



GUIDELINES ON WORKPLACE DIVERSITY



PUBLIC SERVICE & MERIT PROTECTION COMMISSION

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FOREWORD

*T*his 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* by 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.

Guidelines on Workplace Diversity is designed to assist agencies meet their legal obligation to develop a Workplace Diversity Program and to help them embed the principles of workplace diversity in their culture and their management systems.

These Guidelines cover the legal framework for workplace diversity in the Australian Public Service and offer suggestions about how to establish and implement an effective workplace diversity program

Managing workplace diversity successfully can be an important factor in helping agencies to realise the full potential of their employees and hence achieve their business goals.



Helen Williams
Public Service Commissioner
January 2001



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WORKPLACE DIVERSITY IN THE AUSTRALIAN PUBLIC SERVICE

Diversity in this context covers gender, age, language, ethnicity, cultural background, sexual orientation, religious belief and family responsibilities. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status. Workplace diversity involves recognising the value of individual differences and managing them in the workplace.

The diversity of the people in the APS is one of its greatest strengths. Managing diversity successfully means creating an environment that values and utilises the contributions of people with different backgrounds, experiences and perspectives. Organisations need to develop people management strategies that accommodate differences in the background, perspectives and family responsibilities of their employees. They need to recognise the contribution that diversity of perspectives makes to generating new ideas and ways of doing things.

The concept of workplace diversity includes the principle of equal employment opportunity (EEO). EEO policies address continued disadvantage experienced by particular groups of people in the workplace, including women, Indigenous Australians, people with disabilities and those who suffer disadvantage on the basis of race or ethnicity. These policies remain an important foundation for workplace diversity policy.

HOW DOES WORKPLACE DIVERSITY FIT INTO THE WIDER ORGANISATION?

Workplace diversity principles should be integrated with and underpin all aspects of human resource management, such as planning, selection and recruitment, performance appraisal, training and development, occupational health and safety and workplace relations. For example, an agency's certified agreement and AWAs should reinforce its commitment to diversity and should incorporate flexible working conditions to allow employees to balance their work and other responsibilities.

Workplace diversity strategies help to build the organisation's relationship with the community, enhance the contribution of its employees and improve the quality of its programs, products and services.

The most successful organisations focus on inculcating and embedding the principles of diversity in their culture and management systems. These organisations truly value diversity and recognise it in the way they do business. Diversity is reflected

in their approach to people management, including performance management. It is a core element in leadership and leadership development and reinforced through performance feedback and assessment.

THE BENEFITS OF DIVERSITY IN THE APS

Increased innovation

A diverse workforce with a range of different backgrounds and perspectives gives organisations a broader range of ideas and insights to draw on in decision making and policy development. Diversity therefore makes good business sense.

Improved service to clients

A workplace that reflects the Australian community will understand its clients better, which will lead to improved service. A diverse workplace will have good communication with its clients based on a deep understanding of the needs of the community.

Competitive management practices

Organisations that value and capitalise on employee diversity have productive and fulfilling workplaces which help them attract and retain employees. This leads to savings in recruitment and training costs, as well as maintaining corporate knowledge and expertise.

Modelling what we promote

Some APS agencies have a role in promoting principles of equity and productive diversity in the employment practices of Australian businesses. It is therefore important that the APS itself demonstrates these principles.



LEGAL FRAMEWORK

The legal framework applying to agencies that employ staff under the PS Act reflects the expectations of the Government and the community about a fair, inclusive and productive public service.

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.

The *Sex Discrimination Act 1984* makes it unlawful to discriminate in employment on the grounds of a person's sex, marital status, pregnancy or potential pregnancy or to sexually harass another person.

The *Human Rights and Equal Opportunity Commission Act 1984* provides for the rights of people with physical or mental disabilities and addresses complaints of discrimination in employment.

Under the *Occupational Health and Safety (Commonwealth Employment) Act 1991* all employers and employees must maintain a secure, healthy and safe working environment. An employer must take practical precautions to prevent harassment.

The *Disability Discrimination Act 1992* makes it unlawful for an employer to discriminate against a person on the grounds of disability (including a disease).

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

PS Act

Under section 18 of the PS Act, Agency Heads must establish workplace diversity programs to assist in giving effect to the APS Values, which are found in section 10 of the Act.

The APS Values are central to management in the APS. They provide an ethical framework for Agency Heads and employees, while allowing agencies the flexibility to pursue their own goals and address their own needs. Under section 12 of the Act, an Agency Head must promote and uphold the APS Values. The following APS Values are especially relevant to the diversity and human resources policies of agencies:

- merit-based employment (section 10(b));
- non-discrimination and diversity (section 10(c));

- fair, flexible, safe and rewarding workplace (section 10(j)); and
- equity in employment (section 10(l)).

Section 10(g), which requires sensitivity to the diversity of the Australian public when delivering services, is relevant to the management of an agency.

APS employees also have responsibilities which relate to diversity under the APS Code of Conduct set out in section 13 of the PS Act:

- an APS employee, when acting in the course of APS employment, must treat everyone with respect and courtesy, and without harassment (section 13(3)); and
- an APS employee must at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS (section 13(11)).

