

Cultural Capability Guide

Shaping an inclusive employee experience for
Aboriginal and Torres Strait Islander people



Cultural Capability Guide

Shaping an inclusive employee experience for Aboriginal and Torres Strait Islander people: A guide to strengthen cultural capability in the NSW public sector

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Title of Artwork: Growth, Support & Success

The Artwork tells the story of the individual journey of growth in the employment sector through consistent support, opportunities for training and experience within your chosen field of speciality and connection to community. This overall will help provide ample platforms to excel throughout one's career paths. Access to employment provides financial stability and empowerment for oneself, thus reinforcing self-determination with the Aboriginal and Torres Strait Islander community and creating a positive ripple effect in the community by enabling community capacity building and a self-generating cycle of training and growth through connection to multiple employment pathways and training programs.

Nikita Ridgeway

“Sharing Aboriginal and Torres Strait Islander culture as spoken by my ancestors through our dreaming”

Bundjalung/Biripi Artist Nikita Ridgeway believes that Aboriginal and Torres Strait Islander art is about sharing ancestral stories of Aboriginal and Torres Strait Islander people and their continuing connection to country and dreaming. Through her Sydney based creative design agency “Boss Lady Design and Communications” (BLDAC), Nikita creates digital artwork designs that relay stories of Aboriginal and Torres Strait Islander people's connection to country, each other, their history, and the future.

“Aboriginal and Torres Strait Islander culture and artwork is beautiful and collaborative. Through my ancestors, I understand that telling stories through my art and creating cultural awareness helps build a strong united country in understanding, which leads to strong people and strong communities. Let us work together to care for our beautiful country and people.”

Boasting 12 years' experience working within the design sector across Australia, BLDAC specialises in brand development, creative design conceptualization, communications, events, and digital marketing projects.

For more information on BLDAC please go to Facebook, Instagram or LinkedIn or website: www.bldac.com.au

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Acknowledgement of Country

The NSW Public Service Commission acknowledges and recognises Aboriginal people as the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal and Torres Strait Islander people and their ongoing cultures and connections to the lands and waters of NSW. We pay our respects to Elders past, present, and emerging. We also acknowledge our Aboriginal and Torres Strait Islander colleagues at work.

Acknowledgement of lived experience

We would like to express our sincere gratitude and acknowledge Aboriginal and Torres Strait Islander employees and Coalition of Aboriginal and Torres Strait Islander Peak Organisations for sharing their lived experiences and insights with us to inform and contribute to this guide. The voices of people with lived experience have been key in developing this guide.

Jumbunna

We acknowledge the University of Technology Sydney Jumbunna Institute for their assistance in the early development of this guide, including by conducting focus group sessions with Aboriginal and Torres Strait Islander employees and Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

WIRIYN Communications & Media

We acknowledge WIRIYN Communications & Media for producing videos and images of participants, including Aboriginal and Torres Strait employees in the NSW public sector.

We advise this resource may contain images or names of deceased persons in audio recordings or historical content.

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Cultural capability: The key to unlocking inclusive employee experience for Aboriginal and Torres Strait Islander people

As the largest employer in Australia, the NSW public sector is responsible for offering employment opportunities that help meet the National Closing the Gap Target 8: Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities.

The NSW public sector has long been committed to increasing its Aboriginal and Torres Strait Islander workforce and the number of Aboriginal and Torres Strait Islander senior leaders. The sector has made strong progress, reflecting our commitment to expanding opportunities for employment and career progression. For instance:

2022

3.8%

of the public sector workforce **identified as Aboriginal and Torres Strait Islander** – an increase from the 2014 baseline of 2.9%.

2022

154

Aboriginal and Torres Strait Islander senior leaders – an increase from 130 in 2021.

However, there are opportunities to further improve Aboriginal and Torres Strait Islander participation in the NSW public sector workforce. Workforce data highlights a concentration of Aboriginal and Torres Strait Islander employees at the lower grades. More needs to be done to attract and recruit across mid-level grades and to build a talent pipeline to sustain progress at the senior executive level.

