continue to build a stronger public sector for our employees and the community we serve.”

Erma Ranieri, Commissioner for Public Sector Employment

Chapter 1:

Supporting South Australia during COVID-19

COVID-19 has placed the public sector on a heightened operational tempo for the foreseeable future. It has significantly disrupted public sector workplaces at a time of elevated anxiety. Yet the public sector workforce has adapted flexibly and creatively to the uncertainty.

This chapter looks at the measures put in place to allow the public sector to continue safe service delivery during the pandemic. These measures were guided by the public sector principles listed on the previous page.

This chapter also considers opportunities for sector-wide transformation arising from the changes to operations and work practices during the pandemic.

Prioritising health and wellbeing

The foremost priority of the public sector during the COVID-19 pandemic was and continues to be the health and wellbeing of South Australians.

For public services to be delivered safely, the public sector has complied with the [Directions](#) issued by the State Coordinator under the [Declaration of a Major Emergency](#) and the advice from the Chief Public Health Officer.

Communications across the public sector were coordinated to provide accurate and timely public health information to employees. Between March and July 2020, high volumes of communications were distributed to share information as the pandemic unfolded. These communications, which primarily came from the Office of the Commissioner for Public Sector Employment (OCPSE) and SA Health, were coordinated by the Department of the Premier and Cabinet (DPC) and approved by a senior representative of the State Coordinator. Coordinating sector-wide communications allowed the same advice to be sent to employees in all workplaces, and reinforced the Government's public information efforts.

OCPSE also issued new resources to help employees look after themselves. These included a mandatory online training course on personal hygiene and a suite of resources and tools covering topics such as mental health, family and domestic violence, and remote working. The [South Australian Leadership Academy](#) developed a suite of leadership programs and materials to help leaders navigate their workforces through the challenges of COVID-19. In addition, agencies instituted their own measures – such as hand sanitiser and personal protection equipment, physical distancing, and additional cleaning – to protect employees.

To further minimise risk, agencies enabled employees who could work away from their workplaces to do so. This required extensive coordination across the sector. Agencies were advised by OCPSE through a [Workforce Considerations paper](#) on 13 March to act early on public health recommendations and

activate 'working from home' arrangements where possible. DPC worked with technology providers to ensure public sector employees could work effectively using online technology.

Although specific data on the number of employees who worked from home is not available, agency estimates suggest that about 17,000 employees worked from home in April. It should be noted that most public sector employees perform frontline roles that require attendance at workplaces such as hospitals and schools, and were not able to work from home.

As the impact of COVID-19 on vulnerable persons became better understood, further precautions were taken across the sector to protect employees who identified as:

- Aboriginal people 50 years and older with one or more chronic medical conditions
- people 65 years and older with chronic medical conditions
- people 70 years and older
- people with compromised immune systems.

Based on advice from the Chief Public Health Officer, the Workforce Considerations paper was updated on 6 April to advise agencies to take proactive steps to protect the health of vulnerable employees. These steps included ensuring vulnerable employees worked from home where possible, were assigned alternate duties, or took leave where it was impractical or inappropriate for them to continue working safely. Where a vulnerable employee was performing an essential service, agencies were advised to undertake a risk assessment and apply any mitigation measures.

Leave provisions were reviewed and updated to cover the various scenarios employees were faced with, including the need to isolate, caring responsibilities, and arrangements to alleviate financial hardship. These leave provisions were contained in the new [Supplementary Provisions to the Commissioner's Determination 3.1 Employment Conditions – Hours of Work, Overtime and Leave](#), which has been continuously reviewed and updated since it was published in March. The supplementary provisions remain in force until revoked by the Commissioner for Public Sector Employment.

In addition to these supports for employees, OCPSE and public sector agencies continued to work together to identify issues and opportunities and share good practice during the pandemic.

One of the notable collaborations between OCPSE and agencies was the [Mentally Healthy Workplaces Framework and Toolkit](#), which was launched in December 2019 but has proved extremely valuable in enabling leaders to support employees during the pandemic. The risk of employee anxiety has increased during the pandemic, and agencies have used the Framework and Toolkit to raise employee awareness of mental health, build positive cultures, prevent harm and support people with a mental illness.

