



**RECRUITMENT OF INDIGENOUS AUSTRALIANS
IN THE AUSTRALIAN PUBLIC SERVICE**



PUBLIC SERVICE & MERIT PROTECTION COMMISSION

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FOREWORD

This booklet is part of a new series titled *Working Together*, issued by the Public Service and Merit Protection Commission (PSMPC) following the passage of the *Public Service Act 1999* (PS Act). There are complementary series, *Working with the Act*, which is designed to help agencies to work within the legal framework, and *Values and Conduct*, which gives guidance on managing values and conduct in the workplace.

The PS Act came into operation on 5 December 1999. This Act generally replaces the detailed prescription of the *Public Service Act 1922* with principles and broad heads of power. Responsibility for employment decisions has generally been devolved to Agency Heads, giving them greater flexibility to manage their own workplaces within the framework of the Act and subordinate legislation, particularly the APS Values and the Code of Conduct.

Recruitment of Indigenous Australians in the Australian Public Service is intended to assist agencies by covering the legal framework that applies specifically to the recruitment and development of Indigenous Australians, as well as providing ideas regarding strategies that agencies might adopt and develop with regard to their Indigenous Australian employees.



Helen Williams
Public Service Commissioner



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INTRODUCTION

*W*ithin a legal framework, agencies are able to develop their own strategies and initiatives to encourage the employment of Indigenous Australians, that is, members of the Aboriginal race of Australia and descendants of the Indigenous inhabitants of the Torres Strait Islands.

This booklet brings together information on the relevant legislation and various strategies and initiatives that agencies might consider as part of their recruitment and development plans for Indigenous employees. Its aim is to assist agencies to develop an integrated, strategic approach to recruitment and career development for this group, as part of their workplace diversity program.

The responsibility for improving the representation rates of Indigenous Australians and the provision of development opportunities to enable them to progress to higher classifications rests with agencies and individual managers. This booklet has been designed to assist agencies to introduce appropriate measures to meet this responsibility.

A guide to the terminology used in this booklet is at Appendix A.



LEGAL FRAMEWORK

The legal framework applying to the employment of Indigenous Australians in the Australian Public Service (APS) includes legislation that applies to the Australian community generally as well as legislation that is APS specific.

GENERAL FRAMEWORK

The *Racial Discrimination Act 1975* makes it unlawful to discriminate in employment on the grounds of race, colour or national or ethnic origin. This Act also includes the following definitions:

‘Aboriginal’ means a person who is a descendant of an indigenous inhabitant of Australia but does not include a Torres Strait Islander;

‘Torres Strait Islander’ means a person who is a descendant of an indigenous inhabitant of the Torres Strait Islands.

The *Human Rights and Equal Opportunity Commission Act 1986* empowers the Human Rights and Equal Opportunity Commission to inquire into complaints of discrimination under three anti-discrimination laws including the *Racial Discrimination Act 1975*.

The *Workplace Relations Act 1996* prohibits discrimination in awards and agreements and (subject to some exemptions) in the termination of employment.

AUSTRALIAN PUBLIC SERVICE FRAMEWORK

The *Public Service Act 1999* (the PS Act) and the Public Service Commissioner’s Directions 1999 (the Directions) include a range of measures that impact on the employment of Indigenous Australians.

PUBLIC SERVICE ACT 1999

The PS Act includes clearly articulated APS Values. APS employees must behave in accordance with the Values and Agency Heads must uphold and promote them. These Values underpin high performance in organisations and are central to the public interest aspect of public sector employment. Agencies must identify how the Values apply within the context of their organisation and should ensure that the Values provide the basis of the agency’s culture.

A number of the Values set out in section 10 of the PS Act refer specifically to diversity:

- section 10 (b) The APS is a public service in which employment decisions are based on merit.
- section 10 (c) The APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves.
- section 10 (g) The APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public.
- section 10 (j) The APS provides a fair, flexible, safe and rewarding workplace.
- section 10 (l) The APS promotes equity in employment.

