



Final Report on the review of the Respect, Equity and Diversity Framework

May 2015

Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate

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Acknowledgement

The ACT Public Sector (ACTPS) acknowledges the Ngunnawal People as the traditional custodians of the land on which the ACTPS operates, and pays its respects to elders past and present.

The ACTPS acknowledges the contribution People with Disability make to the ACT community.

Our sincere thanks go to all stakeholders, both internal and external who have taken the time to consider the discussion papers and provided input to the review. The contributions enabled the Workforce Capability and Governance Division, Chief Minister, Treasury and Economic Development Directorate (CMTEDD) to conduct a full assessment of the RED Framework and prepare suggestions around how its use could be improved across the ACTPS.

Executive Summary

The RED Framework has enabled the ACT Public Sector (ACTPS) to identify and act upon unacceptable workplace behaviour and the ACTPS has matured into an organisation that is actively moving down a values and behaviours path which continues to build a positive workplace culture.

This is evident in how behaviour issues are discussed in the workplace and the frequency with which the RED Framework is referred to, and is further evidenced by the results of the ACT Public Sector All Staff Survey, which indicated 87% of staff are aware of the RED Framework.

Directorates have undertaken numerous activities as outlined in the *ACTPS State of the Service Report* including promotion, access to material and provision of training.

Despite extensive training undertaken in this area, including mandatory training for executives on the values and behaviours, some staff expressed an opinion that some managers and executives are not seen to model the behaviour required under the RED Framework.

This has led to the view that the RED Framework needs to be supplemented by contemporary and practical tools to **prevent** unacceptable workplace behaviour.

A Managers' Toolkit <http://www.jobs.act.gov.au/about-the-actps/managers-toolkit> has been developed that formally aligns the RED Framework with the *ACTPS Code of Conduct* (the Code), and contains additional guidance to build the capabilities of managers to further embed the values and behaviours. Specifically, this means role modelling the values and behaviours expected in the ACTPS through the RED Framework and the Code.

Embedding the *ACTPS Performance Framework* will be important over the next 12 months given that a large component of Performance Development Plans provide individuals (including managers and executives) with an opportunity to demonstrate the values and signature behaviours in the workplace.

Other initiatives to support the developing culture include enabling streamlined handling of informal complaints under the RED Framework through current means of resolving workplace issues in the enterprise agreements, and redesigning reporting on values and behaviours data in the annual *ACTPS State of the Service Report*.

Supporting this developing culture also requires:

- defining the relationship between workplace behaviour implementation initiatives currently in operation across the ACTPS, and sustaining that messaging;
- outlining the suitability of the preliminary assessment process to identify and resolve behaviour issues early where possible;
- defining the place of reporting under the RED Framework across the ACTPS;
- clarifying the role of RED Contact Officers; and
- supporting managers and executives to role model the values and behaviours outlined in the Code; including supporting the Executive sponsors for RED.

Other findings are that, although whole of government values and behaviours programs are successful at their launch, individual entities embed the programs to different degrees. Ongoing whole of government promotion and support (for example, in the form of induction) is therefore required to ensure overarching purposes are not lost or confused. As identified, there is also a strong role for performance management in ensuring consistent reminders and discussions around the importance of appropriate behaviour.

The report also outlines the requirement for the ACTPS to renew its focus on the employment of Aboriginal and Torres Strait Islander People and People with Disability, particularly giving focus to internal and external promotion, and to implement innovative and practical attraction and retention programs.

Importantly, for a diversity employment strategy to be successful, it requires champions, accountability, sustainability, practicality and innovation.

This report outlines six recommendations to assist the ACTPS to move into the next iteration of its journey to embed a positive workplace culture, and to renew its focus on the employment of Aboriginal and Torres Strait Islander People, and People with Disability respectively.

Recommendations

Recommendation 1

Maintain the RED Framework by formally aligning it as an element of the *ACTPS Code of Conduct*, and update the document in accordance with key findings of the Stage One review.

Recommendation 2

Define the role of RED Contact Officers.

Outline the complaints mechanisms currently available to employees to raise and resolve workplace issues especially the conduct and performance procedures in Enterprise Agreements.

Recommendation 3

Redesign reporting on RED themes in the annual *ACTPS State of the Service Report* to allow for streamlined and value-add reporting of values and behaviours data.

Recommendation 4

Better promote (and sustain) whole of ACTPS initiatives, ensuring consistency across directorates in their practices, with particular focus on current Values and Behaviours framework initiatives to assist the promulgation those initiatives.

Use the ACTPS Performance Framework to monitor and ensure managers and executives role model values and behaviours.

Recommendation 5

Redesign the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* as a stand-alone strategy, including maintaining targets, implementing practical attraction and retention programs, and developing practical monitoring and reporting tools.

Implement (as best practical) the 20 recommendations outlined in the *Government Response to the Standing Committee on Health, Ageing, Community and Social Services Report No.2 Report on the Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment* into the next iteration of an employment strategy for Aboriginal and Torres Strait Islander People.

Recommendation 6

Redesign the *ACTPS Employment Strategy for People with Disability* as a stand-alone strategy, including maintaining targets, implementing practical attraction and retention programs, and developing practical monitoring and reporting tools.

Continue to implement initiatives to develop a 'disability confident' ACTPS.

Introduction

Purpose of the RED Framework

In 2010, the then Chief Minister (Jon Stanhope MLA) endorsed the *ACTPS Respect, Equity and Diversity Framework* (the RED Framework) as a priority for the Commissioner for Public Administration.

The RED Framework formed part of the employment framework along with the *Public Sector Management Act 1994* (PSM Act), *Public Sector Management Standards 2006*, the (then) *Work Safety Act 2008*, the *Discrimination Act 1991* and the relevant Enterprise Agreements.

The RED Framework aimed to provide a workplace that enabled equal employment opportunities for all applicants and employees and highlighted the fundamental importance of each ACTPS employee acting in a way that respects the 'inherent dignity of the person':

The RED Framework established that a workplace that is respectful, courteous, and fair and that values diversity is a core aspect of building a positive workplace culture. Managing equity and diversity is a key component of managing employees and by focusing on building a positive and respectful culture we can enhance the performance of all employees.

Fostering a positive workplace environment makes good business sense. A positive workplace is characterised by respect that supports employee engagement. It also creates a high performance culture that encourages innovation and creativity.

An ACTPS workforce that reflects the ACT community demographics will also support itself, as a public service, to understand and assist the various needs of everyone in the ACT community, leading to improved service. A diverse workplace will have good communication with its clients that is premised on a real understanding of the needs of the community.

Organisations that value and capitalise on employee diversity have productive and fulfilling workplaces which help them attract and retain employees. This leads to savings in recruitment and training costs, as well as maintaining corporate knowledge and expertise.¹

Principles of the RED Framework

- Leaders value and promote Respect, Equity and Diversity.
- Strategic and operational plans incorporate Respect, Equity and Diversity strategies.
- Attracting and retaining a diverse ACT Public Service.
- Improving the capability of our workforce.
- Respect and courtesy in the workplace is practiced.
- Promoting Equity in our employment practices.
- Work/life balance is promoted and supported.

¹ Why Respect, Equity and Diversity? RED Framework (Page.9)

Elements of the RED Framework

RED was launched in December 2010. The implementation of the RED Framework was supported by elements which aimed to assist the development of a workplace culture in line with the abovementioned principles.

These elements include the *Open Door Protocol*, the *Respect at Work Policy*, the *Preventing Work Bullying Guidelines*, the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People*, and the *ACTPS Employment Strategy for People with Disability*. The purpose of each element is outlined at Attachment A.

Distribution of the RED Framework – in two parts...

The initial elements of the RED Framework, folders containing the *Open Door Protocol*, *Respect at Work Policy*, and the *Preventing Work Bullying Guidelines* were provided to directorates for distribution to all managers in 2010.

In April 2011, following the launch of the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* and the *ACTPS Employment Strategy for People with Disability*, the documents supporting these strategies were incorporated into the RED Framework.

Purpose of the review of the RED Framework

Undertaking and finalising the review of the RED Framework (the review) was a budget output indicator for the Public Sector Management Group in 2013-14 and in 2014-15.

The review was also timely given the landscape of the ACTPS has changed significantly since the RED Framework's launch in December 2010.

The RED Framework was developed to meet the challenges faced by the ACTPS at the end of the last decade. However, following the implementation of recommendations of the *Hawke Report on ACT Public Sector Structures and Capacity: Governing the City State – One ACT Government, One ACT Public Service*, the ACTPS now operates under a 'One ACT Public Service' (One Service) model across the wider ACT public sector, led by the Head of Service.

Part of the move to this model was the recognition of the need to foster a positive and inclusive culture, and importantly, commence a positive and ongoing dialogue with employees on what it means to be part of the One Service model, and how public servants should relate to each other and to the recipients of services.

Importantly, under a One Service model, a contemporary values and behaviours document was developed and rolled out in 2012 in the form of the *ACTPS Code of Conduct*.