Attraction, recruitment and retention of Aboriginal and Torres Strait Islander employees requires cultural capability. We have opportunities to improve every aspect of the Aboriginal and Torres Strait Islander employee experience, including addressing negative workplace behaviours such as racism and discrimination. These issues need to be addressed if we are to achieve a culturally safe NSW public sector that reflects the communities we serve and where Aboriginal and Torres Strait Islander employees feel supported, respected, valued, and empowered to pursue their career aspirations.



Purpose

The Cultural Capability Guide (the guide) is a key initiative of the [Aboriginal Employment Strategy \(AES\) 2019-25](#) refreshed in 2022 and Closing the Gap [Priority Reform 3: Transforming government organisations](#) to enhance the cultural safety of recruitment processes and improve cultural capability training and standards in government. This resource empowers agencies to nurture Aboriginal and Torres Strait Islander talent in a culturally safe and appropriate manner.

All employees in the NSW public sector have a responsibility to contribute to creating inclusive and respectful workplaces. The guide aims to expand your knowledge about cultural capability and inclusivity across the employee lifecycle stages for Aboriginal and Torres Strait Islander employees. The guide practical guidance, insights and resources to support you in shaping an inclusive employee experience for Aboriginal and Torres Strait Islander people at all stages of the employee life cycle.

The guide provides foundational information, and we encourage further action to build cultural capability and inclusion.

How to use this guide

The content in this guide is designed to build the cultural capability and inclusivity of managers and staff and the cultural safety of public sector workplaces for Aboriginal and Torres Strait Islander employees.

The guide will support you to shape an inclusive employee experience for Aboriginal and Torres Strait Islander people, from recruitment through to onboarding and employee experience within your agency. The guide considers cultural capability and inclusivity across all aspects of the employee lifecycle.

You will understand the enablers that attract Aboriginal and Torres Strait Islander people to work in the public sector and the unique value that Aboriginal and Torres Strait Islander people bring to the sector. You will learn about the barriers and lived experience of Aboriginal and Torres Strait Islander people and be better equipped to engage authentically and empathically.

The guide includes stories and celebrates the valuable knowledge, skills, and experience of Aboriginal and Torres Strait Islander employees in the sector.

Some agencies have designated Aboriginal and Torres Strait Islander employment specialists or teams that can assist and provide support across the Aboriginal and Torres Strait Islander employee lifecycle that is bespoke to your agency. Reach out to your People and Culture team to find out more.

How this guide was informed

The Public Service Commission (PSC) engaged the Jumbunna Institute for Indigenous Education and Research to host focus group sessions with Aboriginal and Torres Strait Islander employees across the public sector and NSW Coalition of Aboriginal Peak Organisations members, and to undertake other early work to develop this guide. These sessions were instrumental in highlighting lived experiences and identifying opportunities to improve cultural capability and inclusivity.



Several themes emerged from these consultations:

Racism experienced by Aboriginal and Torres Strait Islander employees:

Instances of racism, including cultural slurs, were shared. Notably, one agency has developed a racism taskforce to address these concerns.

Different levels of cultural capability across the sector:

There is a spectrum of cultural capability across agencies. Some agencies have a significant maturity, while others are at a foundational level of cultural capability awareness.

Strong leadership:

Some examples of visible leadership on Aboriginal and Torres Strait Islander inclusion were applauded and provide a solid foundation for further success.

Need to promote and share success:

More work is needed to showcase success and good practice across the sector.

The guide is also supported by research, practice, and policies developed by the PSC.

