

Submission
No 40

INQUIRY INTO 2023 REVIEW OF THE WORKERS COMPENSATION SCHEME

Organisation: Supplementary submission - Public Service Commission

Date Received: 7 September 2023

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

Email: Law@parliament.nsw.gov.au

Dear Chair

I refer to your letter of 28 August 2023 providing the opportunity to submit an updated version of the Public Service Commissioner's 2022 submission to the Standing Committee on Law and Justice review of the workers compensation scheme.

I have taken the opportunity to update the submission, which now includes data collected in the 2022 People Matter Employee Survey and updated or additional information relating to initiatives or programs of work within the PSC that may contribute to safe workplaces.

Yours sincerely

Chris Lamb
Acting Commissioner
Date: 7 September 2023

Public Service Commission submission to the Standing Committee on Law and Justice - Workers Compensation Review

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 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.

The 2023 PMES survey is currently underway and the results are not available at the time of making this submission. Select key insights for the NSW public sector from the 2022 survey are provided below.

- 14% of respondents experienced bullying at work (consistent with 2021)
- 21% of respondents witnessed bullying at work (compared with 22% in 2021)
- 5% of respondents experienced sexual harassment at work (consistent with 2021)
- 3% of respondents witnessed sexual harassment at work
- 8% of respondents were threatened with or experienced physical harm at work (compared with 7% in 2021).

Wellbeing and mental health

In 2022, most survey scores decreased in favourability compared to 2021. A question to measure burnout was added in 2022, consistent with emerging employee experience survey trends. The survey had mixed responses to employee wellbeing and mental health questions:

- An overall wellbeing level of 58% (compared to 62% in 2021). Note there was already a decrease in 2020 from 64% that suggests wellbeing was already declining during the pandemic.
- 38% of employees feel burnt out by their work. These results are consistent with other jurisdictions that measure burnout (Australian Public Service, 32% in 2022).

- A positive response of 80% to the item: 'People in my workgroup treat each other with respect.'
- 58% of employees indicated they were able to keep work stress at an acceptable level (compared to 61% in 2021)
- 64% of employees agreed there were effective resources in their organisation to support employee wellbeing.
- 74% of employees were confident that work health and safety issues raised would be addressed promptly.
- 86% of employees indicated they were comfortable notifying their manager if they became aware of any risks at work.
- The proportion of employees reporting a mental health condition was 10%.

Public Service Commission initiatives to support workplace safety

The Public Service Commissioner (PSC) has several initiatives and programs of work that contribute to safe workplaces.

The Ethical Framework

The *Government Sector Employment (GSE) Act 2013* 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 you 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 Act.
- 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 is in the final stages of a substantive review of the Code and supporting resources. A new Code will be issued in late November 2023, with activities to support its implementation set to follow.

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 developed 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 Commissioner Direction and model policy

On 8 May 2023 the NSW Public Service Commissioner gave a Direction requiring all NSW Government Sector agencies to implement a sexual harassment policy by 1 March 2024 which meets a number of minimum standards set out in the Direction.

To support agencies to develop and implement a sexual harassment policy that meets the minimum standards set out in the Direction, we developed a Model Sexual Harassment Policy and Implementation Guide. These resources have been made available on the [PSC website](#). Agencies are 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. In addition, the PSC is developing a training package and a digital information assistant where individuals can seek support and education on sexual harassment in the workplace.

Equity 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. This group will meet on a regular basis to share about their processes and progress towards implementing a sexual harassment prevention policy.

Burnout program of work

The PSC will provide support to the sector in preventing and responding to workplace burnout identified in the PMES through the following:

- Development of a people manager toolkit with tangible actions the sector can take to prevent and reduce workplace burnout. The toolkit will be published in our Belonging and Inclusion Library and will also be shared with PMES collaborators across the sector.
- The PMES will continue to measure workplace burnout to enable year-on-year comparisons and evaluation of the impact of prevention and mitigation strategies across organisations.
- Development of a burnout organisational risk factors profile including the PMES questions that link to research identified factors that increase susceptibility to experiencing burnout. This will provide additional insights to help prevent burnout and create a supportive work environment that promotes wellbeing, engagement, and

productivity. The burnout risk factors profile will be shared with agencies as part of the PMES reporting package.