

## SUPPORTING INDIGENOUS FAMILIES AND COMMUNITIES

**By better matching their staff profile to their customer profile, Family and Children's Services is seeing positive improvements in services to customers.**

Approximately one quarter of the department's customers are Indigenous people.

Family and Children's Services has developed an innovative Aboriginal Employment and Career Development Strategy to provide a workforce able to continuously improve the design and delivery of services to Indigenous families and communities across the State.

The department has recognised that Indigenous people are more likely to use services provided by people who are culturally aware, respectful and able to cater for a group environment. It has focused on providing services to meet the specific needs of Indigenous families and communities.

"If we are to genuinely improve our services to this large group of customers, we must involve communities in designing and setting up services to meet their needs," said Mr Danny Ford, Director Aboriginal Strategy and Policy at Family and Children's Services.

"Our Aboriginal Employment and Career Development Strategy aims to increase the number of Indigenous staff across the department and place them in positions where they can have a direct influence on outcomes for Indigenous people.

"Our focus is to help Indigenous people contribute to the positive social development, safety and



*Phil Narkle, Andrew Forrest and Deanne Fitzgerald  
Employees of the Family Information Records Bureau,  
Family and Children's Services*

wellbeing of children and young people, and to support and strengthen the family unit."

In the mid 1990s the department made a commitment to involve Indigenous people at decision making levels. A comprehensive strategy was developed to be implemented over a number of years.

Initiatives within the current three year phase of the Aboriginal Employment and Career Development Strategy include:

- encouraging further study through scholarships and flexible study leave opportunities
- creating career paths into service planning and management roles
- setting up mentoring and support mechanisms to encourage Indigenous trainees and employees in their work

- providing family and culturally sensitive employment conditions for all employees
- offering service delivery officer traineeships.
- providing a comprehensive cross cultural training program for all employees

The strategy is delivering impressive results and was a finalist in the "EEO and Diversity" category at the recent Premier's Awards.

For the past four years the Indigenous employee workforce at Family and Children's Services has been sustained at levels of up to 10 percent. In 1995 there were only seven Indigenous employees above Level 4. Today there are 27 Indigenous employees above Level 4, including one member of the Senior Executive Service.

Director General of Family and

*continued on page 2*

# THE KEY COMMENT

In this first issue for 2001 we have chosen to focus on employment issues for Indigenous people. Our recent Annual Report for 1999/2000 benchmarked progress on a number of indicators against 1994 results, and I was pleased to note that as at June 2000 the public sector had nine Indigenous Senior Executive Service staff compared to just one in 1994. However, Indigenous people were under-represented elsewhere in all public authorities (the public sector, local government and universities).



The Equity Index for Indigenous employees is also very low and since 1994 has declined. At least part of the reason may be that representation in the lower salary ranges has actually increased. This

increase means that many of the training, cadetships and recruitment programs introduced for Indigenous trainees have been successful, which is good news.

The resultant decrease in the Equity Index is because of the small numbers of Indigenous employees throughout the public sector. Increases in the lower salary ranges reflect greater compression, and a lower Equity Index.

This is why it is so important to have career development programs in place, as well as recruitment strategies, to ensure progression to higher levels.

A number of new career and executive development programs for Indigenous people are planned for future implementation. One of these, the Career Development Program, is designed to develop, promote and facilitate career development opportunities for Indigenous public sector employees at the middle management level (Levels 4 - 7/8). It is a joint initiative of the Department of Employment and Training, the Ministry of the Premier and Cabinet and the Aboriginal Affairs Department.

These and other programs, like those profiled on our front page, should have a positive impact on the progress of Indigenous people into more senior levels.

Maxine Murray  
Director of Equal Opportunity  
in Public Employment

## SUPPORTING INDIGENOUS FAMILIES AND COMMUNITIES continued.....

Children's Services, Mr Robert Fisher says this is groundbreaking for the department.

"In Danny Ford we have for the first time in the history of the department, which is over 100 years old, an Indigenous person on the Executive of the organisation," Mr Fisher said.

One of the key components of the strategy is the traineeship program which has generated considerable interest.

Over 230 expressions of interest were received in 1999/2000 and over 325 were received in 2000/2001.

The first seven graduates of the traineeship took up permanent employment with Family and Children's Services as service delivery officers in mid 1999. Equipped to work in child protection, family support and community development, they are located throughout Western Australia from Esperance to Carnarvon.

