

- Insourcing Framework

Legislation to establish the Insourcing Framework was presented to the Legislative Assembly on 2 December 2021 by way of the Financial Management Amendment Bill 2021 (No 2).

- The evaluation model that will form the operational basis of the insourcing framework has been drafted. Consultation with ACT Unions, ACTPS Directorates and agencies, the community sector and the business community is ongoing.
- The Insourcing Framework is expected to commence operation in May 2022, following the operation of a pilot during March 2022 – April 2022.

Background Information

- The ACT Government is committed to providing secure and where possible ongoing employment and recognises the adverse social and financial effects insecure work has on workers.
- The Insecure Work Taskforce was established as part of the 2017-2021 Enterprise Agreement round. Provisions were included in new enterprise agreements to facilitate the conversion of jobs to more secure forms of employment. These provisions complemented pre-existing provisions dealing with the minimisation of casual and temporary employment, privatisation and outsourcing.
- The Taskforce Conversion Policy was finalised in 2019 and set out the process and criteria for assessing positions for conversion. In accordance with that Conversion Policy, the Taskforce systematically reviewed temporary and casual employment to assess if there were jobs that should be made permanent. Where jobs were identified for conversion the enterprise agreement provisions allowed for the Head of Service to appoint existing employees without further merit process, providing certain criteria were met.
- Whilst the Insecure Work Taskforce operated during the reporting period, the policy and process has since been updated to incorporate the new Fair Work Act provisions that provide for circumstances in which casual employees can request conversion of their casual employment to permanent employment. The new policy featured consultation within the ACTPS and with ACT Unions and is now the *Secure Workforce Conversion Policy*. Since the reporting period, two more rounds have operated with an additional 103 non-ongoing employees converted to permanent employment in July 2021 and 72 non-ongoing employees converted to permanent employment in December 2021.
- In July 2022, CMTEDD's Workforce Capability and Governance Team recruited two senior officers to oversee the work that delivers the Government's secure employment commitments. The Parliamentary and Governmenting Agreement for the 10th Legislative Assembly features a commitment to legislate to prevent the outsourcing or privatisation of public sector jobs. These senior officers ensure the delivery of the Secure Workforce Conversion process and the Insourcing Framework.

CM22/13461

Portfolio/s: Chief Minister

Chief Minister

Understanding the Nature and Extent of Systemic Racism in ACTPS Workplace Settings

Talking points:

What is the Nature and Extent of Systemic Racism within ACTPS workplace settings?

- The ACTPS commenced a pilot project in November 2020 to better understand the nature and extent of incidents of racism that have occurred in ACTPS workplace settings.
- The project included inviting Aboriginal and Torres Strait Islander staff to participate in a series of short surveys about their experience.
- Acknowledging these surveys drew from a small number of respondents, the key findings were:
 - when an incident of racism occurred most Aboriginal and Torres Strait Islander staff spoke up in the moment; however
 - very few incidents were formally reported through formal reporting channels.
- Data collected from the pilot project, coupled with information from the ACTPS Staff Survey will be used to inform academic research. This research will explore long-term strategies to combat systemic racism through new approaches and tools.

Key Information

Progress of the Systemic Racism Project.

- Five bi-monthly pulse surveys were conducted during November 2020, December 2020, February 2021, April 2021 and June 2021.
- Up to 50 Aboriginal and Torres Strait Islander employees were invited to participate in a series of pulse surveys.
- Survey responses were deidentified to ensure the anonymity of participants. The survey was hosted on a private site on the YourSay platform and managed by an Aboriginal staff member of WCAG.
- Acknowledging these surveys drew from a small number of respondents, the key findings were:
 - when an incident of racism occurred most Aboriginal and Torres Strait Islander staff spoke up in the moment; however

- very few incidents were formally reported through formal reporting channels.
- Deep dive into 2021 ACTPS Staff Survey: ACTPS is undertaking a deep dive into the results of the 2021 ACTPS Staff Survey to understand the experiences of staff in the ACTPS – a key focus of the report will be on the experiences of Aboriginal and Torres Strait Islander staff.
 - This report is expected to be finalised in March 2022.
- Professional Doctoral Student: ACTPS is partnering with UNSW to support a professional doctorate degree and associated project. The project will explore “The Nature and Extent of Racism in the ACT Public Service Settings”.
 - Research outcomes will inform strategies to combat systemic racism more broadly through new approaches and tools.

Background Information

- During 2020, the Chair of the ACT Aboriginal and Torres Strait Islander Elected Body articulated concerns about the nature and extent of systemic racism in the ACT community and public service.
- Anecdotal evidence suggested there were experiences of racism in ACT Government services. The ACT Government has a range of reporting systems that capture reports of bullying and harassment however it was difficult to determine if these reports reflect specific incidences of racism.
- WCAG identified that a pilot project was required to collect an initial dataset on the incidence of systemic racism within ACTPS workplace settings.
- Short pulse surveys were used to ask a small number of questions about experience, intervention and reporting of racism in ACTPS workplace settings.
- Respondents were encouraged to access support available through local HR areas or Employee Assistance Program (EAP) services if required.

CM22/12359

Portfolio/s: Chief Minister

Chief Minister

Strategy and Transformation Office

Talking points:

- The Strategy and Transformation Office (STO) was established on 1 October 2020.
- The purpose of the STO is to provide the Head of Service and the Strategic Board with in-depth strategy advice and policy analysis on key priorities affecting whole of Service.
- The STO operates similarly to management consulting firms with a clearly defined problem-solving methodology applied within a set period of time. Projects are short, sharp, and focussed on problem-solving and discovery. The three priority areas for the STO are:
 - Lead strategy reviews, research, data analysis and provide policy advice in accordance with Government priorities
 - Supporting directorates to develop effective strategies and policies, and helping them to build their strategic capability
 - Conducting occasional strategic audits and identifying key challenges and potential solutions for directorates.

Key Information:

- During 2020-21 the STO conducted:
 - Two reviews that would otherwise have been outsourced to management consulting companies – The Review of the Secure Local Jobs Code and support for the Procurement ACT Review.
 - Eight strategy projects including two that met Parliamentary and Governing Agreement (PAGA) commitments and one that was a long term ACTPS priority, the review of the Respect Equity and Diversity (RED) framework.
 - Two flagship projects including the design and implementation of a pilot Whole of Service Employee Survey and an Australia and New Zealand School of Government (ANZSOG) supported research partnership that will examine the future of flexible work in public services.
 - This research project is ongoing, and is a partnership between ANZSOG, the ACTPS and the University of New South Wales's Public Service Research Group (PSRG) based in Canberra. The research project will examine factors that can lead to more effective flexible working, including the built environment, and managerial and organisational support. This project is supported through a \$100,000 ANZSOG grant to the ACTPS.
- The STO hosted 17 Graduates from across the ACTPS including 10 from the Talent Bank program.

- The STO has accepted secondments from across government to work on co-designed projects that they would otherwise be unable to undertake on their own due to lack of capacity and specialised capability.
- The STO has facilitated over 20 masterclass workshops on a range of topics, including strategic thinking, problem solving, and data visualisation and data analytics to more than 60 ACTPS employees.

Forward work plan:

- **Mission led ACTPS:**

The STO has commenced a new flagship project which will explore the benefits of adopting a Mission based operating model. The project will consider the optimal system design and organisational structure to support a mission led ACTPS into the future, including elements of a high performing organisation and enabling factors such as agility, talent and innovation.
- **Establishment of the Cultural Transformation Branch:**
 - The Cultural Transformation Branch (CTB) will be responsible for the strategic oversight of cultural safety, cultural competency and cultural reform of the ACT Public Service, including complex safe space matters. At its inception, the CTB will focus on matters relating to Aboriginal and Torres Strait Islander Employees.
 - The CTB will form part of the Strategy and Transformation Branch within Workforce Capability and Governance, CMTEDD. This will facilitate a unified whole of government approach.
- **Whole of Service Employee Survey:**

Based on the success of the 2021 pilot, a proposal is being developed seeking to establish the ACT Public Service (ACTPS) Employee Survey as an ongoing bi-annual initiative, beginning in March 2023.
- **Major Projects Canberra Digital Strategy:**

The STO is partnering with Major Projects Canberra in February 2022 to co-design a new digital vision for infrastructure in the ACT, that unifies and aligns government objectives, to establish a smart city, smart infrastructure and digital twin. The project aligns with the vision outlined in the ACT Digital Strategy: City planning – by design – for wellbeing.
- **Access Canberra Accountability Indicators:**

The STO is partnering with Access Canberra in February 2022 to investigate the causality between data sources and Access Canberra’s service offering, including analysis of key data sets and eight specific indicators. The project aims to align these indicators to the Wellbeing Framework.

CM22/13224

Portfolio/s: Chief Minister

Chief Minister

ARINS

Talking points:

- ACTPS Enterprise Agreements provide that Attraction and Retention Initiatives (ARINs), which generally provide a monetary benefit to supplement base salary, can be offered in some circumstances.
- It is a matter for a Director-General's discretion (in consultation with the Head of Service) as to whether an ARIN will be applied to an employee in a position.
- ARINs are not intended to mask classification issues, or to reduce conditions.
- In determining whether to apply an ARIN to an employee in a position, the Director-General will have regard to the following matters:
 - whether the position is critical to the operation of the Directorate or to a business unit in the Directorate;
 - whether an employee who occupies the position requires specialised qualifications, skill set and/or experience to perform the requirements of the position;
 - whether the role and skills required by the employee who occupies the position are in high demand;
 - the level at which comparable individuals with skills and qualifications for the role are remunerated in the marketplace;
 - the difficulty and cost associated with recruiting to the position;
 - any other matter he or she considers relevant to determining whether or not an ARIN would be appropriate in the circumstances.
- As at 30 June 2021, 261 employees were receiving ARINs under ACTPS enterprise agreements.

Key Information
ARIns as at 30 June 2021

	Total
ACT Integrity Commission	0
Canberra Health Services	210
Canberra Institute of Technology	8
Chief Minister, Treasury and Economic Development Directorate	14
Community Services Directorate	4
Education Directorate	6
Elections ACT	1
Environment, Planning and Sustainable Development Directorate	8
Health Directorate	5
Justice and Community Safety Directorate	5
Major Projects Canberra	0
Office of the Work Health and Safety Commissioner	0
Shared Services (CMTED)	0
Transport Canberra and City Services Directorate	0
	261

CM22/13231

Portfolio/s: Chief Minister

Chief Minister

Integrity Commission update

Talking points:

- CMTEDD is progressing measures under the *Integrity Commission Act 2018* (IC Act) to provide legal assistance and incidental reimbursement to witnesses summonsed to the ACT Integrity Commission for examination. CMTEDD is exploring options that promote natural justice and equity.
- In its 2020-21 Annual Report the ACT Integrity Commission published:
 - 36 proposed amendments to the IC Act, amongst the proposed amendments includes new legislation that would facilitate telecommunication interception powers under Commonwealth legislation.
 - This includes the 19 proposals put forward in its 2019/20 annual report.
 - Four proposed amendments to the *Public Interest Disclosure Act 2012*.
- On 1 July 2021 a Memorandum of Understanding (MoU) between the Head of Service, the ACT Integrity Commissioner and the Public Sector Standards Commissioner (PSSC) commenced establishing agreement between the parties for cooperative work arrangements and coordination of activities.

Memorandum of understanding

- The MoU establishes processes for the following matters:
 - The referral of compliants from the PSSC and the Head of Service to the ACT Integrity Commission (ACTIC) pursuant to sections 59 and 62 of the *Integrity Commission Act 2018* (IC Act).
 - Liaison between the ACTIC, the Head of Service, and the PSSC concerning the exchange of information.
 - The avoidance of delay and unnecessary duplication of statutory functions of the parties to the MOU.
 - To the extent that is required or permitted by the law, the sharing of information within the respective possession of the parties to the MOU concerning possible maladministration or corruption within the ACT Public Service so as to allow the most efficient and effective investigation of those matters.
- The MOU also establishes an Integrity Liaison Committee (the Committee). The Committee has a broad remit to explore matters of coordination and management of integrity policy issues and matters in the ACT. The Committee includes the CEO of the ACTIC, the Deputy Director-General, Workforce Capability and Governance &

Workplace Safety and Industrial Relations, the PSSC and the Executive Branch Manager, Professional Standards Unit.

Witness Assistance Measures

- Section 171 of the IC Act provides that a witness prescribed by regulation appearing before the ACT Integrity Commission at an examination may be entitled to be paid an amount by the Territory for legal assistance in connection with the person's appearance.
- Section 172 of the IC Act provides that a witness prescribed by regulations appearing before the ACT Integrity Commission at an examination is entitled to be paid an amount by the Territory for the expenses of the appearance.
- The IC Act provides that expenses are to be calculated under the Supreme Court Scale of Costs, or if a regulation is made about how the amount is to be worked out – in the way prescribed by the regulation.
- There are no regulations that prescribe the witnesses or how the amount is to be worked out.

Legal Professional Privilege and other privileges

- The ACT Integrity Commission published the following proposals on privilege in its 2020-21 annual report:
 - Abrogate legal professional privilege for public officials in respect of communications made or obtained for the purpose of undertaking public duties or functions or has been paid for with public funds.
 - Abrogate the privilege against self-incrimination and exposure to civil penalty in relation to statements requested under section 89 and preliminary inquiry notices under section 90.
 - Allow the Commissioner to decide questions of privilege.
- The proposal on legal professional privilege has been implemented to varying degrees by other jurisdictions, including New South Wales and Victoria.

Managing conflicts of interest in ACTPS

- All executives must make a declaration of private interest on engagement, every 12 months thereafter and following a change in their circumstances.
- A new whole of Government conflicts of interest policy was finalised and released on 3 June 2021, and a new Second Jobs and Volunteering Policy was finalised and released on 2 August 2021. Both policies are available to employees on the ACTPS Employment Portal.
- Directorates offer and promote fraud and ethics training sessions, these sessions include information on the obligations on employees to identify, disclose and manage conflicts of interest. All Directorates maintain conflicts of interest registers.

