

# State of the Sector 2022

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4400



**Government  
of South Australia**

Office of the Commissioner  
for Public Sector Employment

As the Commissioner for Public Sector Employment,  
I acknowledge the Aboriginal people as the first peoples  
and nations of South Australia.

My office recognises and respects their cultural connections  
as the traditional owners and occupants of the land and  
waters of South Australia and that they maintain a unique  
and irreplaceable contribution to the state.

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# Commissioner's foreword



**I am deeply committed to building a world-leading public sector that makes a difference so South Australia thrives.**

To achieve this goal, it's imperative that we must strengthen the culture and integrity of the public sector, and in doing so, its performance. Reforming a complex, interconnected organisation of more than 100,000 people takes time and the benefits of change may not be apparent until years later.

However, it is also the collective responsibility of our leaders to spearhead and champion more immediate improvements in government performance, employee integrity and workplace culture. Led by the chief executives, these reforms require active stewardship and expert navigation of the public sector's many intricacies to usher in lasting change.

## **An evolving sector**

The merits of what can be achieved when we forsake agency boundaries in pursuit of a common goal is already proven. Our response to the COVID-19 pandemic is one such obvious example, but it's also reflected in less public programs of work, such as our commitment to improving the diversity of our workforce.

As an Australian woman whose first language was not English, I am especially proud of the real progress achieved in making the public sector a more inclusive and welcoming employer. We've made great gains since the days when I first entered the sector as a high school graduate, and it's heartening that the conversation in our workplaces has evolved more recently to consider ways that we can better support and celebrate neurodiversity and differences in sexual orientation and gender identity.

As we make further advancements in these areas, I expect that future State of the Sector reports will incorporate data to reflect and recognise our workforce's true diversity, and I hope these additions can begin as early as next year. It also needs to be said that a concentrated effort must be ever present within our workplaces so that inclusivity remains a key priority for continual improvement.

The current snapshot of our workforce's diversity includes:

- Aboriginal employees represent 2.12 per cent of the total workforce – an increase of 3.58 per cent since last year
- 57.87 per cent of executives are women, a slight increase compared to 57.04 per cent last year
- people with a disclosed disability make up just 1.37 per cent of our workforce and requires further effort to lift participation.

## Matters of integrity

I am encouraged that there is a high level of general compliance with sector-wide policies such as Premier's Directions and Commissioner's Determinations and Guidelines. These policies are intended to implement the public sector principles, outlined in the *Public Sector Act 2009*.

Code of Ethics investigations have reduced by 8.5 per cent in the past year. While I welcome this news, I note the number of investigations has remained relatively constant over the last three years. Additional work is needed to promote ethical conduct across the workforce if we are to see a sustained reduction in investigations, and more detailed reporting on the types of breaches occurring across the sector to remedy with better education and training.

During the reporting year, my office established the Workplace Investigations Panel to make it easier and more cost effective for agencies to engage external expertise to conduct or support investigations. Agencies are using the panel providers and I will continue to monitor its use to evaluate the panel's impact. My office will also refine its guidance on the panel so that investigations are conducted to a consistent standard across the sector.

Based on the information provided by agencies, most agencies do not have a training program to address bullying and harassment that is mandatory for all employees. This shortfall compromises the culture and integrity of an agency. Many agencies are working towards mandatory employee training, and I will be ensuring broad sector-wide training is implemented without delay. I also expect to have the support of our agencies' HR leaders to prioritise this work.

In recent years, initiatives to build public sector performance, employee integrity and workplace culture positioned the sector strongly throughout the COVID-19 pandemic. As we look to the future, the pandemic's unpredictability and disruption to our usual business frees the sector to consider how we can do things differently.

The opportunities are many, including:

- strengthening employment opportunities for young people and under-represented groups
- enabling more effective performance management and development
- improving chief executive onboarding and performance matters
- launching the new Integrity Framework to build a culture that enhances workforce performance and potential and creates an inclusive, safe and ethical public sector.

I thank agency chief executives and their teams for their assistance in completing the State of the Sector. I appreciate how forthcoming they have been in sharing their agency's information ever since I was appointed Commissioner in 2014.

I look forward to continuing a productive collaboration with the new Labor government and our stakeholders so together, we can positively position the SA public sector as a source of pride for all its employees and the community they serve.



**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 the *Public Sector Act 2009* (the Act). I am required to describe how the public sector observes the public sector principles in relation to employment, and report on my actions to support those principles.

The public sector principles are the Parliament of South Australia's expectations – and those of the constituents they represent – regarding public sector performance, culture and integrity.

The *Public Sector Regulations 2010* 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 2021 to 30 June 2022.

This year's report contains information and data submitted by 87 agencies through a sector-wide survey in July 2022. Together these agencies employed 112,115 employees or 99.2 per cent of the public sector workforce as of 30 June 2022.

Participating and non-participating agencies are listed in Appendix 1.

It is important that all agencies provide data for the State of the Sector because their consistent participation provides a holistic picture of the workforce and enables a comprehensive analysis of the data over successive years.