PUBLIC SERVICE COMMISSIONER'S DIRECTIONS 1999

The Public Service Commissioner has issued legally binding Directions under the Act setting out the scope and application of the APS Values and providing more detail about implementing diversity. (See Chapter 3 in particular.)

Agency Heads must put in place measures to:

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

Agency Heads must also assist employees to balance their work, family and other caring responsibilities effectively by encouraging the development of mutually beneficial work practices.

The workplace diversity program must include measures directed at ensuring that:

- corporate, business and human resource plans demonstrate that the agency values the diverse backgrounds of its employees and values, and is able to access and make use of the diverse skills and experience of its employees;
- workplace structures, systems and procedures help employees balance their work, family and other caring responsibilities effectively;
- engagement decisions take account of the diversity of the Australian community as well as the agency's organisational and business goals and the skills required for the job; and
- employment decisions are transparent, equitable and procedurally fair.

According to 2.13 of the Directions, Agency Heads must put in place measures to eliminate employment-related disadvantage on the basis of:

- being an Aboriginal or a Torres Strait Islander under the meaning of the *Racial Discrimination Act 1975*; or
- gender; or

- race or ethnicity; or
- physical or mental disability.

Agency Heads must:

- give the Public Service Commissioner a copy of their workplace diversity programs as soon as practicable after it has been established (3.4);
- give the Commissioner a copy of any new program after it has been revised (3.4);
- develop performance indicators for their workplace diversity program so that they can evaluate the effectiveness and outcomes of the program (3.5);
- evaluate and report on the effectiveness of workplace diversity programs each year (3.5);
- review their workplace diversity program at least once every four years to ensure that the program continues to give effect to the APS Values and achieves its outcomes (3.6); and
- give the Commissioner any information required to enable the Commissioner to evaluate and assess the effectiveness of workplace diversity programs for the State of the Service Report, which is tabled in Parliament every year (section 44 of the PS Act).

OTHER REPORTING REQUIREMENTS

Agencies must report annually on the progress and effectiveness of their workplace diversity programs. The Agency Head is responsible for the method and nature of the reporting. The content of the annual report will vary according to the objectives and strategies of the agency's workplace diversity program.

Agencies also have a responsibility to ensure that they have up-to-date data on the diversity status of their employees. This is essential, both for monitoring diversity in the agency, and for ensuring that the Australian Public Service Employment Database is as accurate as possible, to enable service-wide monitoring of diversity.

ESTABLISHING EFFECTIVE WORKPLACE DIVERSITY PROGRAMS

This section describes how to establish a workplace diversity program that achieves its intended outcomes and contributes to organisational and business goals. It sets out a process for developing an effective program.

PLANNING

Establishing an effective workplace diversity program could involve:

- considering what the program will achieve;
- deciding how the program will be developed and implemented;
- drawing links to organisational objectives;
- undertaking consultation; and
- assessing the resources required.

Agency heads, senior executives and line managers should have input to the plan and the approach taken.

Where are we now?

To develop a workplace diversity program it is helpful to gather information about the agency's current environment. This information forms the starting point for setting the program's objectives. Relevant information might include:

- corporate and business plans;
- a demographic profile of employees (the PSMPC can help with data on the diversity of the agency and comparative data);
- any external factors which will affect the organisation during the program;
- assessment of the prevailing culture and business requirements of the agency;
- previous workplace diversity (or EEO) performance; and
- existing human resources policies and practices, such as recruitment and selection practices, anti-harassment strategies and performance management schemes.

This information is baseline data that will be used to measure the success of the workplace diversity program.

Where do we want to be?

The next step is to define the objectives of the program. It is important to set out a clear picture of the intended outcome of workplace diversity strategies, linked to corporate goals.

Outcomes could include:

- awareness of, and commitment to, workplace diversity principles;
- recognition of the positive value of a diverse workforce to the agency;
- integration of workplace diversity principles in business and human resources practices and systems; and
- creation of a harmonious and supportive work environment

How will we get there?

Once the program's objectives have been agreed, strategies can be developed to help the agency achieve them. Strategies might cover issues identified during the information gathering stage. Strategies should reflect the agency's business and human resource needs. A high degree of consultation will help to gain commitment throughout the agency and ensure that the strategies are relevant.

Having a senior executive responsible for workplace diversity can be helpful. Demonstrated support and consistent modelling of workplace diversity principles by senior executives is essential to the success of any program.

Strategies need to be realistic and, where possible, measurable. It can be useful to tie the strategies to the agency's existing accountability processes, such as consultative mechanisms, staff surveys and performance agreements. Workplace diversity measures need to be built into business plans and accountability frameworks.

Even though strategies will vary between agencies, they should cover: preventing discrimination, valuing and utilising the diversity of employees, balancing work and family responsibilities and eliminating disadvantage for EEO groups.

The workplace diversity program must also include performance indicators, ideally for each objective or strategy. These indicators will help to monitor the success of the program. It is best if they are simple and easy to measure and there is a clear process for monitoring and evaluating the indicators.