- The Probity in Procurement Guide (released in December 2020) provides guidance to employees on probity and ethical behaviour in procurement processes, including the management of conflicts of interest.

Key Information

- The ACT Integrity Commission has provided the following broad headings for its 36 proposed amendments to the IC Act:
 - Amendments proposed regarding corrupt conduct.
 - Amendments required regarding the compulsory production of documents or things.
 - Amendments required regarding examinations.
 - Amendments required regarding privileges.
 - Amendments required regarding statements of information.
 - Amendments required regarding witness expenses and legal assistance.
 - Amendments required regarding arrest and search warrants.
 - Amendments required secrecy provisions.
 - Amendments required mandatory reporting obligations.
 - Amendments required to facilitate and protect ‘whistle-blower’ disclosures.
 - Amendments regarding reporting requirements in the Annual Report.
 - Amendments proposed regarding Commission employment matters.
 - Amendments proposed regarding access to employment records.
 - New legislation required to allow the Commission to be recognised under the *Telecommunications (Interception and Access) Act 1979* (Cth).

Background Information

- The introduction of an ACT integrity Commission was a Government commitment under the 9th Parliamentary Agreement.
- The Integrity Commission Bill 2018 was introduced, debated and passed by the Legislative Assembly in November 2018. Over 100 amendments were brought forward during the debate.
- The enabling provisions of the IC Act commenced on 11 December 2018, the appointment provisions commenced on 1 July 2019 and the operational provisions commenced on 1 December 2019.
- The ACT Integrity Commission commenced its operations on 1 December 2019.
- The Integrity Commission 2020-21 Annual Report was provided to the Speaker of the Assembly on 17 November 2021.

CM22/13229

Portfolio/s: Chief Minister

Chief Minister

Workplace Values and Behaviours

Talking points:

Misconduct related matters:

- During the 2020-21 financial year:
 - The ACT Public Sector Standards Commissioner (PSSC) was informed of 98 misconduct processes commenced across the ACT Public Sector during the financial year, which included 91 from the Directorates and seven from public sector bodies. This represents a 27% increase from the last financial year.
 - Of the 98 misconduct processes commenced, 92 were referred to the PSU for investigation, taking of admission statements or management, and six matters were handled internally by directorates.
 - The PSU undertook 83 of the 92 investigations internally and managed the other nine¹ through oversighting of external investigation services due to workload, particular sensitivities or potential conflict of interest issues.
 - The 92 matters referred to the PSU for investigation, management or oversight, represents an increase of 42% over the 65 matters referred to the PSU during the previous financial year. The increase in PSU workload is attributable to Directorate's handling less matters internally, such as admission statements, and referring those matters to the PSU for action, and the overall increase in misconduct matters commenced across the ACTPS.
 - The increase of 42% of workload for PSU was as a result of the PSSC and PSU writing to directorates advising PSU should undertake admission statements to create an appropriate level of response and a standardised format.
 - It is difficult to understand the 27% increase in referrals as the factors are multi-faceted, however, part of the increase can be attributable to multiple respondents in the one matter.
 - 72 reports in total were completed and provided to PSSC delegates during the financial year:
 - The PSU completed 65 reports, consisting of 52 full investigations and 13 admission statements.
 - External investigative services completed 7 misconduct investigations.

¹ Five of the nine matters referred to external investigation services related to one incident.

- The average time taken by the PSU to complete misconduct investigations was 122 workdays, an increase from 100 workdays compared to last year, which is reflective of the increased workload.
 - The most common allegations referred during FY 2020-21 included:
 - inappropriate behaviour including lack of courtesy and respect (alleged in some 45% of all misconduct processes commenced) (44);
 - failure to perform one's job with reasonable care and diligence (30);
 - bullying, harassment or intimidation (12);
 - reportable conduct matters (11), and
 - lack of honesty or integrity (11).
- (Statistics reported reflect the number of cases in which the specified conduct was alleged)
- The nature of these allegations are largely consistent with allegations referred in prior years.
 - In relation to formal misconduct processes completed, the Directorates reported:
 - 57 processes were completed², of which 40 had at least one substantiated breach of section 9 of the Public Sector Management Act 1994 (PSMA), as determined by the misconduct delegate.
 - Of the cases where misconduct was determined by the misconduct delegate, the most common breaches, in descending order, were:
 - Failed to perform job with reasonable care or diligence (20).
 - Failed to treat people with courtesy, sensitivity or respect (17).
 - Failed to follow written or verbal direction (6).
 - Failed to act with integrity or honesty (5).
 - Bullying, harassment or intimidation (5).
 - Improper use of government resources or information (4).
- (Statistics reported reflect the number of cases in which the specified conduct was substantiated.)
- These substantiated findings of misconduct are consistent with prior year's reporting.
 - The number of referrals reported in the first half of 2021-2022 are lower than the equivalent number in 2020-21.
 - Current year tracking – during the first half of the FY 2021-22, 35 misconduct referrals were received. This reflects a 29% reduction in misconduct matters on an annualised

² A misconduct process is completed upon issuance of the final sanction letter or notification of no breach by the delegate.

basis from FY 2020-21 (98 misconduct matters were commenced across the ACT public sector during FY 2020-21).

Outcomes

- Of the 98 misconduct matters reported to the PSSC as commenced during financial year 2020-21, the following outcomes have been reported:
 - 32 matters remain in progress
 - 5 matters were withdrawn by the referring delegate
 - 15 employees resigned prior to finalisation of a pending misconduct process
 - 15 matters found misconduct was not substantiated or no breach found
 - 31 matters found misconduct was substantiated.
- Where an employee resigns during a misconduct investigation the PSSC has the authority to determine whether the investigations should continue or stay the process and re-commence if the employee subsequently seeks to re-enter the service.
- Of the 31 matters where misconduct was substantiated, the sanctions imposed – noting multiple sanctions can be imposed by a delegate relating to a single misconduct finding – are:
 - Letter of reprimand only: 6
 - Financial penalty in addition to letter of reprimand: 16
 - Transfer to a position at level or below included in sanction: 3
 - Counselling or training included in sanction: 4
 - Termination of employment or contract not renewed: 8

Bullying and harassment:

- Directorates reported a total of 623 reports of bullying and harassment during the financial year reported through RED contact officers, Human Resources and via RiskMan. As the same incident may be reported through multiple mechanisms, this number is not a one-for-one accounting of actual incidences.
- Most reports of bullying and harassment are resolved within the workplace without the need for further intervention or through the preliminary assessment phase.
- Directorates reported that 12 bullying and harassment matters were progressed through to a formal investigation.
- PSU records indicate that 6 referrals were received from Directorates during the year alleging sexual harassment.

Commissioner complaints:

- During FY 2020-21, the PSSC received:
 - 15 complaints, with 4 matters pending as at 30 June 2021.
 - 16 complaints were closed after assessment or investigation in an average of 53 calendar days after receipt.

Appeals:

- Calendar year 2020: 8 matters were referred to appeal, but one matter was not accepted as it did not meet the requirements of the enterprise agreements.
 - The outcomes of all appeals are not known as the final decision on whether to accept the appeal recommendations rests with directorates. This information will be captured in future years as appeal outcomes have been made determinative rather than recommendatory.
 - Three matters referred for appeal in 2020 were conducted as determinative appeals:
 - One appeal was not overturned at all;
 - An appeal panel made the determination to entirely overturn an original sanction decision and reported there was not sufficient evidence to suggest misconduct had occurred; and
 - One matter was partially overturned – sanction only.
- Calendar year 2021: 7 matters were referred to appeal.
 - Three have been finalised and not overturned. The other matters are ongoing.

PSU operations during the COVID pandemic:

- The PSU adjusted operations to comply with COVID-19 mitigation strategies and the lockdown requirements, allowing for investigations to progress while maintaining the required safety standards. Among the adjustments made were:
 - Adoption of virtual interaction with witnesses and respondents through online platforms, including WebEx, Teams and file sharing drop boxes, rather than in-person meetings.
 - Where in-person interaction was required, COVID-safe guidelines were followed.
 - Management and oversight of PSU staff continued through the use of virtual means.
- Challenges faced in progressing matters during COVID restrictions and lockdown included:
 - IT capability and access issues.
 - Participants in misconduct processes, such as witness and respondents, with limited access to IT resources.
 - Potential confidentiality issues as no control over who else may be present while interviewing witnesses or respondents remotely.
 - Union representatives have been busy and there have been delays caused waiting for their availability.

- Benefits derived include:
 - Greater team unity due to more frequent whole team check-ins.
 - New operational methodologies have been developed and refined to enhance operations going forward.

Procurement

- Procurement matters referred to the PSSC have remained steady but low numbers.

Conflict of Interest

- The ACTPS COI policy and a range of tools were disseminated in June 2021
- The policy included feedback from the Integrity Commission, unions, directorate HR areas, directors-general
- COI must be done on induction and every 12 months or as situation changes, particularly for SES and this information has been included in the SES induction package.
- COI must also be completed for specific situations such as recruitment, second jobs, procurement – tender evaluation teams etc
- Each directorate can have their own COI but it must be based on the ACTPS COI.
- The Immediate manager keeps a copy of the COI on file, and it also goes to the directorate HR area.
- Further discussions are occurring regarding a centralised register and ways to ensure declarations are updated (e.g. automatic triggers).
- COI policy includes recommendation that SES escalate to the Integrity Commission as appropriate – advice has been, if you are unsure, refer it.

Conflict of Interest Matters

- There was an increase in COI matters in 2019-20 in response to a greater awareness campaign, however that has levelled off with no further increase in 2020-21.

Fraud and ethics training

- Integrity training is compulsory to all new employees – within 6 months of starting and after 12 months when returning to work after a period of leave, or change in legislation/policy. Several directorates have mandatory training every 12 months.
- Fraud and ethics training is delivered in-person and via e:learning, across two platforms -
 - whole of ACTPS training and

- directorate specific training (E.g. training in directorates includes scenarios specific to that directorate).
- Difficult to ascertain refresher training numbers due to legacy systems
- Tracking of staff participation in training is improving
- Each directorate has a SERBIR have an overall responsibility for the implementation and promotion of the integrity framework and its related functions, this includes information and awareness about fraud and ethics, integrity commission, conflict of interest (in the policy they have a defined role).
- There is also due diligence training which is mandatory training for senior staff regarding their responsibilities and recommended for more junior staff.

Fraud and ethics awareness

- All Fraud and Corruption Prevention plans set the tone from the top
- Directorate intranet landing pages highlight fraud and corruption prevention, and they are used as an awareness channel for staff.
- Awareness is provided in different ways – emails and news bulletins with policies and procedures
- Adapt to the environment – email comms to highlight emerging vulnerabilities
- Two directorates used information campaigns to increase the awareness profile of fraud and corruption

Promotion of the Integrity Commission

- SES, including SERBIRs and COOs, HR leaders are mandatory reporters.
- The SERBIR has a role in educating people around integrity and risks and how to manage instances of concern, this includes referring to the IC. Examples of communications include declaring gifts and benefits, second jobs, fraud and corruption plans and conflicts of interest in recruitment.
- SERBIRs had a community of practice with the IC.
- Human Resource/Employee relations area are often a first point of call for people and they are well aware of their reporting responsibilities.
- PSU reviews incoming matters and refers on behalf of the Service (e.g. directorate and PSU).
- Whole of government and directorate specific communications seek to highlight integrity issues and how to report – e.g. World-antcorruption training whole of

government messaging included information about when and how to report to the Integrity Commission. Many SERBIRs also provided their own message on this date.

- Relevant policies include reference to the Integrity Commission, such as the ACTPS Conflict of Interest policy which includes reporting to the Integrity Commission.
- Sharepoint sites and landing pages include reference to the Integrity Commission for example, (e.g. CMTEDD Fraud prevention page) and complaints pages refer to the HR/ER areas, PSSC and Integrity Commission.
- Integrity Commission also has a responsibility to educate people, and PSU are working with their comms and education staff member regarding a joint communication campaign.

Key Information

- A misconduct process in its entirety, which includes the preliminary assessment, investigation and consideration by the misconduct and sanction delegates, can be complex and lengthy. Misconduct matters finalised during FY 2020-21, where an investigation was required, took an average of 184 work days to complete from the date of notification to the respondent of outcome of the preliminary assessment to final sanction. At the same time, we are working to reduce time taken on investigations and the misconduct process overall.
- The workdays reported to complete investigations reflects the total elapsed time a matter was with the PSU and is not adjusted for delaying factors beyond the control of the PSU.
- A number of factors contribute to the length of investigations, including complexity of matters referred, number of witnesses to be interviewed, unavailability of key witnesses, and other factors outside the control of the investigator. The PSU, working with the relevant human resources teams, attempts to proactively manage these factors to minimise delays where possible
- The increase in misconduct referrals to the PSSC may be attributable to a number of factors including increased awareness by managers in identifying and acting on inappropriate behaviour, the receipt of several referrals which involved multiple employees, and elevated stress levels due to COVID-19 restrictions and associated impacts.
- To address the increased PSU workload, PSU staff numbers were augmented through hiring of additional Senior Investigators, and its management framework was restructured with the selection of an Executive Branch Manager.
- The PSSC has stressed the need to capture key messages from casework, so that all areas within the ACTPS can benefit and be more attuned to preventive steps that can be taken to reduce the incidences of misconduct.