OCPSE and agencies also developed advice for agencies establishing a [peer support program](#) and an online training program for 100 new peer support officers. The program builds on the existing skills of employees trained in mental health first aid and significantly increases the number of employees able to support their colleagues in the workplace.

“The foremost priority of the public sector during the COVID-19 pandemic was and continues to be the health and wellbeing of South Australians.”

Business continuity

As mentioned earlier, the Workforce Considerations paper first issued on 13 March advised agencies on how to adapt their operations for COVID-19. South Australia was one of the first jurisdictions in Australia to publish such advice.

The paper included advice to:

- update and activate business continuity plans
- apply fundamental principles on workforce issues (including leave and travel)
- implement good practice in adapting their workforces (including employee transfers, training, health and wellbeing, and union consultation).

By activating business continuity plans, the public sector was able to proactively identify and execute the steps needed to maintain essential public services safely. At times, services such as elective surgery and driver's license testing were paused to conserve critical supplies or to comply with public health advice. Some services were redesigned using technology to meet the needs of providers and clients as in the case of education.

With the implementation of South Australia's [Roadmap to Recovery](#), advice was provided to agencies on moving employees back to their workplaces. OCPSE released a new [Workforce Considerations for the South Australian Public Sector – Transitioning Back to the Workplace](#) paper and [toolkit](#) on 14 May. These resources aimed to support the COVID-safe return of employees to the workplace and highlight factors agencies should consider in relation to their workforce for recovery. Individual chief executives and agency heads are responsible for determining when and how employees return to the workplace, based on public health advice.

With the unprecedented disruption to workplaces, OCPSE issued new resources to help managers and employees maintain productivity and stay safe, regardless of location. These resources included:

- working from home guides and checklists for managers and employees
- guidance on managing employment arrangements and staff absences
- guidance on performance management and development
- guides on ergonomics at home, supporting wellbeing and injury management practice.

To allow employees to continue their professional and learning development during the pandemic, the [South Australian Leadership Academy](#) pivoted to on-line learning. New offerings were developed, taking into account the challenges leaders were facing as a result of the pandemic. They included:

- a webinar series on issues relevant to executives and managers during the pandemic (including igniting optimism, leading virtual teams and preparing for recovery)
- a 'Virtual On the Couch' series, in conjunction with the Institute of Public Administration Australia (SA), with chief executives and other senior leaders providing their thoughts on COVID-19
- a new 'Executive Refresh' series for experienced executives to revisit leadership, governance and policy topics specific to the public sector (including COVID-19 considerations) and to enable virtual connection with public sector colleagues.

Leadership Academy flagship programs (Executive Induction, Next Executives, Executive Excellence and Manager Essentials) were also redesigned for online delivery.

Workforce mobilisation

On 26 March, the Premier issued a direction to activate the [South Australian Public Sector Mobilisation Policy](#) (the Policy), following the declaration of a major emergency by the State Coordinator under the [Emergency Management Act 2004](#).

OCPSE developed the Policy with funding from the State Emergency Management Committee. It sets out how the public sector workforce will be temporarily redirected from 'business as usual' to critical priorities during a catastrophic event.

Under the Policy, the Chief Executive of the Department of the Premier and Cabinet appointed me Mobilisation Coordinator, to advise and assist the Premier on mobilising public sector employees.

In this capacity, on 27 March I invited public sector employees to nominate themselves for roles supporting the COVID-19 response. More than 1,300 employees responded to the call. These employees, as well as others nominated by agencies, formed a surge pool from which those with suitable skills were identified to fill critical roles in the pandemic response. To date, employees have been mobilised for roles including project officers and contact tracers for SA Health and staff for the expanded State Emergency Information Call Centre (SEICC). Other employees are now handling the higher number of concessions and grant applications and processing cross border travel applications.

Transitioning to 'the new normal'

As South Australia looks to recover from the pandemic, the public sector must be faster, smarter and more cost-effective.

The innovative responses and solutions adopted during the pandemic, and the need to think outside conventional parameters to achieve results, have demonstrated that the sector is nimble and flexible. The sector has introduced ways of working that can be cemented and built upon.

COVID-19 has created difficulties and issues for many people, but it has also presented an opportunity to do things differently. As the public sector moves into 'the new normal', these shifts may allow us to:

- reimagine service delivery
- accelerate the digital agenda
- reshape the workforce to be more adaptable and diverse.