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

## Workforce Data

My office collects workforce data at 30 June 2022, and publishes key highlights in the annual Workforce Information Report, which will be published later this year on the [OCPSE website](#).

## State of the Sector Agency Survey

The survey was in two parts:

### 1. Public Sector Employment Review

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

Assessing agency compliance with these core policies enables me to comment on the observance of the public sector's principles. Based on agency submissions, compliance across the public sector is assessed as either:

- Implemented – The agency fully implemented the policy requirement
- Developing – The agency is developing a strategy or has approved a strategy to implement the policy requirement
- Not Implemented – 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 Public Sector Employment Review (PSER) are weighted by agency employee headcount to better understand the level of compliance across the public sector.

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

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

# 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 policies of the government of the day in a timely manner
- 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 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 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

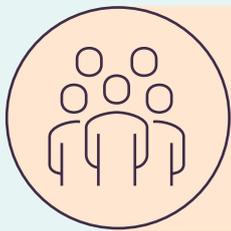
### Public sector agencies are to:

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

# Public sector at a glance

Detailed information about the public sector's workforce size, structure and composition is available at: [publicsector.sa.gov.au/workforce-information](https://publicsector.sa.gov.au/workforce-information)

## Employee demographics



### HEADCOUNT

**113,050**

+3.02% change 2021 to 2022



### AVERAGE AGE

**44**

-1 year change 2021 to 2022

### ABORIGINAL EMPLOYEES

**2.12%**

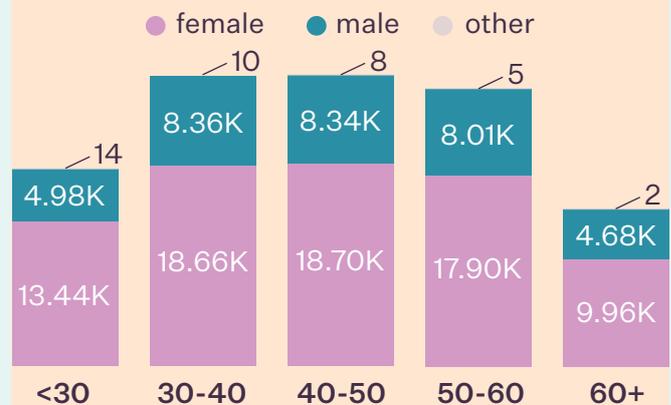
+3.58% change 2021 to 2022

### EMPLOYEES WITH DISABILITY

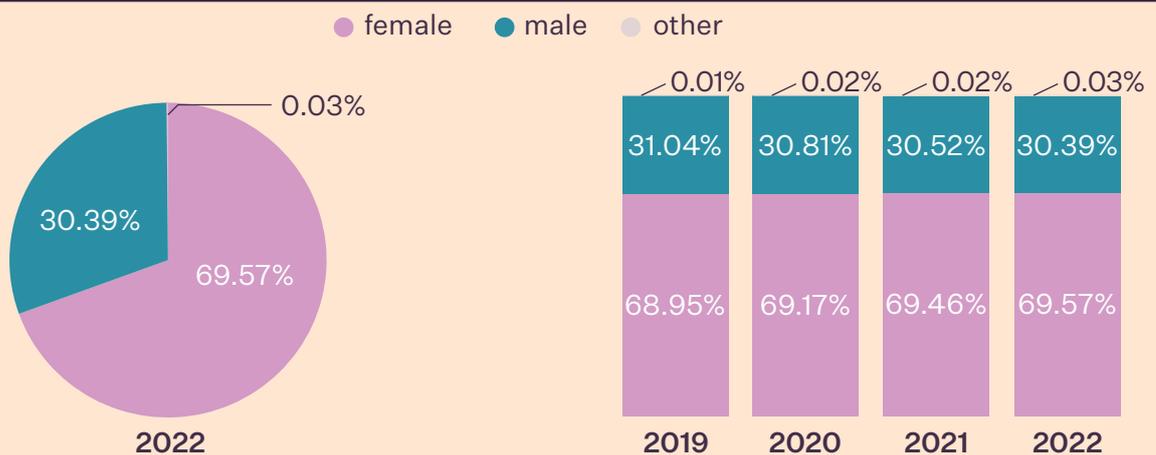
**1.37%**

+2.24% change 2021 to 2022

### AGE DISTRIBUTION



### GENDER SPLIT



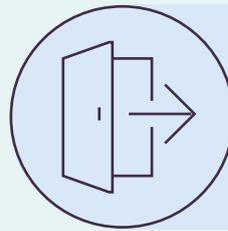
# Employment



## RECRUITED

**24,165**

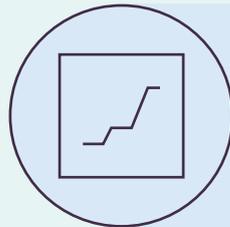
+37.08% change 2021 to 2022



## SEPARATED

**17,849**

+31.25% change 2021 to 2022



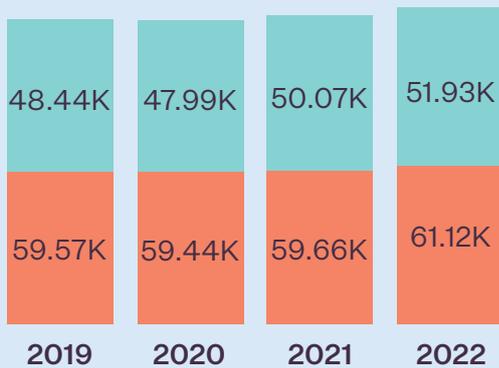
## AVERAGE SALARY

**\$89,984**

+1.85% change 2021 to 2022

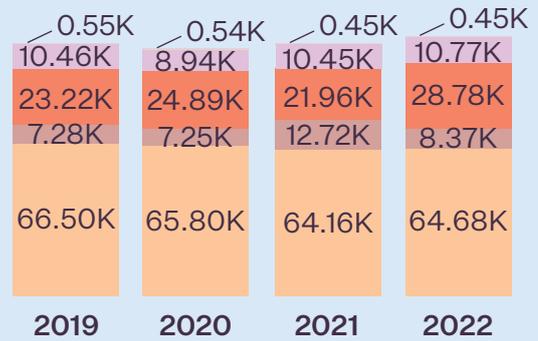
### EMPLOYMENT TYPE

● full time ● part time

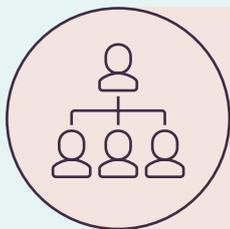


### APPOINTMENT TYPES

● ongoing ● long-term contract  
● short-term contract ● casual ● other



# Executives



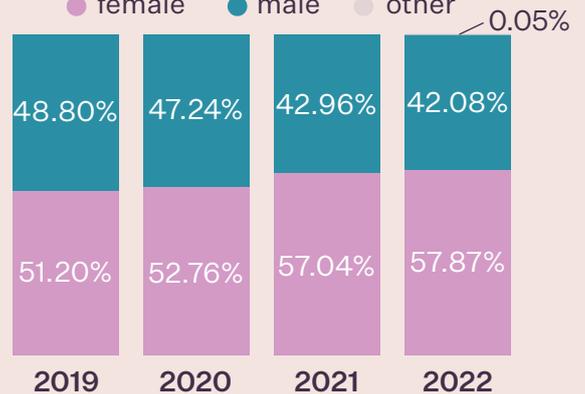
## TOTAL EXECUTIVES

**1,849**

+4.11% change 2021 to 2022

## EXECUTIVE GENDER SPLIT

● female ● male ● other



# 01

## Future ready

The benefits of change in a complex, interconnected organisation like the public sector may not be apparent until years later.

## The Public Sector Performance Commission's 2010 report to government made recommendations on the sector's leadership and building a sustainable workforce.

These recommendations created momentum for the critical reforms that have occurred since, including:

- establishment of the South Australian Leadership Academy (SALA) to strengthen leadership capability across government
- launching the I Work for SA brand to demonstrate the public sector's purpose-driven mandate, which inspires and motivates its employees
- issuing the Your Voice employee survey to measure employee engagement across the sector to evaluate the impact of workforce reforms
- an effective central case management service for employees impacted by organisational realignment.

The reforms helped bring the public sector principles as outlined in the Act to life. They have made a real difference in improving the way the public sector manages its workforce and have helped create a more satisfying employee experience.

Importantly, by collaborating on these important reforms, public sector leaders at all levels are continuing to fulfil their collective responsibility for government performance, employee integrity and workplace culture. My office will continue this work to build a sector that serves South Australians well.

In this chapter, I will highlight key developments in 2021-22 and opportunities that can benefit the public sector into the future.

# I Work for SA – Your Voice Action Plan

In the last State of the Sector, I reported on the results of the 2021 I Work for SA – Your Voice Survey. This survey provided invaluable insights from 36 per cent of public sector employees (39,688 staff) into culture and practices in their workplaces. Against the 2018 benchmark, the 2021 survey identified improvement in leadership, performance management, bullying and harassment and employee wellbeing, as well as issues for further attention.

Since the last State of the Sector, I launched the I Work for SA – Your Voice Survey Sector Action Plan 2022.

Responding to the issues identified in the survey, the action plan focusses across-government action on three key areas in 2022. The initiatives under the action plan are summarised in Figure 1.

My office is working with agencies to deliver the action plan, and I will report on its impact in the next State of the Sector. I am confident the action plan’s initiatives will establish clear expectations going forward on essential matters such as leadership, integrity, inclusion and wellbeing.

Figure 1: I Work for SA – Your Voice Survey Sector Action Plan 2022

## I WORK FOR SA – YOUR VOICE SURVEY SECTOR ACTION PLAN 2022

### YOU TOLD US WE NEED TO FOCUS ON...

#### LEADERSHIP

#### SO WE'RE TAKING ACTION BY...

- Implementing a new framework for all SA public sector leaders which defines what good leadership looks like.
- Setting clearly defined leadership standards to attract, promote and develop the right people and hold them to account.
- Launching new short courses from March 2022, designed for quick and lasting impact. These courses will equip leaders to coach employees to do their best work, successfully manage hybrid working, respond to rapid change, prioritise customers, nurture wellbeing, and promote inclusivity.
- Adapting the South Australian Leadership Academy's core programs to meet the changing needs of the sector.