Guiding principles

We encourage you to adopt the following principles, aligned with the AES 2019-2025:

Inclusion

- Create an inclusive workplace, free from racism, where all Aboriginal and Torres Strait Islander employees are treated with respect

Knowledge sharing

- Establish platforms for agencies and Aboriginal and Torres Strait Islander employees to share their knowledge and learnings
- Larger agencies to work with and support smaller agencies as they build their own cultural capabilities

Value

- Value the perspectives and lived experiences Aboriginal and Torres Strait Islander employees bring to the NSW public sector

Self-determination

- Ensure Aboriginal and Torres Strait Islander voices inform decisions about Aboriginal and Torres Strait Islander employees

Yarning

- Create spaces for reciprocal dialogue between Aboriginal and Torres Strait Islander employees, stakeholders, and your agency

Cultural safety

- Create an environment where everyone is open-minded and flexible in attitudes towards people from cultures other than their own, and understand that their own values or practices are not always or only the best way to solve workplace problems.

Understanding the value Aboriginal people bring to the public sector

Aboriginal and Torres Strait Islander people draw on cultural strengths and offer a wealth of life experiences, knowledge, and skills. We value their significant contributions across the sector, including through:

Enriching diversity of thought and leadership

by sharing unique views and insights, Aboriginal and Torres Strait Islander people contribute to more diverse and inclusive organisations and leadership

Innovation

Aboriginal and Torres Strait Islander perspectives increase the diversity of our organisations, building our capacity to be creative and innovate

Improving service delivery

Aboriginal and Torres Strait Islander employees contribute to a workforce that reflects the communities we serve and help us better understand Aboriginal and Torres Strait Islander community needs.



Understanding Aboriginal and Torres Strait Islander Culture

Recognising kinship and family relationships

The kinship system for Aboriginal and Torres Strait Islander people are significantly different to how most non-Aboriginal people view their families and relationships to each other.

Aboriginal and Torres Strait Islander kinship is more than a social hierarchy. It goes back to belonging and connection to the land. Connection to country defines identity and brings families together. Under this system a person can have many mothers, fathers, aunties, uncles, brothers, and sisters who are not related by blood or regional language group.

The complexity of kinship is more than just titles. It can influence social protocols, how people care for children, manage business, and even share wealth. It also explains how there might be many mothers, fathers, aunties, uncles, brothers, and sisters gathered all together under the one roof in Aboriginal and Torres Strait Islander family.

The notion of family in Aboriginal and Torres Strait Islander culture is closely tied to themes of connectedness and kinship. Family and kinship bind Aboriginal and Torres Strait Islander people together. Kinship determines responsibilities towards others, but also how one relates to others through marriage, ceremony, funeral roles, and behaviour patterns. People who hold a position in the kinship system have a responsibility to adhere to kinship principles through their actions.



Get to know your Aboriginal and Torres Strait Islander team member and follow their lead

Focus groups conducted by Jumbunna Institute highlighted that identity is a personal journey, and Aboriginal and Torres Strait Islander employees may identify in various ways. It is important that you get to know your Aboriginal and Torres Strait Islander team member and follow the person's lead on language preferences related to identity.

The impacts of the Stolen Generations, historical government policies, and colonisation more generally, means that some people may not know their family, community, and identity. For some Aboriginal and Torres Strait Islander people, connecting with a nation, or a language group is an ongoing journey.

It is important not to make generalisations about Aboriginal and Torres Strait Islander people or ask insensitive questions. Examples of offensive and insensitive commentary include:

- generalisations about the appearance of Aboriginal and Torres Strait Islander people
- comments regarding the percentage, 'part' or 'how much' of a person's identity or heritage is Aboriginal and Torres Strait Islander
- the use of the acronym 'ATSI' or word 'Aborigine/s', the latter of which is derived from colonisation and has a racist connotation.
- using terms such as "walkabout".

There are many Aboriginal English words and phrases. If they are not part of your regular vocabulary, it is best to avoid using them, rather than risk coming across as inauthentic or awkward.

Providing a safe workplace that is inclusive, creates a feeling of belonging, and where everyone listens to and learns from Aboriginal and Torres Strait Islander employees is key.