OCPSE has started working with agencies to consider and collate what has been learned in recent months as the basis of a new transformational agenda for the public sector.

The coming months and years will be exciting if these opportunities are realised.

Chapter 2:

Working for South Australia

Last year's *State of the Sector* reported findings from the 2018 *I Work for SA – Your Voice* survey of public sector employees. These valuable insights informed the development of the *I Work for SA Action Plan 2019-20* (the Action Plan).

This chapter will update progress in implementing the Action Plan. It should be noted that as resources in OCPSE and across the public sector have been re-directed during the pandemic, some Action Plan initiatives have been rescheduled.

A second employee survey was not conducted in 2019-20 but may be repeated in 2020-21.

This chapter will also draw upon responses to the annual *State of the Sector* agency survey.

Leadership

Leaders are responsible for driving performance. They ensure the public sector principles as set out in the *Public Sector Act 2009* (the Act) are reflected in the work of their teams by:

- ensuring outputs are public-focussed and responsive to government
- being collaborative and driven by excellence
- ensuring their workplaces are regarded as employers of choice
- modelling ethical behaviour and professional integrity
- overseeing compliance with legal requirements.

There were 1,378 executives in the public sector at 30 June 2020, making up 1.28 per cent of the sector workforce. The annual [Workforce Information Report](#) provides detailed data on the executive cohort.

The pandemic's disruption to public sector workplaces has magnified the importance of investing in leaders. As discussed in the previous chapter, the [South Australian Leadership Academy](#), hosted in OCPSE, developed new offerings tailored to the needs of public sector leaders and redesigned other programs for online delivery.

During the reporting period, new offerings from the Leadership Academy included:

- [Manager Essentials](#), a four-month development program for frontline managers that focusses on three essential areas for public sector managers: Manage Self, Manage the Team and Manage the Business
- [Executive Refresh](#), a series of short online workshops for experienced executives to revisit leadership, governance and policy topics specific to the South Australian public sector.

The Leadership Academy also continued to offer the following programs with partners:

- [Jawun Secondment Program](#) (partnering with Jawun) – seconding public sector executives to Aboriginal-led community organisations
- [Public Sector Management Program](#) (delivered by the Queensland University of Technology) – providing post-graduate, tertiary-level professional development for current and aspiring public sector leaders
- [Governor’s Leadership Foundation Program Scholarship](#) (partnering with the Leaders Institute of South Australia) – supporting two employees each year to undertake the Governor’s Leadership Foundation Program.

Work is also underway in the Leadership Academy to develop a Leadership Capability Framework. This will describe the key capabilities required by leaders at various levels across the sector.

Employee wellbeing

Keeping employees healthy and safe is a key priority for the sector and fulfils the public sector’s obligations under the [Work Health and Safety Act 2012](#) and associated Regulations and Codes of Practice. Compliance with legal obligations is a public sector principle under the Act.

Wellbeing plays an important role in enabling employees to thrive in the workplace and maximise their contributions to the community.

The [Building Safety Excellence in the Public Sector](#) strategy remains in place across the sector, providing guidance on:

- safety leadership
- wellbeing and engagement
- risk management
- performance measurement.

During the 2019-20 reporting period, the public sector recorded improved workplace injury performance.

- The total number of new claims for the 2019-20 financial year was 3,186. This is a 1.8 per cent reduction from the 3,244 new claims recorded in 2018-19.
- The rolling 12-month total of 2,636 accepted claims (at 30 June 2020) was 11.4 per cent lower than the total recorded the previous year.
- The incidence rate for accepted significant musculoskeletal injuries was 8.6 per 1000 FTE, continuing a favourable trend.

Mental stress was the most expensive type of injury, accounting for 38 per cent of gross expenditure for 2019-20.

The [2018 / Work for SA – Your Voice](#) survey highlighted the impact of harassment and bullying on employee wellbeing. Nearly two in five survey participants reported witnessing harassment and/or bullying in their current workplaces during the last 12 months.¹ Over the same period, one in five survey participants reported that they had been subjected to harassment and bullying in their current workplace.

Harassment and bullying are inconsistent with the professional conduct standard in the [Code of Ethics](#) regarding professional and courteous behavior, and as such may result in disciplinary action if a breach is proven.