Our leaders are empowered to set and give clear direction and are skilled in guiding employees through change.

#### WELLBEING

- Establishing an advisory service in partnership with Wellbeing SA so agencies can seek specialised intervention when requiring extra support to create thriving workplaces.
- Piloting a leading online mental health awareness tool for employees and managers, with 24/7 access to resources and training.
- Expanding the successful Mentally Healthy Workplaces initiative to incorporate all aspects of wellbeing, including specific support for frontline workers.
- Introducing custom wellbeing resources and training programs in targeted areas such as bullying and harassment, and mental health awareness.
- Embedding all new initiatives to nurture wellbeing into the sector's leadership induction processes and professional development programs.

You have more support and resources to manage and nurture your wellbeing, with a tailored approach for employees in frontline roles.

#### CULTURE

- Launching a simplified Integrity Framework before June 2022 to define the expectations of all employees, including leaders, on the values and behaviours required to appropriately serve the SA community.
- Improving the experience, representation and inclusion of all employees through a new sector-wide Inclusion Strategy, with a particular focus on employees living with a disability.
- Setting the standard for effective and transparent recruitment practices through better tools and resources.
- Training employees who take part in the sector's recruitment and talent management, so standards are aligned to best practice, consistently upheld and applied.

Our sector is respectful and inclusive, and this culture begins with fair and transparent recruitment processes.



# Leadership

There were 1849 executives in the public sector as of 30 June 2022, a change of 4.11 per cent or 73 more executives since my last report. Executives make up 1.64 per cent of the sector workforce.

The public sector has already begun work in decreasing executive numbers in targeted areas. Data on this will be reported in the 2023 State of the Sector. We aim to build individual expertise in executives and managers across the sector, recognising common priorities and tasks of leading teams and projects, but how do we know what is a good leader?

To define what makes a good leader in our sector and the mindsets needed to lead effectively, my office has developed the new Leadership Excellence Framework that will be released to all agencies shortly. It will be especially instrumental in the professional development of our current and future leaders who attend the South Australian Leadership Academy (SALA).

My office, through SALA, also delivers leadership development programs that focus on core skills and knowledge expected of all executives and managers. All core programs continue to be over-subscribed by up to 100 per cent, with high participant satisfaction ratings (average 9/10).

The core programs include:

- Executive Excellence completed by 40 senior executives during the financial year
- Manager Essentials completed by 331 frontline managers during the financial year.
- HR Essentials completed by 262 managers during the financial year
- Aboriginal Frontline Leadership Program completed by 26 participants during the financial year.

In line with the action plan, SALA has refreshed the Next Executives and Executive Excellence programs in 2022 to incorporate best practice in both content and hybrid delivery.

Another commitment in the survey action plan was the launch of new short courses to equip managers to coach employees, manage hybrid teams, nurture wellbeing and promote inclusivity. As a result, the Leadership Series was introduced in March 2022 with a suite of 12 webinars.

My office oversees the online, self-paced induction for chief executives and executives to provide them with the information they need to know as they start their roles. The online induction complements existing face-to-face induction of our most senior leaders.

# Performance management and development

Effective performance management and development creates productive and harmonious workplaces. It's a valuable investment to ensure our people understand expectations of them to enable the public sector to continue to deliver what's required for the state.

When agencies self-assessed the maturity of their internal performance management processes and policies, they responded that 99 per cent of public sector employees had biannual performance reviews.

However, agencies responses for the State of the Sector data collection points to only 49 per cent of employees recording their performance review between July 2021 and December 2021, and 55 per cent between January 2022 and June 2022. One reason for the disparity between the two responses is that agencies may lack appropriate recording mechanisms to demonstrate they are meeting a mandatory obligation. New systems are currently being introduced in some agencies that will help lead to greater transparency.

**Figure 2: 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: In the agency, an employee PMD review is conducted at least twice a year and an appropriate level of documentation is maintained for records.**



I will raise awareness with agency chief executives of the importance of regular performance management and development reviews for all employees.

This awareness will also include greater promotion of the available resources to executives and managers to improve performance

management practices such as the Manager Essentials program and the Leadership Series delivered through SALA. I also expect to provide additional new resources for managers and human resources professionals on performance improvement and unsatisfactory performance towards the end of this year and throughout 2023.

# Flexible working

For many years, the public sector has been an employer who supports flexibility through a range of flexible working arrangements for our people.

Arrangements include changing start and finish times outside of core hours or creating part-time or job-sharing opportunities. While the type of flexible working arrangements will vary according to the nature of each public sector role, I continue to encourage employees to access the arrangements available to them.