With this in mind, this report covers the extent of the success of the RED Framework (whether it has met its objectives), and how it is utilised in the contemporary values and behaviours environment across the ACTPS. Further, the report identifies and discusses key findings, and provides recommendations coming out of those key findings.

Review methodology

The review was initiated in March 2014 using a three-stage methodology.

Stage One

Stage One of the review undertook a Governance and Environmental review over the period March to April 2014 in order to elicit the ACTPS' views on how the RED Framework sits in the contemporary values and behaviours environment.

Feedback for Stage One was received from all nine directorates and the Canberra Institute of Technology.

The Report on Stage One of review (*Stage One, Report on the Governance and Environmental Review of the RED Framework –April 2014*) identified four key findings, including:

1. The RED Framework has been adopted;
2. The RED Framework should be maintained;
3. The RED Framework requires updating; and
4. Whole-of- ACTPS monitoring and reporting can be improved.

The findings coming out of Stage One are incorporated into discussions under relevant recommendations in this report.

Stage Two

Stage Two of the review utilised discussion papers to obtain qualitative data from internal and external stakeholders in order to make an assessment of whether the RED Framework has met its objectives.

The discussion papers were developed in the Workforce Capability and Governance Division, CMTEDD, and sought the 'lived' experience of those who have had contact with the RED Framework since its launch in 2010.

CMTEDD facilitated focus groups and consulted broadly with peak bodies which provided significant input.

Stage Two closed in August 2014, with a total of 21 submissions made up of a mixture of internal and external discussion papers, and data from 13 consultation sessions.

Implementation

From December 2014, in line with recommendation four, a whole of ACTPS RED Contact Officer (REDCO) and HR practitioners working group has been convened and is steering the implementation of the recommendations in this report.

Key Findings

Stages One and Two - Review of the RED Framework

Cross-referencing recommendations with other relevant reviews/reports

To allow for cross-referencing, a key has been developed which links recommendations within this report with recommendations coming out of other relevant reports, both from the local and federal jurisdictions.

Each report is identified by a colour – with the relevant recommendation identified by number.

These reports are outlined below. A document outlining recommendations coming out of those respective reports have been provided at [Attachments B to F](#).

	The Standing Committee on Health, Ageing, Community and Social Services Report No. 2 on its Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment
	The Australian Government Indigenous Jobs and Training review (The Forrest Review – Creating Parity)
	The Australian Institute of Health and Welfare’s review of the Effectiveness of traineeships and apprenticeships for Aboriginal and Torres Strait Islander population
	Colleagues, Not Cases – Managing People and Resolving Workplace Issues – Report of the Review of Allegations of Workplace Bullying and Other Misconduct at the Canberra Institute of Technology
	Commonwealth Auditor-General’s Audit Report No.33 2013-14 Performance Audit - Indigenous Employment in Australian Government Entities

Recommendation 1

Maintain the RED Framework by formally aligning as an element of the *ACTPS Code of Conduct*, and update the document in accordance with key findings of Stage One the review.

2	3	6

Align the RED Framework as an element of the ACTPS Code of Conduct

The first two stages of the review confirmed that the RED Framework should be maintained as it has been successfully embedded into the everyday operating environment across the ACTPS. It is a known brand, and has become common language across the ACTPS.

This finding is consistent with the results of the ACT Public Sector All Staff Survey which was conducted across the sector in May 2014, and found that awareness of the Values and Signature Behaviours articulated in the *ACTPS Code of Conduct* (the Code) and the *ACTPS Performance Framework* is strong, indicating the ACTPS' enthusiasm to engage with values and behaviours initiatives.

Specifically, key findings arising from Stage One of the review identified that Directorates have employed significant resources and effort to embed the RED Framework and it remains a valuable and well used tool.

Stages One and Two identified that the RED Framework has provided a tool for directorates, employees and managers to conduct open conversations about workplace behaviour, in a safe environment.

The RED Framework has not only assisted in the process of identifying and defining workplace behaviour, it has also provided employees with the expectation of how they should be treated - and how they should treat their colleagues in the workplace and has provided an avenue for addressing issues as they arise.

However, some confusion has occurred since the launch of the Code in 2012, particularly regarding how the two similar initiatives align. The RED Framework is currently being updated to incorporate the ACTPS Code of Conduct.

Updating the RED Framework is being approached in a two-fold manner, specifically:

- ensuring that all terminology and references in the RED Framework (and its elements) are updated in line with the One Service model; and
- developing a whole of ACTPS marketing strategy to clearly articulate how the initiatives interrelate; and to sustain that messaging (ie, through training for REDCOs and whole of ACTPS induction).

Recommendation 2

Define the role of RED Contact Officers (REDCOs).

Outline the complaints mechanisms currently available to employees to raise and resolve workplace issues especially the conduct and performance procedures in Enterprise Agreements.

10	16	25	26
2	3	9	

Defining the role of RED Contact Officers

Both Stages One and Two have supported the continuation of the role of RED Contact Officers (REDCOs).

Feedback indicates that directorates have adapted the roles to meet respective directorate's organisational needs.

Differing approaches to the role of REDCOs has created inconsistencies with both the role and the purpose of REDCOs under the RED Framework. Initially REDCOs were identified to embed the RED Framework, including promulgating strategic information throughout an organisation about the RED Framework. In some entities, this role continues, where other entities prefer to use their REDCOs in a predominantly employee-support role.

In a whole of ACTPS context, this means that messaging has not necessarily been clear on roles, strategic visions, reporting and training, and a consistent and holistic approach to the role of REDCOs has not been achieved.

Further inconsistencies which have been identified include handling of complaints and reporting on values and behaviours data in the annual *ACTPS State of the Service Report*.

Therefore it is recommended that the purpose of REDCOs be clarified, ensuring that there is a level of consistency across the ACTPS. Specifically, this definition can be extracted from the *Preventing Work Bullying Guidelines* which outlines that:

The role of the REDCO is to:

- *promote the activities associated with RED in the workplace;*
- *undertake RED training;*
- *participate in relevant networks;*
- *raise issues while respecting confidentiality;*
- *advocate the inclusion of RED issues in planning/meetings; and*
- *provide information (eg handouts).*

*It is **not** the role of REDCOs to resolve work bullying issues. Their role is to provide information and guidance to workers who may be the subject of work bullying. REDCOs should be aware that individuals who approach them about work bullying may feel a range of emotions. REDCOs may be required to listen, be*

sensitive and be non-judgemental. In situations where the REDCO feels uncomfortable about responding to an enquiry or complaint, they should refer the individual to their human resources area or their executive sponsor.

Dealing with Complaints

Feedback highlights that the RED Framework has enabled the ACTPS to mature in dealing with inappropriate workplace behaviour. The RED Framework has helped to foster positive behaviour and therefore culture within the ACTPS by providing a solid foundation to support an open and ongoing dialogue about workplace behaviour.

Workplace behaviour reporting is important to determine the ongoing operation and success of the RED Framework.

The *ACTPS State of the Service Report 2014* contains statistics on the number of formal and informal bullying and harassment complaints that were received across the ACTPS in 2012, 2013 and 2014.

The statistics demonstrate a steady decline in informal bullying and harassment complaints over the three year period, from 160 in 2012 to 96 in 2014.

Given that an informal complaint is simpler and less confrontational to make, it is generally the first step taken by employees in addressing inappropriate workplace behaviour.

The decrease in the number of informal complaints therefore suggests a reduction in the frequency of incidences of perceived bullying and harassment over the period 2012 - 2014.

Over the same period, there was a noticeable increase in the number of formal reports of bullying and harassment, from 71 in 2012 to 118 in 2013 before dropping in 2014 to 101 reports.

It is likely that this trend is a result of increased awareness of the RED framework, the establishment of a reporting culture and growing confidence that employees who make formal complaints will be supported.

In the corresponding period the percentage of bullying and harassment complaints that were formally investigated gradually increased from 22% in 2012, to 29% in 2014.

This data suggests that the RED framework has been embedded and the validity of complaints has strengthened. It may also be indicative of a more cautious approach being taken by Human Resources areas following the finalisation of the report: *Colleagues, Not Cases – Managing People and Resolving Workplace Issues – Report of the Review of Allegations of Workplace Bullying and Other Misconduct at the Canberra Institute of Technology.*

The percentage of combined formal and informal reports where bullying and harassment was found to have occurred increased from 4.7% in 2012 to 7.8% in 2013 and was slightly lower in 2014 at 7.1%.

This may reflect increasing sophistication in formal investigations, a lower tolerance for bullying and harassing behaviours or a combination of the two.

Total **proven** instances of bullying and harassment for 2012, 2013 and 2014 across the ACTPS were relatively low at 11, 19 and 14 respectively.

This data supports the requirement for the definition of bullying to be clear as there is a disconnect between how directorates and employee complainants conceptualise this behaviour. For example, out of 101 formal complaints made in 2014, only 14 were substantiated to be an actual instance of bullying.