The Action Plan is committed to increasing support for employee wellbeing, in addition to identifying and addressing harassment and bullying in workplaces.

An action from the survey was to develop a psychosocial risk assessment tools to reduce bullying and harassment. My office is working with three agencies to pilot these tools.

¹ One instance of negative behaviour or bullying may be witnessed by many individuals in the workplace, which may affect the number of affirmative responses to this question.

The [Mentally Healthy Workplaces Framework and Toolkit](#) also supports agencies to achieve mentally healthy workplaces, under three themes:

- building the positives
- preventing harm and managing risks
- intervening early and supporting recovery.

The ongoing implementation of the framework and toolkit is timely given the mental health impacts on employees from COVID-19.

Progress has also been made in implementing another Action Plan initiative: a network of peer support officers across the sector. [Guidelines](#) on establishing peer support programs have been released, and training for peer support officers is being delivered through an online module and webinar.

Career and working conditions

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.

As discussed earlier, working from home and other forms of flexible working has become common in the public sector during the pandemic. It is interesting to note how agencies’ policies on flexible working arrangements have changed since the last *State of the Sector* report.

- In 2018-19, agencies that had redesigned vacancies to accommodate flexible working arrangements represented 89.62 per cent of the total workforce of surveyed agencies. This has increased to 99.72 per cent of the total workforce of surveyed agencies in 2019-20 (figure 1).
- In 2018-19, agencies that did not disadvantage job applicants seeking part-time or other flexible working arrangements employed 61.17 per cent of the total workforce of surveyed agencies. This has increased to 99.60 per cent of the total workforce of surveyed agencies in 2019-20 (figure 2).

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.



Figure 1: Redesign of vacancies to accommodate flexible working arrangements (Source: State of the Sector Agency Survey - PSER, 2020)

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 part-time basis or utilise other flexible working arrangements, subject to them being otherwise assessed as a suitable candidate for an offer of employment.



Figure 2: Serious and positive consideration of job applicants seeking part-time or other flexible working arrangements (Source: State of the Sector Agency Survey - PSER, 2020)

The COVID-19 pandemic has required redirection of some resources, including deferring completion of the Action Plan’s initiatives to improve recruitment practices to 2020-21. The talent management and the Leadership Capability Strategy actions have been merged and are being developed by the Leadership Academy.

Enabling performance

All agencies are directed by section 8 of the Act to have a performance management and development system. Section 8 also requires that performance management and development be considered when making an employment decision.

During the reporting period, OCPSE continued to engage agencies to promote awareness and use of new and existing education and supporting resources, including:

- content on performance management and development for the new Manager’s Essentials Program delivered through the Leadership Academy
- resources for managers on conducting performance management and development during the COVID-10 pandemic.

It is encouraging that nearly all agencies reported having performance management and development systems in place with mandatory employee participation in 2019-20 (figure 3). This is similar to agencies’ reports last year.

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.



Figure 3: Performance management and development system in place with mandatory employee participation (Source: State of the Sector Agency Survey - PSER, 2020)

However, it is concerning that fewer agencies are requiring their employees to undergo biannual performance reviews when a Premier’s [Direction](#) dictates that all agencies must do so. In 2018-19, agencies that had such a requirement employed 95.59 per cent of the total workforce of the surveyed agencies, but only 70.43 per cent did so in 2019-20 (figure 4).

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



Figure 4: Performance management and development reviews (Source: State of the Sector Agency Survey - PSER, 2020)

The non-compliance in this area is something I have noted in previous State of the Sector reports. I will work with chief executives and agency heads in the coming months to understand this trend and what can be done to reverse it.

Diversity and inclusion

Diverse and inclusive workplaces enable the public sector to observe the public sector principles of employer of choice and legal requirements (ensuring compliance with the [Equal Opportunity Act 1984](#)).

Aboriginal employment

In 2019-20, the public sector continued its recent record-breaking trend on Aboriginal employment. I am pleased to report that 2,291 public sector employees identified themselves as Aboriginal at 30 June 2020, which is the highest number recorded. In percentage terms, Aboriginal employees made up 2.13 per cent of the public sector.