It is important to know and understand what cultural safety means to Aboriginal and Torres Strait Islander people and to be aware of how language and behaviour may be interpreted and perceived.

Cultural capability in the NSW public sector

Cultural capability as a broad term that encompasses cultural awareness, cultural safety, and cultural competence.

The PSC is committed to raising awareness of the importance of cultural capability. This work forms part of the Public Service Commissioner's function of promoting and maintaining the government sector core values of service, trust, integrity and accountability. The *Government Sector Employment Act 2013* sets out guiding principles for the implementation of the core values. These include:

Consider people equally without prejudice or favour

Act professionally with honesty

Consistency and impartiality

Appreciate difference and welcome learning from others

Build relationships based on mutual respect

Recruit and promote employees on merit

Cultural awareness

Cultural awareness means being aware of, and developing sensitivity to, cultural difference and cultural diversity. It involves knowledge, attitudes and values that demonstrate an openness and respect for other people and other cultures, languages, religions, dress, communication styles and more.

Cultural safety

In a culturally safe workplace all employees feel comfortable, supported, and respected. Employees feel they can contribute to discussions, feel safe at work and are more productive.

Cultural safety was defined in consultations as 'a place where I can bring my whole self' or 'where I feel safe with no judgement'.

Cultural competency

Cultural competency is a set of behaviours, attitudes and policies that come together to allow people to work effectively in cross-cultural situations. It is best understood as something people move towards along a continuum rather than a point in time achievement.

Everyone's Business

In collaboration with Aboriginal and Torres Strait Islander employees and organisations, the PSC has developed Everyone's Business, which is a set of cultural capability training programs and resources for NSW public sector employees. The programs provide learnings and best practice on how to support and build culturally safe workplaces across NSW. The programs help employees understand past policies and practices that continue to affect Aboriginal and Torres Strait Islander people today.

The programs and resources include:

- a calendar of Aboriginal significant events and celebrations
- guidance on delivering an Acknowledgement of Country
- cultural awareness journey eLearning
- eLearning about the Stolen Generations.

Some agencies have their own cultural training programs. Contact your agency People and Culture or Learning and Development team for further information. Contact the [PSC Workforce Inclusion and Experience](#) branch for information about *Everyone's Business*.



Tips for improving cultural capability and safety:

Reflect on your role and responsibility to support and develop Aboriginal and Torres Strait Islander talent and contribute to Aboriginal and Torres Strait Islander employment targets

Reflect on the guiding principles and how you can embed them in your teams

Recognise and understand the ongoing impact of historical, cultural, and social legacies on Aboriginal and Torres Strait Islander people and take steps to broaden your understanding of Aboriginal and Torres Strait Islander cultures and peoples

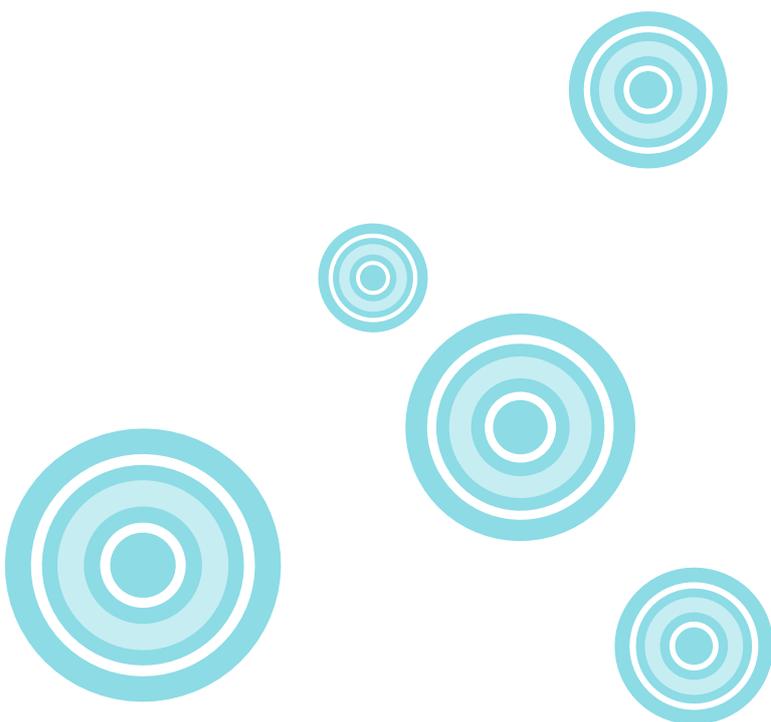
Recognise kinship and family relationships and that Aboriginal and Torres Strait Islander employees may need to navigate a range of moral, cultural, political, and personal dilemmas using their own values and expectations