Background Information

- In general, the PSU conducts investigations referred by Directorates under the *Workplace Values and Behaviours - Dealing with Allegations of Misconduct* section of the ACTPS enterprise agreements. At the discretion of the PSSC, matters may also be investigated by external investigation services. Admission statements may be taken internally by the relevant Directorate or referred to the PSU.
- The selected investigator establishes the facts of the allegations and provides a report to the delegate acting under authority of the PSSC. After considering the report, the delegate makes a determination on the balance of probabilities as to whether misconduct, as defined by the enterprise agreement, has or has not occurred.
- A formal misconduct process is deemed to have commenced when the employee is notified of the outcome of the preliminary assessment and concludes upon the notification of the final sanction or advice to the respondent that no breach was found.
- The PSSC receives a range of complaints about ACT public administration which are general in nature and related to administrative processes, managerial actions, the behaviour of employees or contractors, and recruitment practices.
- Complaints received are treated seriously, assessed fairly and objectively and managed so as not to disadvantage the complainant. Further, complaints are used to identify systemic issues and to continuously improve the ACT Public Sector.
- Most complaints received are referred to Directorates or relevant ACTPS entities for resolution after assessment. The PSSC office maintains oversight and monitors resolution of these matters.
- The enterprise agreements allow for findings of misconduct and sanction decisions to be appealed. Appeals are considered by a tripartite appeal panel consisting of an appeals chair, an employer representative and an employee representative.

CM22/13319

Portfolio/s: Chief Minister

Chief Minister

COVID-19 Workforce Response

Talking points:

- The COVID-19 response by the ACT Government has been one of the best in the country, underpinned by its approach to flexible working arrangements, support for employees in insecure work and paid COVID-19 leave entitlements.
- The ACT Government was well placed to build on the activity based working arrangements already embedded in many of its workplaces, such as provision of laptop devices to employees and ICT platforms. This has enabled a flexible working environment, with the ability for non-frontline workers to work remotely from home from the outset of the pandemic.
- Workforce mobility policies and the creation of a skills register, capturing skills of employees that enable them to quickly be redirected to other duties, have ensured that there is surge capacity in the event this becomes necessary.
- The whole of government work health and safety response to the pandemic continues to occur on two fronts: ensuring risks of exposure to COVID-19 are identified and managed in all workplaces; and supporting the health, safety and wellbeing of territory public servants during their changed working arrangements.
- Comprehensive and proactive work health and safety measures have been put in place in all ACTPS workplaces to slow the spread of COVID-19 and to mitigate the risk of the virus spreading in the ACT community. Workforce arrangements, such as flexibility provisions and the availability of COVID-19 leave, have worked in conjunction with work health and safety guidance to support employees, managers and workplaces to respond appropriately and proportionally to cases of exposure.
- The outbreak of COVID-19 in the ACT has brought new challenges with community transmission and ACT Government workplaces being exposure locations for the first time. Together with the change in the public health direction, this has required a work health and safety response that considers the risks of workplace exposure and that territory public servants are supported to get tested and to quarantine or isolate as required.

Key Information

- When COVID-19 transmission has occurred in the community, the Government, through consultation with unions, moved all non-frontline workers to work from home where possible.
- Through the pandemic, at times when restrictions have eased, directorates have continued to enable non-frontline workers to maintain some form of flexible working arrangements including working from home in their standard working week.

- Flexible work arrangements have supported a better work life balance for employees with employee surveys conducted across directorates recognise the positive impact on employees in improving work-life balance. The cutback on travel to workplaces has also resulted in fuel savings and importantly, a reduction in the ACTPS carbon footprint due to the decrease of carbon emissions arising from travel.
- Employees working from home can seek provision of additional equipment (monitors, ergonomic chairs) and where they have purchased equipment themselves they are able to claim home work environment expenses on tax.
- Existing early intervention programs to reduce the risk or impact of musculoskeletal injury were expanded to provide virtual programs to groups or individuals working from home.
- In January 2020, with the impending risk of COVID-19 reaching the Territory, the ACTPS moved swiftly to ensure employees that were required to self-isolate would not have to use their own leave balances. **Employees were able to access ‘take leave where leave cannot be granted under any other provision’ which is referred to as COVID-19 leave.** The provision of the leave enforced the message of staying at home and helped to limit the spread of the virus through the community.
- As workforce challenges emerge during the pandemic, ACT Government has taken additional measures to support employees through extension of the application of COVID-19 leave. This has included entitlement to this leave where an employee attends a vaccination appointment or experiences adverse effects from the vaccination. More recently, since the introduction of the Test, Trace, Isolate and Quarantine (TTIQ) arrangements on 6 January 2022, it has extended to the provision where an employee is diagnosed with COVID-19.
- The provision of COVID-19 leave has resulted in a decrease of personal leave utilisation throughout the ACTPS.
- The ACT public sector has implemented, and continues to implement, a COVID-19 work health and safety framework, with associated guidance and policies. The framework is based on the guidance of expert international and national health bodies, the expert health advice of the Australian Government and ACT Health, and SafeWork Australia, which is leading the response for workplace management of COVID-19.
- This guidance material has been rapidly prepared in consultation with Unions, directorates and other stakeholders as relevant. This material has been developed to facilitate a coordinated, consistent and WHS compliant response to the COVID-19 pandemic, keeping our employees and the wider community safe.
- A coordinated approach to supporting employee mental health and wellbeing has been in place since April 2020. This includes communication and engagement activities; resources and support materials; and promotion of targeted programs and initiatives.
- Any changes to COVID-19 work health and safety measures will be considered in line with public health requirements and a full assessment of the risks. Directorates and

agencies have COVID-19 transition plans in place to assess risks, put controls and measures in place to address these and to respond as the situation changes.

Background Information

- Directorates came together to develop a whole-of-government business continuity plan for COVID-19 that outlines the ACT Government’s response to protecting its workforce in a variety of soft and hard lockdown situations.
- Due to the flexible working environment of the ACT Government, a stronger emphasis has been placed on delivering outcomes rather than time-based effort metrics such as traditional flexsheets. Many directorates have reported an increase in productivity outcomes from this approach combined with flexible working arrangements.
- Due to the important role that vaccinations play in the mitigation of COVID-19 transmission risk in workplaces, the ACT Government has established a framework to provide guidance about how to plan, administer and review workplace COVID-19 vaccination arrangements. Under this framework there are supports in place for employees who are unwilling or unable to be vaccinated. Employees who are unable to work in their usual workplace are able to work from home where appropriate, and where this is not possible they have been able to be redeployed across the Service so they can retain financial security and remain connected to the workplace.

Employment Framework COVID-19 Policy Suite

Content		Link	Summary
Managing the risks associated with COVID-19	ACTPS Work Health and Safety During COVID-19	ACT Work Health and Safety during COVID-19	Suite of ACTPS tailored guidance, tools and resources to support workplaces to manage the risks associated with COVID-19.
	Ensuring a planned approach to ensure the safety of workers	COVID-19 transition plan policy	Directorates/agencies must develop and implement a transition plan, tailored to the risks of COVID-19 for their business, to ensure the safety of employees and others in ACT Government workplaces. Each of the transition plans will inform their Business Continuity Plan, reflecting that workplaces have changed as a result of COVID-19.
COVID-19 Leave	Leave entitlements	ACTPS employee entitlements and access to leave during the COVID-19 pandemic	Summary of employee entitlements and leave provisions under the relevant enterprise agreements. Provides general principles and guidance on when an employee will be entitled to access COVID-19 leave, or when other leave types such as personal leave will apply.
	Applications for leave	Guide to applications for leave for COVID-19 (Other than Personal Leave)	Guidance for employees and managers on how to make an application for COVID-19 leave.

	COVID-leave management (for managers)	Guide to managing ACTPS employees on COVID-19 leave	Guidance for managers who are managing employees accessing COVID-19 leave. Expands on the provisions in the ACTPS staff entitlements policy, providing additional guidance on conditions that employees must meet, and continue to meet, to be eligible for COVID-19 leave.
Travel	Personal travel	Guide for ACTPS managers and employees who visit designated COVID-19 areas for personal reasons	Guidance for managers who are managing employees accessing COVID-19 leave. Expands on the provisions in the ACTPS staff entitlements policy, providing additional guidance on conditions that employees must meet, and continue to meet, to be eligible for COVID-19 leave.
	Work-related travel	ACTPS advice relating to work-related travel during COVID-19 pandemic	Advice for managers and employees who undertake international and domestic travel in the course of their employment, and entitlements and arrangements following return from travel.
	Deployment	Guide to managing ACTPS employees who are deployed to COVID-19 areas	Summary of employment arrangements, leave entitlements and WHS considerations when an ACTPS employee is deployed to an area of concern of COVID-19 transmission declared by ACT Health authorities (or by another jurisdiction).
Working arrangements	Critical frontline workers	ACTPS advice about critical frontline workers during the COVID-19 pandemic	Advice for managers and employees about how to manage critical frontline workers when COVID-19 related circumstances impact on their ability to perform their duties.
	Mobility and Flexibility	ACTPS workforce mobility and flexibilities during the COVID-19 pandemic	Summary of the workforce mobility and flexibility provisions and arrangements available under the relevant Enterprise Agreement and <i>Public Sector Management Act 1994</i> . This includes information about secondments, transferring employees and flexible deployments of employees where formal transfers are not required. It also provides guidance about flexible working arrangements when employees are working remotely and how flexibility can assist with ensuring employees manage their work and other responsibilities effectively when impacted by COVID-19 related situations.
Vaccination	Workplace vaccination arrangements	ACTPS Framework – Considering workplace COVID-19 vaccination requirements	Summary of guidance about how to plan, administer and review workplace COVID-19 vaccination arrangements.

	Employee entitlements	<u>ACTPS staff entitlements for COVID-19 vaccinations</u>	Guidance on entitlements and arrangements when an employee receives a COVID-19 vaccination either as part of their employment, or as a member of the community.
Following Public Health Directions	Inability/refusal to comply with direction	<u>ACTPS inability or refusal to comply with public health direction</u>	Advice for managers who have employees who are unable, or refuse, to comply with Public Health Emergency Directions ('PHED') in ACTPS workplaces and in the performance of their duties.
Government Funded Accommodation	High risk and essential workers	<u>Emergency Response - Managing accommodation needs during the COVID-19 pandemic</u>	Advice on Government Funded Accommodation arrangements for 'high risk' and 'essential workers' during COVID-19 in order to minimise the risk of transmission of COVID-19 in the ACT.
FAQs	Employment arrangement FAQs	<u>FAQs – COVID-19 Pandemic</u>	Answers to common questions about employment conditions and entitlements during the COVID-19 pandemic.

CM2022/519

Portfolio/s: Chief Minister
Chief Minister
Chief Minister

Future of Work

Talking points:

- **Reopening of the workplace and impacts for CBD**
 - The ACT Government has committed to a hybrid model of work that combines the **benefits of flexibility** with the **opportunities for co-location and connectedness** our office buildings provide.
 - Working in an office nine-to-five, five days a week will no longer be the default way of working for ACT Public Servants.
 - Many ACT Government employees **never stopped attending their usual place of work** throughout the COVID-19 pandemic and lockdowns, providing essential frontline health and community services. **Only a small proportion of our workforce is working from home.**
 - The proportion of the ACTPS workforce whose primary work location is in the CBD is relatively small – approximately **2,500 out of a workforce of 26,000**, and a proportion of these 2,500 employees continue to work in the CBD.
 - The **Federal Public Service** Workforce in the ACT is approximately **59,000**.
 - Hybrid working is about providing choice - while many will choose to work some days from home and some days from the office, **some will choose to return to the office full time.**

- **Reopening of the workplace – current state and health and safety**
 - On 31 January 2022 the Chief Minister announced that the current public health social measures would continue until Friday 25 February 2022
 - In taking this position, the government sought to balance health, economic and social outcomes, in the context of increased risk to a largely unvaccinated early childhood and school age population.
 - Work from home arrangements are helping to ensure we are doing everything we can to limit the risk of infection, help reduce community transmission, ease workforce shortages, protect those most vulnerable and alleviate pressure on our hospitals.
 - While the current public health advice encourages ACT-based workers to work from home, there are no public health directions in place to mandate work from home requirements.

- As we have done throughout the pandemic, the ACT Government will continue to take a cautious approach based on expert public health advice. As we adapt to having COVID-19 in the community we will continue to take decisive and proportionate actions to keep Canberrans safe.
- The ACT Government is always looking to balance the needs of our community with our obligations to ensure the health and safety of our people while they are at work. We have aimed for the highest level of protection for our people from the risk of infection from COVID-19, while maintaining services to the community. As the COVID-19 situation in the ACT changes, we have changed with it.

- **Future of Work Program**

- The ACT Government aspires to be the **most progressive jurisdiction** in Australia with regards to flexible work.
- Flexible working has been an important component of the ACT Government's response to the COVID-19 health crisis.
- The Future of Work Program has been established to **maximise the benefits** to be gained by retaining and embedding flexible working arrangements across the service as COVID restrictions are eased.
- The traditional workday in an office between 9am and 5pm will no longer be the default way of working for ACT Public servants.
- For many office workers, a hybrid working model where time is split between the office and working from home or other locations will become standard.
- Not all staff - notably our front line workers - will have the same level of access to hybrid working arrangements, but we are actively considering how we can improve access to flexibility for all employees.
- By providing our employees with greater choice in how, when and where they work, we are giving them autonomy and demonstrating trust. These are proven drivers of engagement and performance.
- Flexible work arrangements can lead to **improved employee wellbeing, increased job satisfaction, and greater workforce diversity** through better opportunities for workforce participation.
- **Resources**, including a series of microlearnings and a dedicated SharePoint site have been developed **to support managers and staff** adapt and thrive in a hybrid work model.

- **Flexi offices:**

- 2021-22 FY Budget funded the refurbishment of vacant office space at Scollay St Tuggeranong (approx. 35 workpoints) and at Nature Conservation House Belconnen (approx. 140 workpoints), creating 'flexi-offices'.
- Flexi-offices will significantly enhance the ACT Government's accommodation portfolio to support employees working within their local communities, reducing pressure on our roads during peak periods and phases of major infrastructure growth, and providing economic benefits to Town Centres.
- \$5.8m funded in 2021/22 Budget.
 - \$4.5m in capital (\$3.5m NCH, \$1.0m Scollay St), \$1.3m in expenses.
- Progress to date:
 - Architect engaged on 17/09/21; CK Architecture – a small-medium Canberra based firm.
 - Design phases nearing completion, with view to construction procurement commencing in March 2022.
 - Scollay St and NCH expected to be delivered by Q1 22/23, although construction industry constraints may impact this timeline.