IMPLEMENTATION

Implement the program and communicate and promote the strategies

After the Agency Head has approved the program, all employees should get a copy of it and have a chance to discuss how it will be implemented in their work areas. This can be done through training programs or workshops. Managers may need training in their responsibilities or other support mechanisms to help them feel confident about implementing the strategies.

Under the Directions, a copy of the program must be sent to the Commissioner as soon as practicable after it has been established.

There can be challenges in implementing a workplace diversity program, including the need to sustain interest and energy, changes in key employees, changes to the environment and resistance from managers feeling the pressure of their line responsibilities.

Useful responses include targeted discussions, reviewing the program, ensuring ongoing support from senior management, establishing a network of diversity ‘champions’ and publicising success stories.

Monitor progress

Performance indicators are the basis for monitoring the progress of the program. Monitoring progress regularly will show whether adjustments need to be made to the program to ensure its relevance and success. Measurements can include changes to the employee profile, particularly those in the EEO groups. The employee profile could cover employment status, level, recruitment and retention patterns and take-up of training and flexible working arrangements.

Monitoring can be done by means of staff surveys. Other indicators of corporate health could include the rate of absenteeism or the number of harassment complaints that relate to diversity.

Methods of monitoring could include progress reports, reports to consultative committees or to senior management, changes to the employee profile, feedback from staff or interviews with key management. The draft assessment framework set out at Appendix B can be used as a self-assessment tool.

Although the results of monitoring are internal to the agency they can be used to help fulfil the requirement to report annually.

EVALUATION

Are we making progress towards achieving our objectives?

Evaluation will establish the effectiveness of workplace diversity strategies and help assess why particular outcomes occurred. Data gathered during planning can be compared with the information gathered for evaluation. Both quantitative data and people’s perceptions gathered through surveys will help to assess the effectiveness of the program.

The results of the evaluation are then considered by the agency. The results will be useful in either modifying existing strategies or developing new strategies.

What changes do we need to make?

Building an organisation that values and utilises diversity effectively is a continuing process. Senior management needs to regularly assess how the agency is faring in terms of their performance indicators and legal obligations. The mere establishment of a workplace diversity program does not of itself fulfil an agency’s obligations.

Under the Directions, Agency Heads must annually evaluate and report on the effectiveness and outcomes of the workplace diversity program. They must also review their program at least once every four years. They may choose to review their program earlier because of changes to the agency's structure or business, or because of the results of evaluation.



SPECIAL EMPLOYMENT PROGRAMS

To encourage the recruitment and training of certain groups in the community who suffer employment-related disadvantage, Chapter 4 of the Directions allow Agency Heads to identify particular employment opportunities as open to members of these groups. Initiatives of this kind are considered ‘special measures’ under Commonwealth anti-discrimination law.

In addition, under the *Public Service Regulations 1999*, Agency Heads may approve schemes to engage non-ongoing employees to help them gain skills and experience.

IDENTIFIED VACANCIES FOR INDIGENOUS AUSTRALIANS

The Directions allow an Agency Head to identify opportunities for employment as open to Indigenous Australians. Such vacancies must:

- comply with Commonwealth law;
- be notified in the Gazette. (As a matter of good practice these opportunities should also be advertised widely, since many potential candidates will not have access to the Gazette);
- be identified as open to Indigenous Australians; and
- in fact be open to all members of the community who are Indigenous Australians.

These arrangements apply to single or multiple vacancies and training positions, including graduate programs and cadetships. They can be used for both ongoing and non-ongoing employment and can be used to engage staff at any level.

In all other respects, selection is subject to the Directions on merit in employment. For example, an order of merit must be established among the candidates. Subsequent promotion of people selected for these positions must be subject to open competition.

IDENTIFIED VACANCIES FOR PEOPLE WITH AN INTELLECTUAL DISABILITY

The same framework applies to employment opportunities for people with an intellectual disability. Vacancies must comply with Commonwealth law, be notified in the Gazette, be identified as open to people with an intellectual disability and be open to all members of the community in that category.

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

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 (Regulation 3.3). Notice of such an approval must be published in the Gazette within 14 days of Agency Head approval.

At the end of the scheme these people would no longer be employed by the agency but would be well equipped to compete on merit for future positions in the agency.

THE ROLE AND RESPONSIBILITIES OF A WORKPLACE DIVERSITY COORDINATOR

Many agencies have appointed a workplace diversity coordinator. Their role and responsibilities will vary according to the nature, structure and size of an agency. Some agencies have a network of coordinators. Coordinators should be experienced and have the support of the Agency Head and executive.

ROLE AND RESPONSIBILITIES

The role is to:

- articulate how diversity can enhance the business performance of the agency;
- actively promote the benefits of diversity, both for the agency and staff;
- gain an understanding of the workplace diversity needs of agency staff;
- help all staff to be aware of workplace diversity issues;
- advocate the inclusion of equity and diversity issues on strategic planning agendas;
- promote the integration of workplace diversity issues in human resource policies and practices;
- develop, implement and monitor the workplace diversity program;
- monitor the agency's compliance with relevant laws and regulations;
- develop, implement and monitor the workplace diversity program; and
- keep senior executives informed about workplace diversity issues and about the effectiveness of the workplace diversity program.