Underpinning these outstanding employment outcomes are the supports and programs to connect Aboriginal South Australians to job opportunities and further their careers.

At 30 June 2020, more than 1,000 job seekers had submitted their interest in public sector employment through the South Australian [Aboriginal Employment Register](#). The Register is an employment opportunity program, pursuant to Section 65 of the Act, which allows Aboriginal people to apply for all advertised vacancies in the South Australian public sector.

The [Aboriginal Traineeship Program](#) also continued during the reporting period. Targeting Aboriginal job seekers aged 17- 35 years, the program provides a Certificate III-level qualification and the opportunity of ongoing employment for graduating trainees. To date, 75 Aboriginal trainees have gained employment through this program since it started in July 2018.

There are supports available to ensure Aboriginal employees flourish in public sector workplaces. Offered through the Leadership Academy, the [Aboriginal Frontline Leadership Program](#) is designed for Aboriginal employees who aspire to be team leaders or want to build management capability. Most agencies offered leadership development opportunities for Aboriginal employees in 2019-20 (figure 5).

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



Figure 5: Aboriginal leadership development opportunities (Source: State of the Sector Agency Survey - PSER, 2020)

“In percentage terms, Aboriginal employees made up 2.13 per cent of the public sector.”

Employment of young people

The [Skilling SA Public Sector](#) program will train more than 2,600 apprentices and trainees in the public sector over four years, with funding from the Government’s Skilling South Australia initiative.

Coordinated by my office, the program provides training for young people while also upskilling or reskilling existing public sector employees, with a focus on sectors that need skilled employees such as allied health, child protection, education support, horticulture, clinical coding and cyber security.

With 702 participants starting the program, the 2019-20 across-government target for traineeship commencements was met. I commend agencies for meeting this target while adjusting to the disruption of COVID-19.

Employment of people with a disability

The number of public sector employees with a declared disability continued to increase. There were 1,482 employees with a declared disability, representing 1.38 per cent of the workforce, at June 2020, 48 more than in June 2019.

Each agency is committed to increasing employment opportunities for people with disability. Details of how they aim to do this are published in their Disability Access and Inclusion Plans – a requirement under the [Disability Inclusion Act 2018](#).

In June 2020, the Minister for Human Services, the Hon Michelle Lensink MLC, launched the South Australian [Public Sector Disability Employment Strategy, Plan and Toolkit](#) to drive new employment outcomes for people with disability in the public sector. The strategy sets three priorities:

- enable inclusive, accessible, safe and informed workplaces
- facilitate improved recruitment, retention and career development
- improve monitoring and reporting capabilities.

Implementation of the Strategy and Plan is underway across the public sector, with training sessions for agencies to be held in the coming months. Agencies continue to progress their Disability Access and Inclusion Plans.

Diversity and inclusion

I am pleased to note that the South Australian public sector continues to be a South Australian leader on gender equality within executive ranks. There were 727 female executives and 651 male executives at June 2020; the proportion of female executives increased from 51.20 per cent to 52.76 per cent in the year to June 2020.

Launched in December 2019, the [South Australian Public Sector Diversity and Inclusion Strategy 2019-21](#) provides an overarching vision, priority areas and principles for adoption sector-wide.

The strategy's three priorities are:

- reflect the diverse communities that the public sector serves
- build diversity and inclusion knowledge and capability
- be accountable for diversity and inclusion.

The strategy is being implemented across the sector, with individual agency diversity and inclusion plans due in October 2020.

Continuous improvement culture

A culture of continuous improvement enables the public sector to observe its principles of public focus, responsiveness and excellence.

The [Public Sector Innovation Lab](#) drives across-government efforts to embed such a culture and make government more effective and efficient.

During 2019-20, the Lab worked on 13 projects with more than 40 partner organisations from the public, private, and not-for-profit sectors. These projects aimed to improve outcomes for South Australians seeking services or working in areas including paediatrics, youth justice, construction, the National Disability Insurance Scheme, VET-sector education, South Australian Ambulance Service, volunteering and child protection.

The Public Sector Innovation Lab is also leading an initiative in 2020-21 to embed lean and other continuous improvement programs in the sector. From 2020-21, the Lab will be hosted in the Department of the Premier and Cabinet.