- **Innovation Centre**

- The ACT Government will be driving opportunities for its workforce to collaborate and innovate by establishing a dedicated Innovation Centre within the Canberra Nara Centre.
- The Innovation Centre will feature more than 1000m² of purpose-built workspace to support innovation, collaboration, and learning. These resources will be available for use by all areas of Government.
- The Innovation Centre has a capital budget of \$5.2m.

- **Future of Work budget submission for 2022-23 FY:**

- Transitioning the workforce in Winyu (Gungahlin) to flexible working arrangements, including physical infrastructure changes, changes to work practices and business processes, digitisation of paper records, and resources to support people through the transition
- Delivering a centralised operational support model for the Hub and Spoke portfolio of flexible office spaces
- Changes to Electronic Access Control Systems and CCTV management, and
- Further implementation of Wayfinding across all Hub and Spoke offices.

- **Childcare**

- ACTPS employees now have priority access to placements for their children in Early Education and Care Centres in the City and Inner South.
- This arrangement is in place with the provider *Community Services #1*, with the following centres falling within the agreement:
 - Binara Early Education and Care Centre – 10 Binara Street Canberra City
 - Forrest Early Education and Care Centre – 1 Hobart Avenue Forrest
 - Narrabundah Cottage – 6 Yamba Place Narrabundah (children 0-3 years)
 - Marlee Education and Care Centre – 22 Nimbin Street Narrabundah (children 3-5 years)
- An additional agreement is being finalised that will see additional priority access for centres in Civic, Dickson, Harrison and Turner.

- **220 London Circuit Mezzanine family friendly space**

- Development of the mezzanine level will deliver a family friendly, flexible workspace for use by the ACT Government staff, meeting rooms for use by the APS and the Executive and a new Cabinet Room. The latter will adhere with Zone 4 compliance that meets Commonwealth security requirements and enable access to the Federal Government's Ministerial Cabinet Network (MCN).
- During the management of the Covid-19 Health emergency which resulted in the establishment of the National Cabinet, it was identified that the ACT Assembly lacked adequate facilities to host and actively participate on regular basis.
- New funding is provided in the 2021-22 ACT Budget for a **family friendly** workspace and meeting room amenity for the ACT public service which will **allow greater flexibility for ACT Government staff**. The purpose-built meeting room and family friendly flexible workspace on the mezzanine level will receive \$3.924 million in the budget to undertake fit-out works.
- The family friendly workspace is being designed to enable staff to bring their children to work and increase the flexibility of our office environment. The space will contain parenting rooms and play spaces for children along with bookable meeting facilities to meet increased diversity and workforce needs.
- The Agreement For Lease for the development and lease of the mezzanine level has been executed with the Capital Property (Airport) Group. The new facilities are **expected to be available in July 2022**.

- **Wayfinding**

- All participating areas of **220 London Circuit** are **now online** and using the wayfinding system. The project focus is now on delivering the capability for 480 Northbourne Avenue. Over the longer term, the system will be available across all Hub and Spoke flexible office environments as a **key enabler for flexible work**.
- Staff are able to access the technology through their laptop, or they can choose to download an app onto their phone. They can then use the system to visually scan a map of their work area for available desks, and to **find colleagues, meeting rooms, first aid officers and fire wardens**. Staff can book desks up to two weeks in the future.
- The wayfinding system is contributing to the safe return of staff to the workplace during the COVID-19 Health Crisis through ensuring that capacities are not exceeded.
- Testing of meeting room integration is underway. This will allow staff to use the system to find and book available meeting rooms using the app.
- We currently have 1423 active users who are able to book a desk using the system. Usage will increase as people return to the office more frequently.
- When fully deployed, the technology will also provide key insights into patterns of work behaviours and use of physical spaces, helping optimise office real estate and inform future flexible work decisions.

- **Workplace Analytics project**

- The ACT Government is investigating how systems data can be used to **provide insights into workplace behaviours**.
- A project has been established to test this concept, and a consultant experienced in conducting similar studies has been engaged to deliver this work, and to support the maturation of data analytics capability within the ACTPS.
- This initial data analysis will seek to evaluate the impact of flexible working on work/life balance.
- A high priority for this project has been ensuring compliance with privacy and security requirements.

- **ANZSOG/UNSW ADFA Research Project:**

- August 2021 - \$100k grant awarded by ANZOG + \$100k in-kind matching from Academic research partner UNSW ADFA for a research project exploring the impact of flexible working on the wellbeing and effectiveness of employees.

Key milestones:

- September 2021 - Research orientation and establishing governance

- October 2021 – Stand up directorate working group, question phase.
- December 2021 - Research design and gap analysis phase.
- February 2021 - Qualitative research phase - Focus Group Discussions.
- May 2022 - Quantitative analysis phase
- Jul-Aug 2022 - Research socialisation and finalisation of report.

Background Information

- Strategic Board endorsed a set of *Future Work Plan Priorities* on 14 April 2021
- Directorates have been briefed and encouraged to provide feedback on the FOW program through the People's forum, Strategic Office Accommodation Committee and Strategic Board
- The FOW program is adopting technologies that enable data collection ensuring the decisions on new ways of working are evidence-based.

Office capacity by Town Centre Region

Gungahlin – Winyu House

4,200 ACTPS employees living in the region.

Currently 782 workstations in Winyu, fixed desks, no flexibility.

Once transitioned to flexible working (likely 2023), can accommodate between 925 and 1155 employees (latter figure presuming widespread uptake of hybrid work), including at least 100 flexi workstations that can be accessed by all ACTPS employees.

Belconnen – Nature Conservation House (NCH)

5,800 ACTPS employees living in the region.

Currently 300 workstations in NCH (Housing ACT), fixed desks, no flexibility. Another 140 to be added in Q3 2022 in a new flexi office.

140 flexi workstations that will be accessible by all ACTPS employees.

Woden and Weston Creek - Bowes PI, Cosmo, Hedley Beare.

4,500 ACTPS employees living in the region.

Currently 1,250 workstations across Bowes PI, Cosmo, Hedley Beare. Cosmo flexible but currently only Access Canberra employees can access. Bowes PI and Headley Beare fixed desks, no flexibility.

Once Bowes PI transitioned to flexible working (likely 2024), can accommodate between 1475 and 1885 employees (latter figure presuming widespread uptake of hybrid work), including several hundred flexi workstations that could be accessed by all ACTPS employees.

Civic and North Canberra - 220 London Cct, 480 Northbourne, Nara, Allara, 255 Canberra Ave

4,400 ACTPS employees living in the region.

Currently 2626 workstations across 220 London Circuit, 480 Northbourne, and 255 Canberra Ave flexible. Nara, Allara another 550 fixed desks, no flexibility.

Could accommodate between 3750 and 4860 employees (latter figure presuming widespread uptake of hybrid work), including several hundred flexi workstations that could be accessed by all ACTPS employees.

Tuggeranong – Scollay St

4,400 ACTPS employees living in the region.

Small flexi space in Scollay St being fit out that will accommodate 36 ACTPS employees at any one time.

Region	No of ACTPS employees living in the region	ACTPS offices in the region	Office space static (desk) capacity in the region ^[1]	Existing office space dynamic (ABW 8:10) capacity ^[2]	Potential office capacity @ 8:10 ^[3]	Potential office capacity @ 6:10 ^[4]
Woden and Weston Creek	4500	Bowes Pl, Cosmo, Hedley Beare	1250	1325	1475	1885
Civic, North Canberra	4400	220 London Circuit, 480 Northbourne, Nara, Allara, 255 Canberra Ave	3176	3750	3750	4860
Gungahlin	4200	Winyu	782	N/A	925	1155
Belconnen	5800	Nature Conservation House	440*	N/A	N/A	440
Tuggeranong	4400	Scollay St	36*	N/A	N/A	36

* Once capacity is expanded in 2022 through the addition of a flexi hub

^[1] Number of desks in the listed buildings

^[2] Total of the number of desks in non-ABW offices, plus the number of employees who could be accommodated with 8 workstations for every 10 employees in current ABW (flexible) office environments

^[3] Number of employees who could be accommodated with 8 workstations for every 10 employees once offices are converted to ABW (flexible) office environments (NB: excludes Hedley Beare, Nara, Allara, 255 Canberra Ave and one floor of Nature Conservation House, which are not slated for transition to ABW/flexible)

^[4] Number of employees who could be accommodated at 6 workstations:10 employee ratio once offices are converted to ABW (flexible) office environments (NB: excludes Hedley Beare, Nara, Allara, 255 Canberra Ave and one floor of Nature Conservation House, which are not slated for transition to ABW/flexible)

CM22/13551

Portfolio/s: Chief Minister

Chief Minister

ACTPS Veterans Employment

Table 1: Time Series Veterans Employment Figures

	2017	2018	2019	2020	2021
Number of Veterans in ACTPS employment	102	115	131	189	241
Percentage growth in veteran employment from previous year	-	13%	14%	44%	25%

Talking points:

Our Veterans Employment Strategy has been successful – veterans are attracted to and thriving in the ACT Public Service

- The ACT Government considers the skills and experience of veterans and their spouses a valuable asset to the ACT workforce.
- At 30 June 2021, 241 ACT Public Service employees (or 0.9% of the total ACTPS workforce), identify as a former Australian Defence Force (ADF) member.
- Employment data shows a rise in employment of veterans over the last two years, correlating with the implementation of strategies to attract and retain veterans in the ACTPS.
- Our retention data from the past five years¹ shows that veteran employees have a slightly higher retention rate² compared with non-veteran employees (83% compared with 79%, respectively).

Our commitment to Veterans Employment continues

- In 2022, the ACTPS became a **Soldier On Gold Level Pledge Partner**.
- In granting the ACTPS its partner status, **Soldier On recognised the ACTPS' significant progress in veterans employment** by noting “the wide-ranging, varied and proactive processes and strategies that support veterans and family recruitment, retention and workplace culture, are the clearest sign of the highest level of support for the veteran community”.
- The Soldier On Pledge is a **voluntary standard that enables participating organisations (Pledge Partners) to signal their support** for current and ex-serving

¹ From June 2017 to June 2021

² Retention rate measures the number of employees who are **still employed 12 months after they commenced**.

Australian Defence Force personnel and their families by creating ‘veteran friendly’ workplaces and embracing the skills and attributes they offer.

- The benefit of becoming a Pledge Partner is to encourage more veterans and their families to consider the ACTPS as their next employer of choice by making use of a nationally recognised and independent standard.
- Over the last year, we have continued to deliver a range of resources and initiatives in support of veterans employment, including:
 1. **A dedicated website** (www.act.gov.au/veterans) to encourage veterans to consider the ACTPS for the next chapter of their career. The website includes advice about moving to Canberra, employment opportunities, health and wellbeing services, and education and training services;
 2. ACTPS representation at Australian Defence Force **Virtual Transition Seminars**. During these events, veterans can chat with ACTPS representatives and are encouraged to join the ACT Veterans Employment Register to receive alerts about job vacancies. The last virtual seminar was held on 16 November 2021 with the next occurring on 24 February 2022;
 3. **Supporting networking and information sharing** (through ‘Coffee Roulette’³) as an extension of the ACTPS Veterans’ Mentoring Program for 12 participants; and
 4. **Expanding the ACTPS Executive Veterans Employment Champions network**. To widen the promotion of veteran employment in the ACTPS, we are working with Canberra Health Services and Education Directorate to identify and establish possible Executives to join the current Veterans Employment Champions.
 5. **The ACTPS contributed to the formation of Terms of Reference for the ongoing Royal Commission on Defence and Veteran Suicide Prevention**
 - ACTPS veteran employees were provided with the opportunity to contribute to the ACT Government’s input to the large-scale public consultation on the Royal Commission’s Terms of Reference.
 - Officials from across the ACTPS participated in a roundtable discussion on 7 July 2021 with Interim National Commissioner for Defence and Veteran Suicide Prevention, Dr Bernadette Boss.

³ A networking application tool that randomly matches and connects users for more informal ‘coffee meetings’.

Background Information

- In 2018, the ACTPS developed the *ACT Government Veterans Employment Strategy* (the Strategy). It aims to make the ACTPS a leader in the recruitment and retention of veterans and their spouses. In September 2020 the Strategy was updated to target increased recruitment, networking, and information sharing for veterans.
- In 2020, the ACTPS was awarded the **2020 Veterans' Employer of the Year for Public Sector Organisations in the Prime Minister's Veterans Employment Awards**.
- In 2018-19 the Government allocated \$2.6m over four years to 'support opportunities for people transitioning to civilian life by working with the ADF through their transition seminars, developing practical career transition resources, and providing Public Service Veterans Employment Champions'.
 - This amount includes 0.5 FTE, Senior Officer Grade C in WCAG to support ACTPS Veterans employment across the ACTPS until 30 June 2022.

CM22/12415

Portfolio/s: Chief Minister
Industrial Relations and Workplace Safety

Classification Review Update

Talking points:

- The Review proper commenced in late November 2020 and was completed at the end of May 2021. The Review focussed on identified priority classifications.
- The consultants who conducted the Review, Synergy Group, undertook detailed analysis of data collected in consultation with directorates and staff, and from market research; which was documented in a comprehensive report and supporting documents.
- The supporting documents included Comparative Work Value Summaries and Work Level Standards for each of the priority classifications. They also included a Work Value Assessment Tool and a Guide to Work Level Standards for internal use by the ACTPS.
- The outcomes of the Review will be considered as part of the next enterprise bargaining round.

Key Information

- Synergy Group, a Canberra-based consultancy firm, was chosen by open tender to conduct the Review.
- The Review comprised four distinct components:
 1. a comparative work value assessment of identified classifications;
 2. an analysis of the efficacy of specified shared salary spines in respect of internal staff mobility, career progression and specialisation;
 3. the documentation of Work Level Standards for identified classifications; and
 4. an analysis of the impact of historic percentage-based pay increases with respect to greater pay disparity for identified classifications.