It should be noted that these functions are not the sole responsibility of the workplace diversity coordinator. For example, it is critical that senior management articulate how diversity can enhance the business performance of the agency and actively promote the benefits of diversity. Senior management also has an important role to play in advocating the inclusion of equity and diversity issues on strategic planning agendas.

SKILLS, KNOWLEDGE AND PERSONAL QUALITIES

A workplace diversity coordinator needs to be familiar with the business and operational environment of the agency. Coordinators need to understand the legal framework surrounding workplace diversity in the APS. They should have up-to-date knowledge of diversity issues and research. They should know about best practice and any recent developments which may affect their agency's policies, procedures and practices.

A workplace diversity coordinator needs well-developed facilitation and liaison skills, and strong analytical, management and communication skills. A workplace diversity coordinator should have a personal commitment to the APS Values and workplace diversity principles.

SUPPORT FOR THE WORKPLACE DIVERSITY COORDINATOR

Workplace diversity coordinators need support from senior management and the Agency Head. Responsibility for workplace diversity does not rest solely with the coordinator. Workplace diversity is a mainstream responsibility, which should be part of the agency's management systems and culture.

Workplace diversity coordinators should be encouraged to take advantage of training opportunities in order to keep up with current issues and policies.

The PSMPC organises a Workplace Diversity Coordinators' Network, which meets quarterly. The network helps members keep up to date on diversity issues and share their experiences. A network newsletter is circulated to all members and draws their attention to new developments and resources.

APPENDIX A – RELEVANT EXTRACTS FROM THE *PUBLIC SERVICE ACT 1999* AND THE PUBLIC SERVICE COMMISSIONER’S DIRECTIONS

EXTRACT FROM THE *PUBLIC SERVICE ACT 1999, NO. 147, 1999*

Part 3 – The Australian Public Service

10 *APS Values*

- (1) The APS Values are as follows:
- (a) the APS is apolitical, performing its functions in an impartial and professional manner;
 - (b) the APS is a public service in which employment decisions are based on merit;
 - (c) the APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves;
 - (d) the APS has the highest ethical standards;
 - (e) the APS is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian public;
 - (f) the APS is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government’s policies and programs;
 - (g) the APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public;
 - (h) the APS has leadership of the highest quality;
 - (i) the APS establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
 - (j) the APS provides a fair, flexible, safe and rewarding workplace;
 - (k) the APS focuses on achieving results and managing performance;
 - (l) the APS promotes equity in employment;
 - (m) the APS provides a reasonable opportunity to all eligible members of the community to apply for APS employment;
 - (n) the APS is a career-based service to enhance the effectiveness and cohesion of Australia’s democratic system of government;
 - (o) the APS provides a fair system of review of decisions taken in respect of APS employees.
- (2) For the purpose of paragraph (1)(b), a decision relating to engagement or promotion is based on merit if:
- (a) an assessment is made of the relative suitability of the candidates for the duties, using a competitive selection process; and

- (b) the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties; and
- (c) the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
- (d) the assessment is the primary consideration in making the decision.

11 Commissioner's Directions about APS Values

- (1) The Commissioner must issue directions in writing in relation to each of the APS Values for the purpose of:
 - (a) ensuring that the APS incorporates and upholds the APS Values; and
 - (b) determining where necessary the scope or application of the APS Values.

12 Agency Heads must promote APS Values

An Agency Head must uphold and promote the APS Values.

18 Promotion of employment equity

An Agency Head must establish a workplace diversity program to assist in giving effect to the APS Values.

EXTRACT FROM THE PUBLIC SERVICE COMMISSIONER'S DIRECTIONS, 5 DECEMBER 1999

Chapter 2 – APS Values

2.3 The APS is a public service in which employment decisions are based on merit (Act, s 10 (1) (b))

- (1) In upholding and promoting the APS Value mentioned in paragraph 10 (1) (b) of the Act, an Agency Head must put in place measures in the Agency directed at ensuring that:
 - (a) for an employment decision relating to the engagement or promotion of a person in the Agency:
 - (i) the aim and purpose of the selection process is determined in advance and information about the process is readily available to applicants; and
 - (ii) the selection process is transparent and applied fairly in relation to each eligible applicant; and
 - (iii) the matters mentioned in subsection 10 (2) of the Act are taken into account; and
 - (b) for any other employment decision in the Agency – the decision is made on the basis of an assessment of a person's work-related qualities and the work-related qualities required for efficient and effective organisational performance.

Note In addition to the requirements set out in subclause (1), an Agency Head must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment), Chapter 4 (which relates to merit in employment) and Chapter 6 (which relates to SES employment).