The PS Act also requires Agency Heads to establish a workplace diversity program to assist in giving effect to the Values (section 18).

PUBLIC SERVICE COMMISSIONER'S DIRECTIONS 1999

The Public Service Commissioner has issued legally binding Directions under the PS Act.

Under clause 3.2 of the Directions, Agency Heads must put in place measures to:

- help prevent all forms of discrimination, consistent with Commonwealth law; and
- recognise the positive advantages of, and help make the best use of, the diversity available in the workplace and the Australian community.

Clause 2.13 of the Directions requires Agency Heads to put in place measures to eliminate employment-related disadvantage on the basis of a number of factors, including being an Aboriginal or a Torres Strait Islander under the meaning of the *Racial Discrimination Act 1975*.

Clauses 3.3 to 3.6 of the Directions set out requirements for measuring, evaluating, reporting and reviewing agencies' workplace diversity programs.

Chapter 4 of the Directions allows Agency Heads to identify particular employment opportunities as open to Indigenous Australians.



WORKPLACE DIVERSITY PROGRAMS

The implementation of workplace diversity is an important element of any strategy for improving an APS agency's performance.

- Workplace diversity is incorporated in the Values and emphasises the contribution that a diverse workforce can make to an agency's effectiveness and creativity.
- Managing workplace diversity well requires a culture that recognises and utilises the real value that can be gained through the contributions of employees of different backgrounds, experiences and perspectives.
- Through successful implementation of workplace diversity, agencies are able to provide an inclusive work environment where employees feel valued and supported and consequently encouraged to contribute to their full potential.

The PS Act requires Agency Heads to establish a workplace diversity program and the Directions set out the issues that these programs must address, including measures to eliminate employment disadvantage on the basis of being an Indigenous Australian, gender, race or ethnicity, or having a disability. The Public Service and Merit Protection Commission's *Guidelines on Workplace Diversity* (number 2 of the *Working Together* series) provide guidance on the development, establishment and implementation of workplace diversity programs.

An agency's workplace diversity program should be linked to its corporate, business and human resources plans. In turn, strategies for the recruitment and development of Indigenous Australians should be incorporated in workplace diversity programs. Within these parameters, however, agencies have the flexibility to implement workplace diversity programs in ways best suited to their particular culture and business plans.

SUPPORT FOR INDIGENOUS AUSTRALIANS

Agencies are able to incorporate a range of options in their strategies to increase their recruitment of Indigenous employees. These include the use of specifically identified opportunities, the creation of explicit positions, opportunities for career development or other support initiatives such as a mentoring program and an agency-based Indigenous employee network.

SPECIFIC INDIGENOUS OPPORTUNITIES

To encourage the engagement and promotion of Indigenous Australians, Agency Heads have available special provisions to enable them to identify specific opportunities as available only to Indigenous applicants. An employment initiative such as this is considered to be a 'special measure' under Commonwealth anti-discrimination law.

Agency Heads are able to identify particular employment opportunities **at any level** as available only to Indigenous Australians.

Chapter 4 of the Commissioner's Directions, on merit in employment, allows agencies to:

- (a) notify an ongoing employment opportunity at any level as available only to a person of Aboriginal or Torres Strait Islander origin (clauses 4.2 and 4.6A of the Directions); or
- (b) notify an opportunity for a specific term or task as available only to a person of Aboriginal or Torres Strait origin (clause 4.3 of the Directions). This might, for example, be a training program for Indigenous Australians in some aspect of law enforcement. If an ongoing employee were selected, they would be temporarily assigned for the specific term or task. On the other hand, at the end of the term or task, a non-ongoing employee would no longer be employed by the agency but would be equipped to compete on merit for future vacancies in the agency. A notification may envisage single or multiple vacancies, e.g. training opportunities including graduate programs and cadetships.