Background Information

- The Government agreed to fund a service-wide review of classifications or priority groups that were identified by a joint Union and Directorate Reference Group.
- The purpose of the Review was to address classification issues identified as part of the last enterprise bargaining round.
- The identified priority classifications were quite diverse and broad ranging, and included General Service Officers, Technical Officers, Information Technology Officers, Legal Officers and Prosecutors, among others.

CM22/10414

Portfolio/s: Industrial Relations and Workplace Safety

Secure Local Jobs Code General Operations
Talking points:

- As of COB Friday 4 February 2022 there are are **2066** entities that hold a Secure Local Jobs Code certificate:
 - Construction – 1691 (82 %)
 - Cleaning – 98 (5 %)
 - Security – 74– (4 %)
 - Traffic Management – 10 (1 %)
 - Labour – 193 (9 %)

Compliance and Enforcement Activity

	Complaints				
	2018-19	2019-20	2020-21	2021-22 YTD	Totals
Number of complaints received	10	19	20	11	60
Number of complaints investigated	4	10	17	4	35
Number of complaints that did not progress to investigation	6	9	3	1	19
Investigations completed in the financial year	1	10	13	8	32
Complaint investigations in progress	0	0	0	3	3

Registrar initiated compliance investigations\audits					
	2018-19	2019-20	2020-21	2021-22 YTD	Totals
Number of Registrar initiated compliance investigations	7	61	116	55	239
Number of Registrar initiated audits	0	0	1	1	2
Investigations completed in the financial year	7	48	129	56	240
Number of Registrar initiated investigations in progress	0	0	0	1	1

Investigations in progress					
	2018-19	2019-20	2020-21	2021-22 YTD	Totals
Number of complaints investigations in progress	0	0	0	3*	3
Number of Registrar initiated investigations in progress	0	0	0	1	1
Complaints referred to SLJC from another Authority	-	-	0	1	1
<i>Total number of investigations in progress</i>	<i>0</i>	<i>0</i>	<i>0</i>	4	4

*Number of complaints compared to number of compliant investigations may not align because when multiple complaints relate to a single entity and the same Territory contract the complaints may be combined into a single investigation.

Compliance Actions					
	2018-19	2019-20	2020-21	2021-22 YTD	Totals
Number of Code Certified Entities sanctioned	1	7	4	10	22
Complaints referred to another Authority	0	3	0	1	4

Background Information

Complaints

- For the 2020-2021 financial year, the Secure Local Jobs Code Registrar received 20 complaints of allegations of non-compliance with Secure Local Jobs Code obligations
- Complaints to the Registrar must be made in accordance with section 22Q of the *Government Procurement Act 2001*.
- Allegations of non-compliance include:
 - Code Covered Entities not engaging with an industrial association during enterprise agreement negotiations (Section 15 of the Code)
 - Failure to comply with Long Service Leave obligations (Section 11 of the Code)
 - Failure to pay superannuation and failure to pay wages and entitlements under an award (Section 11 of the Code)
 - Engage subcontractors that do not hold a current Secure Local Jobs Code certificate (Section 8 (2)) of the Code)
 - Code Covered Entities not allowing employees the right for representation (Section 13 of the Code)

Investigations

- 142 investigations were completed by the Secure Local Jobs Code Compliance Unit in the 2020-2021 financial year.
- Investigations were undertaken as a result of:
 - complaints received by the Registrar; and
 - the Registrar initiating compliance checks on Code Certified Entities.
 - the Registrar initiated audits on Code Certified Entities
- There are currently 4 active investigations underway.
 - 1 Registrar Initiated investigations
 - 3 complaint investigations
- Since the commencement of the Code on 15 January 2019, there has been a total of 272 investigations completed by the Secure Local Jobs Code Compliance Unit.
 - 32 completed investigations from complaints; and
 - 240 completed Registrar initiated compliance checks.

Sanctions

- Since the commencement of the Code 21 entities have received sanctions for breaches of the Code with two entities breaching multiple section of the Code. One entity has been sanctioned twice for two separate breaches the Code.
 - Section 8 of the Code (13 entities) – 54%
 - Section 8 of the Code requires that a Code Certified Entity must ensure that any subcontractor engaged with territory-funded work have a valid secure local jobs code certificate.
 - Section 11 of the Code (6 entities) – 25%
 - Section 11 requires that a Code Certified Entity must comply with applicable Industrial Law, including but not limited to, the Prescribed Legislation and includes orders, directions and decisions of any court, tribunal, board commission or an industrial instrument that applies to the entity.
 - Section 12 of the Code (2 entity) – 8%
 - Section 12 requires that a Code Certified Entity must comply with any reasonable request for information given by the Secure Local Jobs Code Registrar.
 - Section 7 of the Code (3 entity) – 13%
 - Section 7 specifies that a contractor or subcontractor must hold a valid code certificate:
 - At the time it submits a response for territory funded work (excluding market soundings).
 - At the time of entering contract, agreement, or an arrangement with a territory entity.
 - For the term of the contract, agreement, or arrangement.
 - It additionally sets the requirement to comply with conditions imposed on a certificate.
- 4 Code Certified Entities received sanctions in the 2020-2021 financial year.
 - 2 Code Certified Entities each received 20 infringement points for breaching section 8 of the Government Procurement (Secure Local Jobs) Code.
 - 1 Code Certified Entity received a total of 50 infringement points for breaching two sections of the Code these were section 8 and 12, through the same investigation.
 - 1 Code Certified Entity received a total of 25 infringement points for breaching two sections of the Code these were section 11 and 12, through the same investigation

- Sanctions are in applied in accordance with section 22T of the *Government Procurement Act 2001* and section 7 of the *Secure Local Jobs Complaints and Noncompliance Investigation Guidelines*.

CM22/10412

Portfolio/s: Industrial Relations and Workplace Safety

Amendments to the Secure Local Jobs Code

Talking points:

- The Secure Local Jobs Code commenced on 15 January 2019.
- On 9 September 2020 the *Government Procurement (Secure Local Jobs) Code 2020* was amended. These amendments to the Code were administrative to:
 - provide greater clarity to Code Certified Entities on compliance obligations, and
 - assist the Registrar's work on ensuring compliance obligations are met and ensure the policy intention of the Code, to provide optimal labour standards for all workers on territory-funded work, is achieved.
- The amendments to the Secure Local Jobs Code in September 2020 are not the first amendments made since the commencement of the Code. Revision and updates to the Code reflect the natural maturation of the legislation.
- Some ambiguities arose regarding the application of the Code that required clarification after the Code's commencement. These ambiguities were address by the former Minister for Workplace Safety and Industrial Relations who revoked and remade the Secure Local Jobs Code with the proposed amendments on 30 April 2019.
- The Secure Local Jobs Code Advisory Council provide comment and input during the development of all amendments made to the Code.
- On the 1st of March legislative amendments will come into effect to further strengthen the powers of the Registrar to monitor compliance of the code. Amendments at this time also support the implementation of the Ethical Treatment of Workers Evaluation.

Key Information

- The amendments to the Code made in September 2020 were undertaken following both operational experience gathered since the commencement of the Code and feedback from industry stakeholders. This experience and feedback helped identify opportunities for enhancement to the Secure Local Jobs Code to support:
 - clarity of obligations for both Code Certified entities and other stakeholders, including employee representatives;
 - enhancements to the compliance and enforcement framework; and
 - opportunities for further education on compliance obligations to support government and businesses comply with the Code.
- The revisions made to the Code under the most recent instrument are to:
 - provide a definition of Related Entities under section 2, to provide clarity for secure local jobs code certificate applicants. The definition is incorporated into section 17

- of the Code (Application for Code Certification) requiring the Registrar to consider Related Entity compliance with Code obligations when issuing a Code certificate;
- require Code Certified Entities to comply with any conditions on their secure local jobs code certificate at section 7. This amendment provides clarity and assists in compliance and enforcement activities as required;
 - require Code Certified Entities to comply with any written request from the Registrar to provide a written declaration of their compliance with the Code within a prescribed timeframe at section 12. This amendment provides clarity and assists in compliance and enforcement activities as required;
 - provide Code Certified Entities clarity on the requirements to demonstrate compliance with the Code at section 15. The revision provides clarity on the matters and evidence required by the Registrar when considering a Code Certified Entities compliance against this section of the Code;
 - provide clarity on the requirements for issuance of a Secure Local Jobs Code certificate by the Registrar at section 17, requiring the Registrar to consider Related Entity compliance with Code obligations when issuing a Code certificate.

Background Information

September 2020 Revisions

- The amendments to Section 15 of the Code were implemented to ensure all stakeholders, employers and unions, are aware of the requirements for Code compliance.
- The Code reinforces requirements under the Commonwealth *Fair Work Act 2009*, which is a complicated piece of legislation. Section 176 of the *Fair Work Act 2009* recognises Unions with members in an effected workplace hold a unique position in bargaining arrangements opposed to other bargaining agents.
- The amendments to section 15(3) were undertaken because it was previously unclear to Code Certified and entities how to comply with the Code.
- Through the Secure Local Jobs Code the Territory has taken steps to ensure that it only enters into contract with businesses of the highest ethical and labour standards.
- The *Fair Work Act 2009* creates the framework for which Enterprise Bargaining can occur and be undertaken. The Secure Local Jobs Code provides guidance on the Territory's expectations on how ethical business can engage with their employees on matters such as enterprise agreement bargaining.
- Should it be interpreted by a stakeholder that the Code purports to extend an obligation beyond that of Commonwealth Legislation, the *Government Procurement Act 2001* at section 22M(4) expressly stipulates:
 - That the standards and requirements in the Code must not be inconsistent with the *Fair Work Act 2009* (Cwlth) or any Commonwealth law.
- The Code at section 6, Interaction with Commonwealth Laws "further reinforces that:
 - (1) Where there is evidence that the Code places an obligation on an entity that is inconsistent with Commonwealth law in force in the Territory, the entity may apply for an exemption from that obligation under section 22P of the GPA.

- The Registrar may grant an exemption to the entity in accordance with section 22P of the *Government Procurement Act 2001* to the extent of any inconsistency with Commonwealth law.
- To date the Registrar has not been provided evidence in an application for exemption from Code obligations sufficient to grant an exemption.

April 2019 Revisions

- The revisions made to the Code in April 2019 were undertaken to:
 - the definition of Subcontractor under section 2; and
 - the transitional provisions under section 19.
- The change to the definition of ‘Subcontractor’ under section clarified that the term includes internal labour hire and equipment hire entities where they are part of the same business as the Code Certified Entity.
- The change section 19, the transitional provision, corrected an unintended retrospective application of the Code.
- The issue of unintended retrospectivity was that in its original form, the Code effectively created a retrospective application of requirements in the Code in relation to certain categories of subcontractors.
- In the original drafting, an issue arose where an entity that chose to obtain a Code Certificate to be able to tender for future procurements (or if they are engaged as a subcontractor by another Code Certified Entity on territory-funded work) but was also providing territory-funded work pursuant to a procurement process that started before 15 January 2019 (i.e. once an entity has a Certificate they are required to comply with the Code).
- Section 8 of the Code states that:

“A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work”.

The consequence was that subcontractors engaged on territory-funded work that was pre-Code commencement needed to obtain a Certificate, otherwise the Code Certified Entity engaging those subcontractors would be in breach of the Code.

CM22/15192

Portfolio/s: Industrial Relations and Workplace Safety

Government Procurement (Ethical Treatment of Workers Evaluation)

Direction 2021

Talking points:

- The Ethical Treatment of Workers Evaluation process established under the *Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2021* (Direction) provides a fair and transparent process to ensure that the ACT Government only awards contracts to ethical suppliers. It encourages suppliers to meet the highest standards relating to pay, employment conditions, superannuation, the health and safety of their workers and payment of tax. This will ensure ACT Government procurement spend continues to support and create secure, safe jobs for all Canberrans.
- It requires the Fair and Safe Employment Evaluation Criteria to be applied to all relevant procurement in addition to the existing evaluation criteria such as technical capability and price. The assessment against the Fair and Safe Employment Evaluation Criteria will determine if a supplier should proceed for consideration in the procurement process.
- The Direction implements the two-stage procurement process to assess supplier's compliance with the Code obligations and other Government policy initiatives prior to their tender being considered for further assessment recommended by the Secure Local Jobs Code Advisory Council in its Review of the Secure Local Jobs Code (Code).
- The Ethical Treatment of Workers Evaluation has been designed with conscious consideration of the impact on Suppliers when tendering with ACT Governments. For ethical Suppliers that are compliant with their industrial relations, employment and/or workplace safety obligations the process should have very little impact on their engagement with the Territory procurement activities.

Key Information

- The Ethical Treatment of Workers Evaluation commenced on 1 February 2022 for all applicable procurements.
- The Evaluation applies to procurements that the Secure Local Jobs Code applies to, with an estimated value of \$200,000 or more conducted by open tender.
- The Fair and Safe Employment Evaluation Criteria evaluates a supplier's ongoing compliance with the Code and any risks they pose to the Territory's reputation.
 - Compliance with the Code is evaluated by reviewing performance against previous Labour Relations Training and Workplace Equity Plans (LRTWEP) any convictions, civil penalties, or non-complying conduct in connection with prescribed legislation in the preceding five years.

