

INQUIRY INTO 2022 REVIEW OF THE WORKERS COMPENSATION SCHEME

Organisation: Public Service Commission

Date Received: 30 September 2022

Ref: A6045080

The Hon Chris Rath MLC
Chair
Standing Committee on Law and Justice
Legislative Council
Parliament House
SYDNEY NSW 2000

Law@parliament.nsw.gov.au

Public Service Commission (PSC) submission to the 2022 Review of the Workers Compensation scheme

Dear Chair

Thank you for your invitation to make a submission to the 2022 Review of the Workers Compensation Scheme.

As advised in my letter of 15 September 2022, the PSC does not undertake any statutory functions associated with work, health and safety and does not provide advice or hold data associated with workers compensation schemes.

However, I acknowledge the importance of the review and make this submission to inform the Standing Committee of the PSC's related programs or work.

People Matter Employee Survey

The People Matter Employee Survey (PMES) is a voluntary annual survey open to all employees in the NSW public sector. The survey asks employees about their experiences with their work, work group, managers, and organisation. Their experiences are grouped into management practices and reported under four domains: purpose and direction, work environment, enabling practices and leadership. All these practices positively contribute towards employee and organisational outcomes, including employee engagement, job satisfaction, wellbeing, and customer service. The survey also covers non-attitudinal questions such as intention to stay in the sector and negative workplace behaviours.

PMES data is used as an important indicator of employee engagement and experience across the sector. The results of the survey provide evidence of areas of strength and opportunities for improvement for teams, agencies, clusters, and the sector in general. PMES insights are often used to shape employee experience strategies to improve workplaces including workplace health and safety.

Bullying, sexual harassment and physical harm

In 2012, the first PMES revealed a high incidence of bullying, with almost one-third (29%) of survey respondents reporting they had experienced at least one instance of bullying in the 12 months leading up to the 2012 survey. This rate dropped to 18% in 2017 after concerted efforts across the public sector, and to around 14% during COVID-19.

In 2020, the PMES questions on bullying, sexual harassment and physical harm were expanded to gain more information on the types and perpetrators of these behaviours. More detailed information assists with designing targeted interventions.

As the 2022 PMES survey only recently closed and results are not yet available, select key insights for the NSW public sector from the 2021 survey are provided below.

Bullying, sexual harassment and physical harm	2021	2020
Experienced bullying at work	14%	14%
Witnessed bullying at work	22%	22%
Experienced sexual harassment at work	4%	3%
Witnessed sexual harassment at work	3%	
Threatened with or experienced physical harm at work	7%	6%

Wellbeing and mental health

In 2021, the PMES had overall positive responses to employee wellbeing and mental health questions:

Wellbeing and mental health	2021	2020
Wellbeing	69%	70%
There are people at work who care about me	83%	82%
Keep work stress at an acceptable level	61%	62%
Effective resources in their organisation to support employee wellbeing	70%	
Work health and safety issues raised would be addressed promptly	76%	
Comfortable notifying their manager if they became aware of any risks at work	87%	88%
Reported a mental health condition	9%	9%

2022 PMES results will be published on the PSC's website on 8 November 2022.

PSC initiatives to support workplace safety

The PSC has several initiatives and programs of work that contribute to safe workplaces.

The Ethical Framework

The *Government Sector Employment Act 2013* (GSE Act) establishes a legal requirement for all people employed in the government sector to act ethically and in the public interest.

In addition, sections 25 and 30 of the GSE Act make Department Secretaries and heads of agencies responsible for the ethical conduct and management of their agencies.

The Behaving Ethically Guide

With the Ethical Framework at its core, the Behaving Ethically guide assists agencies to develop ethical cultures, leadership and workplace practices.

The guide includes examples, tools and templates to help employees behave ethically and act in the public interest across four sections that include:

- Section 1 sets the legal, ethical and institutional context for ethical conduct by NSW government sector employees
- Section 2 contains codes and standards which are the subject of directions by the Public Service Commissioner to government sector agencies under s.13 of the Government Sector Employment Act 2013
- Section 3 provides advice to employees (executives, managers and staff) on demonstrating ethical good practice in leadership, decision-making and other responsibilities
- Section 4 contains resources and scenarios that will help employees to decide how to act ethically under various circumstances.

The PSC has recently completed a refresh of the Behaving Ethically Guide to address policy, machinery of government and organisational changes and remove references to outdated material.

The PSC is also planning a more substantive review of the Code, Standards and Behaving Ethically Guide. This work is currently phased for completion in late 2023, with consultation to start in the coming months.

Equity and Respect Framework

The PSC has developed an Equity and Respect framework to prevent and respond to sexual harassment and bullying in the NSW public sector. This framework incorporates seven domains under the two focus areas of prevention and response. The seven domains identified are: leadership, risk assessment, culture, knowledge, support, reporting, and monitoring and evaluation. The PSC is currently implementing a program of work under this framework that will support the NSW public sector to address bullying and sexual harassment in the workplace. Some of the key initiatives within this program of work are outlined below.

Respectful Workplace Foundations pilots

The Respectful Workplace Foundations pilots was a collaboration between the PSC, four NSW public sector agencies, and researchers at the University of South Australia. The aim of the pilots was to create more supportive and respectful workplaces for NSW public sector employees by strengthening the foundations for a healthy and respectful work environment. The pilot focused on 10 target areas identified in research as key areas that can impact wellbeing and psychosocial safety at work.

The PSC is developing a case study that includes guidelines on how agencies can build a more supportive workplace and improve working practices to better support wellbeing.

NSW public sector sexual harassment model policy

The PSC is developing a model sexual harassment policy for the sector. Agencies will be encouraged to use the model policy as a template which will ensure guiding principles and approaches to preventing and responding to sexual harassment in the workplace are implemented.

To support this policy, the PSC is developing a training package and an interactive tool where individuals can seek support and education on sexual harassment in the workplace.

Equality and Respect Working Group

To provide ongoing engagement and consultation, the PSC has established a sector-wide working group with representatives from WomenNSW, Anti-Discrimination NSW, Safework NSW and across each cluster.

Managing employee wellbeing during COVID-19 webpage

The PSC developed a wellbeing webpage during COVID-19 that includes resources on how to maintain mental health for managers and employees, LGBTIQ+ employees, employees with childcare responsibilities and other caring responsibilities, people with disability, Aboriginal employees, and remote and regional employees. The webpage provides information on where employees can seek help, information for managers on how to support their teams, and information for organisations on flexible working.

I hope this information is of assistance to the Standing Committee in undertaking its review. Thank you for giving me the opportunity to make this submission.

Yours sincerely

Kathrina Lo
Commissioner
Date: 29 September 2022