Get to know your Aboriginal and Torres Strait Islander employees and follow the person's lead on language preferences related to identity

Get to know your Aboriginal and Torres Strait Islander local community, for example, by attending significant events such as National Aborigines' and Islanders' Day Observance Committee (NAIDOC) events

Get to know your Aboriginal and Torres Strait Islander local community, for example, by attending significant events such as National Aborigines' and Islanders' Day Observance Committee (NAIDOC) events

Participate in cultural awareness training and build and strengthen cultural capability in your team and workplace.





Resources

[Closing the Gap](#)

[People Matter Employee Survey](#)

[Everyone's Business](#) cultural capability training and resources

Diversity Council Australia: [Gari Yala: Speak the truth](#) report

[NSW Workforce Profile reports](#)

Amnesty International: [Why saying 'Aborigine' isn't OK: 8 facts about Indigenous people in Australia](#)

The West Australian article: ['Abo' is not just an abbreviation of 'Aboriginal'](#)

[Victorian Public Sector Commission's Cultural Capability Toolkit](#)

Department of Customer Service, (2022), *A Leader's Guide: Working with Aboriginal Team Members - Recognising kinship and family relationships*



Attracting Aboriginal and Torres Strait Islander job seekers

All government agencies need to build trust with Aboriginal and Torres Strait Islander people to become an employer of choice for Aboriginal and Torres Strait Islander candidates.

Recognising the history of Aboriginal and Torres Strait Islander people and government services is critical. Colonisation and past policies and practices have systematically disadvantaged Aboriginal and Torres Strait Islander people, with enduring social and economic impacts. Government agencies have implemented these policies and are often seen in a negative light by Aboriginal communities.

The attraction of talented Aboriginal and Torres Strait Islander people supports the development of a strong, sustainable Aboriginal workforce across all levels and agencies.

Applying for a role

For prospective candidates who have never worked in government, applying for a role in government might be a daunting process. It is important to share information with prospective candidates about:

- how to apply for a job, including how to prepare an application
- the recruitment process
- how their skills relate to the NSW Public Sector [Capability Framework](#)
- where to ask for extra support.

Update role descriptions to remove unintended barriers

- Think 'inclusion' in job design by reviewing the job requirements to remove unnecessary or unintended barriers.
- Consider the essential requirements in the role description – are they necessary to deliver the required outcomes? For example, some requirements such as a current driver's licence may not be essential to carrying out the role and could exclude Aboriginal and Torres Strait Islander people from applying.
- Consider whether the role requires qualifications or whether the training or skills be obtained on the job. While more Aboriginal and Torres Strait Islander people are participating in education and training, there is a gap in educational attainment between Aboriginal and Torres Strait Islander people and non- Aboriginal and Torres Strait Islander people at the diploma level or higher.
- For identified roles, include information that the role will provide services to Aboriginal and Torres Strait Islander people for the purpose of promoting their welfare where those services can most effectively be provided by an Aboriginal or Torres Strait Islander person.