- Reputational risk is evaluated by whether a supplier has demonstrated any actions or omissions that would likely have a material adverse effect on the reputation of the Territory, a Territory entity or the public interest, or public confidence in the Territory and its procurement framework.
- The amendment to the Government Procurement Act 2001 and the Government Procurement Regulation 2007 now changes the way **Labour Relations Training and Workplace Equity Plans** are evaluated and assessed. These plans now undergo an independent assessment of compliance with prescribed legislation and seek to emphasise compliance with commitments in LRTWE Plans for tenderers that have previously engaged with the Territory under a contract for Territory-funded work. Instead of this assessment being conducted by many officers across various Directorates, the SLJC branch will now undertake this assessment for consistency and independence.
- The amendment to the Government Procurement Act 2001 and the Government Procurement Regulation 2007 increases the effectiveness of the Secure Local Jobs Code and allows for the obtaining of information or documentation to improve compliance with the obligations of the Code and to make determinations.
- These changes will mean that the Registrar will be equipped with the power to effectively monitor compliance with the Code. Authorised Officers of the Branch will now be able to enter the premises of a Code Certified Entity performing Territory-funded work to inspect, examine, ask questions, or gather information about their compliance with the Secure Local Jobs Code. This will assist in cases where non-compliance is suspected or reported to the Registrar.
- These changes will also strengthen the Registrar's engagement with relevant regulatory authorities to ensure entities are complying with workplace laws. Information and documents obtained from an investigation will now be shared with regulatory authorities responsible for administering a workplace law if non-compliance with workplace laws is found whilst conducting compliance activities under the Code.
- The Bill additionally provides significantly strengthened powers for the Registrar to suspend or place conditions on a Code Certified Entity's certificate if they have reasonable grounds to suspect failure to comply with the Code. This power is critical to ensure that repeatedly non-compliant companies are not rewarded by receiving contracts with the ACT Government. The Registrar's ability to temporarily suspend Code certification while an investigation is underway and cancel when appropriate is an essential mechanism for ensuring ACT Government agencies do not repeatedly contract with non-compliant entities while potential issues are being investigated.
- The Ethical Treatment of Workers Evaluation was developed in consultation with Territory entity procurement teams and relevant policy areas across all ACT Government Directorates and Agencies. Consultation with the Code Advisory Council seeking external stakeholder views also informed the development of the Evaluation.

- The Secure Local Jobs Code Branch (SLJC Branch) has delivered training and engagement activities to support implementation with both Territory entities and industry ahead of the commencement of the Direction. This has included 21 information sessions for Territory entities and individual Directorate teams, as well as nine industry briefings for affected industry and an information session to the Master Builders Association with over 100 registered attendees.
- The SLJC Branch's engagement with industry about the Ethical Treatment of Workers Evaluation is ongoing with scheduled fortnightly information sessions that can be booked on the SLJC website running through to the end of May 2022 with the possibility of extension if demand remains high.

Background Information

- The Code commenced on 15 January 2019 and was established in Part 2B of the *Government Procurement Act 2001*. The Code was developed to strengthen the ACT Government's procurement practices by ensuring contracts are only awarded to businesses that meet high ethical and labour standards.
- Ten recommendations were made to drive improvement in the operation of the Code from the review of the Code by the Code Advisory Council.
- The Direction was developed to align with the Fair and Safe Conditions for Workers Procurement Value outlined in the *Government Procurement (Charter of Procurement Values) Direction 2020*, ensuring that the ACT Government only contracts with suppliers who demonstrate behaviour and business practices aligned with the value.
- A comprehensive review of the Ethical Treatment of Workers Evaluation will be conducted by Procurement ACT with support of the SLJC Branch 12-months from the Evaluation commencement. The review will address the integration of the new process into ACT Government procurements to date and provide recommendations for improvement. It will also consider options to expand the scope or criteria of the Ethical Treatment of Workers Evaluation.

CM22/10413

Portfolio/s: Industrial Relations and Workplace Safety

Secure Local Jobs Code Advisory Council's review of the operation of the Secure Local Jobs Code

Talking points:

- The Secure Local Jobs Code commenced on 15 January 2019.
- The *Government Procurement Act 2001* established that the Secure Local Jobs Code Advisory Council must review the operation of the Code before its second year of operation.
- An extensive consultation process was undertaken with Government and industry stakeholders that informed the Advisory Council's review and recommendations.
- The Review process and final report were endorsed by Advisory Council members.
- The Review took into account previous legislative amendments to the *Government Procurement Act 2001*, including previous versions of the Secure Local Jobs Code.
- The Secure Local Jobs Code Advisory Council's review report on the the Operation of the Secure Local Jobs Code was delivered to the Minister on 24 December 2020.
- Ten recommendations centred around three themes of legislative amendments, governance arrangements and resourcing requirements to support and enhance the successful operation of the Code:
 - *Legislative amendments* to enhance the efficacy of the Code (including enhancing the Registrar's powers to promote compliance with Code obligations).
 - *Governance arrangements* including the introduction of a two-stage procurement evaluation process and support for information management enhancements to improve Code operations.
 - *Resourcing requirements* including additional resources to support the operation of the Code and enhance compliance through increased investigation, educational and engagement activities.
- The Advisory Council's review report and recommendations have been considered by Government and have been accepted.
- The Ethical Treatment of Workers Evaluation commenced on the 1st of February 2022 and Legislative amendments will take effect on the 1st of March 2022. These are both key milestones for implementing recommendations of the review to strengthen procurement process and compliance with code obligations.

Key Information

- Membership of the Secure Local Jobs Code Advisory Council includes both employee representatives and industry representatives.
- Council's role to advise the Minister about matters relating to the operations of the Secure Local Jobs Code and matters in relation to local jobs and procurement.
- The review process and recommendations were endorsed by Advisory Council members.

Background Information

- Section 22ZD of the *Government Procurement Act 2001* outlines the requirement for a review of the operation of the Code to commence within 2 years of the Code commencing (15 January 2021).
- Terms of reference for the review were established by the Secure Local Jobs Code Advisory Council and have expanded upon the requirements for the review outlined in s22ZD of the *Government Procurement Act 2001*.
- The Advisory Council endorsed the review terms of reference on 3 September 2020. The Registrar coordinated the review with a project team on behalf the Advisory Council.
- The review terms of reference also included an investigation of the impacts of the Secure Local Jobs Code on small and medium businesses and consideration of in-housing the audit function.
- A project plan outlining the review methodology, governance and delivery schedule was endorsed by the Advisory Council at its first extraordinary meeting on 1 October 2020.
- The review team undertook a significant program of internal government consultation which included Procurement ACT, Workplace Safety and Industrial Relations, Major Projects and directorate procurement representatives.
- On 26 October 2020 the Advisory Council Chair sent letters to external industry stakeholders and approved auditors seeking written submissions in response to the review terms of reference.
- Letters were sent to 41 stakeholders and 12 written submissions were received.
- Canberra Business Chamber and other industry stakeholders did not fully support recommendations 1 and 8, relating to
 - the amendment of section 22S of the *Government Procurement Act 2001* to enhance the Registrar's powers, and
 - exploring options to in-house the audit function, respectively, without further understanding the operational impacts.
- As part of the review process Advisory Council members requested access to the legal advice provided by the Government Solicitor's Office (GSO) to the Registrar on the operation of the Code, and specifically in relation to the operation of Section 15 (Right to Collectively Bargain).
- In pursuit of providing that advice to Advisory Council members the GSO drafted Deeds of Confidentiality to protect the Territory's legal privilege. Council members did not sign the Deeds of Confidentiality and as a result, were not provided access to the GSO advice.

CM22/13554

Portfolio/s: Chief Minister

ACTPS Executive Leadership and Talent

Talking points:

- Following a 2020 Review examining ACTPS leadership and leadership development, Strategic Board endorsed a work program and funding to support a cohesive approach to whole of service executive leadership and talent development.
- Priorities for the 2021-2022 financial year include the design and delivery of:
 - SES Induction and an 'Annual Refresh' for experienced SES
 - SES Career Profiling and coordinated mobility across the service
 - A whole of service SES Leadership Development program

Additional Leadership initiatives

- Participation in programs such as ANZSOG and IPAA, continue on a cost-recovery basis with participants being financially supported by their home Directorate or Agency and WCAG coordinating participation.
- Additionally the ACTPS are also supporting 6 Aboriginal and Torres Strait Islander staff to enrol in the Coolamon Advisors' Talent Management Program commencing in February 2022.

Key Information:

- The SES Induction program launched mid-February 2022 and will run quarterly. Time commitment is 1.5 days over a period of six weeks. SES 'Annual Refresh' is anticipated to launch in June/July 2022.
- SES Career Profiling questionnaire launched to all SES in December 2021. 100 responses received. Cohort data analysis is currently under-way. 78% of respondents interested in a mobility opportunity.
- SES Leadership Development, likely to be focussed on a cohort of Band 1s initially, will be informed by the 2020 Leadership Review, the ACTPS Employee Census results, SES Career Profiles and other information such as Mercer position evaluations. RFQ launched in December 2021. Evaluation of RFQ responses currently under-way. Program launch planned for May 2022.

Background Information:

- Nil

CM22/12744

Portfolio/s: Chief Minister

Output 1.2 – Workforce Capability and Governance - (Variances to Targets)

Key Information

2020-21 Accountability Indicators

- The 2020-21 CMTEDD Annual Report provides an analysis of the Accountability Indicators for Workforce Capability and Governance.
- At the end of the 2020-21 financial year, seven out of the eight accountability indicators were met or exceeded against this output as follows:
- The two indicators that were **exceeded** are:
 - 1.2a – conduct the annual whole of government Graduate Program – (100 per cent of the graduate cohort completed the program); and
 - 1.2g – issue Secure Local Jobs Code Certificates within five working days – (97 per cent met the timeframe following receipt of complete and correct audit report);
- The five indicators that were **met** are:
 - 1.2b - Publish the State of the Service Report (2019-20);
 - 1.2c - Deliver ACTPS Leadership and Development programs which included the participation in two leadership and development programs:
 - The Queensland University of Technology’s Public Sector Management Program: Six Aboriginal and Torres Strait Islander employees and six employees who identify as people with disability undertook this program.
 - The Disability Leadership Institute’s Future Shapers Program: Four candidates were sponsored to undertake this program. The program is for people with disability who aspire to be, or are already, leaders in their workplace;
 - 1.2e – support the Workforce Transformation Program. This indicator included the occupation of 480 Northbourne Avenue, Dickson on 13 July 2020 and 220 London Circuit, Civic on 2 March 2021;
 - 1.2f – approval of Enterprise Agreements. This accountability indicator includes Enterprise Agreements for 2020-21 Fire and Rescue Officers and Medical Practitioners. The accountability indicator covers Enterprise Agreement voting by staff and application to the Fair Work Commission. The Fire and Rescue Officers Enterprise Agreement received Fair Work Commission approval on 27 July 2020, and the Medical Practitioners Enterprise Agreement received approval on 11 January 2021; and

- 1.2h – conduct Secure Local Jobs Code training sessions for industry and the ACT Government – (delivered 24 sessions).
- The indicator that was **not met** was:
 - 1.2d – conduct vocational employment programs – the 2020-21 Vocational Employment Programs for Aboriginal and Torres Strait Islander people and People with Disability had a delayed start in 2020 due to the COVID-19 pandemic when many teams pivoted to remote working environments. The decision to delay the start of the programs was taken to ensure that participants could be onboarded in a safe and supported way into their new workplaces. Between October and December 2020, 12 participants commenced across the programs.

2021-22 Accountability Indicators (in the 2021-22 Budget Papers)

- The 2021-22 Accountability Indicators and year to date results for Workforce Capability and Governance are as follows:

	2021-22 Targets	2021-22 YTD Target	2021-22 YTD Result	Variance (%)	Note
Accountability Indicators					
a. ACTPS Graduate Program positively impacts on business area outcomes and objectives	75%	0	0	0	
b. Publish the State of the Service Report	Dec 2021	Dec 2021	Dec 2021	0	
c. Deliver ACTPS Leadership and Development programs	2	2	2	0	
d. Conduct vocational employment programs	85%	0	0	0	
e. Support the Workforce Transformation program	2	0	0	0	
f. Approval of Enterprise Agreements	1	1	1	0	
g. Issue SLJC Certificates within 5 working days of receipt of complete and correct audit report	85%	85%	98.67%	16%	1
h. Conduct SLJC Training sessions for industry and ACT Government	24	12	10	-16.7%	2
Total cost	16,957				
Controlled recurrent payments	15,093*				

* includes funding for the ACT Ombudsman.

Accountability Indicator Descriptions and Variance commentary:

- This accountability indicator measures the performance of the directorate in implementing the ACTPS whole of government Graduate Program. This indicator measures the satisfaction of graduate supervisors and will be considered achieved if 75% of business areas give the program a rating of at least 4 out of 5 in the end of rotation surveys with graduate supervisors across the ACTPS. This indicator was adjusted for 2021-22 to measure supervisor satisfaction with the Program, rather than measuring the percentage of graduate completion of the Program. A survey was designed to measure this updated indicator and released at the end of rotation 2, 2021. Due to the impact of COVID lockdown on the third rotation of graduates and the significant increase in graduate support requirements to facilitate finalisation of the rotation in a purely online setting, the third rotation survey has been delayed and will be undertaken in early 2022. This performance indicator will be reported on fully at end of year reporting for the 2021 graduate cohort. Anecdotal evidence received from graduate supervisors, graduate coordinators, recruitment pannelists and both graduate candidates and graduates finalising the Program indicate that the Program is meeting the needs of directorates and delivering a positive development experience for our graduates.
- This accountability indicator covers the publication of the annual State of the Service Report. The State of the Service Report 2020-21 can be found here: https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0018/1910106/State-of-the-Service-2020-2021-Annual-Report.pdf

- c. This accountability indicator covers the implementation of a framework for improving leadership capabilities across the ACTPS. In 2021-22, delivering this indicator involves providing two opportunities for future ACTPS leaders to engage with public servants from across jurisdictions through a leadership development program run by the Institute of Public Administration Australia. In 2021-22, 5 employees commenced in the cohort that went from 13 July – 22 September and 9 employees commenced in the cohort that went from 6 October – 8 December.
- d. This accountability indicator relates to provision of vocational employment programs for people with disability and Aboriginal and Torres Strait Islander people. The indicator will be considered achieved if 85 per cent of the participants complete the program. This indicator acknowledges the importance of the ACT Public Service being representative of the diverse ACT community. During 2021-22, WCAG has been conducting the Vocational Employment Programs for People with Disability and Aboriginal and Torres Strait Islander People. At 16 December 2021, 58% (seven participants) have successfully completed the programs. A further four participants are expected to complete the program by June 2022. One participant resigned from the Vocational Employment Program.
- e. This accountability indicator includes two deliverables in 2021-22: the introduction of wayfinding at 480 Northbourne Avenue and 220 London Circuit and the creation of flexi working hubs in Belconnen and Tuggeranong.
- f. This accountability indicator covers the negotiation of the Common Core terms and conditions of employment with the Unions. The accountability indicator will be considered complete once the negotiations are finalised. In September 2021, the Government and unions agreed to roll over existing enterprise agreements for 12 months. The rolled over agreements include 2 pay increases and no substantial changes to employment conditions.
- g. This accountability indicator relates to the timely operation of the Secure Local Jobs certification function.
- h. This accountability indicator relates to the education and promotion functions of the Secure Local Jobs package.

