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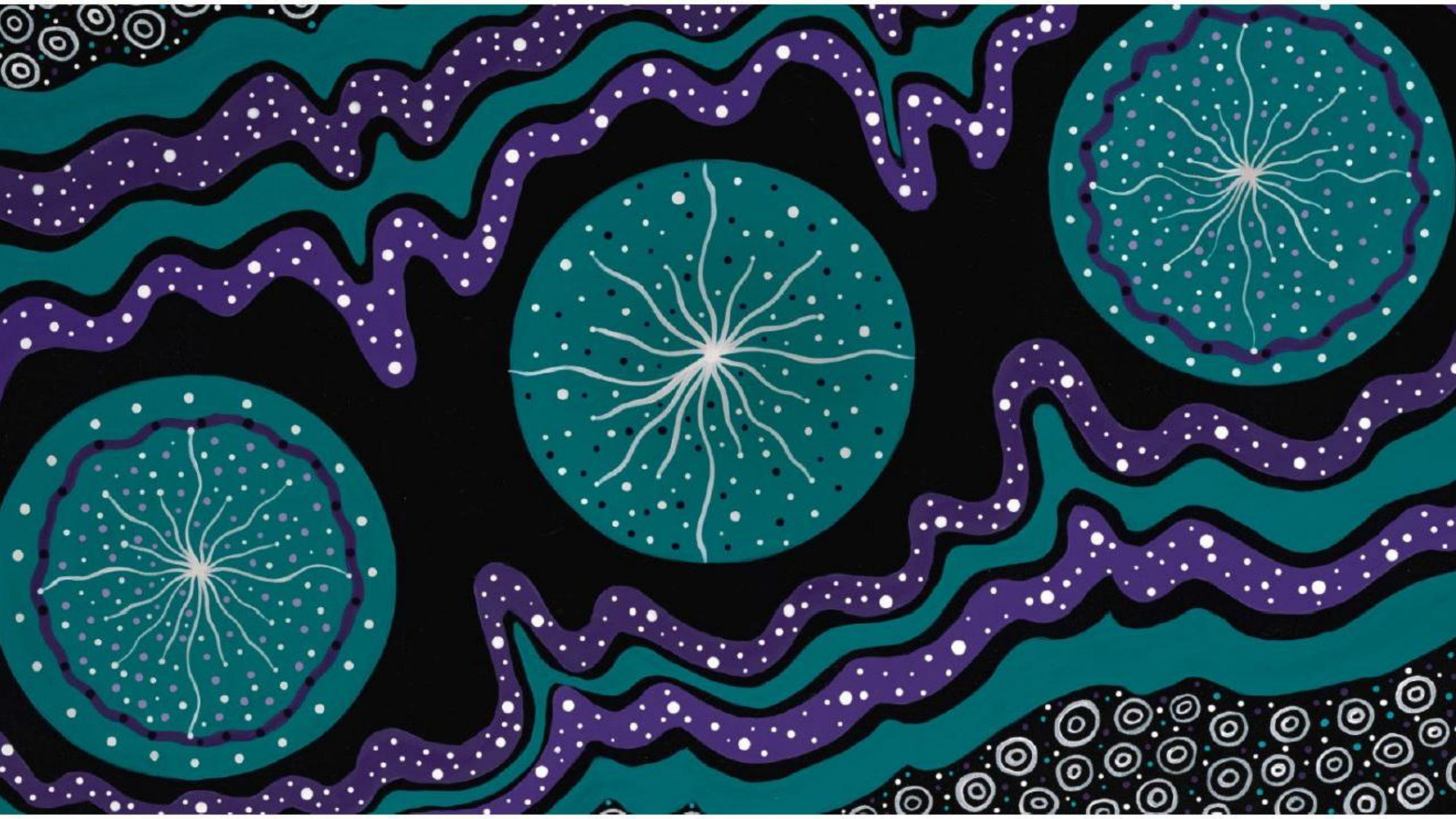
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A new Code of Ethics and Conduct for NSW Government Sector Employees

HR Insights – August 2024

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Our journey today

Today's presentation will cover:

- The role of the NSW Public Service Commissioner
- The current *Code of Ethics and Conduct for NSW Government Sector Employees*
- The new *Code of Ethics and Conduct for NSW Government Sector Employees*
- The Ethical Framework for the government sector
- Use of social media
- Behaviour contrary to the Code



What is the role of the NSW Public Service Commissioner?

The Commissioner's principal objectives and principal functions are set out in the *Government Sector Employment Act 2013* (GSE Act).