- (2) In upholding the APS Value mentioned in paragraph 10 (1) (b) of the Act, an APS employee must, taking into account the employee's duties and responsibilities in the Agency, help to ensure that:
 - (a) for an employment decision relating to the engagement or promotion of a person in the Agency:
 - (i) the aim and purpose of the selection process is determined in advance and information about the process is readily available to applicants; and
 - (ii) the selection process is transparent and applied fairly in relation to each eligible applicant; and
 - (iii) the matters mentioned in subsection 10 (2) of the Act are taken into account; and
 - (b) for any other employment decision in the Agency – the decision is made on the basis of an assessment of a person's work-related qualities and the work-related qualities required for efficient and effective organisational performance.

Note In addition to the requirements set out in subclause (2), an APS employee must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment), Chapter 4 (which relates to merit in employment) and Chapter 6 (which relates to SES employment).

2.4 *The APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves (Act, s 10 (1) (c))*

- (1) In upholding and promoting the APS Value mentioned in paragraph 10 (1) (c) of the Act, an Agency Head must put in place measures in the Agency directed at ensuring that:
 - (a) all Commonwealth anti-discrimination laws are complied with; and

Note See, for example, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the *Human Rights and Equal Opportunity Act 1986*.
 - (b) engagement decisions in the Agency are made taking into account the diversity of the Australian community, the organisational and business goals of the Agency and the skills required to perform the relevant duties; and
 - (c) the diverse backgrounds of APS employees are effectively utilised, taking into account the organisational and business goals of the Agency and the skills required to perform the relevant duties; and
 - (d) APS employees are helped to balance their work, family and other caring responsibilities effectively.

Note In addition to the requirements set out in subclause (1), an Agency Head must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment) and Chapter 4 (which relates to merit in employment).

(2) In upholding the APS Value mentioned in paragraph 10 (1) (c) of the Act, an APS employee must, taking into account the employee's duties and responsibilities in the Agency, help to ensure that:

(a) all Commonwealth anti-discrimination laws are complied with; and

Note See, for example, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the *Human Rights and Equal Opportunity Act 1986*.

(b) engagement decisions in the Agency are made taking into account the diversity of the Australian community, the organisational and business goals of the Agency and the skills required to perform the relevant duties; and

(c) the diverse backgrounds of APS employees are effectively utilised, taking into account the organisational and business goals of the Agency and the skills required to perform the relevant duties; and

(d) APS employees are helped to balance their work, family and other caring responsibilities effectively.

Note In addition to the requirements set out in subclause (2), an APS employee must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment) and Chapter 4 (which relates to merit in employment).

2.10 The APS establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace (Act, s 10 (1) (i))

(1) In upholding and promoting the APS Value mentioned in paragraph 10 (1) (i) of the Act, an Agency Head must put in place measures in the Agency directed at ensuring that:

(a) APS employees are aware of Agency goals and responsibilities and the way in which their work contributes to the achievement of those goals and responsibilities; and

(b) APS employees have appropriate opportunities to contribute their views on issues affecting their workplace; and

(c) consultative arrangements and processes in the workplace appropriately recognise the decision-making responsibilities of management.

(2) In upholding the APS Value mentioned in paragraph 10 (1) (i) of the Act, an APS employee must, taking into account the employee's duties and responsibilities in an Agency:

(a) recognise, support and comply with any consultative arrangements in place in the Agency; and

(b) respect the decision-making responsibilities of management in the Agency.

2.11 The APS provides a fair, flexible, safe and rewarding workplace (Act, s 10 (1) (j))

(1) In upholding and promoting the APS Value mentioned in paragraph 10 (1) (j) of the Act, an Agency Head must put in place measures in the Agency directed at ensuring that:

- (a) employment and workplace arrangements take appropriate account of APS employees who are seeking to balance individual needs and the achievement of organisational goals; and
- (b) the Agency complies with Commonwealth occupational, health and safety legislation.

(2) In upholding the APS Value mentioned in paragraph 10 (1) (j) of the Act, an APS employee must, taking into account the employee's duties and responsibilities in an Agency, help to ensure that:

- (a) employment and workplace arrangements take appropriate account of APS employees who are seeking to balance individual needs and the achievement of organisational goals; and
- (b) the Agency complies with Commonwealth occupational, health and safety legislation.

2.13 The APS promotes equity in employment (Act, s 10 (1) (l))

(1) In upholding and promoting the APS Value mentioned in paragraph 10 (1) (l) of the Act, an Agency Head must put in place measures in the Agency directed at ensuring that:

- (a) employment decisions in the Agency are made in a transparent, equitable and procedurally fair way and that appropriate confidentiality in relation to employment decisions is maintained; and
- (b) measures are taken to eliminate any employment-related disadvantages in the Agency on the basis of:
 - (i) being an Aboriginal or a Torres Strait Islander within the meaning of the *Racial Discrimination Act 1975*; or
 - (ii) gender; or
 - (iii) race or ethnicity; or
 - (iv) physical or mental disability.

Note In addition to the requirements set out in subclause (1), an Agency Head must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment) and Chapter 4 (which relates to merit in employment).