Chapter 3:

Ethical behaviour and professional integrity

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

Each public sector employee agrees to uphold the behaviours and conduct described in the Code of Ethics when they join their agency. Established under section 15 of the Act,² 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 under the [Public Sector Act 2009](#) 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
- investigating matters of employee conduct or discipline.

Agencies have reported improved performance in implementing the Code of Ethics during the year.

In 2019-20, agencies employing 94.95 per cent of the workforce of surveyed agencies reported they could document employee completion of online training on the Code of Ethics (figure 6). This is an increase from the year before when agencies employing 61.2 per cent of the workforce of surveyed agencies reporting doing so.

Agency documentation exists to demonstrate that all employees have undertaken online training on the Code of Ethics since directed by the Commissioner for Public Sector Employment in December 2015.



Figure 6: Code of Ethics training (Source: State of the Sector Agency Survey - PSER, 2020)

² The Code of Ethics is known as the Code of Conduct under the Act.

There was also an increase in the number of agencies that promote and review employee compliance with the objects and principles of the Act, Premier’s directions, Commissioner’s guidelines and determinations and the Code of Ethics. In 2019-20, agencies that responded affirmatively to the question employed 93.36 per cent of the workforce of surveyed agencies (figure 7). This is an improvement on the 2018-19 figure of 81.55 per cent.

The agency Chief Executive can demonstrate how he or she drives and promotes the Objects and Principles of the *Public Sector Act 2009*, Premier’s directions, Commissioner’s determinations and guidelines and the Code of Ethics across the agency and can document the mechanisms to review the compliance or issues raised on a periodic basis.



Figure 7: Mechanisms to promote and monitor compliance with the objects and principles of the Act, Premier’s directions, Commissioner’s guidelines and determinations and the Code of Ethics (Source: State of the Sector Agency Survey - PSER, 2020)

There was little change in compliance with the requirement that agencies ensure employees understand their obligation to report if they are charged with a criminal offence. In 2019-20, agencies employing 97.41 per cent of the workforce of surveyed agencies reported compliance (figure 8), compared to 97.81 per cent the previous year.

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).



Figure 8: Mechanisms to ensure employees understand their obligation to report if they had been charged with a criminal offence (Source: State of the Sector Agency Survey - PSER, 2020)

Similarly, there was no meaningful change in agencies reporting consistency of their gifts and benefits policy with the [Commissioner’s guideline on gifts and benefits](#). In 2019-20, agencies employing 96.21 per cent of the total workforce of surveyed agencies reported consistency (figure 9), compared to 97.79 per cent the year before.

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.



Figure 9: Consistency of agency gifts and benefits policy with the Commissioner’s guideline on gifts and benefits (Source: State of the Sector Agency Survey - PSER, 2020)

Nearly all agencies record details of employees who have breached the Code of Ethics or who resigned before an investigation was completed in the 'eligibility for re-employment' register (figure 10). The register allows agencies to check if former South Australian public sector employees are eligible for re-employment in the public sector.

Termination of an employee's employment on the basis of serious misconduct.



Resignations by an employee from their employment when suspected or alleged to have committed misconduct.



Figure 10: Recording of employees terminated or resigned because of misconduct or suspected/alleged misconduct (Source: State of the Sector Agency Survey - PSER, 2020)

Code of Ethics investigations

In 2019-20, agencies reported 696 investigations into breaches of the Code of Ethics. There were 762 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.

Outcomes of the investigations since 2017-18 are below.

Outcome, as at 30 June	Number of Instances					
	2017-18 (total)	2017-18 (%)	2018-19 (total)	2018-19 (%)	2019-20 (total)	2019-20 (%)
Breach found	357	45%	361	47%	352	51%
Breach not found	150	19%	185	24%	123	18%
Investigation continuing	278	35%	216	28%	221	32%
Total	785	100%	762	100%	696	100%

Note: Percentages may not add up to 100 percent due to rounding.

Table 1: Investigations into breaches of the Code of Ethics, 1 July 2017 to 30 June 2020 (Source: State of the Sector Agency Survey - AIC 2020)

The type of breaches found included:

- Professional and courteous behaviour (67.38 per cent)
- Handling official information (8.91 per cent)
- Criminal offences (5.75 per cent)

Approximately 58 per cent of investigations took more than six months to complete. This is an increase from 26 per cent in 2018-19 and is something I will raise with chief executives so the causes of the increase can be identified and addressed.