In this regard, the definition of 'work bullying' should be as defined in Section 3 of the *Preventing Work Bullying Guidelines*, specifically:

Work bullying can cover a broad range of overt or subtle behaviours. Work bullying is unreasonable, undesirable behaviour at work that generally meets each of the following criteria:

- *it is repeated;*
- *it is unwelcome and unsolicited;*
- *it occurs between workers of an organisation (ie, it is internal as opposed to being client initiated or initiated by a person outside the organisation);*
- *a reasonable person would consider the behaviour to be offensive, intimidating, humiliating or threatening; and*
- *it has the potential to cause harm to those experiencing the behaviour.*

In applying the above criteria, common sense should be used as cases of work bullying can vary greatly in complexity and expression.

It also appears that there are some inconsistencies between Directorates in relation to complaints handling under the RED Framework.

Some Directorates formally investigate all bullying and harassment complaints while others attempt to resolve all but the most serious complaints on an informal basis. This has the potential to generate both under and over reporting of bullying and harassment.

Given these inconsistent practices, a process is being implemented in order to 'normalise' the principle of resolving (certain) workplace behaviour matters in an informal manner; by use of Preliminary Assessments.

In the most recent negotiations with unions on ACTPS Enterprise Agreements, substantial work was undertaken to amend Section H (Workplace Values and Behaviour) of the common terms and conditions.

Particularly, the 'evidence-gathering' provisions were replaced with the preliminary assessment provisions, with the intent of resolving complaints of inappropriate behaviour at the lowest level and at an early stage, before they progress to more serious misconduct issues. Acting locally and quickly.

A preliminary assessment is undertaken by a manager or supervisor when they become aware of inappropriate workplace behaviour, including receiving complaints or allegations. It is not a formal investigation, but an expedient means of determining if, and how to proceed.

Upon conclusion of a preliminary assessment, managers must make a determination regarding the incident, with the following options available for action:

- no further action;
- implementation of counselling or other remedial action;
- refer for internal review;
- commence underperformance process;
- recommendation to the delegate that the matter be investigated under the misconduct and discipline process; or
- take action about vexatious or knowingly false allegations.

The Managers Toolkit, available at <http://www.jobs.act.gov.au/about-the-actps/managers-toolkit> brings together all the relevant tools a manager would require to deal with workplace issues quickly and with confidence including the ACTPS values and behaviours. Available on the toolkit is also the Preliminary Assessment guide and the Work, Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012.

Recommendation 3

Redesign reporting on RED themes in the annual *ACTPS State of the Service Report* to allow for streamlined and value-add reporting of values and behaviours data.

10	16	25	28
9			

Reporting on values and behaviours data

Feedback from Stage Two of the review indicated that the annual *ACTPS State of the Service Report* is the most appropriate forum for reporting on the RED Framework. Historically this reporting has occurred within the Agency Survey component of that report.

However, this reporting is quite broad and includes Values and Behaviours, Attraction and Retention, Managing Underperformance, Respect, Equity and Diversity Framework, People with Disability, Aboriginal and Torres Strait Islander People, and Fraud and Risk.

The reporting is often inconsistent across directorates due to a difference in methods of monitoring and capturing data; for example some directorates only report on formal complaints made under the RED Framework, whereas others include both informal and formal complaints made under the RED Framework.

Through clarification of RED reporting practices, directorates would be able to respond consistently to whole of ACTPS surveys (such as those included in the annual *ACTPS State of the Service Report*), using consistent terminology, with an enhanced understanding of the reason they are being reported.

Streamlining whole of ACTPS reporting and monitoring could gather significant data which, when analysed at a whole of ACTPS level, could enhance workforce planning, benchmarking and monitoring. The Agency survey is currently being redesigned to ensure consistent practice across directorates.

Recommendation 4

Better promote (and sustain) whole of ACTPS initiatives, ensuring consistency across directorates in their practices, with particular focus on current Values and Behaviours framework initiatives to assist the promulgation those programs.

Use the ACTPS Performance Framework to monitor and ensure managers and executives role model values and behaviours.

4	5	11	13	14	15	17
5	6	7				
21						

Sustained whole of ACTPS promotion

The review has demonstrated that there has been inconsistent application of the RED Framework across the ACTPS.

While some directorates have implemented robust RED systems, they have used localised approaches, resulting in differing processes across the ACTPS. For example, some directorates have taken the initiative to develop and provide training opportunities to assist RED Contact Officers (REDCOs) to perform their role, including:

- REDCO development days, which include clarification of the REDCO role, understanding the RED complaints process, building skills to have difficult conversations and promoting RED within a directorate;
- additional training to REDCOs including Managing and Preventing Discrimination, Bullying and Harassment training program, having a crucial conversation and dealing with emotional people; and
- tailored training for all staff through the development of externally facilitated programs that incorporates references to the RED Framework and the *ACTPS Code of Conduct* (the Code).

Following an update of the RED Framework, it would be valuable to remedy the inconsistencies in the application of the RED Framework through ongoing whole of ACTPS messaging and a top-down approach in regards to linking the purpose of the *ACTPS Code of Conduct* (the Code) and its elements.

Drawing from the key findings of the review there are three initiatives that should be implemented to ensure consistency in the application of the RED Framework.

Firstly a whole of ACTPS REDCO and HR practitioners working group has now been established and meets on a quarterly basis to discuss ongoing issues, implementation and future planning with a focus on a One Service approach.

Secondly, discussion of the RED Framework should be included when new employees attend induction upon joining a Directorate. The RED induction material is being updated, content is being incorporated in the Code section of the induction,

informing staff of how the RED Framework applies to them as an employee in ACTPS, and noting their individual responsibilities.

Thirdly, top-down messaging and modelling of values and behaviours from executives and managers will, through the ongoing roll out of the *ACTPS Performance Framework*, strengthen the embedding of values and behaviours initiatives by having leaders consistently demonstrating appropriate workplace behaviour.

Positive role modeling by Executives and Managers

Another example of the maturity the ACTPS has experienced since the implementation of the RED Framework is that employees expect executives and managers to model the Values and Signature Behaviors outlined in the *ACTPS Code of Conduct* (the Code) and the RED Framework.

As identified in the review, the ACTPS' understanding of the purpose of the RED Framework is inconsistent across the ACTPS, including the executive cohort. This inconsistency includes limited awareness of:

- the tools available to deal with inappropriate workplace behavior;
- the goals and visions of the RED Framework;
- how a process should occur under the RED Framework;
- the role REDCOs play under the RED Framework; and/or
- the reasons for reporting under the RED Framework.

Particularly, there are inconsistencies around how those tools have been provided and described to managers as practical initiatives which would build their capacity to deal with behavioral issues in the workplace.

It is critical to build the capabilities of managers and executives to demonstrate those values and behaviours, and lead by example.

Also, it is important to note that, under relevant work health and safety legislation, organisations have an obligation to ensure that managers are properly trained in how to respond to workplace bullying hazard reports and in skills that will help develop productive and respectful workplace relationships.

From April 2015 the Managers Toolkit has been rolled out to assist Managers and Executives to be able to refer to a single document to assist with managing staff, workplace issues, or general conduct.

Recommendation 5

Redesign the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* as a stand-alone strategy, including maintaining a target, implementing practical attraction and retention programs, and redesigning existing tools to allow practical monitoring and reporting.

Implement (as best practical) the 20 recommendations outlined in the *Government Response to the Standing Committee on Health, Ageing, Community and Social Services Report No.2 Report on the Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment* into the next iteration of an employment strategy for Aboriginal and Torres Strait Islander people.

Recommendation 6

Redesign the *ACTPS Employment Strategy for People with Disability* as a stand-alone strategy, including maintaining targets, implementing practical attraction and retention programs, and developing practical monitoring and reporting tools.

Continue to implement initiatives to develop a 'disability confident' ACTPS.

1	2	3	4	5	10	11	12	13	14	15	16	17	22	23	24	25	26	28	31
1	2																		
21																			

Renewing a focus on the employment of Aboriginal and Torres Strait Islander People and People with Disability

Currently, the RED Framework defines diversity as *recognising the value of individual differences and integrating these into the workplace. Diversity can include gender, language, ethnicity, cultural backgrounds, age, sexual orientation, religious belief and family responsibilities. Diversity also refers to other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality, marital status and abilities/disabilities. Diversity is more than merely accepting people from diverse backgrounds. It is managing and integrating their valued lifestyles.*

However, feedback indicates that the *diversity* principle has been linked with the employment strategies, and not with the concept of *valuing individual differences in the workplace.*

Internal and external feedback strongly suggested that the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* and the *ACTPS Employment Strategy for People with Disability* should be officially moved out of the RED Framework, and developed as stand-alone strategies.

Further, a renewed focus has occurred in this area of employment which has been championed by the Commissioner for Public Administration and the Head of Service.

Since August 2014, a number of projects have commenced to improve the attraction and retention of Aboriginal and Torres Strait Islander People and People with Disability – which are outlined at [Attachment G](#).

Shared issues

As the employment strategies were developed, released and implemented together, shared issues have been identified and are outlined below.