(2) In upholding the APS Value mentioned in paragraph 10 (1) (l) of the Act, an APS employee must, taking into account the employee's duties and responsibilities in an Agency, help to ensure that:

- (a) employment decisions in the Agency are made in a transparent, equitable and procedurally fair way and that appropriate confidentiality in relation to employment decisions is maintained; and
- (b) measures are taken to eliminate any employment-related disadvantages in the Agency on the basis of:
 - (i) being an Aboriginal or a Torres Strait Islander within the meaning of the *Racial Discrimination Act 1975*; or
 - (ii) gender; or
 - (iii) race or ethnicity; or
 - (iv) physical or mental disability.

Note In addition to the requirements set out in subclause (2), an APS employee must also comply with the requirements set out in Chapter 3 (which relates to diversity in employment) and Chapter 4 (which relates to merit in employment).

Chapter 3 – Diversity In Employment

3.1 Purpose of Chapter 3

The main purpose of this Chapter is to make arrangements, in addition to the requirements set out in clauses 2.4 and 2.13, to provide for an APS that is free from discrimination and that recognises and utilises the diversity of the Australian community it serves.

3.2 Exercise of employer powers generally

(1) An Agency Head must put in place measures to:

- (a) help prevent all forms of discrimination, whether direct or indirect, consistently with Commonwealth law; and
- (b) recognise the positive advantages of, and help make best use of, the diversity available in the workplace and the Australian community.

(2) An Agency Head must assist employees to balance their work, family and other caring responsibilities effectively by encouraging the development of mutually beneficial work practices in the Agency.

Note Employment decisions must comply with the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992*, the *Human Rights and Equal Opportunity Act 1986*, the *Workplace Relations Act 1996*, and other laws.

3.3 Measures for workplace diversity programs

Note Section 18 of the Act requires an Agency Head to establish a workplace diversity program to assist in giving effect to the APS Values.

A workplace diversity program for an Agency must include measures directed at ensuring that:

- (a) the corporate, business and human resource plans of the Agency demonstrate that the Agency values the diverse backgrounds of its employees and values,

and is able to access and make use of, the diverse skills and experience of its employees; and

- (b) workplace structures, systems and procedures assist employees in balancing their work, family and other caring responsibilities effectively; and
- (c) engagement decisions in the Agency are made taking into account the diversity of the Australian community, as well as the organisational and business goals of the Agency and the skills required to perform the relevant duties; and
- (d) equity in employment, as required by paragraphs 2.13 (1) (b) and 2.13 (2) (b), is promoted and upheld.

3.4 Copy of workplace diversity program to be given to Commissioner

- (1) As soon as practicable after establishing a workplace diversity program for an Agency, the Agency Head must give a copy of the program to the Commissioner.
- (2) If the Agency Head revises the workplace diversity program in any way, the Agency Head must, as soon as practicable after revising the program, give a copy of the revised program to the Commissioner.

3.5 Evaluation and assessment of effectiveness and outcomes of workplace diversity program

- (1) An Agency Head must:
 - (a) develop performance indicators to evaluate the effectiveness and outcomes of the Agency's workplace diversity program; and
 - (b) evaluate and report on the effectiveness and outcomes of the program annually.
- (2) An Agency Head must give the Commissioner the information the Commissioner requires to enable the Commissioner to:
 - (a) evaluate and make an assessment of the effectiveness of Agencies' workplace diversity programs; and
 - (b) make the assessment for the purpose of the Commissioner's report under section 44 of the Act.

Note This requirement is in addition to the Agency Head's duty under subsection 44 (3) of the Act to give the Commissioner whatever information the Commissioner requires to prepare the annual report required under section 44 of the Act.

3.6 Review of workplace diversity program

At least once every 4 years, an Agency Head must review the Agency's workplace diversity program to ensure that it continues:

- (a) to assist in giving effect to the APS Values; and
- (b) to achieve the outcomes mentioned in clause 3.3.

APPENDIX B – ASSESSMENT FRAMEWORK FOR WORKPLACE DIVERSITY PROGRAMS

Description	Planning	Implementation and Monitoring	Evaluation	Reporting
<p>MINIMUM</p> <p>Agency complies with minimum legal requirements of workplace diversity programs in the APS</p>	<p>Program is linked to other corporate, business and human resource plans.</p> <p>Program has a maximum 4 years life, with review process within that period.</p>	<p>Program has measures to prevent all forms of discrimination and anti-discrimination laws are complied with.</p> <p>Program has measures to assist employees to balance work, family and other caring responsibilities.</p> <p>Program has measures to eliminate employment-related disadvantage on basis of gender, race or ethnicity, disability, or being an Indigenous Australian.</p> <p>Program has measures that seek to value, recognise and utilise the diversity of staff.</p> <p>Recruitment policies are fair, equitable, procedurally fair and generally open to eligible members of the community.</p>	<p>Performance indicators for measures have been established.</p> <p>Evaluation of effectiveness and outcomes of Program is undertaken annually.</p> <p>A review of the Program is undertaken at least once every four years.</p>	<p>11. Report on effectiveness and outcomes of Program is made annually.</p> <p>Information is supplied to the PSMPC, as requested.</p> <p>Copy of current Program is provided to the Public Service Commissioner.</p>

Note: If an agency has met all these criteria, it has fulfilled its minimum legal obligations for workplace diversity programs in the APS.