Chapter 4:

Commissioner's reports

This chapter presents data I am required to report by the Public Sector Act 2009 (the Act), or the Public Sector Regulations 2010 (the Regulations), or on what could be significant public interest.

Premier's directions

The Premier may under section 10(1) of the Act give directions to public sector agencies about the implementation of specified whole-of-government objectives.

Premier's directions apply to all agencies with the exception of the Courts Administration Authority, Legal Services Commission and the Office of Public Integrity.

At 30 June 2020, the following [Premier's directions](#) were in place.

Title	Purpose
Public Sector Mobilisation for a Major Emergency *	Requires all public sector agencies to comply with the requirements of the South Australian Public Sector Mobilisation Policy
Requirement to act in accordance with Commissioner's Determination 3.1 Supplementary Provisions for COVID-19 *	Requires agencies to act in accordance with the provisions contained within Commissioner's Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave: Supplementary Provisions for COVID-19
Standard Duration of Executive Level Employment	Requires agencies to restrict the term of new contracts for executive-level employees to a maximum three years, except in exceptional circumstances
Recruitment	Outlines the minimum standards that relevant public sector agencies are obligated to implement in their recruitment systems
Restraints on Re-engagement of Former Executive Employees and Other Public Office Holders in Certain Circumstances	Outlines obligations of relevant 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
Induction	Outlines the minimum standards that relevant public sector agencies are obligated to implement in their induction systems
Employee Exit Feedback	Outlines the minimum standards that relevant public sector agencies are obligated to implement in their employee exit feedback systems
Performance Management and Development	Outlines the minimum standards that relevant South Australian public sector agencies are obligated to implement in their performance management systems
Flexibility for the Future	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

*New Premier's direction issued during 2019-20

Table 2: Premier's directions, current at 30 June 2020

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 2019-20, I issued:

- *Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave (Updated)*
- *Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave – Supplementary Provisions for COVID-19 (New)*
- *Determination 3.2: Employment Conditions – Remuneration – Allowances and Reimbursements (Updated)*
- *Determination and Guideline 7: Changes to Workforce Composition and Management of Excess Employees - Redeployment, Retraining and Redundancy (Updated).*

During the same period, I withdrew:

- *Qualifications for Designated Whistleblower Contact Officers.*

At 30 June 2020, the following [determinations](#) were in force:

1	<i>Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees</i>
2	<i>Excess Employees – Income Maintenance</i>
3.1	<i>Employment Conditions – Hours of Work, Overtime and Leave</i> <i>Employment Conditions – Hours of Work, Overtime and Leave – Supplementary Provisions for COVID-19</i>
3.2	<i>Employment Conditions – Remuneration – Allowances and Reimbursements</i>
5	<i>Classification and Remuneration of Employees</i>
6	<i>Recovery of Overpayments (which is also a guideline)</i>
7	<i>Changes to Workforce Composition and Management of Excess Employees – Redeployment, Retraining and Redundancy (which is also a guideline)</i>
8	<i>Flexible Workplaces (which is also a guideline)</i>
9	<i>Employment Relations (which is also a guideline)</i>

Table 3: Commissioner's determinations, current at 30 June 2020

Commissioner's guidelines

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

During 2019-20, I issued:

- *Guideline of the Commissioner for Public Sector Employment: Volunteers (Updated)*.

At 30 June 2020, the following [guidelines](#) were in force (note four determinations are also guidelines in table 3 above):

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

Table 4: Commissioner's guidelines, current at 30 June 2020

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 continues to advocate and support the principles of and compliance with my guidelines and determinations, and the obligations under the Premier's directions to public sector agencies.

Public interest 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".

The *Whistleblowers Protection Act 1993* has been repealed and replaced with the [Public Interest and Disclosure Act 2018](#). There were seven public interest disclosures made to me as a relevant authority under the *Public Interest Disclosure Act 2018*.

Excess employees

Redeployment is the process of transferring an employee who is excess to requirements into another role in the public sector.

At 30 June 2020, there were 48 excess employees in the public sector:

- 23 excess employees were in temporary roles or on leave, and so were not available for immediate placement
- seven employees have been declared excess for nine months or more.



