



A NEW RANGE OF PARK RANGERS

Succession planning and overcoming employment barriers for Aboriginal people are two of the hardest HR issues facing many public and private sector organisations. The Department of Conservation and Land Management (CALM) has just signed off on an innovative program that tackles both issues.

CALM has long employed Aboriginal people in its parks and run many training programs specifically targeting Aboriginal people. As Cliff Gillam, Manager CALM People Services, explains:

The organisation believes that employing Aboriginal people is a business imperative.

"Many of our major parks are run on a joint custodian basis with Aboriginal people and our parks and wilderness are among the State's greatest tourist attractions," he says.

CALM felt one way they could harness the skills and knowledge of Indigenous people was to employ local Aboriginal people in each of its national parks as rangers and field officers. However ranger and field officer positions require Certificate Level IV qualifications, a level many Aboriginal applicants did not have and which immediately excluded them from the positions.

"CALM recognised that Aboriginal people faced a significant barrier to becoming rangers and we knew that training could overcome that barrier" explains Cliff. "However funding and assessment of traineeships had always been done on a twelve-month basis."

"We found that we could not train people to park ranger level within twelve months. At the end of a year-long traineeship graduates still failed to qualify for entry level ranger and field officer roles."

CALM also wanted to avoid many of the problems common to past Aboriginal training programs. They found that problems across organisations included traineeships based in the metropolitan

area; a bias toward clerical, administrative or vocational trades; training limited to twelve months; and no job at the end of training.

The organisation sought a new approach. "We wanted to overcome the disappointment and despair of the old system," says Cliff. "We knew Aboriginal people were keen to work in the national parks and knew we could offer real employment opportunities."

The result is CALM's new Indigenous traineeship program. The traineeship, offered over a two to three year period, will provide the skills and knowledge to make graduates immediately competitive on merit for national park ranger and field officer positions. Trainees will walk away with a Certificate Level IV in Conservation and Land Management, but more importantly, the potential for a productive career.

"This traineeship forms a very important part of our succession planning at CALM. We know that a number of park rangers are due to retire in the coming years and we'll have positions to fill."

"Our traineeship means we'll have people ready and able to fill those positions. We'll have people with skills in both European and Aboriginal styles of land management, the required qualifications, and knowledge and experience gained in on the job training."

A groundbreaking feature is that CALM, in what's believed to be a national first, has managed to secure federal funding support for the program over five years. The Department of Employment and Workplace Relations has provided some funds. This is the first step in a broader strategy.

It is hoped that ten to fifteen per cent of the workforce will be Aboriginal over the next ten years. Two Indigenous trainees have already started at Yanchep National Park.

Cliff hopes the program will signal a new approach to Aboriginal training. "We hope this traineeship will break the mould of the twelve month traineeship and provide meaningful employment which will bridge cultures and help maintain Aboriginal links with the land."

THE KEY COMMENT

I am pleased to announce the development of the Equity and Diversity Plan (EDP) for the Public Sector Workforce 2001-2005 recently launched by the Premier.

The EDP sets interim objectives for achieving workforce diversity throughout the public sector. Better matching of the government workforce to the diversity of its clients will be a major step in improving the quality of government services and programs for all Western Australians.

A number of Information Seminars have been held to brief agencies about the Plan and to provide assistance.

Please contact the Office if you would like further information or assistance. My Office has a range of tools and resources available to help you in meeting the objectives of the Plan.

Our consultants are available if you would like further information or assistance.

Maxine Murray
Director of Equal Opportunity
in Public Employment

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GOVERNMENT LAUNCHES NEW EQUITY & DIVERSITY PLAN

The Government has developed an Equity and Diversity Plan for the Public Sector Workforce 2001-2005.

Specific objectives and priorities have been identified for Indigenous Australians, people with disabilities, people from culturally diverse backgrounds, youth and women. Agencies are expected to develop objectives for their organisation that will contribute to the achievement of these sector wide objectives.

In his Circular Number 1/02, the Premier states that the Plan is:

...in line with the Government's commitment to develop a public sector workforce which is representative of the Western Australian community at all levels of employment and enables employees to combine work and family responsibilities.

The Director General of the Department of the Premier and Cabinet and the Director of Equal Opportunity in Public Employment recently reconvened the Strategic Employment Group of key public sector CEOs to review the equity and diversity objectives for the public sector. The resulting Equity and Diversity Plan replaces the Women in Management Strategy and the Diversity Improvement Plan.

All agencies are expected to develop performance objectives for their organisation that will contribute to the achievement of the sector wide objectives. Many agencies have already identified performance objectives in their EEO and Diversity Management Plan or their strategic and business plans. Other agencies will need to identify specific objectives in line with this policy.

Agencies should set objectives appropriate to their current workforce and client profile and their business imperative. Where relevant, they may choose to focus on areas of particular priority for their organisation rather than covering all equity and diversity groups at the same time.

A number of information sessions have been held and an information package provided to each agency by the Office of EEO. The information package includes a format for reporting agency

objectives, tools to assist in the setting of objectives, general strategies for implementing changes and contacts for providing ongoing assistance to agencies.

For each of the Equity and Diversity groups covered in the Plan special strategies and programs will be developed on an ongoing basis. These will be circulated to Chief Executive Officers as they arise.

Compliance

Agencies with one hundred or more employees, including casuals, should forward their performance objectives to the Office of EEO for collation by 30 May 2002. The way in which agencies with less than one hundred employees can provide information on their contribution to the sector wide objectives will be outlined in the information package.