A key part of the Commissioner's statutory role is promoting and maintaining the highest levels of integrity, impartiality across the government sector.

The Office of the Public Service Commissioner cannot do this in a silo and everyone in the sector has a role to play to create a pro-integrity culture.



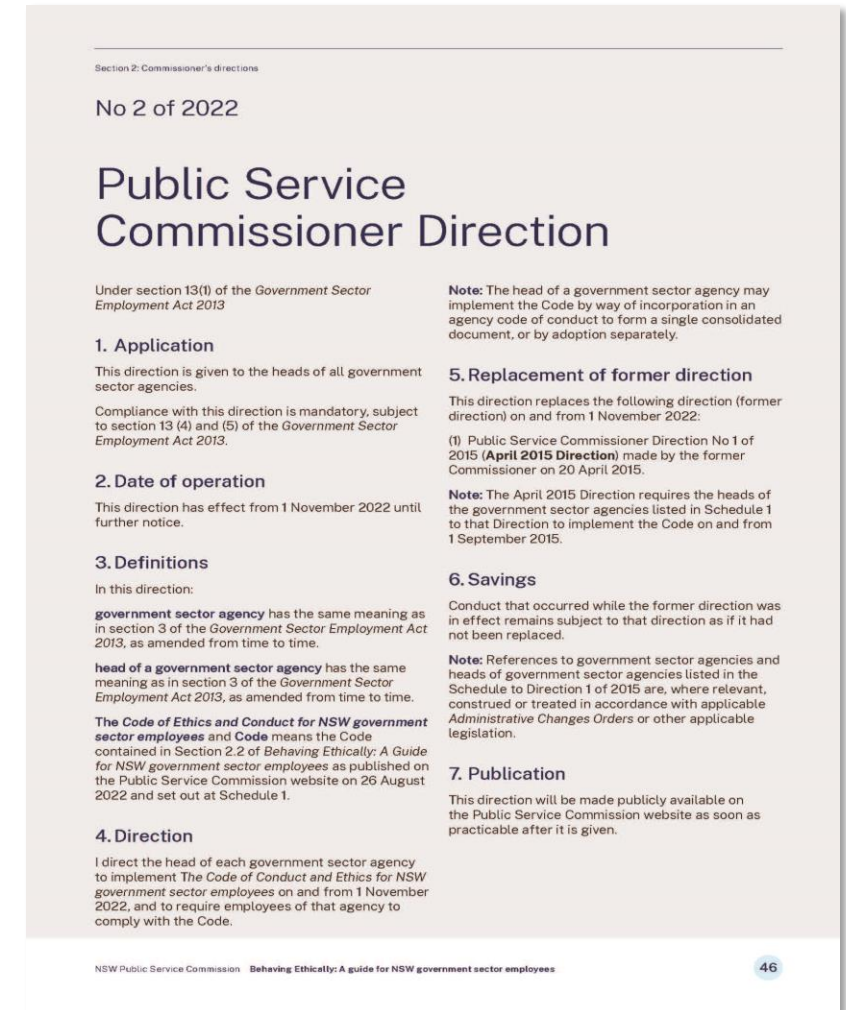
Why should we care about today's topic?

- A gap between stated integrity values and real-life practice has been an ongoing challenge in the private and public sectors.
- The public rightly expects the public service to be apolitical, and public servants to act professionally, ethically and impartially.
- As public servants we need to understand at a foundational level how concepts like the Westminster system and its principles connect to our work. This matters, because it is what community trust is built on.



What are the current arrangements?

- In 2022 the Commissioner issued [Direction No. 2 of 2022 – The Code of Ethics and Conduct for NSW government sector employees](#).
- Contained technical updates to the original Code of Ethics and Conduct for NSW government sector employees, which was originally issued in 2015.
- Both Directions were issued to agency heads, requiring they take steps to implement the Code, and then ensure that their employees complied with it.