Initiatives within the Aboriginal Employment and Career Development Strategy target all employees of the department, acknowledging that providing appropriate services to Indigenous customers is the responsibility of all.

Mr Fisher plans further expansion of the Aboriginal Employment and Career Development Strategy.

"This innovative strategy has really demonstrated the value of matching staff profiles with customer profiles," Mr Fisher said.

"Part of our success has come from broadening the pool of prospective applicants by using local media, word of mouth and Indigenous agencies for alerting people to the traineeships.

"Our commitment to improving the quality of services to Indigenous families and communities means we now need to take the best things from the traineeship and put them into practice across Family and Children's Services."

## DIVERSITY FORUM

The Office of EEO hosts the Diversity Forum, a quarterly gathering for people interested in the area of EEO and Diversity. This is a great opportunity to hear about what is happening in the world of EEO and diversity as well as meeting and catching up with other practitioners. Proceedings are informal and friendly and there is no charge.

At the next Forum, on 1st May, Patricia Konigsberg and Glenys Collard from the Education Department WA will be workshopping a two-way approach to negotiating cultural similarities and differences and, in particular, modelling this approach from Indigenous and non-Indigenous perspectives.

The venue is 28th floor, AMP building, 140 St Georges Tce, Perth. The Forum runs from 9.30am to noon. Subsequent Forums will be held on 1st August and 1st November.

Phone 9214 6633, or e-mail [weirl@opssc.wa.gov.au](mailto:weirl@opssc.wa.gov.au) for more information.



# TWO NEW PUBLICATIONS

## INSIGHTS:

### STRATEGIES FOR SUCCESS INDIGENOUS AND NON-INDIGENOUS PEOPLE ON WORK

*Insights* tells how Indigenous and non-Indigenous people have worked together successfully to achieve positive results for themselves and for their employers.

Cleverly informal, *Insights* conveys complex information about building positive relationships in the workplace through popular mediums such as cartoons, quotes, personal stories, tips and strategies. By way of personal experience, *Insights* demonstrates some very practical and proven strategies for creating a supportive work environment for Indigenous and non-Indigenous people working together. Based on the advice of Indigenous people, it also shows employers how they can attract, retain and develop Indigenous people for their organisations.

"I found the use of the dialogue and anecdotes to be an effective tool. In particular, the tips for employees and managers were informative and succinct!" said an experienced public sector manager.

## VOICES OF DIVERSITY

Jointly published by the Office of EEO and the Office of Citizenship and Multicultural Interests, *Voices of Diversity* showcases the benefits of cultural diversity in the public sector.

Profiling the experiences and contributions of 14 WA migrants, *Voices of Diversity* provides inspiration and positive examples to follow.



*Brenda Lee, then Human Services Officer of Fire and Emergency Services and Rasa Subramanian, Senior Medical Imaging Consultant, Fremantle Hospital.  
Contributors to Voices of Diversity.*

Public sector objectives exist for increasing the representation of people with diverse cultural and linguistic skills in the workforce. Strategies have been developed to attract, retain and improve the skills of a diverse workforce.

*Voices of Diversity* highlights the many different journeys taken by culturally and linguistically diverse staff already participating in our workforce. It is a positive way to reinforce the message of the rich resource already available to us in delivering quality customer service.

The stories that make up *Voices of Diversity* are taken from around the globe, including Canada, China, Egypt, India, Malaysia, Philippines, Portugal, Singapore, Venezuela and Vietnam. Each experience is unique - sometimes poignant and at times humorous - and the cultural diversity of each person adds to the multicultural nature of Western Australia.

The way the working environment can be enriched through a wide range of cultural and language skills is clearly demonstrated.

The authors provide inspiration for dealing with obstacles, relay positive experiences and offer suggestions to new public sector recruits.

Maxine Murray, the Director of Equal Opportunity in Public Employment thanked all those profiled in the book for the generosity in sharing their experiences. "Voices of Diversity highlights the challenges and barriers people from multicultural backgrounds have to sometimes deal with in their search for fulfilling lives," she said. "Barriers of language, culture, qualification recognition and difficulties in adapting to new lifestyles - all these and more have been faced and overcome with humour and a willingness to share and participate," she added.