Level Description	Planning	Implementation and Monitoring	Evaluation	Reporting
<p>HIGH COMMITMENT</p> <p>As well as meeting legal requirements, the agency has demonstrated a strong commitment to achieving diversity outcomes, tailored to and integrated with the business of the agency.</p>	<p>Diversity measures are integrated with existing accountability processes eg. performance management.</p> <p>Performance indicators are based on information gathered during the planning phase.</p> <p>Diversity program is revised in response to annual evaluation and results of monitoring.</p> <p>Senior executives demonstrate their commitment to the program.</p>	<p>Program is communicated to staff who are encouraged to discuss and respond.</p> <p>Resources to support implementation are provided throughout the agency.</p> <p>Mechanisms are in place to ensure regular monitoring.</p> <p>Implementation of the program is adjusted to account for the outcomes of monitoring.</p> <p>A range of measures to recruit and support staff in equity groups are implemented.</p>	<p>A range of data is regularly collected, including reliable information on staff profile.</p> <p>Information is compared with other agencies and similar sectors.</p> <p>Information on the current position is compared to data gathered at the beginning of the program.</p> <p>Progress towards diversity outcomes is shown by data.</p>	<p>Reporting highlights improvements and challenges.</p> <p>Monitoring and evaluation results are used in reporting.</p> <p>Comprehensive reporting is provided in the agency's annual report.</p>

These criteria are examples of best practice in workplace diversity programs in the APS.

APPENDIX C – IDEAS FOR WORKPLACE DIVERSITY STRATEGIES

INTEGRATING WORKPLACE DIVERSITY WITH AGENCY GOALS AND BUSINESS

Examples of practical actions

- Reflect agency workplace diversity objectives in workplace agreements and certified agreements.
- Integrate workplace diversity principles into human resources policies and practices.
- Include behaviours that promote workplace diversity in work level standards, and performance assessments and agreements.
- Include implementation of workplace diversity objectives in the corporate plan, business plan and client service charters.
- Regularly review performance in senior management committees.

AWARENESS RAISING

- Hold seminars or forums on particular topics.
- Use the intranet to share information.
- Publicise workplace diversity related achievements.
- Include the agency's commitment to diversity in induction training.

ATTRACTING AND DEVELOPING PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

- Provide access to training and development opportunities.
- Establish mentoring and 'buddy' programs.
- Introduce programs to help improve English skills, both written and verbal.
- Provide a quiet room for prayer and devotion.
- Recognise religious festivities in any certified agreement.
- Establish a database of language and cultural skills, available for projects or services that need specialised skills.

ATTRACTING AND DEVELOPING PEOPLE WITH A DISABILITY

- Ensure information about employment opportunities is available in accessible formats.
- Provide a single point of contact for people with a disability providing support with induction and special equipment.

- Provide support for a network of people with disabilities in the workplace to encourage informal mentoring and support.
- Provide flexible work options in the agency's certified agreement and AWAs including home-based work, job sharing, variable leave without pay and telecommuting.
- Consult staff with a disability about changes to security arrangements, accommodation and technology.

ATTRACTING AND DEVELOPING INDIGENOUS AUSTRALIANS

- Use the National Indigenous Cadetship Project or other special employment programs to recruit Indigenous employees.
- Provide support for a network of Indigenous employees.
- Use Indigenous media and community networks to promote the work of the agency and advertise job vacancies.
- Provide development and mobility programs for Indigenous employees.

PROVIDING A DISCRIMINATION-FREE WORKPLACE

- Coordinate the workplace diversity program with anti-harassment strategies.
- Nominate a senior executive in charge of diversity.
- Provide access to a free, confidential Employee Assistance Program.
- Review recruitment and selection processes to ensure that current and potential employees are not discriminated against.

FLEXIBLE WORKING ARRANGEMENTS

- Provide for a range of flexible working arrangements in the agency's certified agreement and AWAs.
- Challenge the culture of long working hours, by making better use of time, for example through policies limiting the length of meetings and briefings.
- Hold a forum to discuss ways to overcome resistance to flexible work arrangements.
- Expand the ways in which training and development opportunities can be accessed.

MANAGING AND EVALUATING DIVERSITY OUTCOMES

- Conduct exit interviews.
- Use staff surveys or a diversity audit to identify areas of weakness.
- Gather information on demographics in the agency:
 - numbers and patterns of representation of EEO groups by levels;
 - degree of dispersal and clustering of groups across work units and occupational level;
 - casual and part-time participation rates;

- recruitment, promotion, retention and separation rates for equity groups;
- rate of promotion compared to rate of application for EEO groups
- absenteeism;
- returns from maternity leave or leave without pay for family reasons; and
- training patterns.
- Conduct regular attitudinal surveys and analyse the results from a range of perspectives eg satisfaction of employees at different levels or in different locations.
- Conduct focus groups led by an experienced facilitator to provide depth in analysis.
- Establish a committee of senior managers to provide guidance on evaluation of the program.