Awareness of the employment strategies

During Stage Two, it became clear that the diversity principle is not as prominent as the *respect* and *equity* principles; and in line with Stage One of the review, requires significant consideration to the forward direction of the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* and the *ACTPS Employment Strategy for People with Disability*.

The lack of awareness of the employment strategies can be attributed to a number of factors, particularly:

- the employment strategies were launched in April 2011, approximately five months after the launch of the RED Framework, and were not promoted with the same vigour as the initial document;
- the former Chief Minister (Mr Jon Stanhope MLA) and former Commissioner for Public Administration (Ms Catherine Hudson) were strong in championing the RED Framework at its implementation;
- there are no accountability measures where entities fail to meet the targets outlined in the employment strategies;
- initially, the reporting and evaluation requirements set out in the RED Framework required directors-general to annually write to the Chief Minister to outline progress within their directorate. However, in 2012 RED reporting requirements were modified to streamline reporting and RED was included in the Agency Survey component of the annual *ACTPS State of the Service Report* (this new reporting required a progress report which did not include accountability levers to ensure targets were reached); and
- the development and roll out of the *ACTPS Code of Conduct* (the Code) in October 2012 served as a shift of focus in the workplace behavior space, by picking up on the platform that the RED Framework had successfully set, and moving those discussions under the Code. This, and the development and roll out of the *ACTPS Performance Framework* in July 2013 shifted a majority of the focus of workplace behavior from the RED Framework into these

contemporary principles-based management documents, which may have further diminished awareness of the employment strategies.

Targets

The Stage Two discussion papers specifically sought feedback about the use of targets as a methodology.

The majority of respondents indicated that targets should remain. For example Women with Disabilities ACT highlighted that when the *ACTPS Employment Strategy for People with Disability* was launched, the inclusion of employment targets was a significant achievement.

Further, the ACT Aboriginal and Torres Strait Islander Elected Body worked closely with the ACT Government in the formulation of the employment strategy.

While supporting targets as a measurement and reporting tools, all stakeholders indicated that targets alone are not a useful tool to increase employment and achieve the vision of the employment strategies.

It was articulated that targets must interact with initiatives to increase Aboriginal and Torres Strait Islander cultural awareness and disability confidence within the ACTPS.

In the *Government Response to the Standing Committee on Health, Ageing, Community and Social Services Report No. 2 Inquiry into ACTPS Aboriginal and Torres Strait Islander Employment*, the government committed to precisely define the targets, and has reviewed the targets, and the methodology to develop those targets for the next iteration of those employment strategies. A copy of the Government Response is at Attachment H.

Building awareness and capabilities of managers

The review identified that relevant training should occur for managerial positions to raise awareness of the issues dealt with by these groups, and to bring innovation when considering employment and other opportunities.

Building the capabilities of managers has been further discussed at Recommendation four of this report, including that managers and executives should be role modelling the values and behaviours outlined in the Code.

As of July 2014, there were three training providers available through the Shared Services Training Panel who are contracted to deliver both cultural awareness and disability awareness training.

Reporting and monitoring

As discussed at Recommendation three, reporting of RED data currently occurs in the annual *ACTPS State of the Service Report*, specifically in the Agency Survey component of that report.

However, the reporting does not directly align with the reporting tools provided with the employment strategies, but rather touches on a broad range of RED matters such as Values and Behaviours, Attraction and Retention, Managing

Underperformance, Respect, Equity and Diversity Framework, People with Disability, Aboriginal and Torres Strait Islander People, and Fraud and Risk

Indigenous and Disability specific REDCO

Employees indicated that a REDCO role would be helpful specifically for Aboriginal and Torres Strait Islander employees and employees who identify as a Person with Disability.

The availability such officers could provide a safe environment for employees in those groups to seek advice regarding RED issues, with a focus on a more open discussion with a view to resolving issues in the workplace.

Feedback also indicated that all REDCOs would benefit from cultural and disability awareness training to aid them in their role.

Specific issues

ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People

In addition to the shared matters outlined at the beginning of this key finding, additional issues relating to Aboriginal and Torres Strait Islander employment have been identified for further consideration.

Whole of Government Reconciliation Action Plan

Stakeholders expressed that a whole of government Reconciliation Action Plan (RAP) would be a positive attraction and retention initiative for current and potential Indigenous employees.

Currently four directorates have active RAPs, and the remaining directorates are looking into developing a RAP.

The Workforce Capability and Governance Division, CMTEDD will monitor the development, implementation and outcomes of individual RAPs, and consider how a whole of ACTPS RAP could be implemented.

Career paths

The ACT Aboriginal and Torres Strait Islander Elected Body has long held the view that pathways should be developed for Aboriginal and Torres Strait Islander employees within the ACTPS. This sentiment was echoed by employees.

Further, employees suggested a pathway where training could be made available for ASO4-6 classifications in preparation for those officers becoming SOGC, B or A's.

Recommendation 11 in the *Standing Committee on Health, Ageing , Community and Social Services Report No. 2 on its Inquiry into Aboriginal and Torres Strait Islander Employment* outlined that the ACTPS take steps to ensure all directorates have in place for all staff and in particular Aboriginal and Torres Strait Islander employees - learning and development plans, and career pathway plans.

In its response to the inquiry, the government outlined how the *ACTPS Performance Framework* (the Performance Framework) sets out the objectives for performance

management and development in the ACTPS and applies to all employees. It further outlined that the Performance Framework aligns with the learning and development component of individual Performance Development Plans.

Further, the response outlined that this issue will be considered in the context of this review and as part of the review of the Performance Framework.

Mentoring

Employees and external stakeholders indicated the requirement for a mentoring program as a key retention initiative, which would allow for employees to support each other, and support each other with workplace issues or career advice.

This includes a recommendation coming out of the *Standing Committee on Health, Ageing, Community and Social Services Report No.2 Inquiry into ACTPS Aboriginal and Torres Strait Islander Employment* that the ACTPS ensure mentors for Aboriginal and Torres Strait Islander employees are drawn from existing Aboriginal and Torres Strait Islander employees.

Current work is underway in this area to consider how a mentoring program may operate across the ACTPS, including how the ACTPS Indigenous Employee Network will be utilised to mentor participants of the Indigenous Employment Pathways pilot program.

Secondments from non-government sectors

Stakeholders suggest a good initiative would be to consider a secondment program to be run with non-government stakeholders. This opportunity would give employees the opportunity to gain experience from a non-government viewpoint, and vice-versa for the non-government worker.

Work is underway in this area to develop a secondment framework which will assist directorates to undertake secondments across both the non-government and business sectors.

ACT Legislative Assembly Standing Committee on Health, Ageing, Community and Social Services Report No. 2 Inquiry into ACTPS Aboriginal and Torres Strait Islander Employment

In the government response to the inquiry, a commitment was made to consider 20 recommendations as part of this review. These recommendations are briefly outlined below, and are further described at [Attachment H](#).

These recommendations will be incorporated into the next iteration of an *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People*.

Projects are underway to address particular issues with the recommendations and are identified by the symbol:*. These projects are further outlined at [Attachment G](#).

Theme	Rec No.	Recommendation
Attraction	1	Implement a project management approach to ensure the timely achievement of outcomes identified in the employment strategy.
	2	*Precisely define the target.
	4	*Bring innovation to recruitment in consultation with the Elected Body (and including secondments from non-government sectors).
	5	*Use proactive recruitment methods to fill more vacancies with indigenous people.
	31	*Consider implementing an Indigenous Leadership program.
Retention	3	*Recruit and retain Indigenous executives.
	11	*L&D and career pathway plans for Indigenous staff.
	12	*Develop induction for Indigenous employees.
	22	OATSIA to develop innovative approaches to celebrate the achievements of Indigenous employees.
	24	*Ensure mentors for Indigenous employees are drawn from existing Indigenous employees.
Training	13	*Review cultural training.
	14	*All staff undertake cross-cultural training.
	15	*Ensure all work environments are properly prepared for new Indigenous employees.
	17	*Induction for all new employees includes effective training on the handling of racism and bullying.
	23	Examining ways of working with the Australian Indigenous Leadership Centre for the delivery of diversity and mentoring training.
	26	*ACTPS establishing a Work in the Assembly Program for Indigenous employees.
Reporting	10	*Ensure exit data is collected and reported.
	16	(until the end of the current employment strategy) Report to the Elected Body on a six-month basis on the effectiveness of cross-cultural training.
	28	*Take prompt action to ensure the collection of data, including exit surveys.
	25	*Ensuring all directorates and agencies have an Indigenous employment action plan with implementation underway during 2014-15.

Specific issues

ACTPS Employment Strategy for People with Disability

In addition to the shared matters outlined at the beginning of this key finding, additional issues relating to employees who identify as a Person with Disability have been identified for further consideration.

Building a 'disability confident' ACTPS

Input from the disability stakeholders shared consistent themes including, the need for raising awareness of disability employment issues across the ACTPS, and to build the disability confidence of the ACTPS.

This point was strongly supported by feedback received through the internal and external discussion papers.