To order copies of these publications please contact

the Office of Equal Employment Opportunity

Ph: (08) 9214 6600 Fax:(08) 9214 6611 or

Email: [deope@opssc.wa.gov.au](mailto:deope@opssc.wa.gov.au)

# CASE STUDY

## Richard Khan v State of South Australia

Richard Khan, a man of Pakistani descent, lodged a complaint because of treatment he had received from the Department of Education, Training and Employment which had rejected his application for an Aboriginal Education Worker traineeship. Mr Khan alleged that he had been discriminated against on the grounds of his race and age.

Mr Khan was married to an Aboriginal (Yankunjatjara) woman and they lived in Coober Pedy with their children. He was employed in various positions within the Aboriginal community, had been initiated and had become an Aboriginal 'lawman' to work properly with Aboriginal people.

In 1998 Mr Khan applied for an Aboriginal Education Worker traineeship. The stipulated requirements for applicants were that they be in the 17-24 years age group and be of Aboriginal or Islander descent. Mr Khan met neither of these requirements.

The Tribunal considered the exemptions to unlawful discrimination on the ground of race provided in sections 56 and 65 of the South Australian *Equal Opportunity Act*. Section 56 provides that it is not unlawful to discriminate on the ground of race in relation to employment "for which it is a genuine occupational requirement that a person be of a particular race". Section 65 provides that it is not unlawful to do an act that is "done for the purpose of carrying out a scheme or undertaking for the benefit of persons of a particular race".

The Tribunal considered whether it was a genuine occupational requirement for the trainees to be of Aboriginal descent. Despite evidence pointing towards the desirability of Aboriginal or Islander persons being

employed as Aboriginal Education Workers, the Tribunal nevertheless considered Mr Khan to be a suitable candidate for the position.

The Tribunal concluded that, "having regard to the nature and duty of the position applied for, its location in (the complainant's) home community and (his) background, personal situation, education, attitude" and overall intelligence and ability, together with his concern about and desire to assist the education of young Aboriginal children, that it was not a genuine occupational requirement (s.56) that a person be of Aboriginal or Islander descent for the position of Aboriginal Education Worker.

However, the Tribunal then considered whether the discrimination against Mr Khan came about as part of a scheme or undertaking for the benefit of persons of a particular race (s.65). The Tribunal was satisfied that what was proposed by way of the Aboriginal Education Worker traineeships "was a scheme to employ young Aboriginal persons with a view to giving them training by way of both experience and through participation in TAFE learning modules." For this reason the Tribunal dismissed the complaint of unlawful discrimination.

### Relevance for WA Employers

Mr Khan's demonstrated and particular affinity with Aboriginal people, and the less defined provisions of the SA legislation were factors in the first part of this decision:- that the complainant's non-Aboriginal ancestry did not lawfully exclude him from consideration for a traineeship offered to Indigenous people.

In comparison, the Western Australian *Equal Opportunity Act* contains exceptions broader in application than those cited in Mr Khan's complaint. Section 50 of the WA Act provides that

it is not unlawful to recruit or employ a person of a specific race in respect to work or employment where it is a "genuine occupational qualification" that the person be of that race. In particular, section 50(d) provides that race is a "genuine occupational qualification" when "providing persons of a particular race with services for the purpose of promoting their welfare, where those services can most effectively be provided by a person of the same race".

The other exception provided in the WA legislation, section 51 "measures intended to achieve equality", is also broader in its application than the SA exemption that determined Mr Khan's complaint should be dismissed. This section can be used to "ensure that persons of a particular race have equal opportunities with other persons" in relation to employment. As well this section enables employers to "afford persons of a particular race access to facilities or opportunities to meet their special needs in relation to employment, education, training or welfare".

Section 51 can be used by employers who are actively seeking to recruit employees of a certain race who have historically not been well represented in that workplace or industry. The exception also enables employers to provide, for example, different or particular development opportunities to people of a particular race to ensure that they are provided with an equal opportunity to develop in their work and their career.

Equal employment opportunity is not about treating everyone the same, it is about ensuring there is equality in the outcomes of how employees are treated.

*Richard Khan v State of South Australia (2000)* Adapted from CCH Equal Opportunity Law Reporter 93-098



THE OFFICE OF  
EQUAL EMPLOYMENT  
OPPORTUNITY

26th Floor AMP Building  
140 St Georges Terrace  
Perth Western Australia 6000  
Telephone: 08 9214 6600

Facsimile: 08 9214 6611  
Email: [pssc@opssc.wa.gov.au](mailto:pssc@opssc.wa.gov.au)  
Internet: [www.oeeo.wa.gov.au](http://www.oeeo.wa.gov.au)  
ISSN: 1321-568X