INCREASING NUMBER OF STAFF PROVIDING VOLUNTARY EQUITY DATA

- Use screen savers to advertise why statistics are collected.
- Inform staff that they can update their own record.
- Include equity details sheet in induction packs.
- Prompt employees to update their data through regular articles or features in employee newsletters.
- Seek assistance from managers to encourage staff to volunteer their data
- When conducting employee surveys, include equity data in the questionnaire.

PERFORMANCE MANAGEMENT

- Ensure criteria for assessment in management positions include the ability to integrate workplace diversity principles into everyday management practices.
- Ensure criteria for all job descriptions include a demonstrated commitment to workplace diversity.

LEADERSHIP DEVELOPMENT

- Encourage members of EEO groups to undertake leadership development training.
- Encourage members of EEO groups to take advantage of development opportunities including job rotation.
- Encourage members of EEO groups to participate in working parties, committees and project teams.

APPENDIX D – RESOURCE LIST

BOOKS

Antonios, Z 1996, 'Capitalising on Diversity', in *Canberra Bulletin of Public Administration*, No. 82, December.

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Sinclair, A 1998, *Doing Leadership Differently: Gender Power and Sexuality in a Changing Business Culture*.

Napoli, J 1998, *Understanding Equal Employment Opportunity: A Guide for the Workplace*, Prentice Hall, Australia

Thomas, R Roosevelt Jr 1991, *Beyond Race and Gender: Unleashing the Power of Your Total Work Force by Managing Diversity*, AMACOM, New York.

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Wheeler, Michael L 1996, *Corporate Practices in Diversity Management: a Research Report*, Report No. 1164-96-RR, Conference Board, Ottawa.

AUSTRALIAN GOVERNMENT PUBLICATIONS

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Office of the Public Service Commissioner Victoria 1997, *Good Ideas for Managing Diversity*, Office of the Public Service, Melbourne.

Public Service and Merit Protection Commission 1999, *Implementing change 3: APS Workplace Diversity Awards 1998*, Canberra.

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Public Service and Merit Protection Commission 1999, *Workplace Diversity Report 1998–99*, Canberra.

INTERNET RESOURCES

Please note that websites are current at the time of publication.

Public Service and Merit Protection Commission

Information about workplace diversity policies for Commonwealth Government agencies staffed under the *Public Service Act 1999*.

www.psmpc.gov.au

Department of Workplace Relations and Small Business

Information about family-friendly work practices.

www.dewrsb.gov.au/workplaceRelations/workAndFamily/default.asp

Information about Indigenous employment in the Australian Public Service.

www.jobsearch.gov.au/indigenous/

Human Resources and Equal Opportunity Commission

Information on Commonwealth anti-discrimination provisions, and links to state EEO Commission sites.

www.hreoc.gov.au

Equal Opportunity for Women in the Workplace Agency

Information on equal opportunity as it relates to women and practical examples of strategies that have made a difference to women in the workplace.

www.eeo.gov.au

[Australian Bureau of Statistics](#)

Information on statistics about the diversity of the Australian community.

www.abs.gov.au

[US Equal Employment Commission](#)

The mission of the EEOC is to promote equal opportunity in employment through administrative and judicial enforcement of federal civil rights laws and through education and technical assistance.

www.eeoc.gov

[The Canadian Employment Equity Positive Measures Program](#)

EEPMP is a Treasury Board employment equity program that provides additional support including tools, service and funding to assist departments and agencies in meeting their employment equity goals and objectives.

www.psc-cfp.gc.ca/eeppm-pmpee/internet_home.htm

[The Gateway to Diversity \(Government of Ontario\)](#)

This is a website featuring discussion and resources on workplace equal opportunity. It is a component of the Government of Ontario's equal opportunity plan.

www.equalopportunity.on.ca

[‘What Works’ \(The UK Cabinet Office\)](#)

This site is a tool for sharing best practice for the civil and wider public service. It includes details of current work in many Government departments and agencies.

www.cabinet-office.gov.uk/civilservice/1999/what_works/index.htm

[The Australian Human Resources Institute](#)

This site has a range of articles about HR issues including diversity.

www.ahri.com.au

[The Council for Equal Opportunity in Employment Limited](#)

This is an Australian diversity organisation that focuses on creating workplaces where differences are respected and valued and there is no discrimination or harassment.

www.ceoe.com.au

[Public Service Education and Training Australia Inc](#)

The main objective of PSETA is to be the national voice of the public service industry on vocational education, training and development. There is a government member from each jurisdiction as well as from the Australian Council of Trade Unions, the Community and Public Sector Union and the State Public Services Federation.

www.pseta.com.au

Equal Employment Opportunities Trust

The EEO Trust aims to help New Zealand employers adapt to and embrace the diversity of the workforce through the use of EEO principles and best practice. The trust provides information and a number of services to employers.

www.eeotrust.org.nz

Diversity Inc

This is a US commercial site that specialises in diversity news and also has a diversity resource guide.

www.DiversityInc.com