Work is currently underway to support the building of a disability confident ACTPS, and is outlined below.

Reasonable Adjustment policy

Stakeholders indicated the requirement for a policy to establish the reasonable adjustments that the ACTPS may make to accommodate people with a temporary or permanent disability, to ensure barriers to equal opportunity participation and performance at work are removed.

A Reasonable Adjustment policy for the ACTPS has been developed in consultation with the Australian Network on Disability (AND) has been promulgated across the ACTPS and is on the Managers Toolkit.

The policy outlines the purpose of Reasonable Adjustment, the process for managers and supervisors to determine which adjustments may be required for individual employees, and a link to further resources regarding reasonable adjustments.

Awareness toolkit for Managers and Supervisors of Employees who identify as a Person with Disability

Stakeholders also identified that managers and supervisors are generally not well equipped to appropriately manage an employee with disability – generally due to a lack of awareness of issues that People with Disability deal with on a daily bases, including in the workplace environment.

As a Gold member of the Australian Network on Disability (AND), the ACTPS has been able to access the AND Managers guide (the Guide) for promulgation to managers across the ACTPS.

The Guide provides managers with the necessary information to build their awareness capabilities of disability issues, and also provides guidance on recruitment and selection processes. The Awareness Toolkit the AND Manager's Guide, is also part of the Managers Toolkit.

Disability employee staff network

Similar to the ACTPS Indigenous Staff Network, feedback indicated that employees who identify as a Person with Disability would benefit from a staff network where employees can share ideas, foster networks and bring innovation to attraction and retention initiatives.

Reporting

Submissions from key community disability organisations support the inclusion of reporting in the annual *ACTPS State of the Service Report* and indicated it was useful, although additional reporting regarding disability awareness training and reasonable adjustment was suggested.

The submission from Women with Disability indicate that further analysis and breakdown of data in monitoring and reporting of the *ACTPS Employment Strategy for People with Disability* around gender would be of value.

Evidence provided in support of this related to ACT Disability statistics, which indicate that 55.5% of People with Disability in the ACT are women.

Estimates Hearing-style reporting

Progress of the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* is reported to the ACT Aboriginal and Torres Strait Islander Elected Body in their Estimates Style hearings.

Feedback from Disability Stakeholders indicated that progress reporting in this style would be valuable for the Disability community in the ACT.

Whole of Government Disability Action Plan and linking the Employment Strategy for People with disability to the National Disability Strategy

Similar to Aboriginal and Torres Strait Islander stakeholders, Disability stakeholders highlighted the value of a Disability Action Plan (DAP).

A DAP is similar to a RAP as it also sets out the organisation's aspirational plans to drive greater equality by pursuing sustainable opportunities. A DAP provides information to internal and external stakeholders about the organisation and its future directions/intentions.

A whole of ACTPS commitment to build disability confidence with directorate-based DAPs would be a suitable model, allowing directorates to customise individual DAPs for respective workforces, and aid the achievement of the whole of ACTPS commitment.

Conclusion

The ACT Government is currently renewing its employment framework to bring innovation and modernisation to its employment framework and to further embed the concept of a values-based ACTPS by applying the ACTPS values to the whole of the public sector.

The RED Framework was developed to commence a dialogue about workplace behaviour, and to build a workplace based on the principles of *respect, equity and diversity*.

Overall, after 'living' the RED Framework since 2010, there is no doubt that a culture has developed across the ACTPS where employees are demonstrating these principles in everyday business.

In 2015, the RED Framework has become common language across the ACTPS, and is a brand that is known to both white and blue collar workers.

There was a seamless transition for employees to conceptualise and demonstrate the Values and Signature Behaviours outlined in the *ACTPS Code of Conduct* (the Code) at its implementation in 2012.

However, the introduction of the Code created confusion about how the RED Framework operated in alignment with the Code.

Further, the shift in focus to the principles aligned with the Code (Respect, Integrity, Collaboration and Innovation) resulted in the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People* and the *ACTPS Employment Strategy for People with Disability* (an element of the *diversity* principle in the RED Framework) being diminished in importance.

This issue can also be attributed to a number of factors including a lack of accountability for meeting targets, whole of ACTPS promotion not being sustained and inconsistent championing.

Although the targets associated with the strategies have not been met, it is important to note that growth did occur in the areas of employment for Aboriginal and Torres Strait Islander People and People with Disability.

It is now time to build on the culture by providing tools to further embed the principles to prevent inappropriate workplace behaviour by streamlining roles and responsibilities of REDCOs, defining bullying, implementing a streamlined approach to complaints handling under the RED Framework, building the capabilities of managers, developing valuable and meaningful reporting and providing clear messaging across the ACTPS about how all elements of the contemporary values and behaviours structure interact (including the tools to assist with the further embedding of that values and behaviours structure).

Launching the Managers Toolkit in April 2015, at <http://www.jobs.act.gov.au/about-the-actps/managers-toolkit> has brought together all the necessary tools to promulgate the ACTPS Values and Behaviours.

Bringing a renewed focus to the employment of Aboriginal and Torres Strait Islander People and People with Disability will be supported by removing the employment

strategies as an element of the RED Framework, and establishing them as stand-alone strategies.

Redeveloping the employment strategies allows for innovative initiatives to be applied, as outlined in numerous relevant reports in the local and national jurisdictions.

Work is already underway to support the renewal of employment in these areas, and to achieve the vision of the employment strategies to make the ACTPS an attractive place for Aboriginal and Torres Strait Islander People, and to make the ACTPS a 'disability confident ACTPS' to support the attraction and retention of People with Disability.

It should be highlighted that the RED Framework has been instrumental in developing and fostering a positive workplace culture, and should remain as a fundamental element to support the Code into the future.

Indeed, the RED Framework has successfully provided a foundation that employees have built on and needs to continue to ensure all the elements are fully implemented.

Implementing the recommendations outlined in this report will provide the matured ACTPS with the necessary tools to further build the developing culture in line with the vision of the RED Framework, and the Values and Signature Behaviours associated with the Code. This will enhance workplace culture which will in turn improve services to the citizens of the ACT and surrounding region.

Attachment A

Elements of the RED Framework

Element	Purpose	Date launched
<i>Respect at Work Policy</i>	A whole-of-government policy for dealing with work bullying, discrimination and harassment	2010
<i>ACTPS Preventing Work Bullying Guidelines</i>	A guide to prevention and management of work bullying	2010
<i>Open Door Protocol Guidelines</i>	A protocol to ensure that every individual has a genuine impartial avenue to bring forward informal reports or formal complaints in relation to respect equity and diversity issues.	2010
<i>ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People</i>	A strategy to make the ACTPS an attractive place for Aboriginal and Torres Strait Islander People to seek employment, and to more than double, by 2015, the employment of Aboriginal and Torres Strait Islander People, across the Service	2011
<i>ACTPS Employment Strategy for People with Disability</i>	A strategy to the ACTPS to be a disability confident service, in which people with disability are able to access secure and sustainable employment opportunities and are respected for their skills and capabilities	2011

Attachment B - The Standing Committee on Health, Ageing, Community and Social Services Report No. 2 on its Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment

http://www.parliament.act.gov.au/_data/assets/pdf_file/0009/571194/ACTPS-ATSI-employment-Report-140331-v1-0-Final-for-Speaker.pdf

Attachment C - The Australian Government Indigenous Jobs and Training review
(The Forrest Review – Creating Parity)

<https://indigenousjobsandtrainingreview.dpmc.gov.au/>

Attachment D - The Australian Institute of Health and Welfare's review of the Effectiveness of traineeships and apprenticeships for Aboriginal and Torres Strait Islander population

http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Our_publications/2014/ctg-rs31.pdf

Attachment E - Colleagues, Not Cases – Managing People and Resolving Workplace Issues – Report of the Review of Allegations of Workplace Bullying and Other Misconduct at the Canberra Institute of Technology

http://www.cmd.act.gov.au/data/assets/pdf_file/0007/497347/CIT-Report-24-Sept-2013_w_images.pdf

Attachment F Commonwealth Auditor-General's Audit Report No.33 2013-14
Performance Audit - Indigenous Employment in Australian Government Entities

http://www.anao.gov.au/~media/Files/Audit%20Reports/2013%202014/Audit%20Report%2033/AuditReport_2013-2014_33.PDF

Attachment G

Work currently underway within the Workforce Capability and Governance Division (WCAG) with a renewed focus on attraction and retention initiatives for Aboriginal and Torres Strait Islander People and People with Disability

Shared initiatives – Indigenous and Disability employment

Renewed focus

A renewed focus on Aboriginal and Torres Strait Islander and disability employment is being championed by the Head of Service and the Commissioner for Public Administration.

This renewed focus includes the work outlined in this document, and is being scoped and developed within the Workforce Capability and Governance Division (WCGD), Chief Minister, Treasury and Economic Development Directorate.

Employment targets

Practical targets relating to the next iteration of the employment strategies have been developed, taking into account past methodologies, with a view to pinning targets based on the size of individual directorates, and to bring innovation to how the Service can report on attraction and retention initiatives.

