

## INSIGHTS INTO INDIGENOUS EMPLOYMENT

### *New Publication and Training Course*

The Office of EEO has produced an appealing new publication on the employment of Indigenous people in the public sector. The publication '*Insights – Strategies for Success: Indigenous and non-Indigenous People on Work*' was officially launched by the Premier & Minister for Public Sector Management, Dr Geoff Gallop, on 22nd August.

Increasingly managers have wanted to learn practical and effective recruitment and retention strategies relating to Indigenous Australians. *Insights* is a response to this appetite for new ideas about creating workplaces that value and welcome Indigenous employees.

'Why is it that some organisations have a reputation for being an employer of choice among Aboriginal people and others don't?' was one question employees were asking. Another question was 'What does it mean to be cross-culturally competent as a manager?' This interest in looking at an organisation's capacity to do things differently was the inspiration for co-authors, Karin Anning and Helen Saunders.

At the essence of *Insights* is a collection of perspectives from Indigenous and non-Indigenous people, both inside and outside the Western Australian public sector. Two very different cultural perspectives are embedded in the publication. *Insights* invites managers to critically reflect on their own values and cross-cultural management competence (the way we treat others in the workplace). If you are an Indigenous reader, it offers practical advice about applying for public sector positions, how to develop your career and how to work with non-Indigenous managers and employees.

Through personal stories, cartoons, case studies, practical tips and strategies, *Insights* demonstrates how cross-cultural issues are expressed in the workplace and how they affect the career aspirations of Indigenous people. The skills and understanding needed to manage a variety of situations and environments, particularly the ability to coach and mentor employees are discussed.

*Insights* also encourages reflection on current management practices and their effect on career opportunities for Indigenous employees as well as the quality of service delivered to Indigenous clients. It demonstrates how cross-cultural issues are expressed in the workplace and how they affect the aspirations and opportunities of Indigenous people.

Many of the Indigenous participants commented on management qualities and behaviours that engender mutual trust and respect. As one graduate commented:

***I would like to work for an organisation  
where I don't have to leave my  
Aboriginality at the door to work there.***

This is the challenge for public sector managers today - to create a workplace culture that genuinely welcomes and values Indigenous Australians at all levels of the organisation, and one that recognises this as essential to the delivery of improved services to Indigenous clients.

The Office of EEO has developed a one-day workshop to enable managers to explore the themes raised in the publication in more depth. The next workshop is scheduled for 13<sup>th</sup> November and costs \$250 (inc GST).

To order copies of *Insights* (\$16.95 per copy incl GST) or to get further details on the workshop for managers, contact Training Coordinator Janine Clissa on 9214 6633. Note: there are discounts for orders of 10 or more copies of the publication.



## THE KEY COMMENT

I was delighted to have the Premier launch our new publication, *Insights: Strategies for Success (Indigenous and Non-indigenous People on Work)*, especially as I have been aware for some time of the need for such a useful resource to be available for managers.

My Office is also in the process of collating the data from the yearly reports that have been provided to us by public sector agencies – over one hundred and fifty of them.

We are making every effort to analyse the data and provide feedback to agencies in a timely manner. We will also be contacting the newly formed departments to offer our advice and assistance in EEO and workforce diversity planning and implementation.

Maxine Murray  
Director of Equal Opportunity  
in Public Employment

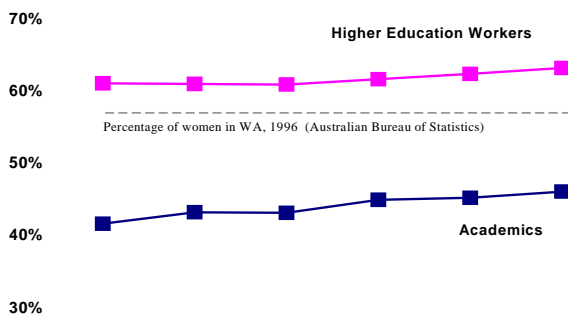
## DIVERSITY IN PUBLIC UNIVERSITIES

### Introduction

The latest dataset reflects the public university workforce as at 31 March 2001. It comprises 7,111 Academics and 8,055 Higher Education Workers (HEWS) - 15,166 employees in total. Comparisons have been made with previous years where possible.

### Representation of Women

Between 1996 and 2001, the representation of women has increased for both Academics and HEWS. As at 31 March 2001, 46% of the Academic workforce were women and 63% of HEWS were women.



### Distribution of Women

The distribution of women has also improved for HEWS, with the Equity Index rising from 61 in 1996 to 74 in 2001. There has been a small increase in the Equity Index for Academic women since 1996. (Note: An Index of 100 indicates there is no compression).