In order to comply with the Directions on merit, agency processes will need to include the following:

- opportunities must be notified in the *Public Service Gazette* (and should be advertised in the press since many potential candidates will not have access to the *Gazette*);

- the notifications must specify that eligible applicants must be Indigenous Australians;
- the selections must be subject in all other respects to the requirements set out in the PS Act and Directions, including equity and merit in employment. (The booklets in the series *Working with the Act* help explain the general requirements of recruitment and selection.)

EXPLICIT POSITIONS

Some jobs within the APS need an understanding of the culture and issues faced by Indigenous Australians and an ability to deal effectively and sensitively with these. While it is likely that these positions will be occupied by Indigenous Australians, recruitment is on the basis of merit and therefore not confined to Indigenous applicants.

Agency Heads might decide to use these jobs as a recruitment strategy to attract Indigenous applicants. Agency Heads can assign duties at any classification level, depending upon the complexities of the duties (using section 25 of the PS Act) and then have the option of formalising these sets of duties through the creation of positions under section 77 of the PS Act. An example of where these arrangements might be used appropriately is where part or all of the duties involve the development of policy or programs relating to Indigenous Australians, and/or involve interaction with Indigenous Australian communities, including service delivery.

CAREER DEVELOPMENT

It is important to ensure that Indigenous employees are not marginalised when it comes to the acquisition of the broader skills and experience necessary for career development and progression within the APS. This could happen if there is:

- too narrow an application of specialised duties or positions, focusing too heavily on service delivery to Indigenous communities, losing sight of the possibilities for applying these duties or positions to policy development and other broader activities affecting Indigenous Australians; and
- an assumption that people were recruited solely or primarily because of their particular skills and abilities as Indigenous Australians and so are not considered for duties elsewhere.

In order to avoid this, agencies should ensure that there are integrated career development opportunities for all Indigenous Australian staff, including those in positions with specialised duties and those recruited using specific employment opportunities. In making such opportunities available, agencies demonstrate how they value the perspectives that employees from a diversity of backgrounds and cultures are able to contribute to mainstream work.

Agencies should consult with Indigenous employees when creating career development structures and opportunities to ensure that those nominated for such opportunities:

- are fully informed about the opportunity, including performance expectations;
- wish to participate; and
- are supported through the transition to new work environments (e.g. while building new networks).

Agencies should make special efforts to encourage and support individual Indigenous employees to pursue career development through mainstream programs.



AGENCY STRATEGIES

It is a matter for individual agencies to decide upon the strategies most suitable to assist in the recruitment, development and retention of Indigenous employees. Some of the strategies agencies might consider include the following.

INDIGENOUS CULTURAL AWARENESS RAISING

Several agencies have introduced Indigenous cultural awareness training for all employees, including members of the SES. An aim of this training is to maximise the opportunities available to Indigenous employees by raising the awareness and knowledge of non-Indigenous employees of Indigenous issues. This training could be linked to an agency's corporate goals and form part of its workplace diversity program.

WORKFORCE PLANNING

As part of their workforce planning, agencies might consider and identify particular employment and development opportunities that could be attractive to Indigenous Australians. Agencies might consider the National Indigenous Cadetship Project (NICP) which is administered by the Department of Employment, Workplace Relations and Small Business (DEWRSB), and agency-specific development programs, including staff rotation, secondments or exchanges with other agencies. Workforce planning should address appropriate career paths arising from these opportunities.

TRAINEE PROGRAMS

Agencies may identify a specific work unit that can accommodate a trainee program. Base-grade recruits are provided with a training program and on-the-job experience to equip them with the skills and abilities to perform the duties of the job. The training might include an accredited course at a local educational institution as well as relevant courses offered within the agency and other APS agencies. Upon successful completion of training, the trainee APS 1 would be allocated the appropriate classification as set down in Schedule 2 of *the Public Service Classification Rules 1999*.

SCHEMES FOR NON-ONGOING APS EMPLOYEES TO GAIN SKILLS AND EXPERIENCE

Under PS regulation 3.3, Agency Heads may approve schemes for people to be engaged for a specified term, or for a specified task, to gain skills and experience to assist them to participate in the workforce. Agencies may consider establishing such a scheme for Indigenous Australians. At the end of the scheme these people would not necessarily be employed by the agency but would be well equipped to compete on merit for future positions in the agency.