A whole of government target of 2% for Aboriginal and Torres Strait Islander employment and 3.4% for Employment of People with Disability remain.

Accountability

The Head of Service has communicated specific KPIs to Directors-General.

Pathways to permanent employment

The Service is implementing a pathways concept, leading to permanent employment, including:

- a sustainable Indigenous Traineeship pilot program is currently in development, and will lead to permanent employment upon successful completion;
- the model will be used to link traineeships, cadetships and the ACTPS Graduate Program in the first instance; and
- if successful, the model will be used for a disability employment program.

Consulting employees on attraction and retention initiatives

The Service will better connect with Indigenous and disability employees to seek input on attraction and retention initiatives. WCGD will circulate a draft Toolkit for Managers of Aboriginal and Torres Strait Islander employees to the Indigenous Staff Network for input.

A Reasonable Adjustment policy and Disability Awareness toolkit for managers and supervisors of People with Disability have been released, and are part of the Managers Toolkit.

Recruitment advertising for the ACTPS Graduate program for 2016 contained marketing strategies targeting Aboriginal and Torres Strait Islander graduates and graduates with a disability.

Mentoring / buddying programs

A mentoring and buddying program for the revised Indigenous Traineeship will be facilitated by OATSIA, with mentors and buddies for trainees sourced from the Indigenous staff network. Additionally WCGD is building relationships with employment providers to access additional support.

In partnership with the Institute of Public Administration Australia, a general staff mentoring pilot program is currently underway across the Service. Over 130 applications were received with 12 people selected for the program.

Rotation programs

WCGD have held initial discussions with the Australian Public Service Commission (APSC) regarding secondments or rotations between the Australian Public Service (APS) and the Service. Initial discussions scoped rotations for Executives in the first instance, however the APSC has indicated that, given the current employment environment across the APS there was little interest from executives to take part in the program.

WCGD is now discussing the concept of a program aimed at APS Executive Level 1 and 2 (equivalent SOGC to A level within the Service).

Exit Data

WCGD is currently considering how to bring innovation to the usage of Exit Surveys, including in a continuous improvement context.

Career planning

All employees including Aboriginal and Torres Strait Islander employees and employees with disability can discuss career aspirations and learning and development opportunities with their manager as part of Performance Development Plans which occur under the ACTPS Performance Framework.

As discussed in the Final Report on the review of the RED Framework, the concept of career paths will be considered for the next iteration of employment strategies for People with Disability and Aboriginal and Torres Strait Islander People.

Building the capabilities of managers

Further embedding the ACTPS Performance Framework and renewing promotion of whole of Service initiatives – including employment strategies - should offer the necessary tools for managers and executives to be more aware of these initiatives.

This access to information is supported by the Managers Toolkit, which provides managers and executives with better access to resources that currently exist, but are not necessarily easily accessible.

Indigenous-specific initiatives

Indigenous Employment Pathways Pilot Program

The Aboriginal and Torres Strait Islander Traineeship Program has been reviewed, and has been moved to be run out of the WCGD. Specific work that has commenced includes that:

WCGD is designing a strategic integrated employment pathways program, to link an Indigenous traineeship, Indigenous cadetship and the ACTPS Graduate Program; and

A pilot Indigenous Traineeship Program will run in 2015, with permanent employment upon successful completion.

Connecting better with the Indigenous community

Connecting better with the community to promote employment opportunities will be a feature of future programs, including:

- the Service has already connected with Habitat Personnel, including that Habitat attended the People and Performance Council meeting in November 2014 to discuss how the Service can better link with their services, including promotion to the community; and
- regular interaction and information sharing with the ACT Aboriginal and Torres Strait Islander Elected body (Elected Body) to enable the Service to develop better links with the community and aid the Elected Body to promote the Service as a employer of choice.

Attraction of Indigenous Executives to the Service

There are currently no Indigenous-specific initiatives to attract Indigenous executives to the Service.

However, interaction with the Australian Public Service Commission regarding secondment programs may identify suitable Indigenous employees at the executive levels to participate in secondment arrangements, which is currently being scoped.

Review cultural training

The government committed to reviewing the content of cultural awareness training through its response to the *Standing Committee on Health, Ageing, Community and Social Services Report No. 2 on its Inquiry into ACTPS Aboriginal and Torres Strait Islander Employment*. That review will occur following the release of this report.

ACTPS establishing a Work in the Assembly Program for Indigenous employees

The Legislative Assembly is considering the development of a specific Work in the Assembly program for Indigenous employees.

Induction for all new employees includes effective training on the handling of racism and bullying

The current Induction guide and online induction managed by Shared Services has recently been updated. Following the introduction of the new Public Sector Bill and pending the outcomes of this review, these inductions will undergo a revision in line with the issues outline in the final report.

Disability-specific initiatives

Reasonable Adjustment policy

A whole of Service Reasonable Adjustment policy has been finalised in consultation with the Australian Network on Disability (AND).

The policy provides guidance regarding whose responsibility it is to request and manage Reasonable Adjustments, the concept of unjustifiable hardship and information regarding funding adjustment is in the workplace.

The policy outlines the purpose of Reasonable Adjustment, the process for managers and supervisors to determine which adjustments may be required for individual employees, and a link to further resources regarding reasonable adjustments.

Manager's toolkit

The AND Toolkit for Managers is designed for use across the Service to provide disability awareness information to Managers and supervisors of employees with disability.

Attachment H

Recommendations of the Government Response to the Standing Committee on Health, Ageing, Social and Community Services Report No.2 on its Inquiry into ACTPS Aboriginal and Torres Strait Islander Employment – to be incorporated into the next iteration of the *ACTPS Employment Strategy for Aboriginal and Torres Strait Islander People*

Employment Strategy Implementation

Recommendation 1

2.51 The Committee recommends that the ACTPS implement a project management approach to ensure the timely achievement of outcomes identified in the ACT Public Service Employment Strategy for Aboriginal and Torres Strait Islander People.

Government Response: Agreed in-principle

The ACT Public Service Employment Strategy for Aboriginal and Torres Strait Islander People (the Employment Strategy) establishes a vision for the ACT Public Service (ACTPS) “...to be seen as an attractive workplace for Aboriginal and Torres Strait Islander people to seek employment, and to more than double the employment of Aboriginal and Torres Strait Islander people across the ACTPS by 2015”.

The Employment Strategy sits in parallel with the Employment Strategy for People with Disability under the broader governance framework articulated by the *ACTPS Respect, Equity and Diversity Framework* (RED Framework).

At a whole-of-government level, the RED Framework is overseen by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) with each of the directorates within the ACTPS having day-to-day responsibility for the implementation of initiatives and strategies to further its objectives and the specific targets underpinning the Employment Strategy.

In this context the Public Sector Management group of CMTEDD is in the process of undertaking a review of the RED Framework, which relevantly considers the ongoing management and delivery of initiatives falling within the Employment Strategy. Adoption of a project management approach to ensure the timely achievement of outcomes identified in the Employment Strategy will be considered in the context of this review.

Recommendation 2

2.64 The Committee recommends that the ACT Public Service precisely define the target level of employment for Aboriginal and Torres Strait Islander employees in the ACT Public Service.

Government Response: Agreed in-principle

The Employment Strategy clearly defines the target level of employment for Aboriginal and Torres Strait Islander employees in the ACTPS as increasing from 0.9% (176 employees) in 2010 to 2% (407 employees) in 2015.

However, given the target was developed in 2010, and based on a 2010 ACTPS-wide headcount, updating this aspect of the Employment Strategy will be considered in the context of the review of the RED Framework.

Recruitment

Recommendation 3

3.22 The Committee recommends that the ACT Public Service Employment Strategy for Aboriginal and Torres Strait Islander people be amended with a view to incorporating a plan to recruit and retain suitably qualified Aboriginal and Torres Strait Islander senior executives in the service.

Government Response: Agreed

As discussed in the ACTPS submission to the Inquiry, the ACTPS aims to employ more Aboriginal and Torres Strait Islander people at both higher level administrative classifications and senior officer level, and seeks to influence the reduction in the difference in average remuneration between Aboriginal and Torres Strait Islander employees and non-Aboriginal and Torres Strait Islander employees. Indeed, achieving outcomes in this area has been an aim of the Government, and remains ongoing in that context.

The proposal to amend the Employment Strategy to include a standalone plan to recruit and retain suitably qualified Aboriginal and Torres Strait Islander senior executives in the ACTPS is being considered as part of the ongoing review of the RED Framework (see Government Response to Recommendation 1).

Recommendation 4

3.35 The Committee recommends that the ACT Public Service give priority to identifying and implementing innovative ways of recruiting Aboriginal and Torres Strait Islander people into the ACT Public Service, including secondments from non-government sectors. This must entail ongoing consultation with the ACT Aboriginal and Torres Strait Islander Elected Body.