The COVID-19 pandemic has also raised awareness throughout the community of hybrid working arrangements, where employees work partly in the workplace and partly remote. For the public sector, hybrid working offers the opportunity to provide employees with more flexibility, as well as possible accommodation savings to agencies.

However, around two-thirds of the public sector workforce are in frontline roles, delivering health, safety, education and emergency services directly to the community, and usually from workplaces that are especially equipped for the purpose. Additionally, many back-office workers are critical in supporting the work of frontline roles. For many of these workers hybrid working is not possible.

While the number of public sector employees working part of their hours remotely remains relatively small, there has been a trend toward formalising these arrangements over recent years. Based on data provided by agencies, 11.3 per cent of employees worked part of their hours remotely over the last year, and of those, 2.06 per cent worked all their hours remotely.

Data shows there has been a slight trend towards part-time work in the past two years, with 44.29 per cent of the workforce now working part-time. In the last year alone, part-time work has increased by 4.34 per cent.

While hybrid and remote working options are important, we must also recognise the connection and collaboration achieved through physically working together. It is my strong belief that mental wellbeing, productivity and team culture are better supported when workers feel connected to their employing organisation. A shared work environment also helps to alleviate feelings of isolation and disengagement, deepening the skills required to build and foster relationships.

I will continue to monitor and report on the sector's flexible working arrangements data, which is especially pertinent as society reshapes the way we all work, and as more global research emerges on how the hybrid model impacts productivity, as well as the mental health and wellbeing of employees.

# Diversity and inclusion

## The public sector workforce must reflect the diversity of the community.

From the 2021 I Work for SA – Your Voice Survey, nearly 85 per cent of employees agreed that their colleagues behaved in an accepting manner towards people from diverse backgrounds, an increase of one percentage point from 2018. I am encouraged that the number of employees who thought personal background was not a barrier to success increased by two percentage points to 70 per cent.

I am pleased to report that the public sector continues to record its highest ever level of Aboriginal employment. As of 30 June 2022, there were 2400 Aboriginal employees, an increase of 3.58 per cent since 30 June 2021. Aboriginal employees made up 2.12 per cent of the total workforce as of June 2022.

Employment of public sector employees who have a declared disability also continues to increase. There were 1551 employees with a declared disability, representing 1.37 per cent of the workforce, as of June 2022. Yet a significantly higher number of employees indicated they had a disability through the

I Work for SA – Your Voice Survey. We know there can be a reluctance to disclose a disability, so, as a sector, we need to build employee confidence in making such disclosure. This is important to proactively build supportive and understanding work environments, and additionally, to increase participation levels of people living with a disability.

The public sector continues to be a South Australian leader on gender parity within executive ranks. There were 1070 women executives and 778 male executives as of June 2022. The proportion of women executives increased from 57.04 per cent to 57.87 per cent in the year to June 2022.

A new Inclusion Strategy will soon be launched, and I am confident that it will continue this positive trajectory, which will be reported in the next State of the Sector.

# 02

## Ethical behaviour and professional integrity

The *Public Sector Act 2009* requires all employees to uphold the Code of Ethics and for chief executives to ensure it is observed in their agency.

## **Any breach of the Professional Conduct Standards in the Code of Ethics is treated as misconduct under the Act, which may trigger the employing chief executive to progress disciplinary action.**

As Commissioner for Public Sector Employment, the Act requires me to:

- issue the Code of Ethics
- monitor and report to the Minister responsible for the Act on the observance of the Code
- investigate matters of employee conduct or discipline.

The Code of Ethics was updated in January 2022 to reflect changes under the *Independent Commission Against Corruption Act 2012* to how employees report unethical behaviour.

From the information reported by agencies, I am confident that most agencies:

- have a formal process in place to manage unsatisfactory performance or misconduct
- review their training modules on the Code of Ethics, Public Sector Values and ethical decision-making periodically to ensure these are up to date
- record employees' details in the Eligibility of Re-Employment Register upon termination because of misconduct or resignation while under investigation but before a misconduct finding was made
- ensured employees understood their obligation to report if they have been charged with a serious criminal offence.

Several smaller agencies and one large agency reported that they were evaluating processes for monitoring and recording employee completion of training on the Code of Ethics, Public Sector Values and ethical decision-making.

I expect that as my office embeds a new Integrity Framework for the sector in the next 12 months, there will be greater awareness about issues that potentially put employees' adherence to the Code of Ethics at risk. It is possible that with increased knowledge and education the number of investigations or misconduct findings could potentially rise. However, it's my view that such an increase within this timeframe would also demonstrate the framework's successful adoption and negates any perceived downside.

It's my firm view that we need to bolster our commitment to good conduct, because a culture of integrity requires a workforce that not only inherently understands the value of this pursuit but is proactive in its protection because it underpins everything that we do.

# Code of Ethics investigations

In 2021-22, agencies reported 662 investigations of Code of Ethics breaches. I am encouraged by the decline in investigations from 707 in 2020-21, which given the increase in size of the total public sector represents a 6.36 per cent decrease.

However, it must be noted that the number of breaches confirmed after an investigation has slightly increased to 41 per cent of all investigations conducted.