Equity Index - Women			
	1998	2000	2001
Equity Index Academics	39	41	41
Equity Index HEWS	61	70	74

The increase in the proportion of women at the higher levels is evident in the following table. Since 1996, Academic women at Levels D-E have increased by 2% and Higher Education Workers at HEW 7-11 have increased by 9.3%.

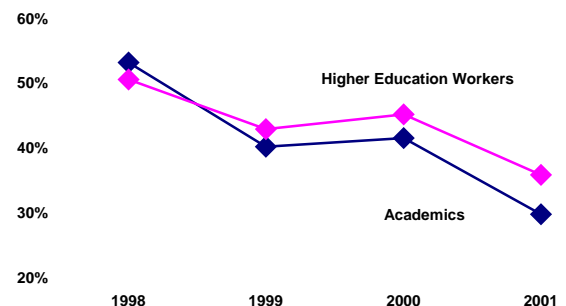
Women at the Higher Levels			
	1996	2000	2001
% Women Academic Levels D-I	11.2%	12.9%	13.2%
% Women at HEW 7-11	36.4%	42.9%	45.7%

There has been an increase in the representation of women in management tiers since 1996 although there has been a decline in the last year in Tiers 2 and 3. Note: Due to small numbers of people at Tiers 1 and 2, quite large fluctuations occur with a small change in the number of women.

Women in Management Tiers – Academics & HEWS			
	1996	2000	2001
Women as % Tier 1	25.0%	25.0%	25.0%
Women as % Tier 2	10.0%	31.3%	16.7%
Women as % Tier 3	16.7%	25.0%	20.7%
Women as % Tier 4	14.1%	28.1%	28.9%

### Surveyed Employees

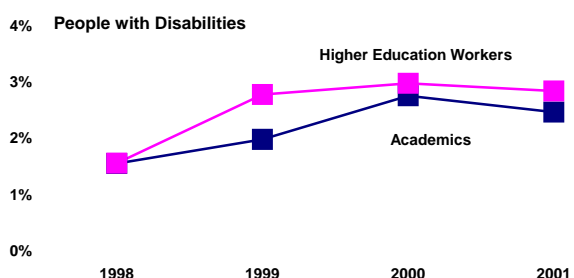
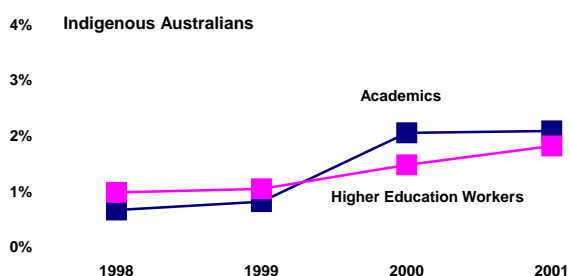
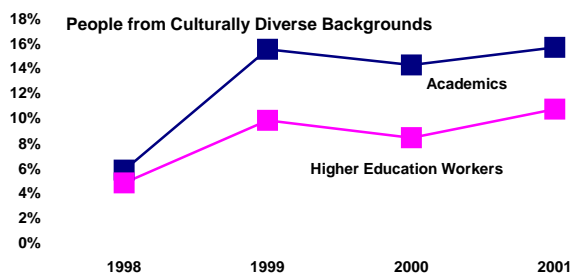
Between 1998 and 2001, the number of employees surveyed on EEO group status has fluctuated. Currently, the proportion of employees surveyed is 30% of Academics and 36% of Higher Education Workers.



## Representation of EEO Groups

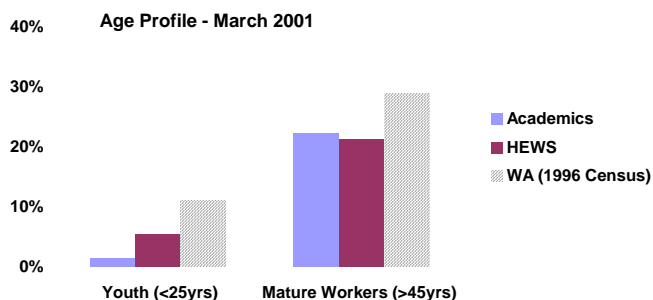
The representation of EEO groups across the four public universities has generally increased between 1998 and 2001.

Over the last three years, the representation of People from Culturally Diverse Backgrounds increased from 5.9% to 15.7% for Academics and from 4.9% to 10.8% for HEWS. The representation of Indigenous Australians increased from 0.7% to 2.1% for Academics and 1.0% to 1.8% for HEWS. The representation of People with Disabilities increased from 1.6% to 2.5% for Academics and 1.6% to 2.9% for HEWS over the same period.



Data collection on age - to identify Youth (employees under 25 years of age) and Mature Workers (employees over 45 years of age) - commenced this year.

Both Youth and Mature Workers are under-represented in the Academics and Higher Education Workforces when compared to their representation in the WA population.