Government Response: Agreed

The ACTPS remains committed to attracting, developing and retaining a diverse workforce characterised by a positive reputation founded on the respect and courtesy we extend to our colleagues and clients via innovative recruitment methods, and is considering such methods in the renewal of the *Public Sector Management Act 1994* (PSM Act), currently underway.

In May 2014, the ACTPS amended the *Public Sector Management Standards 2006* to allow for the alignment of recruitment terminology between the Commonwealth and ACTPS with a view to reducing community confusion surrounding engagement

of employees of Aboriginal and/or Torres Strait Islander background to 'designated positions'.

The ACTPS Whole-of-Government Recruitment Guidelines (Recruitment Guidelines) will also be updated in line with the renewal of the employment framework upon its implementation. This will be supported by development of a toolkit for managers, supervisors and colleagues of Aboriginal and Torres Strait Islander employees (the Toolkit) to provide cultural competency and other relevant information, including information relevant to recruitment.

Against this context, ACTPS directorates actively identify and implement innovative ways to recruit and retain Aboriginal and Torres Strait Islander employees, some examples include:

- The Health Directorate engagement with a number of external bodies to increase recruitment of Aboriginal and Torres Strait Islander people. It has also established a working group of key internal and external people and organisations to increase the potential for Aboriginal and Torres Strait Islander people to be attracted to working in Health;
- Development of the *Many Journeys....Deadly Mob! Staff Voices* website by the Education and Training Directorate (http://www.det.act.gov.au/_data/assets/pdf_file/0004/538825/Our-Mob-Our-Stories-Our-Voices.pdf), which supports reciprocal learning that strengthens two way relationships and understanding of Aboriginal and Torres Strait Islander cultures. It tells the story of seven Aboriginal and Torres Strait Islander staff employed across various positions within the Directorate, who have shared their journeys, their passion for education, hopes for the future and their influences in joining the education community; and
- The use of a wide variety of recruitment methods to fill vacancies with Aboriginal and Torres Strait Islander people by the Justice and Community Safety Directorate (JACS), including:
 - engaging Aboriginal and Torres Strait Islander trainees under the Australian Apprenticeship Program through the Australian Training Company;
 - advertising all designated positions in mainstream and Aboriginal and Torres Strait Islander media and networks;
 - ACT Human Rights Commission advertised traineeships/internships through the Canberra Institute of Technology and University of Canberra networks; and
 - creating community awareness about the directorate by participating as a sponsor at the 2014 ACT & Region Indigenous Excellence Awards Dinner.

The Government is committed to maintaining a meaningful relationship with the ACT Aboriginal and Torres Strait Islander Elected Body (Elected Body), and will continue to strengthen its relationship through consultation where appropriate.

The proposal that the Government consider secondments of Aboriginal and/or Torres Strait Islander persons from non-government employers will be considered as

part of the review of the RED Framework (see Government Response to Recommendation 1).

Recommendation 5

3.37 The Committee recommends that the ACT Public Service use proactive recruitment methods, including external recruitment agencies and alternative merit-based selection processes, to fill more vacancies with Aboriginal and Torres Strait Islander people.

Government Response: Agreed in-principle

As outlined at Recommendation 4 above, the ACTPS seeks to continue to enhance its relationship with the Elected Body and the local Aboriginal and Torres Strait Islander community through that partnership. The Government will continue to consider and adopt innovative recruitment practices to enhance the attraction and retention of Aboriginal and Torres Strait Islander employees.

The proposal to utilise external recruitment agencies to increase the number of Aboriginal and Torres Strait Islander employees will be considered as part of the review of the RED Framework (see Government Response to Recommendation 1).

Retention

Recommendation 10

4.15 The Committee recommends that the ACT Public Service take the necessary steps to ensure exit data relating to Aboriginal and Torres Strait Islander employees is collected and reported:

- (a) to the ACT Aboriginal and Torres Strait Islander Elected Body;*
- (b) in directorate annual reports for 2013-14; and*
- (c) in annual ACT Public Service State of the Service reports.*

Government Response: Agreed in-principle

The Government aims to improve the collection of exit survey data for workforce planning and reporting purposes. Presently, an exit survey is available to all staff to be completed on a voluntary basis.

In line with the review of the RED Framework, the ACTPS will consider how best to update the survey in line with the One Service model, and will consider continuous improvement in promoting the survey and its benefits to all staff (see Government Response to Recommendation 1).

Recommendation 11

4.20 The Committee recommends that, as a matter of priority, the ACT Public Service take steps to ensure all ACT Public Service agencies have in place for all staff and in particular Aboriginal and Torres Strait Islander employees:

(a) learning and development plans and

(b) career pathway plans.

Government Response: Agreed in-principle

The *ACT Public Service Performance Management Framework* (Performance Framework) sets out the objectives for performance management and development in the ACTPS and applies to all employees. It also aligns with Learning and Development to effectively build employee capability and actively encourage good performance.

Managers and supervisors of staff across the ACTPS can and do include detail regarding career development pathways in the learning and development component of individual Performance Development Plans.

This recommendation will be considered in the context of both the review of the RED Framework and as part of the continuous improvement review of the Performance Framework scheduled for 2014-2015.

Recommendation 12

4.26 The Committee recommends that the ACT Public Service develop an induction program for new Aboriginal and Torres Strait Islander employees that augments the induction program for all new staff. At a minimum the program should alert these new employees to structures and processes in place for their benefit such as networks, buddy systems and mentoring.

Government Response: Agreed in-principle

Stage One of the review of the RED Framework highlighted that all directorates have included the RED Framework in directorate-based induction for all new staff:

The adoption of the RED Framework is further evidenced by all directorates reporting that RED is promoted to new staff through induction. Outlaying these principles and behavioural expectations at the beginning of employment indicates the RED Framework is embedded, and operates as 'business as usual'.²

JACS provides an innovative example of an induction program to Aboriginal and Torres Strait Islander trainees, which provided the following initiatives:

- the co-chair of JACS Reconciliation Action Plan (RAP) welcomed the trainees and provided an overview of RAP at one of their induction training sessions;
- trainees were introduced to former trainees and encouraged to have mentors;
- trainees were also encouraged to participate in RAP meetings and ACTPS Aboriginal and Torres Strait Islander network;
- JACS developed a Welcome Pack for the trainees – which covered a wide range of topics ranging from leave management to understanding payslips, superannuation and budgeting;

² P.3 – Stage One: Report on the Governance and Environmental Review of the RED Framework – April 2014

- trainees met the Director-General and Deputy Director-Generals two times during the reporting year;
- trainees were also provided a job rotation during their traineeship;
- trainees were offered training in job application and job interview programs; and
- trainees were encouraged to participate in events of significance to Aboriginal and Torres Strait Islander people.

Another initiative exists in the Territory and Municipal Services Directorate (TAMS) which has developed an induction process for new Aboriginal and Torres Strait Islander employees who are introduced to the TAMS Aboriginal Liaison Officer and will be provided the opportunity to join the ACT Parks Murumbung Yurung Murra mentoring network.

Accordingly, the ACTPS will consult with the Indigenous staff network for their views on relevant matters for inclusion in whole-of-government induction.

These matters will be considered in the context of the review of the RED Framework, however, directorates have made some initial suggestions, including that a whole-of-government Induction Program should include bi-annual meetings/workshops to assist mentoring, buddy support and networking, and the program should involve directorate-specific input. The concept of providing whole-of-government elements for local induction will also be considered.

Cross-Cultural Training

Recommendation 13

4.37 The Committee recommends that the ACT Public Service review its cross-cultural training and take necessary steps to ensure it is of the highest standard, with benchmarking as appropriate.

Government Response: Agreed

A review of the current cultural awareness training will be considered in the context of the review of the RED Framework.

The content of the current Cultural Awareness training which is promoted via the Shared Services Training Calendar was developed in 2012 and is currently provided by a single provider under the ACTPS current Training Panel of Providers.

Approval for a new panel of providers has recently occurred and as a result contract negotiations will commence with an increased number of providers who would be able to provide relevant training.

Recommendation 14

4.38 The Committee recommends that the ACT Public Service ensure all staff undertake cross-cultural training so that they all possess high levels of cultural competence and that data on this training together with an assessment of its impact be reported in directorate and agency annual reports.

Government Response: Agreed in-principle

Stage One of the review of the RED Framework has indicated the principle of *diversity* (as defined in the RED Framework), has been adopted and embedded across the ACTPS, and operates as 'business as usual'. Particularly, Stage One indicated that the principles of the RED Framework provide a major part of directorate induction programs for new staff.

Directorates are supportive of cross-cultural training, and have indicated the importance of the training through the following examples:

- Aboriginal and Torres Strait Islander Cultural Awareness training is classified as Highly Recommended for all staff in the Health Directorate under the Essential Education Policy. It should be noted that this is the most strongly recommended category within the policy short of the category Must Complete;
- 142 managers and staff within JACS undertook Aboriginal and Torres Strait Islander Cultural Awareness training from 1 July 2013 to 20 April 2014, bringing a total of 594 employees since the program was offered;
- Aboriginal and Torres Strait Islander Cultural Awareness training was also delivered to all new operational staff of the ACT Corrective Services as part of induction; and
- JACS also support staff to participate in cross-cultural programs outside the ACTPS. These include the 2014 Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) National Indigenous Studies Conference, What's Up with my Mob? and Red Dust Healing Workshop.