There are no new ongoing reporting requirements associated with this policy. The Office of EEO currently obtains workforce data from agencies each year. This will enable the Office to report on progress in meeting the objectives across the sector and to Ministers on progress within their portfolios.

Greater Workforce Diversity

Indigenous Australians, people from culturally diverse backgrounds, people with disabilities and youth are under-represented in the public sector. Indigenous Australians, in particular, are both under-represented and clustered at the lower levels of employment. The following performance objectives are designed to achieve greater diversity in the public sector workforce. This will enable services to be provided that better meet the needs of all the community. It is recognised that the public sector also has a role in developing people from diverse backgrounds for work in the wider community.

Additional priorities are to:

- Achieve a better match between the workforce and the customer base in agencies where the percentage of customers from diversity groups is higher than the community.
- Provide permanent positions and the option of careers in “mainstream” positions for employees who work primarily with diversity groups.
- Recognition of the extensive knowledge and experience of mature workers (>45yrs) and encouragement of their continued employment and development.
- Adaptation of employment practices where necessary to enable all employees to meet their cultural or religious obligations and provision of reasonable workplace adjustment for people with disabilities.

Improved Distribution of Women

Women are well represented in the public sector but are not well distributed across all levels of the workforce. In particular, they are under-represented in management positions, including the Senior Executive Services and in the top three management tiers. Management tiers include Chief Executive Officers (Tier 1), the corporate executive management level (Tier 2) and managers reporting to corporate executive (Tier 3). The following performance objectives are designed to improve the distribution of women and their representation in management.

Performance Objectives	Public Sector Priority Areas		
	2001 Actual	2003 Objective	2005 Objective
Distribution (Equity Index*)	53	59	65
Representation in the SES	20%	25%	30%
Representation in Management			
Tier 1	12%	16%	20%
Tier 2	33%	37%	41%
Tier 3	29%	37%	45%

Performance Objectives	Comm-unity	Public Sector Priority Areas					
		2001 Actual		2003 Objective		2005 Objective	
	1996 Census	%	EI	%	EI	%	EI
Indigenous Australians	3%	2.1%	29	2.5%	34	2.9%	39
People with Disabilities	4%	2.1%	106	2.8%	100	3.6%	100
People from Culturally Diverse Backgrounds	12%	4.3%	120	5.5%	100	6.7%	100
Youth (<25 yrs)	11%	4.9%	na	5.2%	na	5.5%	na

For copies of the Plan or an information package, call 9214 6600. For further information, contact Ms Mary White on 9214 6636.

EI = Equity Index

CASE STUDY

Amery & Ors v NSW Education Department

Thirteen female teachers working as long term casual teachers for the Department of School Education NSW lodged a complaint of indirect sex discrimination because, as casual staff, they were not entitled to the higher salary increments available to permanent employees.

The women were professional teachers and most had been permanent staff before resigning for family reasons. In each case after attending to their family responsibilities the women returned to their profession as part of a pool of casual supply teachers who worked continuously for eight weeks or more, performing the same work as permanent staff.

Under the relevant award and enterprise agreement “permanent” employment was a pre-requisite for winning access to higher salary levels on a thirteen step scale. As “casual” employees the maximum salary level the women could reach was the equivalent of Level 8.

In considering whether indirect discrimination had occurred the critical questions for the Tribunal were:

1. Whether there was a stipulated requirement or condition.
2. Whether a substantially higher proportion of men, did comply or were able to comply with that requirement or condition.
3. Whether the requirement or condition was ‘not reasonable’.
4. Whether the requirement or condition was one with which each complainant ‘does not or is not able to comply’.

The Department argued that, the condition was reasonable because casual teachers performed work of a lesser value than that of permanent teachers. They also argued that different pay scales were justified by the need to provide for increases and decreases in school enrolments.

Finding of the Tribunal

The Administrative Decisions Tribunal of New South Wales found that the condition or requirement that linked salary with permanency was unreasonable and discriminated against the complainants on the ground of their sex and awarded the women salary arrears. They gave the following reasons for their decision.

Requirement or condition

The Tribunal found the award and enterprise agreement did impose the condition that teachers be permanent to qualify for higher pay rates.

“Substantially higher proportion”

The statistics in evidence showed that a ‘substantially higher’ proportion (20%) of male teachers over female teachers had permanency and could therefore meet the condition.

Reasonableness

On the work value issue the evidence before the Tribunal led it to conclude that the work of supply casuals in general was of equal value to permanent staff, at least with respect to teachers who are engaged to work continuous periods of eight week blocks or more per term.

In addition the evidence suggested that it was the women rather than their husbands or partners, who had to break their career path for family reasons. Most had applied for permanency after returning to work but this had been denied because they limited their availability to schools in their area of residence. The Tribunal's view was that it was the rigid operation of the conditions for permanency for female teachers, forced to give up their permanency for family reasons, that brought about the discrimination and this was a significant contributor to the unreasonableness of the requirement.

Ability to comply

The Tribunal found that the women did not and could not, in their circumstances, comply with the condition. They rejected the argument put by the Department that because the women had resigned from permanent employment to raise families they had ‘chosen’ not to comply. They considered that a female teacher had no effective choice but to submit to the discriminatory conduct where for family reasons she chose to be at home to raise her children and support her partner.

Implication for Employers

In WA public authorities, some groups, notably women and Indigenous people are less likely than the rest of the workforce to be in permanent positions. Where benefits are associated with permanency it is important to consider the reasonableness of linking the benefit to permanency. Where it is not reasonable there may be indirect discrimination against groups that are less likely to be permanent.

Adapted from CCH Equal Opportunity Law Reporter 93-130