Explanation of material variances (+/-5%)

1. This variance shows that the KPI was exceeded for the reporting period. This was due to the reallocation of staff resources which resulted in faster processing.
 2. The variance is due to the launch of the new Ethical Treatment of Workers Evaluation process. This has resulted in education sessions being scheduled to support the implementation of this function. Education and outreach sessions are expected to exceed the full year target as the new function is launched and SLJC education and outreach increases to support stakeholders meet new requirements.
- Attachment A outlines the variance commentary information for the 2020-21 Budget provided by Strategic Finance who can assist in answering technical financial questions.

Attachment A - Variance commentary information for 2020-21 provided by Strategic Finance

Output 1.2: Workforce Capability and Governance

Budget Statement B Page: 24	2020-21 Original Budget \$'000	2020-21 Interim Outcome \$'000	2021-22 Budget \$'000
Total Cost	12 846	14 480	16 957
Variance \$		1 634	2 477
Variance %		13%	17%
Controlled Recurrent Payments	8 734	8 942	15 093
Variance \$		208	6 151
Variance %		2%	69%

Reconciliations

Total Cost

- The increase of \$1.634 million in total costs from the 2020-21 Budget to the interim outcome is mainly due to:
 - a higher demand for services across government, including additional policy work, the management of staff redeployments, the whole of government employee survey, and the engagement of new graduates as part of the expanded program (\$1.096 million);
 - higher than budgeted expenses associated with finance and human resources services received free of charge from Shared Services (\$0.402 million); and
 - a change in the notional allocation of corporate overhead across the Directorate.

This is partially offset by the deferral of expenditure from 2020-21 to 2021-22 associated with the *Expansion of ACT Public Service Graduate Program* (\$0.343 million).

- The increase of \$2.477 million in total costs from the 2020-21 interim outcome to the 2021-22 Budget is mainly due to:
 - the introduction of new initiatives (\$3.273 million), including:
 - Maintaining accountability and transparency of government* (\$1.778 million);
 - Improving and Upgrading government accommodation* (\$0.880 million); and
 - Implementing recommendations on the Secure Local Jobs Code* (\$0.615 million);
 - the impact of the transfer of Inspector funding from the ACT Integrity Commission (\$0.1 million).

This is partially offset by a lower expenditure profile associated with existing initiatives (\$0.375 million).

Controlled Recurrent Payments

3. The increase of \$0.208 million in controlled recurrent payments from the 2020-21 Budget to the interim outcome is mainly due to:
 - a higher demand for services across government, including additional policy work, the management of staff redeployments, whole of government employee survey, and the engagement of new graduates as part of the expanded program (\$1.096 million); and
 - a change in the notional allocation of corporate overhead across the Directorate.

This is partially offset by:

 - the deferral of expenditure from 2020-21 to 2021-22 associated with the *Expansion of ACT Public Service Graduate Program* (\$0.343 million); and
 - a higher cash balance at the beginning of the financial year resulting in less current year appropriation being used.
4. The increase of \$6.151 million in controlled recurrent payments from the 2020-21 interim outcome to the 2021-22 Budget is mainly due to:
 - the introduction of new initiatives (\$6.115 million), including:
 - *Maintaining accountability and transparency of government*, which incorporates funds transferred from other agencies to enable a reduction in own source revenue (\$4.620 million);
 - *Improving and Upgrading government accommodation* (\$0.873 million); and
 - *Implementing recommendations on the Secure Local Jobs Code* (\$0.608 million).

CM22/12749

Portfolio/s: Chief Minister

Industrial Relations and Workplace Safety

Output 1.6 – Variances to Targets
Key Information
2021-22 Accountability Indicators (in the 2021-22 Budget Papers)

- The 2021-22 Accountability Indicators and year to date results for Workplace Safety and Industrial Relations are as follows:

	2021-22 Targets	2021-22 YTD Target	2021-22 YTD Result	Variance (%)	Note
Accountability Indicators					
a. Conduct an actuarial review of the ACT private sector Worker's Compensation Scheme	April 2022	N/A	N/A	0	
b. Maintain consultative work injury management fora within the ACT	4	2	2	0	
c. Provide policy advice on issues relating to industrial relations, injury management, work safety, and dangerous substances regulation	30	15	15	0	
d. Represent the ACT and coordinate activities arising from: national industrial relations, work safety and injury management forums	14	9	11	22%	1
Total cost					
Controlled recurrent payments					

Explanation of accountability indicators:

- This accountability indicator covers a review of the performance of the ACT workers' compensation scheme and consideration of the broader implications of these findings. This indicator is considered complete on reporting of actuarial review results to the Minister for Industrial Relations and Workplace Safety. The actuarial review will be completed in April 2022.
- This accountability indicator covers the secretariat role to the ACT Work Safety Council, supporting four meetings of the Council. The indicator is considered complete when Council meetings are held.
- This accountability indicator covers the preparation of briefing papers to the ACT Government on workers' compensation, industrial relations and work safety matters. This indicator is considered complete when submissions are lodged with the Executive.
- This accountability indicator covers representing the Territory at, and managing policy initiatives arising out of, national industrial relations and injury management forums, including SafeWork Australia and its policy sub committees and the national industrial relations senior officials group. This indicator is considered complete with attendance at meetings.

Explanation of material variances (+/-5%)

- Accountability indicator d. Variances of this degree are expected due to an increase in meetings/forums relating to impact of the COVID-19 pandemic.

- Attachment A outlines the variance commentary information for the 2020-21 Budget provided by Strategic Finance who can assist in answering technical financial questions.

**Attachment A - Variance commentary information for 2020-21
 provided by Strategic Finance**

**Output 1.6: Workforce Injury Management and Industrial Relations
 Policy and Output Class 9 (Output 9.1): Workforce Injury
 Management and Industrial Relations Policy (Discontinued)**

Budget Statement B Page: 27, 40, 101	2020-21 Original Budget (Output 9.1) \$'000	2020-21 Interim Outcome (Output 9.1) \$'000	2021-22 Budget (Output 1.6) \$'000
Total Cost	12 823	12 665	13 564
Variance \$		(158)	899
Variance %		(1%)	7%
Controlled Recurrent Payments	8 795	6 867	9 191
Variance \$		(1 928)	2 324
Variance %		(22%)	34%

This output was formerly Output Class 5 (and Output 5.1) Workforce Injury Management and Industrial Relations Policy. It is now Output 1.6 Workforce Injury Management and Industrial Relations Policy.

Reconciliations

Total Cost

1. The decrease of \$0.158 million in total costs from the 2020-21 Budget to the interim outcome is immaterial.
2. The increase of \$0.899 million in total costs from the interim outcome to 2021-22 Budget is mainly due to the transfer of Healthier Work function from WorkSafe ACT (\$0.441 million) and a higher expenditure profile for existing initiatives.

Controlled Recurrent Payments

3. The decrease of \$1.928 million in controlled recurrent payments from the 2020-21 Budget to the interim outcome is mainly due to higher cash balance at the beginning of the year resulting in less current year appropriation being used.
4. The increase of \$2.324 million in controlled recurrent payments from the interim outcome to 2021-22 Budget is mainly due to the:
 - the transfer of Healthier Work function from WorkSafe ACT (\$0.429 million);
 - the impact of a higher funding profile for existing initiatives; and
 - the impact of higher cash balance at the beginning of the year resulting in less current year appropriation being used.

CM22/12760

Portfolio/s: Chief Minister

Industrial Relations and Workplace Safety

STAFFING WCAG WSIR

Talking points:

2020-21

- As at 30 June 2021, the staffing profile was as follows:

Entity	FTE	Headcount	2020-21 Budget FTE	Variance
WCAG	62.6	65	59.56	3.04
WSIR	65.5	68	65.9	-0.4
Total	128.1	133	125.46	2.64

- Key influencing factors in relation to the variance for **WCAG for 2020-21** are:
 - Additional staff more than anticipated in January 2021 (for the 2020-21 Budget). The additional staff are as follows:
 - PSU: 1 extra SOGC (Integrity Commission policy work); and
 - STO: 2 survey staff.
- Key influencing factors in relation to the variance for **WSIR** are:
 - Variance is immaterial and could be due to rounding of FTEs or unexpected changes to part-time hours.

2021-22 (in the Budget Papers)

- The FTE for 2021-22 is as follows:

Entity	FTE Interim Outcome 2020-21	2021-22 Budget FTE	FTE changes
WCAG	62.6	88.5	25.9
WSIR	65.5	65.9	0.4
Total	128.1	154.4	26.3

- Key influencing factors in relation to the FTE changes for **WCAG for 2021-22** are:
 - 7 FTE from new initiatives in the 2021-22 Budget:
 - Maintaining accountability and transparency of government: 1 x Executive 1.3 for the Professional Standards Unit/Public Sector Standards Commissioner

- Improving and upgrading government accommodation: 3 FTE (SOGA, SOGB and SOGC)
- Implementing recommendations on the Secure Local Jobs Code: 3 FTE staff (1.5 x SOGA, 0.8 x SOGB and 0.75 x ASO6)
- 1 x ASO5 for Secure Local Jobs Code
- 2 staff for the Strategy and Transformation Office (SOGC and ASO5)
- 1 FTE for the Professional Standards Unit (ASO6)
- 3 staff for Industrial Relations and Public Sector Employment (Executive Branch Manager, SOGC redeployment, ASO5 administrative support)
- 14 graduates (Youth Support Package) from February 2022 - June 2022 (5.83 FTE)
- 6 staff for Workforce Strategy and Capability:
 - Executive Leadership and Talent (funding obtained from directorates): 1 x SOGA, 1 x SOGB and 1 x SOGC;
 - Strategic Workforce Projects: 1 x SOGA, 1 x SOGC and 1 x ASO6.
- Key influencing factors in relation to the FTE changes for **WSIR** are:
 - Filling of long term vacancies within the injury management team and the transfer of the Healthier Work team from WorkSafe to WSIR.

CM22/13665

Portfolio/s: Chief Minister

Chief Minister

Learning and Development

Talking points:

Learning opportunities are available to all ACTPS staff. Training can be easily accessed through the Whole of Service (WoS) **ACT Gov Learn** system or through training offered by the staff member's directorate. There are also a number of centrally funded development programs managed on behalf of the ACTPS by WCAG.

Expenditure under the Whole of Government Panel of Training Providers

	2020-21
ACTPS Training Calendar	\$669,870
In-directorate expenditure	\$2,532,083
Total	\$3,201,954

Training offered through ACT Gov Learn:

	2020-21	2021-22 – 31 December 2021
Facilitated Courses Offered	554	327
Facilitated Courses Delivered ¹	254	147
Facilitated Courses Cancelled ²	309	180
Facilitated Courses Participants	1,810	2217
E-Learning Modules Available	37	45
E-Learning Modules Participants	5,820	6475

¹ Facilitated courses were delivered in a face to face setting or via virtual delivery.

² Courses were cancelled due to low registration numbers and/or change of delivery format from face to face to virtual delivery as a result of COVID restrictions.

Top Five Facilitated Courses in the 2021-22 financial year to 31 December 2021

- Best Practice Recruitment and Staff Selection
- Respect, Equity and Diversity - General Training
- Essential Writing (Plain English - Words that Work)
- Aboriginal and Torres Strait Islander Cultural Awareness Workshop
- Essential Writing Skills - Briefs & Reporting

SBS Inclusion E-learning

In the 2021-22 financial year ACTPS staff have had access to a number of eLearning programs developed by SBS which support ongoing learning and development about inclusion in the ACTPS.

Program Name	Module completions 2021-22 fy to 31 Decmeber 2021*
Core Inclusion Program (5 modules)	174
Aboriginal and Torres Strait Islander Awareness Program (1 module)	160
Disability Awareness Program (3 modules)	91
LGBTIQ+ Inclusions Program (3 modules)	63
Total Modules Completed	488

From 1 September 2021 only two* SBS programs will be available. These two modules are:

- **The Core Inclusion program** covers a range of topics including unconscious bias, assumptions, empathy and curiosity and intersectionality; and
- **The Aboriginal and Torres Strait Islander Awareness Program** covers cultural awareness, myth busting, family, and kinship, impacts of colonisation and Stolen Generations, working together and moving forward, celebrating success.

**This is due to funding.*

Background Information

- Expenditure under the Whole of Government Panel of Training Providers is incurred by directorates when training is booked either through the ACTPS Training Calendar or when a training provider is engaged from the panel to deliver In-Directorate training.
- The option for Directorates to source their own training allows training to be focussed on the capability and learning needs of that Directorate. It also gives the opportunity to work with providers to tailor the training to the Directorate's requirements/environment.

