

Questions from Hon Mark Latham MLC

Question 1

What percentage of NSW public servants have work-from-home arrangements? Is it possible to break this number down to departmental and agency level?

Answer

There is no centrally held data available that captures public sector employees' work from home arrangements at either a sector or agency level.

Question 2

How have the statistics in (1) above changed since the Premier's 'back to office' order?

Answer

See answer to Question 1.

Question 3

Minister have said there is no further need for the NSW Public Service Commission, that it's a failed experiment from the O'Farrell era. How does the Commission justify its existence?

Answer

Due to machinery of government changes, the Commission no longer exists as a separate agency.

The *Government Sector Employment Act 2013* establishes the office of Public Service Commissioner and assigns certain objectives and functions to the Commissioner.

Question 4

Which NSW public service agencies still engage in strictly merit selection for recruitment and promotion?

Answer

All public service agencies are required to apply the merit principles in employment decisions – refer to the Ethical Framework in the *Government Sector Employment Act 2013* and Part 3 of the *Government Sector Employment (General Rules) 2014*.

Question 5

Does the Commission have any evidence that diversity hiring improves the performance of agencies? Where has this happened in NSW?

Answer

The People Matter Employee Survey results confirm that diversity and inclusion are strongly linked with employee engagement, employee well-being and customer service. Employee engagement is an indicator of productivity.

The Public Service Commission Advisory Board commissioned research to enhance the understanding of diversity and inclusion in the NSW public sector. The research showed that workforce diversity, when supported by inclusive practices, can result in positive outcomes for individual employees, teams, organisations and the customers they serve. The report, *Diversity and inclusion in the NSW public sector: A conversation*, is published on the Public Service Commission website.

The Commission's Belonging and Inclusion Strategy provides further evidence, insights and resources to support the business case for diversity.

Question 6

Has the Commissioner studied how much time is now taken up in public service work places by work political activities and virtue signalling? What did this study find?

Answer

No.

Under the Ethical Framework established by the *Government Sector Employment Act 2013*, government sector employees are required to be apolitical, impartial and non-partisan. This is reinforced by the Code of Conduct and Ethics for Government Sector Employees.

**Questions from Hon Chris Rath MLC (on behalf of the Opposition)
Public Service Commissioner – Loss of Resources****Question 7**

Was the Public Service Commissioner consulted by the Premier before they lost their responsibilities for workforce planning and data collection earlier this year?

- (a) Has the Public Service Commissioner lost any staff or resources as a result of these changes in their responsibilities?
- (b) Has the Public Service Commissioner received a pay cut as a result of these changes in their responsibilities?

Answer

The Commissioner was consulted on the legislative changes impacting the role and functions of the Commissioner.

- (a) Yes, noting that savings were required to be made in implementing the machinery of government changes that impacted the Public Service Commission.
 - (c) No, noting that remuneration is determined by an independent tribunal.
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Questions from Ms Abigail Boyd MLC

Question 8

What would the NSW public sector gender pay gap be if it included a consideration of overtime, bonuses and additional payments, as is the case for reported private sector pay gap data?

Answer

This question should be directed to the Premier's Department (via the Premier), which is now responsible for workforce profile data that is used to calculate the gender pay gap.

Question 9

What methodology does the PSC use for measuring gender equity outcomes?

Answer

The PSC used the Organisation for Economic Co-operation and Development (OECD) methodology to calculate the gender pay gap. This measures the difference between the full-time median remuneration of men and women relative to the median remuneration of men.

Question 10

On 8 May 2023 the NSW Public Service Commissioner issued a Direction requiring all NSW Government Sector agencies to implement a sexual harassment policy by 1 March 2024 that complies with the minimum standards, and to require employees of that agency to comply with that policy. Has this been completed across all agencies?

- (a) How is the PSC overseeing this to ensure every agency is complying?
- (b) Departments/agencies were directed to outline record-keeping practices for the handling of reports of sexual harassment. How is this overseen and tracked to make sure this is being completed adequately?

Answer

The Office of the Public Service Commissioner (OPSC) required agencies to provide a copy of their policy. The OPSC is reviewing each policy against the minimum standards set by the Direction.

The OPSC has also provided agencies with resources to support compliance with the Direction, including a Model Policy, Frequently Asked Questions, and a webinar.

Disability employment

Question 11

Last Estimates in February 2024 the Public Service Commission indicated that it was putting out a direction this year in relation to setting a consistent standard across the sector in relation to adjustments for people with disability. Is there any progress to date on this?

Answer

The Commissioner recently concluded consultations with agencies, employees with disability, and unions on the proposed Direction and an accompanying draft Model Workplace Adjustment Policy. A Direction is expected to be issued before the end of 2024.

Question 12

In relation to the State of the NSW Public Sector Report 2023, page 22 has “Chart - Estimated representation of senior executives from a racial, ethnic or ethno-religious minority group, who first spoke a language other than English, and who live with a disability, 2019–2023”. What is the process for which this is estimated?

Answer

The chart contains diversity data sourced from public sector agencies’ human resource information systems that is submitted in the annual Workforce Profile collection.

Each estimate is calculated as the number of employees who identify as belonging to the diversity group divided by the number of diversity question respondents and multiplied by the total number of employees. The calculation is split by salary range and applies to the non-casual workforce.

Question 13

The NSW Government in their response to the Disability Royal Commission accepted in principle many of the recommendations regarding public sector disability employment, however there wasn't a clear indication of which parts of the recommendations would be supported or implemented in NSW. Is there any intention for the PSC to collect disaggregated data of employees with disability across entry and graduate levels, executive levels and employees with cognitive disability?

- (a) Is there any intention for the PSC to report annually on the progress of their public sector disability employment strategies, including progress against overall and disaggregated targets for increasing the percentage of employees with disability?
- (b) What work is being done by the PSC in relation to ensuring people with disability will be included in the development of any new legislative or guidance frameworks for employers, and that if implemented, this data is securely stored and not used in discriminatory ways?

Answer

The Office of the Public Service Commissioner is exploring options to implement these recommendations.

The former Public Service Commission reported on the representation of people with disability in the Workforce Profile Report and State of the Public Sector Report.

People with disability are consulted and included in the design and implementation of disability related employment frameworks via a range of engagement avenues.

All workforce data is de-identified and securely stored in accordance with privacy and data security requirements.