TARGETED ADVERTISING

To improve their recruitment potential, agencies might consider developing printed material advertising opportunities and promoting themselves as an employer of Indigenous Australians. Such material could be placed in publications such as the Koori Mail, Indigenous centres in educational institutions and offices in Indigenous communities. Agencies might also consider advertising on community radio and television stations that have Indigenous programs. When seeking Indigenous graduate recruits, representatives of agencies might consider making on-site visits to selected university campuses.

RE-RECRUITMENT AND ORIENTATION

To attract Indigenous Australians to apply for jobs, agencies may develop programs that are focused on pre-recruitment or development aspects of employment. These could include the development of:

- pre-recruitment training programs for prospective applicants that will give the applicants confidence when applying, or being interviewed, for a job;
- induction or orientation programs specifically for Indigenous Australian recruits that address issues relevant to Indigenous employees—including informing them of networks, mentoring arrangements, workplace harassment contact officers and complaint handling procedures, specific development arrangements or leave and conditions in the agency's Certified Agreement (e.g. ceremonial, personal/carers and bereavement leave arrangements).

INTERVIEWING

In order to ensure that a selection process that involves interviewing an Indigenous applicant is fair, those involved in interviewing should be sensitive to cultural issues. Interviewers should be aware, and take account, of the fact that Indigenous applicants may have different ways of communicating and expressing themselves. Where possible, agencies should consider including an Indigenous APS employee on the interview panel.

Where the duties require a knowledge of, and empathy with, a particular community or a particular group within that community, it would be good practice to include a representative of that community or group in the interview process.

CAREER DEVELOPMENT OPPORTUNITIES

Indigenous employees should be assisted to identify their career development needs and given support in participating in development opportunities. Such opportunities should include work experience in mainstream programs, provided that is the wish of the Indigenous employee. Discussions about development opportunities and promotion aspirations should be handled sensitively and with awareness of the employees' Indigenous cultural background.

MENTORING

Mentoring is a strategy that can contribute significantly to the career development of employees. Typically, it is a one-to-one relationship between a more experienced and a less experienced employee who share their professional and personal skills and experiences. It is based upon encouragement, constructive comments, openness, mutual trust, respect and a willingness to learn and share. Agencies might wish to develop a formal mentoring program that involves a facilitator and requires the mentor and mentee to develop a mentoring agreement to help clarify their respective roles and expectations.

SUPPORTIVE WORK ENVIRONMENT

Agencies might consider introducing programs that focus on developing a supportive work environment for their Indigenous Australian employees. Some examples of actions that agencies might initiate include:

- development of an Indigenous staff network to facilitate communication between Indigenous staff members across the agency and to increase their involvement in policy making on Indigenous issues;
- development of networks, including regional networks with Indigenous communities that enable staff to become culturally aware of the needs of employees and clients and enable members of the communities to understand the workings of the agency and to think of it as a future employer; such programs could also lead to a higher retention rate of Indigenous Australian staff;
- promotion of the work of Indigenous Australian staff and work units through the agency's newsletter or other agency channels;
- encouraging membership of cross-agency networks e.g. the Indigenous Employment Group (IEG), or the APS Indigenous Employees Network (APSIEN)—see below;
- formation of support networks for Indigenous employees within the agency;
- encouraging and facilitating mentoring arrangements for Indigenous employees; and
- identifying and eliminating any culturally inappropriate management or work practices.

APS INDIGENOUS EMPLOYEES NETWORK

This is a network coordinated by the PSMPC to enable Indigenous APS employees across Australia to communicate with each other. For information about APSIEN contact the PSMPC Helpline on 02 6272 3609.

APPENDICES

The Department of Employment, Workplace Relations and Small Business and the Public Service and Merit Protection Commission offer some support to agencies in employing Indigenous Australians. Appendix B includes information about the support that is available.