Aboriginal identified and targeted roles

An **identified role** is one in which Aboriginality is a genuine occupational qualification and to which only Aboriginal people may apply. Typically, these roles work directly with Aboriginal and Torres Strait Islander people and are involved in developing and/or providing services and programs which have an impact on and promote the welfare of the Aboriginal community.

A **targeted role** is a 'non-identified' or 'mainstream' role that can be filled using advertising and recruitment strategies that maximise applications from Aboriginal and Torres Strait Islander people. A person who does not identify as an Aboriginal or Torres Strait Islander may apply for, and is eligible to be offered, a targeted role.



Legal requirements for identified or targeted roles

Identified or targeted roles are affirmative measures designed to provide Aboriginal and Torres Strait Islander people with greater access to employment, thereby addressing the longstanding disadvantage.

When designing identified or targeted roles, agencies should consider the requirements of the *Anti-Discrimination Act 1977 (NSW)* and *Racial Discrimination Act 1975 (Commonwealth)* and the measures available under those Acts to facilitate the employment of Aboriginal and Torres Strait Islander people. Agencies should also consider the measures available under Part 5 of the *Government Sector Employment (General) Rules 2014 (GSE Rules)*.

Under the *Anti-Discrimination Act*, it is unlawful for an employer to discriminate against a person on the ground of race in specific circumstances. These include determining who should be offered employment, the terms or conditions of employment, denying or limiting access to opportunities for promotion, transfer or training or other benefits, or by dismissing an employee (s.8). Treating a person less favourably on the ground of their race compared with others of a different race in the same circumstances constitutes discrimination (s.7).

Similarly, under the *Racial Discrimination Act*, it is unlawful for an employer to discriminate against a person on the basis of their race, colour, or national or ethnic origin in specific circumstances. These relate to determining who is employed, the terms of employment, conditions of work and opportunities for training and promotion (s.15). The *Racial Discrimination Act* operates concurrently with the *Anti-Discrimination Act* in relation to NSW government sector agencies.

Exceptions under the *Anti-Discrimination Act*

Section 14 of the *Anti-Discrimination Act* provides an exception to s.8 of that Act where a person's race is a genuine occupational qualification in certain circumstances. These include where the employment involves providing people 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 (s.14(d)).

Section 21 of the *Anti-Discrimination Act* allows anything done to provide people of a particular race access to facilities, services, or opportunities to meet their special needs or to promote equal or improved access for them to facilities, services, and opportunities.