Outcomes of the investigations since 2019-20 are below.

**Table 1: Investigations into Breaches of the Code of Ethics, 30 June 2020 to 30 June 2022**

OUTCOME	2019-20 (TOTAL)	2019-20 (%)	2020-21 (TOTAL)	2020-21 (%)	2021-22 (TOTAL)	2021-22 (%)
Breach found	352	51%	267	38%	274	41%
Breach not found	123	18%	197	28%	145	22%
Investigation continuing	221	32%	243	34%	243	37%
<b>TOTAL</b>	<b>696</b>	<b>100%</b>	<b>707</b>	<b>100%</b>	<b>662</b>	<b>100%</b>

Source: State of the Sector Agency Survey – AIC 2022\*

\*Percentages may not total 100 per cent due to rounding.

Consistent with the previous year, the top three types of breaches found in 2021-22 included:

- professional and courteous behaviour (65 per cent)
- handling official information (8 per cent)
- criminal offences (6 per cent).

Agencies reported that 17.2 per cent of investigations took more than six months to complete. This is a very slight increase compared to last year, indicating the efforts to streamline processes and finalise investigations within an appropriate timeframe are still required.

In February 2022, the new Workplace Investigations Panel was established, which is overseen by my office. It is intended to help agencies to investigate suspected employee misconduct, maladministration, and grievances in a timely and cost-effective manner with the assistance from suitably licensed and experienced external investigators. Consistency is also enhanced through my office's monitoring of KPIs and real-time agency feedback. Currently five providers are appointed to the panel, and each has a South Australian office, while three are entirely local operators.

Use of external investigators for public sector investigations is an accepted practice and are usually reserved for more serious and complex matters, or when a greater level of independence from the investigating agency is required.

Although, it should also be noted that most investigations are conducted internally, as seen in the table below.

**Table 2: Method used to Complete Investigations into Breaches of the Code of Ethics, 30 June 2022**

METHOD	2021-22 (TOTAL)	2021-22 (%)
Investigated using internal resources	604	91%
Investigated using external investigator included on Investigative Services Panel	20	3%
Investigated using external investigator not included on Investigative Services Panel	22	3%
Not specified	16	2%
<b>TOTAL</b>	<b>662</b>	<b>100%</b>

Source: State of the Sector Agency Survey – AIC 2022\*  
\*Percentages may not total 100 per cent due to rounding.

The Act confers powers to the Commissioner to investigate matters of public sector employee conduct or discipline, either as required by the Premier or requested by an agency, or on the Commissioner’s initiative, including investigating public interest information under the *Public Interest Disclosure Act 2018*.

During 2021-22, I used my powers to complete one investigation on my own initiative. In this same period, I referred six other matters to the relevant chief executive for investigation.

There were four public interest disclosures made to me as a relevant authority under the *Public Interest Disclosure Act 2018* during the 2021-22 reporting period. There were seven disclosures in 2020-21.

# Bullying and harassment

In my last State of the Sector, I reaffirmed my commitment to work with the public sector to stamp out workplace bullying and harassment. I continue to reiterate my position that bullying and harassment will not be tolerated in our workplaces.

This year, I asked agencies to provide me with information on the measures they had in place to address bullying and harassment in their workplaces.

Pleasingly, most agencies, employing 95.1 per cent of the total workforce, reported that they had a policy in place on bullying and harassment. However, as seen in the table below, fewer agencies ensured employees were informed

of bullying and harassment policy and processes or had a policy in place that detailed pathways for employees to report bullying and harassment.

Many agencies are working towards mandatory employee training, and my office is currently looking at possible whole-of-government training to reaffirm expected behaviours and actions across the sector.

Next year, I intend to expand on data collected from agencies to include information on the number of bullying and harassment complaints received and the action taken. This will help guide further work to ensure agencies are taking all necessary steps to eliminate inappropriate behaviour.

**Table 3: Bullying and Harassment Policies and Practices, 30 June 2022**

QUESTION	IMPLEMENTED % OF TOTAL PUBLIC SECTOR WORKFORCE	DEVELOPING % OF TOTAL PUBLIC SECTOR WORKFORCE	NOT IMPLEMENTED % OF TOTAL PUBLIC SECTOR WORKFORCE	NOT APPLICABLE % OF TOTAL PUBLIC SECTOR WORKFORCE
Your agency has a policy in place that addresses bullying and harassment.	95.06%	4.94%	0.00%	0.00%
Your agency ensures employees are informed of the bullying and harassment policy and processes.	93.64%	6.36%	0.00%	0.00%
Your agency has a policy in place detailing pathways for employees to report bullying and harassment.	94.89%	5.11%	0.00%	0.00%
Your agency has a training program to address bullying and harassment in place that is mandatory for all employees.	29.40%	68.78%	1.64%	0.18%
Your agency has a process to manage and investigate bullying and harassment complaints within a defined time period.	92.95%	6.27%	0.00%	0.78%

Source: State of the Sector Agency Survey – PSER 2022\*

\*Percentages may not total 100 per cent due to rounding.