Appendix C includes specific issues that have been identified by a group of Indigenous Australian employees as issues that would affect their recruitment and retention within the APS.



FURTHER INFORMATION

For further information on:

- the Indigenous Employment Policy, including the National Indigenous Cadetship Project and the Wage Assistance Program (at Appendix B), contact: the Department of Employment, Workplace Relations and Small Business phone 1802 102; or
the DEWRSB internet site at <http://www.dewrsb.gov.au>
- material included in this booklet contact:
the Public Service and Merit Protection Commission Helpline on 02 6272 3609; or
the PSMPC internet site at <http://www.psmpc.gov.au>



APPENDIX A: GUIDE TO TERMINOLOGY IN THIS BOOKLET

Some of the terms in this booklet have specific meanings or applications under the PS Act and its subordinate legislation. Below is a guide to help readers familiarise themselves with these terms.

Positions and duties: Under the new legislation (the PS Act), there is no requirement to create positions which APS employees ‘own’. Instead, Agency Heads can determine sets of duties and assign APS employees to these duties, under section 25 of the PS Act. These may be informally designated as positions within an agency to simplify administration. Occasionally, an Agency Head may wish to formally create a position under section 77 of the PS Act (e.g. to ensure clarity of delegations e.g. Chief Finance Officer). In this case, the Agency Head will still assign an APS employee to the sets of duties of that position, under section 25 of the PS Act. So, in most cases, there will be no formal position for an APS employee, only a set of duties.

Engagement: this is the formal process where a person becomes an APS employee.

Promotion: this refers to ongoing assignment to an ongoing APS employee of duties at a higher classification (see clause 4.6 of the Directions).

Recruitment: this is a generic term which usually refers to activities designed to attract community members or existing APS employees to employment with an agency or agencies. This could be ongoing or non-ongoing, engagement in the APS, promotion or transfer of an ongoing APS employee.

Notification and advertisement: ‘notification’ is the term used when using the *Gazette* and ‘advertisement’ is the term used for all other forms of media.

APPENDIX B: SUPPORT TO AGENCIES FOR EMPLOYMENT OF INDIGENOUS AUSTRALIANS

INDIGENOUS EMPLOYMENT GROUP

The Public Service and Merit Protection Commission (PSMPC) coordinates meetings of the Indigenous Employment Group (IEG) to assist APS agencies address issues that are specific to the recruitment and career development of Indigenous Australians, and which may be impediments to improvement of their career options. The IEG meets quarterly and participants from all agencies are welcome.

For information contact the PSMPC Helpline on 02 6272 3609.

INDIGENOUS EMPLOYMENT POLICY

The Indigenous Employment Policy (IEP) has been progressively implemented since 1 July 1999 and offers a comprehensive package of employment assistance measures designed to meet the special needs of Indigenous Australians community-wide. The Department of Employment, Workplace Relations and Small Business (DEWRSB) is responsible for the IEP.

The National Indigenous Cadetship Project (NICP) and Wage Assistance components of the IEP are accessible by APS agencies.

NATIONAL INDIGENOUS CADETSHIP PROJECT

Cadetships are a means for agencies to employ Indigenous Australians while they are undertaking a full-time degree course at an Australian university. Agencies will be required to release cadets to full-time study, pay an agreed study allowance or salary for 39 weeks each academic year, and provide a relevant work experience placement between academic years. NICP will assist employers to find Indigenous graduates for their workforce.

The rate of pay is within the agency's APS 1 range. Upon successful completion of the degree, the employee is advanced under section 9(1) of the *Public Service Classification Rules 1999*.

Those eligible to be part of the NICP are:

- Indigenous undergraduates enrolled or about to enrol in a degree course; and
- employers in the public and private sectors who wish to recruit Indigenous undergraduates in jobs requiring tertiary qualifications.

Financial assistance for which DEWRSB reimburses agencies includes¹:

- **academic salary support** for the approved study period of 39 weeks;
- **books and equipment allowance**;
- **compulsory course fees allowance** (NOT including HECS*);
- **fare allowance** for travel between permanent home address and place of study;
- **recruitment assistance** and payment of some of the associated costs during the recruitment drive.