CM22/13556

Portfolio/s: Chief Minister

Chief Minister

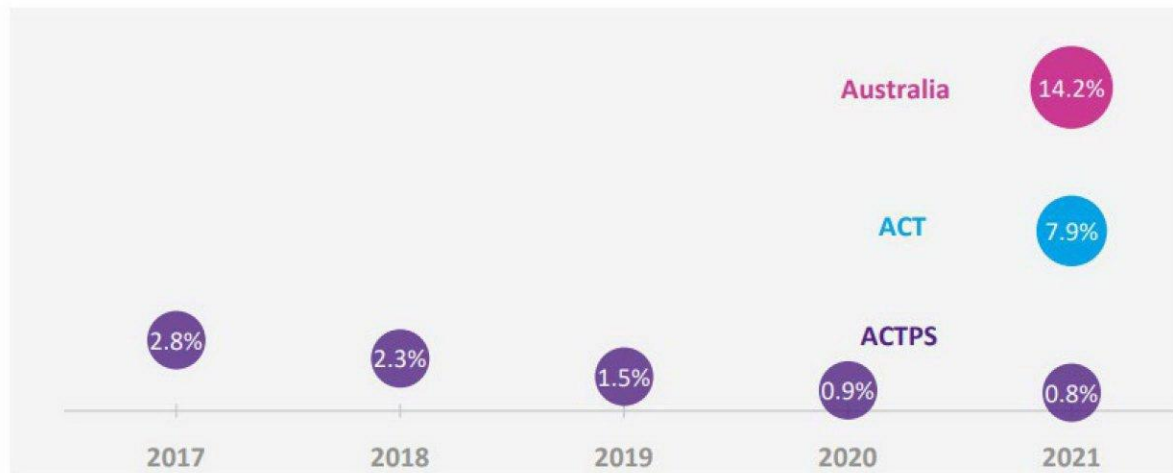
ACTPS Gender Equity

	2016-17	2017-18	2018-19	2019-20	2020-21
% of ACTPS, women	64.9%	65.2%	65.4%	64.8%	65.0%
% of SES, women	44.7%	46.1%	52.5%	51.8%	53.0%
% of ACT Gov Board members, women	-	-	-	-	55.0%
ACTPS Gender Pay Gap	2.8%	2.3%	1.5%	0.9%	0.8%
<i>Number of women working part time</i>	4430	4563	4771	5176	5495
<i>Number of men working part time</i>	878	933	988	1308	1328

Part-time and Casual work

- In 2020-21, approximately 5 times more women worked part time than men (5495 women compared with 1328 men).
 - The number of men choosing to work part-time has been steadily increasing year on year.
- ACTPS workforce trends reflect broader National trends where more women are engaged in casual work than men.
 - The ACT Government is taking targeted action on insecure work [see Secure Employment Framework BRF].

Gender Pay Gap



- The ACTPS Gender Pay Gap reached an all-time low for the ACTPS at 0.8%
 - 7.9% in the ACT labour force
 - 14.2% in the Australian labour force¹.
- The ACTPS Gender Pay Gap has steadily trended down over the last 5 years and (counter to national trends), overall workforce participation has remained stable over the pandemic.
- The ACTPS Gender Pay Gap varies across workforce.
 - It is widest for women in casual employment (-15.2%), part-time employment (-8.7%) and Aboriginal and Torres Strait Islander women (-3.0%).
- *[State of the Service Figures and Tables are below, on pages 7 & 8]*

Initiatives

- The ACTPS publishes detailed reporting of the gender pay gap in the annual State of the Service Report.
 - This includes details on the gender pay gap over a five year time-series; by Directorate; by Diversity group; by Employment Status (including casual and part-time status); and by Classification Group.
- National Cabinet are undertaking work on a nationally consistent reporting framework for Measuring Progress of Women's Economic Security.
 - WCAG and the Office for Women are working jointly to progress the ACT Government's contribution to this enhanced reporting scheme.

¹ <https://www.wgea.gov.au/publications/australias-gender-pay-gap-statistics#gpg-by-state>

- Our input will be used at a national level to inform continued efforts to reduce Australia’s gender pay gap.
- Workforce diversity and inclusion commitments in the Parliamentary Agreement for the 10th ACT Legislative Assembly require larger public service entities to have Gender Action Plans and undertake Gender Impact Assessment and publish their results.
 - The Annual Report Directions will be amended in 2022–23 to require larger reporting entities to report on gender action plans and gender impact assessments.
- Additionally, WCAG will be undertaking the development of a Workforce Gender Equity Strategy in 2022 as part of the ACT Government Response to the Respect@work Sexual Harassment: National Inquiry Report.
- Further analysis of data from the 2021 ACTPS Staff Survey is being undertaken to better understand workplace issues for different diversity groups, including issues which may impact upon the gender pay gap for some groups.
 - This analysis will be undertaken in the coming months.

COVID-19 impact for Women in the ACTPS Workforce

- Australian Women saw an increase in unpaid work driven by home-schooling over the pandemic².
- The ACTPS staff survey suggests women experience slightly higher rates of “juggling” compared with men with regard to time pressure, competing responsibilities and work-life balance. For example:
 - 52% of women said that **time pressure** was a main cause of work-related stress (compared with 49% men)
 - 27% of women said that **competing responsibilities** (including caring responsibilities) were a main cause of workplace stress (compared with 22% for men).
 - 68% of women indicated that they are **satisfied with their work-life balance** (compared with 70% of men).

Public Sector Conduct and Gender

- The ACT Government recognises that gendered power imbalances in the workplace and across society is the key driver of sexual harassment.
- The ACTPS has robust systems of prevention, intervention and support for people experiencing any negative behaviour linked with their gender at work:
 - The Public Sector Standards Commissioner (PSSC) and Professional Standards Unit (PSU) contributes to better outcomes and the promotion of the high standards of workplace values and behaviours expected of ACT public sector employees.
 - In addition to overseeing and conducting investigations into misconduct matters, the PSSC and PSU seek to capture and share key messages arising from misconduct processes.
 - This strategy assists the ACT Public Sector in employing best practices to reduce the incidences of misconduct and encourage the signature behaviours expected of public sector employees.
- All ACT public servants can access free e-learning through the ACT’s online learning platform ACTGOV Learn.
 - The training provides a basis for understanding inclusive behaviour at work through topics such as unconscious bias.
- Staff and their families can access free Employee Assistance Providers (EAP) to receive support from trained counsellors, including trauma support specialists.

² <https://www.wgea.gov.au/publications/gendered-impact-of-covid-19>

Background: ACTPS Action on Gender Equity

WCAG is working on the following gender equity commitments:

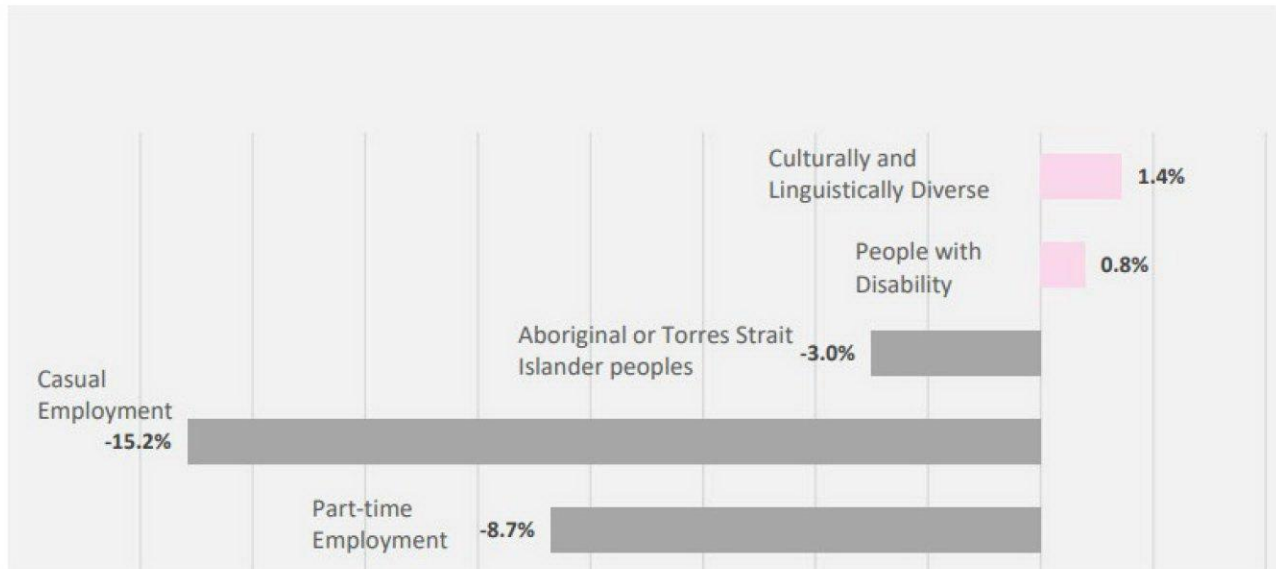
WCAG Commitment	Source & Description
1. Amend the Annual Report Directions in 2022–23 to require larger entities to report on gender action plans and gender impact assessments.	The Parliamentary Agreement of the 10 Legislative Assembly requires larger public service entities to have gender action plans, undertake gender impact assessment and publish their results.
2. Development of a Workforce Gender Equity Strategy.	ACT Government Response to the Respect@work Sexual Harassment: National Inquiry Report (the Report)
3. Set a 10% target for the proportion of women employed in the construction industry in the ACT and support the achievement of this target by setting a requirement through the ACT Government procurement policies including the Secure Local Jobs Code	ACT Women’s Plan Second Action Plan 2020-22 <ul style="list-style-type: none"> • The Secure Local Jobs Code ensures that ACT Government contracts are only awarded to businesses that meet ethical and labour standards. • Relevant tenders have additional contractual obligations requiring businesses to develop and implement a Labour Relations, Training, and Workplace Equity Plan. • Businesses must describe the strategies and processes they have in place to support diversity, equal opportunity, and for removing barriers to employing women. • If a business fails to comply with agreed Plans, then there can be consequences for contracts and the business may lose their Secure Local Jobs Code Certification.

Other Directorate Commitments:

CSD Commitment/Activity	Source
Office for Women are working on how gender impact can be considered as part of the Wellbeing Impact Assessments process in the future, partnering with CMTEDD (Policy & Cabinet).	ACT Women’s Plan Second Action Plan 2020-22
Community Service Directorate (Office for Women) have developed a Gender Impact Analysis Tool . The tool is available to all ACT Government employees to assist staff apply a gender lens to the development of programs, policies, and services.	ACT Women’s Plan Second Action Plan 2020-22

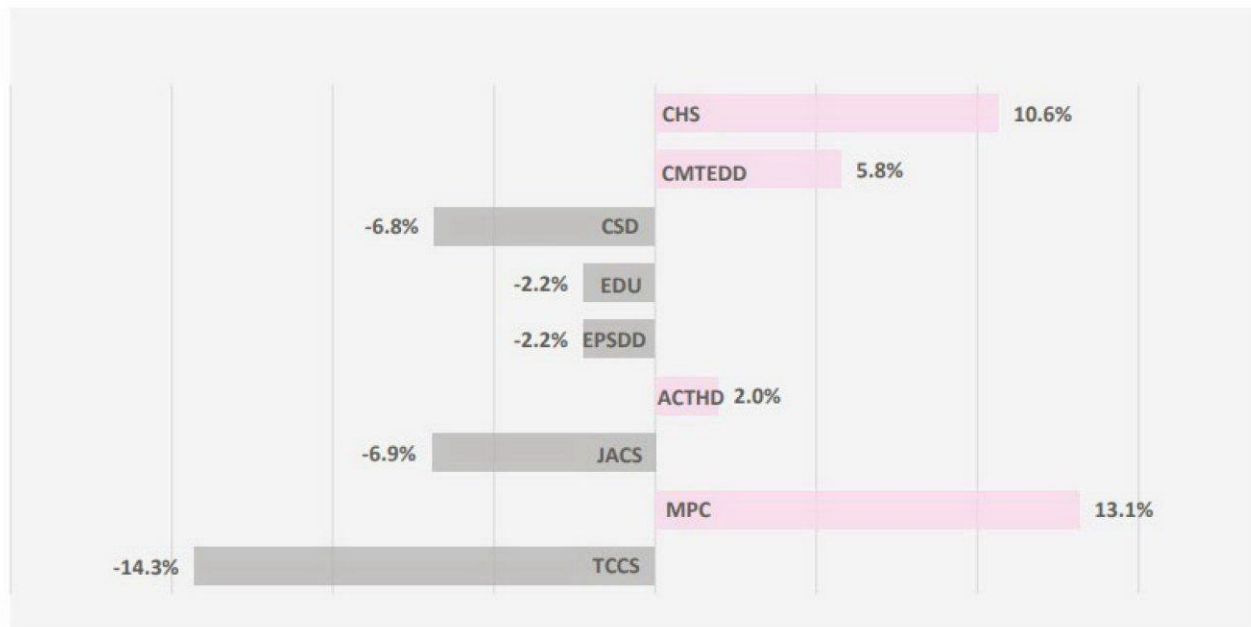
Gender Pay gap by Diversity group and Employment Status

(Source: State of the Service Report, 2020-21; p28)



Gender Pay gap by Directorate

(Source: State of the Service Report, 2020-21; p27)



Gender Pay Gap by Classification Group

Classification group	Proportion of females (%)	Gender pay gap (%)
Administrative Officers	73.7%	0.6%
Ambulance Officers	45.0%	7.7%
Ambulance Support Officers	55.6%	7.1%
Bus Operators	10.7%	0.2%
Correctional Officers	27.5%	2.8%
Dentists/Dental Officers	76.5%	-3.3%
Disability Officers	0.0%	100.0%
Executive Officers	53.3%	1.5%
Fire and Rescue Officers	5.9%	9.0%
General Service Officers & Equivalent	28.7%	15.1%
Health Assistant	82.4%	-1.8%
Health Professional Officers	80.2%	3.8%
Information Technology Officer	20.8%	-2.3%
Judicial Officers	44.4%	-1.5%
Legal Officers	74.1%	2.4%
Legal Support	73.6%	-0.6%
Linen Production & Maintenance	41.3%	16.8%
Medical Officer	49.9%	7.8%
Nursing and Midwifery	86.4%	-4.4%
Professional Officers	60.6%	-5.4%
Prosecutors	60.0%	-4.5%
Rangers	36.2%	-2.4%
School Leaders	72.8%	2.5%
Senior Officers	57.3%	2.0%
Statutory Office Holders	64.3%	23.5%
Teacher	76.6%	-0.9%
Technical Officers	56.6%	12.6%
Trainees and Apprentices	13.0%	-21.4%
Transport Officers	10.9%	-1.2%
ACTPS averages	65.0%	0.8%