**Figure 4: Your agency has a policy in place that addresses bullying and harassment.**



**Figure 5: Your agency ensures employees are informed of the bullying and harassment policy and processes.**



**Figure 6: Your agency has a policy in place detailing pathways for employees to report bullying and harassment.**



**Figure 7: Your agency has a training program to address bullying and harassment in place that is mandatory for all employees.**



**Figure 8: Your agency has a process to manage and investigate bullying and harassment complaints within a defined time period.**



# 03

## Commissioner's Reports

This chapter presents the data I am required to report on under the Act or because it's within the public's interest.

# Premier's Directions

Under the Act, the Premier may give directions to public sector agencies about whole-of-government objectives and their implementation.

Premier's Directions apply to all agencies except for the Courts Administration Authority, Legal Services Commission, the Office of Public Integrity and the Independent Commission Against Corruption.

As of 30 June 2022, the following Premier's Directions were in place and no additional directions were issued.

It should be noted that Premier's Directions in relation to public sector mobilisation and requirement to act in accordance with Determination 3.1 Supplementary Provisions for COVID-19 were withdrawn after the reporting period for this year's State of the Sector.

**Table 4: Premier's Directions, as of 30 June 2022**

TITLE	DESCRIPTION
<b>Public Sector Mobilisation for a Major Emergency</b>	Requires all public sector agencies to comply with the requirements of the South Australian Public Sector Mobilisation Policy.
<b>Requirement to act in accordance with Commissioner's Determination 3.1 Supplementary Provisions for COVID-19</b>	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.
<b>Standard Duration of Executive Level Employment</b>	Requires agencies to restrict the term of new contracts for executive-level employees to a maximum three years, except in exceptional circumstances.
<b>Recruitment</b>	Outlines the minimum standards that relevant public sector agencies are obligated to implement in their recruitment systems.
<b>Restraints on Re-engagement of Former Executive Employees and Other Public Office Holders in Certain Circumstances</b>	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.
<b>Induction</b>	Outlines the minimum standards that relevant SA public sector agencies are obligated to implement in their induction systems.
<b>Employee Exit Feedback</b>	Outlines the minimum standards that relevant SA 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 SA public sector agencies are obligated to implement in their performance management systems.
<b>Flexibility for the Future</b>	Outlines the minimum standards that relevant SA 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.

The annual State of the Sector survey required agencies to self-assess their implementation of key features of the Premier's Directions.

Based on the 90 per cent of agencies who were surveyed for this report, most of the public sector implemented the Premier's Directions.

In relation to the Premier's Direction on induction, I note that agencies reported 12,316 new staff were inducted in the last 12 months, but the number of people recruited into an agency was 24,165.

While 99.8 per cent of agencies have confirmed they have induction processes in place, only 46.6 per cent of agencies confirmed they have appropriate mechanisms to record induction.

Disappointingly, almost 40 per cent of our staff are not being adequately inducted. It is crucial that we do better to ensure our people know what is expected of them and what supports, procedures and mechanisms are in place to help them achieve what is expected. My office will be doing more work in this space over the next 12 months.

# Commissioner's Determinations

My Determinations apply to staff employed under the *Public Sector Act 2009* however, they can also be extended to those who work under other industrial instruments. Typically, this group are referred to as public sector employees.

No new Commissioner's Determinations were issued in 2021-22.

Determinations 1, 3.1, 3.2, 7 and 8 were updated during the reporting period.

Determination 3.1 Employment Conditions – Hours of Work, Overtime and Leave: Supplementary Provisions for COVID-19 was withdrawn. Determination 3.1 was updated to include ongoing COVID-19 pandemic provisions.

As of 30 June 2022, the following Determinations were in force:

**Table 5: Commissioner's Determinations, as of 30 June 2022**

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

No significant concerns about the implementation of Commissioner's Determinations were identified in the agency responses to the State of the Sector survey.

# Commissioner's Guidelines

I may issue Guidelines on employment matters, as stated in the Act. Guidelines are non-binding, and they are intended to help agency managers and employees improve practice in specific employment matters.

No new Commissioner's Guidelines were issued in 2021-22.

The guideline on domestic and family violence was updated in 2021-22.

Although outside of the 2021-22 reporting period, I note that the Volunteers' Guideline was updated in July 2022.

Noting the four Determinations in Table 5 are also Guidelines, as of 30 June 2022, the following Guidelines were in force:

**Table 6: Commissioner's Guidelines, as of 30 June 2022**

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

I will be releasing new and updated Guidelines to support performance management and development, and the management of unsatisfactory performance and misconduct in the new year.

# Excess employees

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

As of 30 June 2022, there were 84 excess employees in the public sector:

- 78 employees were available for immediate placement
- 70 employees have been declared excess for nine months or more.

Figure 9: Excess employees, 2011 to 2022



Source: OCPSE

# Exemptions to merit-based selection processes

Regulation allows for a chief executive to engage an individual without a merit-based selection process, considering the individual's skills and experience.