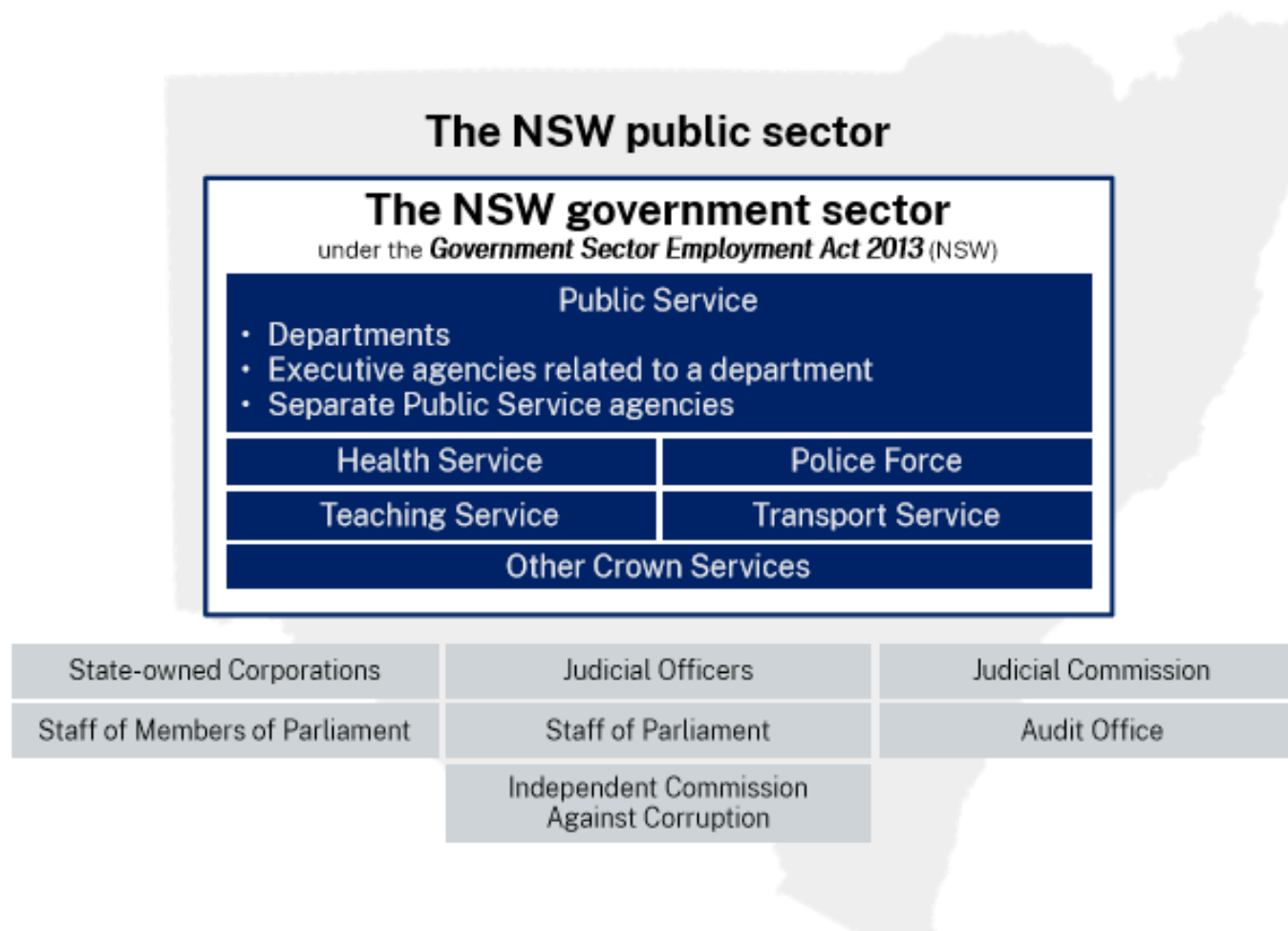


What has prompted these changes?

There were some changes to the *Government Sector Employment Act 2013* in 2022 that resulted in the following:

- The Commissioner may, by order published in the Gazette, adopt a code of ethics and conduct.
- Government sector employees **must comply** with a code adopted under this section.
- ***Government sector employee*** means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a government sector agency.

Who is a considered a NSW government sector employee?