**Agencies are able to pay HECS fees but DEWRSB does not reimburse employers for HECS fees.*

For further information, call the NICP Hotline on 1802 102 or visit DEWRSB's internet site at <http://www.nicp.dewrsb.gov.au> .

STRUCTURED TRAINING AND EMPLOYMENT PROJECT (STEP)

STEP provides financial assistance for projects that focus on employment outcomes, including an element of structured training. The structured training may include apprenticeships or formal traineeships. Projects are funded based on value for money.

For further information call DEWRSB's Indigenous Employment Hotline on 1802 102.

WAGE ASSISTANCE PROGRAM

One means of increasing the employment of Indigenous Australians that some agencies have found useful is by accessing a wage subsidy under the Indigenous Employment Program. Employers are able to receive up to \$4400 paid over 26 weeks for full time work, and part time work of 20 hours per week or more will qualify employers to receive a subsidy of \$2200 paid over 26 weeks*.

To be eligible, Aboriginal and Torres Strait Islander job seekers need to be registered as unemployed and in receipt of an eligible income support payment, or under 21 years and not on an allowance.

For further information, call DEWRSB on 1802 102.

** Information was correct at time of publishing, but should be confirmed with DEWRSB.*

APPENDIX C: ISSUES AFFECTING RECRUITMENT AND RETENTION OF INDIGENOUS AUSTRALIANS

Participants at the Indigenous APS Careers Workshop held in December 2000 were asked to identify major issues affecting their recruitment and retention in the APS. These issues are recorded below as expressed by the APS 1-4 participants. Agencies might wish to be aware of these issues and to use them to ensure that good employment practices apply within the workplace. The issues identified were:

Retention

- Indigenous employees consider it is important to belong to an Indigenous network and have other Indigenous Australians to talk to.

Specialised positions

- Indigenous occupants of positions with duties that largely involve dealing with Indigenous policy and/or Indigenous clients feel they are overlooked for mainstream higher duties because their skills are seen as relevant only to Indigenous issues.
- Every APS department or agency deals on some level with Indigenous policy or people. Therefore, when vacancies are advertised and selections made, being Indigenous or having substantial knowledge of Indigenous culture should be recognised as an important skill.

Promotion

- Indigenous employees need to be encouraged to look for career development and promotion.

Cultural sensitivity

- Supervisors and work colleagues need to be aware of an Indigenous person's responsibilities within the family and the community and the impact that this may have on the person's work at various times.
- Labels such as 'the Indigenous cadet' or 'the Indigenous graduate' make it difficult for Indigenous employees to operate effectively because of the implication of 'limited credibility' and connotations of tokenism.
- Workplaces should acknowledge a person's Indigenous identity.

Recruitment

- The APS should increase recruitment of Indigenous Australians. Departments and agencies should consider employing Indigenous trainees straight from school—it is a very cost-effective way of recruiting.

- Agencies should target the recruitment of Indigenous employees into certain areas not necessarily related to Indigenous issues, such as law and economics.

Communication

- There is a need for Indigenous support networks in each agency.
- Non-Indigenous work colleagues need to understand Indigenous communication needs such as being included within the team.
- APS agencies should operate on cooperation rather than an adversarial system.

Discrimination

- There needs to be raised awareness of what constitutes discrimination—such as comments about, treatment of, attitudes toward people, and ‘tokenism’.
- Some non-Indigenous employees use their authority, status or position to overrule or marginalise the work and blackness of Indigenous employees.
- Agencies need to be aware that discrimination is happening throughout the APS and take steps to prevent it.
- Some work colleagues feel that Indigenous staff get special treatment.

Education, Training and Development

- Education and training of Indigenous employees is important, especially people’s access to higher education, and the use of such training in real terms for people on-the-job. This needs to be addressed when people are recruited and as a part of any independent training plan developed with a supervisor.