During 2021-22, agencies reported 204 exemptions. This is a decrease of 16.4 per cent compared to the previous year, however, this level is still at odds with the ideals of merit-based selection and the public sector's commitment to transparent recruitment practices.

Figure 10: Exemptions from Merit-Based Selection Processes, 2012 to 2022



Source: State of the Sector Agency Survey – AIC 2022; previous State of the Sector reports

# Healthy and safe workplaces

My office assists agencies to fulfil their obligations under the *Work Health and Safety Act 2012* and associated regulations and codes of practice.

There was a 10 per cent reduction in the number of new claims made compared to the previous year with 337 fewer new claims. Working from home continued to be well managed and was not a significant factor to risk of injury.

In line with a reduction in the overall number of claims, there was a fall in the number of significant injuries - accepted claims that lost more than one week of work time. This was also true for significant musculoskeletal claims so that both measures met the target set for the life of the strategy.

The number of seriously injured worker claims remained constant, although recent case law and the *Return to Work (Scheme Sustainability) Amendment Bill* are expected to have an impact in future years. My office is supporting agencies to identify and implement required changes to systems and processes arising from the amendment bill.

Mental stress claims have decreased from last year and the public sector has continued to avoid the rise in claims seen interstate. Mental stress, however, remained the most expensive type of injury, accounting for 36 per cent of gross expenditure in this period, although making up only 18.5 per cent of all claims.

# Appendix 1

## Participation in the 2021-22 State of the Sector Agency Survey

\* Department names were current as of 30 June 2022.

## Participating agencies

- Adelaide Cemeteries Authority
- Adelaide Festival Centre Trust
- Adelaide Festival Corporation
- Adelaide Venue Management Corporation
- Alinytjara Wilurara Landscape Board
- 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
- CTP Regulator
- Dairysafe
- Defence SA
- Department for Child Protection
- Department for Correctional Services
- Department for Education
- Department for Energy and Mining
- Department for Environment and Water<sup>1</sup>
- Department for Health and Wellbeing
- Department for Infrastructure and Transport
- Department for Innovation and Skills
- Department for Trade and Investment
- Department of Human Services<sup>2</sup>
- 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
- Electorate Services
- Environment Protection Authority
- Essential Services Commission of South Australia
- Eyre and Far North Local Health Network
- Eyre Peninsula Landscape Board
- Flinders and Upper North Local Health Network
- ForestrySA
- Funds SA
- Government House
- Green Industries SA
- Hills and Fleurieu Landscape Board
- History Trust of South Australia
- HomeStart Finance
- Independent Commissioner Against Corruption
- Jam Factory Contemporary Craft and Design
- Kangaroo Island Landscape Board
- Legal Services Commission
- Lifetime Support Authority of South Australia
- Limestone Coast Landscape Board
- Limestone Coast Local Health Network
- Murraylands and Riverland Landscape Board
- Northern Adelaide Local Health Network
- Northern and Yorke Landscape Board
- 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
- Riverland Mallee Coorong Local Health Network
- SA Ambulance Service
- SA Housing Authority
- SA Lotteries
- SA Water
- SACE Board of South Australia
- Small Business Commissioner South Australia

- South Australia Arid Lands Landscape Board
- South Australia Police
- South Australian Country Fire Service<sup>2</sup>
- South Australian Film Corporation
- South Australian Fire and Emergency Services Commission
- South Australian Government Financing Authority
- 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
- State Theatre Company of South Australia
- Study Adelaide
- Super SA
- TAFE SA
- Teachers Registration Board
- Veterinary Surgeons Board
- Vinehealth Australia
- Wellbeing SA
- West Beach Parks
- Women's and Children's Health Network
- Yorke and Northern Local Health Network

### Agencies that did not participate

- Legal Profession Conduct Commissioner

### Out of scope agencies

- Courts Administration Authority
- Parliament of South Australia

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<sup>1</sup>Submission from the Department for Environment and Water includes the Office of Hydrogen Power SA.

<sup>2</sup>Department of Human Services were unable to provide some of the statistical information requested by the OCPSE.

<sup>3</sup>South Australian Country Fire Service were unable to provide some of the statistical information requested by the OCPSE.

# Public Sector Values

Ministers, chief executives and other public sector employees have collectively defined values to guide the sector's long-term development.

The values are, in part, based on the traditional tenets of public service. Yet they also reflect the evolution of the sector, and the modern world in which it operates.

The values are articulated in the *Public Sector Values and Behaviours Framework*.

All public sector employees should endeavour to embody the values in their work.

## SERVICE

Proudly serve the community and Government of South Australia.

## COLLABORATION AND ENGAGEMENT

Create solutions together.

## PROFESSIONALISM

Strive for excellence.

## HONESTY AND INTEGRITY

Act truthfully, consistently, and fairly.

## TRUST

Have confidence in the ability of others.

## COURAGE AND TENACITY

Never give up.

## RESPECT

Value every individual.

## SUSTAINABILITY

Work to get the best results for current and future generations of South Australians.

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**Government  
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Office of the Commissioner  
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