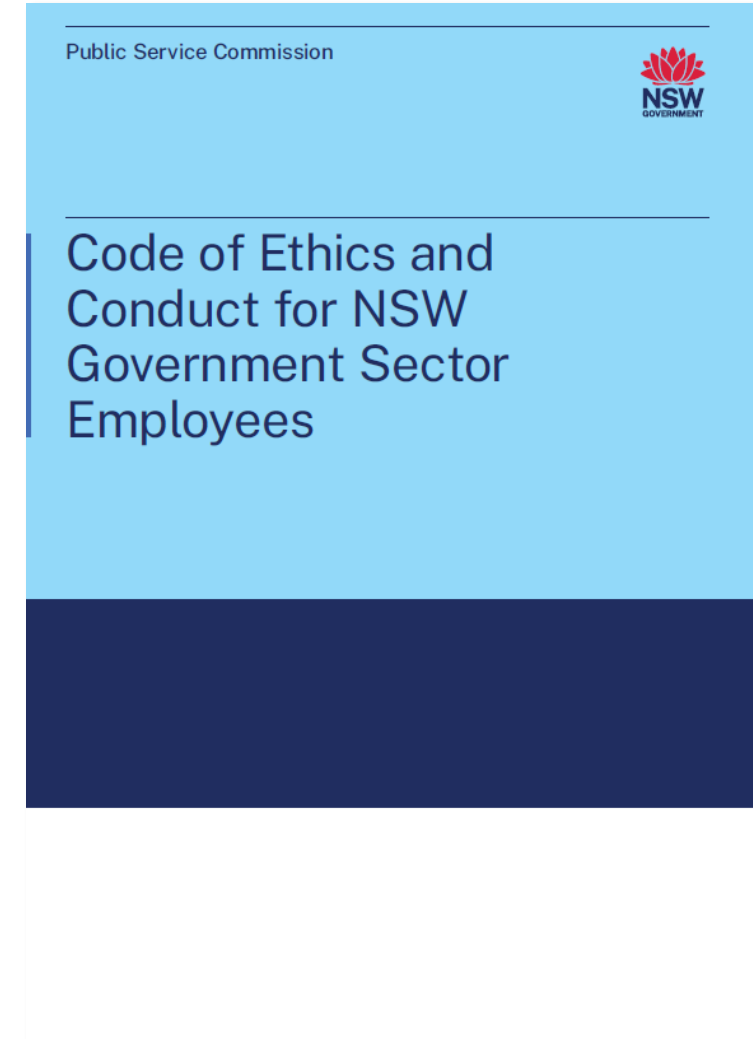


What is changing in the new Code?

The new Code:

- is written in plain language, making it easier to understand.
- sets out clear, minimum expected standards of behaviour that all NSW government sector employees must meet.
- provides a clearer framework to guide decisions and behaviour, and it covers a broader range of foundational topics.

Agencies may supplement the Code with provisions that apply to their own operational context, however, they may not detract from the Code.



What are the minimum expected standards of behaviour?

Acting in the public interest

Act lawfully

Bullying, discrimination, harassment

Confidentiality, privacy, records

Conflicts of interest

Gifts, benefits and hospitality

Lobbying

Making public comment

Recruitment

Risk management

Secondary employment

Use of public resources

Workplace health and safety

The minimum expected standards of behaviour (outlined on the left) are not an exhaustive list of what to do in every aspect of your work.

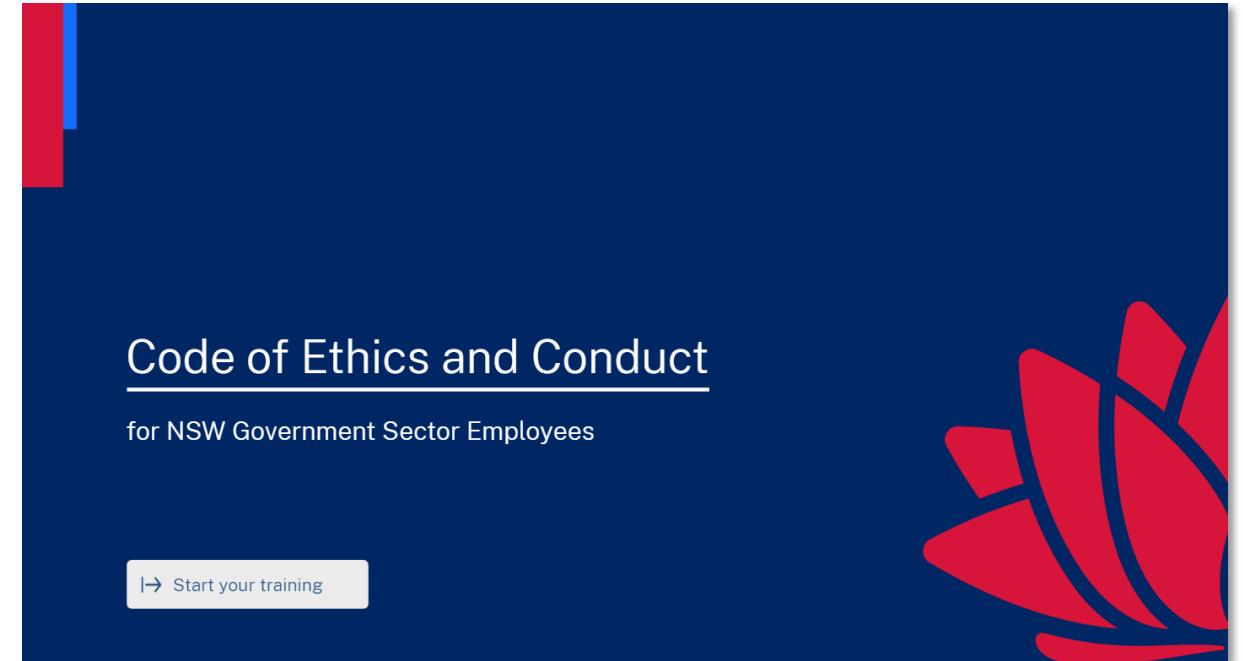
Rather, they are general principles and requirements to apply when carrying out your work and should be applied when deciding on an appropriate course of action when faced with an ethical issue or professional decision.

