

Public Service Commissioner Direction

No 1 of 2024

under the

Government Sector Employment Act 2013

I, Kathrina Lo, Public Service Commissioner of New South Wales, pursuant to section 13 of the *Government Sector Employment Act 2013*, give the following direction.

Dated 25 November 2024



Kathrina Lo

Public Service Commissioner

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No 1 of 2024

Under section 13(1) of the *Government Sector Employment Act 2013*.

1. Application

This direction is given to the heads of all government sector agencies.

Compliance with this direction is mandatory, subject to section 13(4) and (5) of the *Government Sector Employment Act 2013*.

2. Date of operation

This direction has effect from 25 November 2024 until further notice.

3. Definitions

In this direction:

government sector agency has the same meaning as in section 3 of the *Government*

Sector Employment Act 2013, as amended from time to time.

head of a government sector agency has the same meaning as in section 3 of the *Government Sector Employment Act 2013*, as amended from time to time.

4. Direction

I direct the head of each government sector agency to implement a workplace adjustments policy by 1 November 2025 that complies with the minimum standards set out below and to require employees of the agency to comply with that policy.

5. Publication

This direction will be made publicly available as soon as practicable after it is given.

Minimum standards

Each government sector agency must have a **workplace adjustments** policy in place.

The policy can be a stand-alone policy, or be included in existing policy frameworks, for example, work health and safety policies.

The policy must:

- Identify the **strong organisational commitment** to create an inclusive and accessible workplace for everyone
- Set out **roles and responsibilities** to comply with the policy
- Ensure an **effective system** to encourage and implement workplace adjustments
- Emphasise legislative **anti-discrimination and confidentiality** requirements
- Commit to an **appropriate escalation pathway** to manage any disputes
- Outline **reasonable timeframes** for the purpose of responding to requests, providing the adjustment and other review processes
- Be made **readily available** to employees, including by publishing on the agency's website.

When developing and implementing a workplace adjustments policy, government sector agencies should ensure compliance with relevant legislation and industrial instruments, including work health and safety and anti-discrimination legislation; specific awards; agreements or policies. Employees should also be consulted during the development.

The policy should be supported by broad circulation, information, training and awareness-raising to ensure it is appropriately implemented.

Statement of Organisational Commitment

The policy should identify that the government sector agency is committed to building a workplace culture where people are encouraged to bring their full selves to work, creating an inclusive, safe and accessible workplace for everyone, where people with disability do not experience disadvantage or barriers in the workplace. This should be identified up front and could be done by inserting a statement from the head of the government sector agency.

Responsibilities

The policy must clearly set out the roles and responsibilities of employees, including leaders or management personnel and other employees required to comply with the policy.

Definitions

The policy should provide a definition of the social model of disability, a definition of unjustifiable hardship which is consistent with the Model Policy for Workplace Adjustments and relevant legislation. The policy should also be clear about the scope of the policy and provide examples of workplace adjustments that are relevant to the particular working environment(s).

Principles

Best practice key concepts related to providing workplace adjustments include:

- **Leadership:** leaders at all levels should uphold the policy and proactively encourage others to do so too. People managers are responsible for ensuring workplace adjustments are in place where needed to support employees to perform their duties

- Diversity and inclusion: fostering a diverse and inclusive workplace including by taking a person-centred approach to workplace adjustments
- Knowledge and education: ensuring managers and employees are aware of their legislative responsibilities and rights in relation to workplace adjustments and follow a clear and consistent implementation process.

Reporting Pathways

Policies must outline reporting options for employees who have a complaint or are otherwise dissatisfied with a decision or issue relating to their request for workplace adjustments. For example, an employee may be dissatisfied with an employer's decision to decline the employee's request for a workplace adjustment or with the adjustments offered. Reporting options for an employee may include:

- Informal internal reporting – seeking support, advice, and informal resolution of issues
- Formal internal reporting – following the government sector agency's grievance procedure and/or work health and safety procedure
- External reporting to an authority or regulator, such as Anti Discrimination NSW or the Australian Human Rights Commission.

Confidentiality

Government sector agencies should outline confidentiality practices, particularly for handling personal and health information about a disability of an individual.