## Distribution of EEO Groups

The Equity Index for People from Culturally Diverse Backgrounds and People with Disabilities has remained at >100 since 1998. For Indigenous Australians in the Academic workforce, the Equity Index has increased from 80 in 1998 to 92 in 2001. However, in the Higher Education Workforce, the Equity Index has fluctuated.

	1998	2000	2001
Equity Index Academics	80	88	92
Equity Index HEWS	55	37	47

The increase in the proportion of People from Culturally Diverse Backgrounds at the higher levels is evident in the following table.

	1998	2000	2001
% CDB at Academic Levels D-E	13.3%	20.4%	19.6%
% CDB at HEW 7-11	12.9%	20.5%	22.3%

The proportion of Indigenous Australians at the higher levels is low for both Academics and Higher Education Workers. It fell between 1998 and 2000 but has increased in the last year.

	1998	2000	2001
% IA at Academic Levels D-E	2.9%	1.7%	2.1%
% IA at HEW 7-11	2.3%	1.5%	1.8%

The proportion of People with Disabilities at the higher levels has fluctuated between 1998 and 2001 but remains at a high level.

	1998	2000	2001
% PWD Academic Levels D-E	20.0%	26.2%	17.6%
% PWD at HEW 7-11	26.7%	17.4%	20.3%

## CASE STUDY

### *Family Responsibilities Cause Unfair Dismissal – Laz v Downer Group Ltd*

There has been another decision, this time from the Federal Court of Australia, which further defines the rights of employees with family responsibilities. In this decision Ms Louise Laz was offered reinstatement and payment of lost wages resulting from being unfairly dismissed because her family responsibilities had meant she could not always work the longer hours expected of her without advance notice.

Ms Laz had been the personal assistant to the Group Managing Director of Downer Group Ltd. When applying for the position Ms Laz had been advised that the position of personal assistant included the condition that the successful applicant work 8.30am – 5.30pm, Monday to Friday. Another condition stated a requirement that it ‘may be necessary for you to work outside these hours, while the Company will endeavour to keep such additional work to a minimum it is expected that you will make yourself available for such requirements’.

During the initial interview with the firm managing the recruitment process, Ms Laz indicated that she was prepared to routinely work until 6pm. She added that two or three nights a week, when her partner lectured at TAFE, she needed to leave by 6pm to collect her child from the local day care centre that closed at 6.30pm. Ms Laz also indicated that if she was required to work later than the prescribed hours she would need advance notice in order to make arrangements for her child. In evidence Ms Laz indicated that it then became her practice, on several nights of the week, to leave work between 5.30 and 6pm in order to pick up her child.

In April 1999, after being employed by the Downer Group for 18 months, Ms Laz accompanied the Group Managing Director to Hong Kong on a work-related trip. During this trip Ms Laz’s work performance was discussed, with her employer raising questions concerning her filing, maintaining confidentiality, her hours of work and her availability for extended hours of work. The Court was satisfied that the Group Managing Director was primarily concerned with Ms Laz’s hours of work and was not prepared to accept as reasonable that she required advance notice to work beyond 6pm on those days when her partner could not attend to their family responsibilities.

After returning from Hong Kong Ms Laz took a period of leave. When she returned to work she opened correspondence containing a letter from an unsuccessful applicant for the position of the Group Managing Director’s personal assistant. In this way she became aware that her employer had taken steps to replace her.

The Federal Court had to determine whether Ms Laz’s employment was in fact terminated by the employer, and whether this termination contravened the provisions of the Commonwealth *Workplace Relations Act 1996* by occurring because of a ‘proscribed reason’. The Act provides that an employer must not terminate an employee’s employment for any one or more of the ‘proscribed reasons’ which includes ‘family responsibilities’.

The Court noted that this section of the Act was intended to prevent the termination of an employee’s employment if they were able to perform the work they were engaged to do though their performance may be constrained by family responsibilities. The Court suggested that ‘constraints on the employee’ could take the form of limits on the hours per day they could work, either in the short term or the longer term. It also noted that constraints could arise when an employee has to be absent from work because of the illness of a dependent child.

In its decision the Court concluded that a significant reason for the Group Managing Director deciding to replace Ms Laz was because she was unable, without prior notice, to work the hours he demanded. The Court also concluded that the Group Managing Director’s decision to replace Ms Laz as his personal assistant led directly, in the absence of her agreement to leave on terms suitable to her, to the termination of her employment. In handing down this decision the Court determined that Ms Laz was entitled to reinstatement and to the payment of lost wages from the time of the termination until her reinstatement.

### **Implications for Employers**

One observation that arises out of this case is that employers should be wary of expecting or requiring flexibility from employees to work extended hours to meet work demands, especially if they are not prepared to be flexible in meeting the needs of employees with family responsibilities.

(Adapted from CCH Equal Opportunity Law Reporter 93-111)

# THE KEY



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