If in doubt, you should talk to your manager, internal ethics advisor (where available), human resources team, the relevant member of your agency's executive, or your agency's team responsible for advising on Code compliance.

What needs to happen between now and 1 November?

Prior to the new Code coming into effect from 1 November 2024, all NSW government sector departments and agencies must take steps to:

- align their existing codes of conduct and ethics and supporting materials to the new Code (it is not sufficient that the general vibe is the same!).
- ensure employees are provided sufficient notice of, and training in, the new Code.



What are we doing to support the implementation of the Code?

To support implementation of the new Code, we are launching:

- a suite of talking points for senior executives around why we are rolling out a new Code
- an e-learning module, which will be mandatory for NSW government sector employees to complete by 1 November 2024
- additional training resources, including a bank of scenarios to support discussions on complex ethical issues
- an Ethics Hub that provides foundational information on what it means to be a public servant in NSW
- a Community of Practice for Ethical Behaviour
- additional collateral to support internal communications strategies.

Why are values important?

- Nobody said being a public servant was easy!
- The values and principles of the Ethical Framework are fundamental to what we in the NSW government sector stand for – an essential part of our core identity that shape our actions and decisions.
- Running out decision and actions through a values test, and focusing on good process as well as good outcomes, can help ensure our decisions stand up to scrutiny.



What is the Ethical Framework for the government sector?



What about social media?

- Over the coming months we will be issuing additional guidance aimed at government sector employees who choose to use social media in a personal capacity.
- LinkedIn carries additional risks that we need to be mindful of.

You are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity you should ensure your comments:

- are clearly identified and understood to be your personal views
- do not discuss or disclose information concerning your work or workplace that is not publicly available
- are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.

You must not act in a way that casts doubt on your ability, or the ability of your agency, to act impartially, apolitically and professionally.

What about behaviour contrary to the Code?

For employees of Public Service agencies, the GSE Act and *Government Sector Employment (General) Rules 2014 (GSE Rules)* set out how allegations of misconduct are to be dealt with, which include:

- requirements that the relevant employee be advised of the detail of the allegation
- the action that may be taken against the relevant employee if there is a finding of misconduct
- the process to be undertaken to investigate and resolve the matter
- that the relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

Government sector agencies that are not part of the Public Service (that is, the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown) are not bound by the misconduct provisions in the GSE Act and GSE Rules unless so prescribed.

Non-Public Service agencies have their own legislative, policy and/or industrial instrument requirements for dealing with allegations of misconduct.



As HR Professionals, what should we do from here?

- Make sure you understand what's changing in the new Code
- Work with your business partners to ensure they and their teams understand how to apply the government sector core values of integrity, trust, accountability and service
- Equip all employees to understand what ethical decision making means in your context
- Develop a strategy to assess and monitor your agency's culture – you can use your PMES results to inform this
- Focus on building a speak up culture.



Further information

You are able to access the Ethics Hub through <https://www.psc.nsw.gov.au/culture-and-inclusion/ethics-hub>

Many agencies are still working through their implementation approach. Questions in the first instance should be directed to the team in your agency responsible for the new Code.

Questions can also be directed to ethics@psc.nsw.gov.au.



Feedback



HR Community of Practice

Who we are:

- NSW public sector employees working in Human Resources across all levels
- Currently 1500 members
- Governed by HR Advisory Board

Our purpose:

- Build HR capability and connection across the sector
- Connect the NSW public sector HR community through thought leadership and expertise
- Share information and provide opportunities for professional development



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HR ComPrac Insights: The new
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