In this regard, the Government is interested in forming closer links with the Aboriginal and Torres Strait Islander community to gain better understanding of its culture and customs, to enhance cross-cultural understanding relevant to the ACTPS, and the citizens we serve. Accordingly, this recommendation will be considered in the context of the review of the RED Framework (see Government Response to Recommendation 1).

Recommendation 15

4.37 The Committee recommends that the ACT Public Service ensure all work environments are properly prepared for new Aboriginal and Torres Strait Islander employees. This may mean additional cross-cultural training programs for the managers and/or supervisors of Aboriginal and Torres Strait Islander employees.

Government Response: Agreed in-principle

The Government will consult with the Elected Body to finalise the Toolkit for managers and supervisors of Aboriginal and Torres Strait Islander employees (Recommendation 4 refers).

The Toolkit will be an initial source of information for managers and supervisors of current and future employees who identify as being of Aboriginal and/or Torres Strait Islander descent to facilitate appropriate cultural understanding and assist with embracing employee's background and knowledge base in order to enhance team diversity and inclusion.

The Toolkit and revised Recruitment Guidelines will encourage managers and supervisors to undertake all available cultural competency training.

Given the interest for ongoing cross-cultural training across the ACTPS, all related recommendations relating to facilitating an increased understanding and awareness of Aboriginal and Torres Strait Islander culture will be considered in the context of the review of the RED Framework (see Government Response to Recommendation 1).

Supporting the ACTPS Indigenous Network

Recommendation 16

4.39 The Committee recommends that, until the end of the current ACT Employment Strategy for Aboriginal and Torres Strait Islander People, the ACT Public Service report to the ACT Aboriginal and Torres Strait Islander Elected Body on a six-monthly basis providing data and information on the effectiveness of cross-cultural training.

Government Response: Agreed in-principle

The government currently reports on aspects of the Employment Strategy at Elected Body Estimates-style Hearings, Budget Estimates hearings, and Annual Report hearings on an annual basis.

Cross-cultural training is also reported in the annual ACTPS State of the Service Report.

This recommendation will be further considered in line with Recommendation 13 where the ACTPS has agreed to review its cross-cultural training to ensure it is of a high standard. In this context, the concept of how to benchmark in this area will be considered.

Recommendation 17

4.58 The Committee recommends that the ACT Public Service ensure induction programs for all new ACT Public Service employees include effective training on the handling of racism and bullying.

Government Response: Agreed

The Government has worked hard at outlining expectations regarding workplace behaviour, resulting in the ACTPS Code of Conduct and its supporting documents, including the RED Framework.

In the context of the review of the RED Framework, and in the interest of continuous improvement, the content of RED training will be revised and updated where necessary pending the reviewed recommendations, to include appropriate content regarding handling all forms of bullying, including racism.

However, given the diversity of workplaces across the ACTPS, the requirement for directorate-based inductions remains ongoing. Specific examples of directorate programs include:

- The Health Directorate covers the handling of workplace behaviour strongly within its Orientation and Induction programs;
- RED Framework and Workplace Bullying and Harassment Awareness training is mandatory for JACS employees. Managers and supervisors are required to participate in the RED Framework and Bullying Prevention and Management Program. The two programs are facilitated by WorkSafe ACT or approved trainers by WorkSafe ACT; and
- As outlined at the response to Recommendation 12, Stage One of the review of the RED Framework reported that all directorates promote the RED Framework to new staff through in-house induction.

Recognition and Celebration

Recommendation 22

4.83 The Committee recommends that the ACT Public Service Office of Aboriginal and Torres Strait Islander Affairs develop innovative approaches to celebrating the achievements of Aboriginal and Torres Strait Islander employees in the ACT Public Service.

Government Response: Agreed in-principle

OATSIA is able to disseminate achievement information through its newsletter and other networks.

The Government will continue to look at ways to showcase the achievements of Aboriginal and Torres Strait Islander employees, and in relation to the advancement of Aboriginal and Torres Strait Islander issues. In 2014, six employees and an Executive Director were awarded under the *Respect, Equity and Diversity* category for promoting awareness about reconciliation at JACS.

Further innovative approaches to celebrate the achievements of Aboriginal and Torres Strait Islander employees will be developed in consultation with the Commissioner for Public Administration and OATSIA, and considered in the review of the RED Framework.

Training and Mentoring

Recommendation 23

4.92 The Committee recommends that the ACT Public Service examine ways of working with the Australian Indigenous Leadership Centre for the delivery of innovative diversity and mentoring training for all ACT Public Service employees.

Government Response: Agreed

The Government is committed to innovative ways to retain Aboriginal and Torres Strait Islander employees, and will further investigate this recommendation in the context of the review of the RED Framework which is currently underway.

It should be noted that JACS is investigating this concept, and CMTEDD will monitor progress, including continuous improvements in the area of diversity and mentoring training.

Recommendation 24

4.94 The Committee recommends that the ACT Public Service ensure mentors for Aboriginal and Torres Strait Islander employees are drawn from those ACT Public Service employees who are respected within the wider Aboriginal and Torres Strait Islander community.

Government Response: Agreed in-principle

As discussed in the ACTPS Submission to the Inquiry, mentoring, buddying and coaching programs currently in operation in ACT Health are being monitored centrally with a view to possible whole-of-government adoption/implementation. The operation and success of the buddying component of the CSD facilitated traineeship may also be considered in this context.

More broadly, this recommendation will be considered in the context of the review of the RED Framework, which is currently underway, including a process for matching mentor to mentee, dependent on role, skills and expertise, and a program to train mentors (see Government Response to Recommendation 1).

Recommendation 25

4.108 The Committee recommends that the all ACT Public Service directorates and agencies ensure they have an Aboriginal and Torres Strait Islander employment action plan with implementation underway during 2014-15, this to be managed by the proposed Project Team (Recommendation 1).

Government Response: Agreed in-principle

The ACTPS Submission to the Inquiry outlined that, the ACTPS as a whole, led by CMTEDD and the Strategic Board, will continue to focus effort on identifying/investigating initiatives or measures that could be adopted to improve on our current achievements. With this in mind, and as discussed at Recommendation 1, this recommendation will be considered in the context of the review of the RED Framework.

The Committee should note that:

- ACT Health has their Aboriginal and Torres Strait Islander Health Workforce Action Plan 2013-2018 currently in operation; and
- JACS launched their Aboriginal and Torres Strait Islander Employment Action Plan 2012-15 on 29 June 2012 in conjunction with the Directorate's first Reconciliation Action Plan (RAP). The Plan builds on the RED Framework, ACT Aboriginal and Torres Strait Islander Justice Agreement, and Employment Strategy. Progress reports were updated half-yearly and included in JACS response to the ACT Aboriginal and Torres Strait Islander Elected Body Assembly Hearings.

Recommendation 26

4.115 The Committee recommends that the ACT Public Service establish a Work in the Assembly Program for Aboriginal and Torres Strait Islander employees along the lines of the current Work in the Assembly Program which is open to all ACT Public Service employees at the Administrative Service Officer 6 or Senior Officer Grade C levels.

Government Response: Agreed in-principle

Directorates have indicated support for such a program, including opportunities for employees to learn more about the Assembly by participating in the *Introduction to the Legislative Assembly* and *Budget Process* programs.

This recommendation will be considered in the context of the review of the RED Framework, and in consultation with the Office of the Legislative Assembly.

Accountability and Reporting

Recommendation 28

5.12 The Committee recommends that the ACT Public Service take prompt action to ensure the wider collection of data, including exit surveys, relating to Aboriginal and Torres Strait Islander employees in the ACT Public Service.

Government Response: Agreed in-principle

As discussed at Recommendation 10, the Government aims to improve the collection of exit survey data for workforce planning and reporting purposes. The committee should note that some individual directorates collect exit data, including exit survey data for internal workforce planning.

This recommendation will be considered in the context of the review of the RED Framework, including how the Government can better encourage relevant staff to self-identify as being of Aboriginal and/or Torres Strait Islander descent through their HR21 profile.

Indigenous Leadership Program

Recommendation 31

6.20 The Committee recommends that the Australian Capital Territory Public Service review the merit of implementing an Indigenous leadership program similar to that proposed by the New South Wales Public Service Commission and report its findings to the Australian Capital Territory Aboriginal and Torres Strait Islander Elected Body and the Legislative Assembly.

Government Response: Agreed

Directorates have indicated support for an Indigenous leadership program as a vehicle to increase the capability of current and future Aboriginal and Torres Strait and to increase the attractiveness of the ACTPS to aid in the attraction and retention of Aboriginal and Torres Strait Islander people.

Initial investigation of the program has commenced, and the recommendation will be considered in the context of the review of the RED Framework (see Government Response to Recommendation 1).