Figure 11: Excess employees in the public sector, 2011 to 2020 (Source: OCPSE)

Exemptions to merit-based selection processes

[Regulation 17\(1\)\(i\)](#) allows a chief executive to engage an individual without a merit-based selection process, taking into account the individual's skills and experience.

During 2019-20, agencies reported a total of 135 exemptions, compared to 97 the previous year.

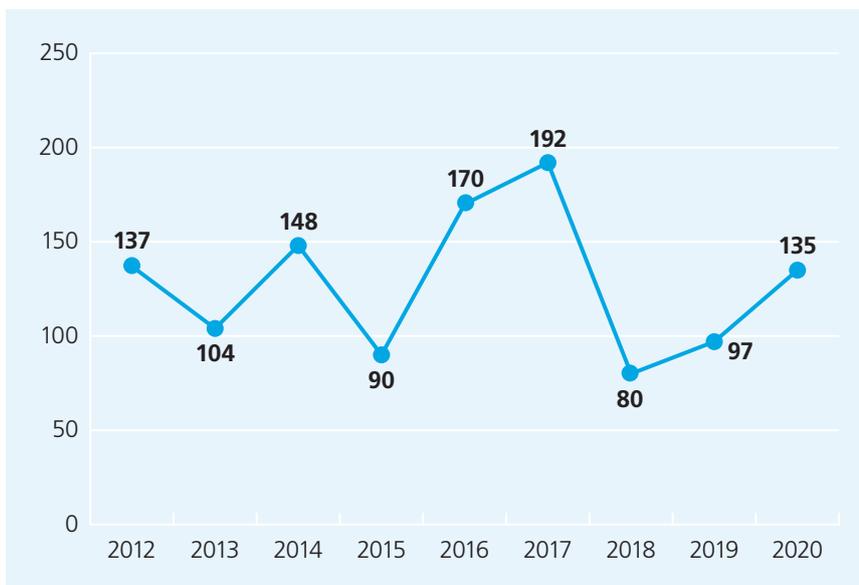


Figure 12: Exemption from merit-based selection processes across the public sector, 2012 to 2020 (Source: State of the Sector Agency Survey - AIC 2020; previous State of the Sector reports)

Appendix 1:

*Participation in the 2019-20 State of the Sector Agency Survey**

Agencies that participated

Adelaide Cemeteries Authority
Adelaide Festival Centre Trust
Adelaide Festival Corporation
Adelaide Venue Management Corporation
Art Gallery of South Australia
Attorney-General's Department
Auditor-General's Department
Barossa Hills Fleurieu Local Health Network
Carclew Youth Arts Centre Incorporated
Carrick Hill
Central Adelaide Local Health Network
Commission on Excellence and Innovation in Health
Country Arts SA
Dairysafe
Defence SA
Department for Child Protection
Department for Correctional Services
Department for Education
Department for Energy and Mining
Department for Environment and Water
Department for Health and Wellbeing
Department for Innovation and Skills
Department for Trade, Tourism and Investment
Department of Human Services
Department of Planning, Transport and Infrastructure
Department of Primary Industries and Regions
Department of the Premier and Cabinet
Department of Treasury and Finance
Education Standards Board
Electoral Commission of South Australia
Environment Protection Authority
Essential Services Commission of South Australia
Eyre and Far North Local Health Network
Flinders and Upper North Local Health Network
ForestrySA
Funds SA
Government House
Green Industries SA
Health and Community Services Complaints Commissioner
History Trust of South Australia
HomeStart Finance
Independent Commissioner Against Corruption
Infrastructure SA

Jam Factory Contemporary Craft and Design
Lifetime Support Authority of South Australia
Limestone Coast Local Health Network
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
Office for the Outback Communities Authority
Renewal SA
ReturnToWorkSA
Riverland Mallee Coorong Local Health Network
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 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 Theatre Company of South Australia
Study Adelaide
TAFE SA
Teachers Registration Board
Vinehealth Australia
Wellbeing SA
West Beach Parks
Womens and Childrens Health Network
Yorke and Northern Local Health Network

Agencies that did not participate

Legal Profession Conduct Commission

Out of scope

Courts Administration Authority
Legal Services Commission
Parliament of South Australia

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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