Special measures under the *Racial Discrimination Act*

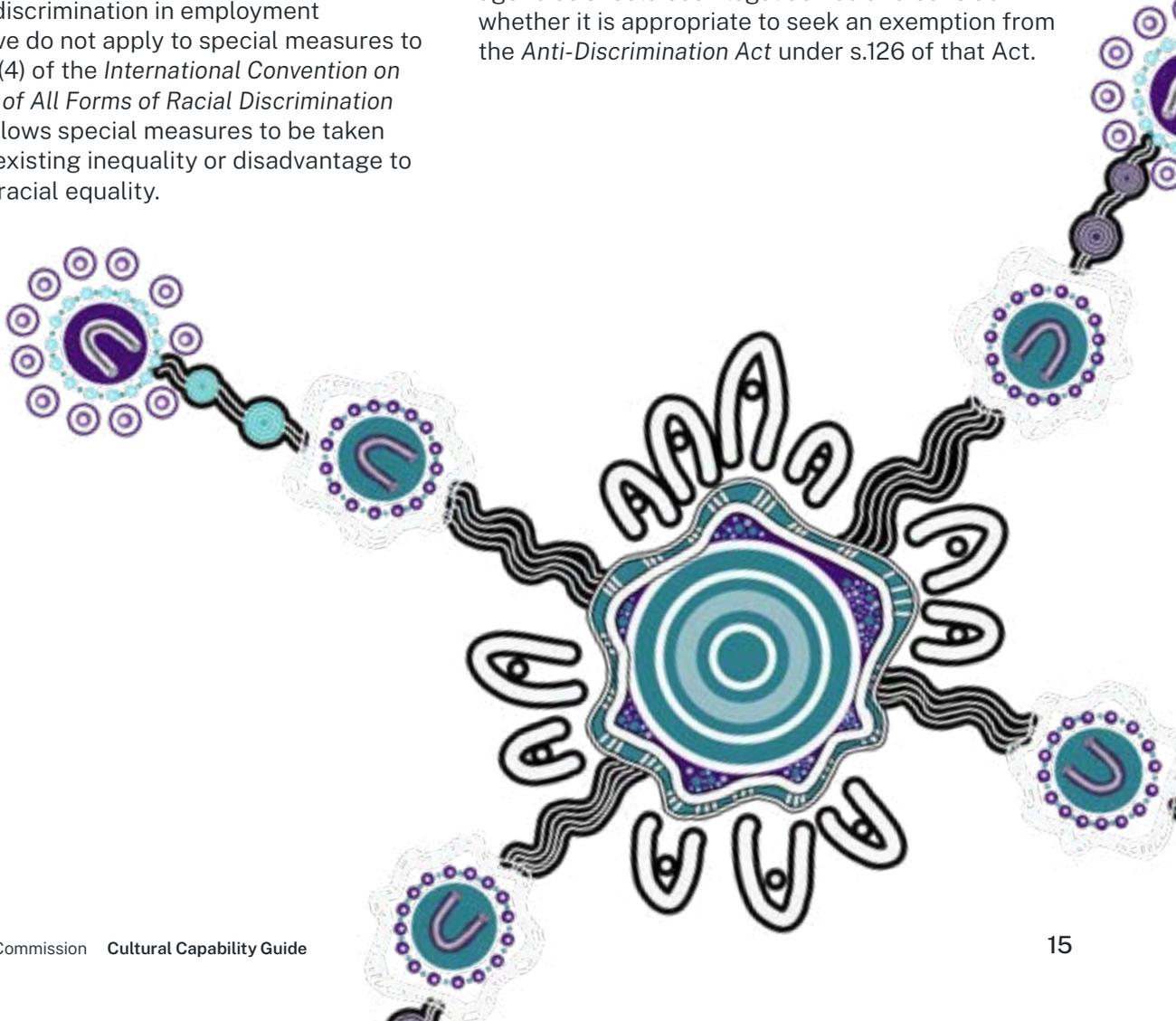
The prohibitions in the *Racial Discrimination Act* against racial discrimination in employment described above do not apply to special measures to which Article 1(4) of the *International Convention on the Elimination of All Forms of Racial Discrimination* applies. This allows special measures to be taken to address an existing inequality or disadvantage to foster greater racial equality.

Modifications under GSE Rules

Part 5 of the GSE Rules allows government sector agency heads to make certain modifications to recruitment and selection procedures to facilitate the employment of eligible persons (including Aboriginal Torres Strait Islander people). However, recruitment must comply with merit requirements and actions taken under Part 5 still need to comply with the *Anti-Discrimination Act* and *Racial Discrimination Act*.

Where agencies wish to create identified or targeted roles, they should clearly document in their recruitment planning records the reasons why the role is considered to fall within relevant discrimination legislation exemption(s), specifying the type of disadvantage it is seeking to address and statistical evidence on the nature of the disadvantage.

If it is unclear whether an identified or targeted role falls within a permissible exception or otherwise complies with anti-discrimination legislation, agencies should seek legal advice and consider whether it is appropriate to seek an exemption from the *Anti-Discrimination Act* under s.126 of that Act.





Tips for improving cultural capability and safety:

Ensure all job advertisements encourage Aboriginal and Torres Strait Islander people to apply

Use inclusive language and always use a capital 'A' for Aboriginal

Use Aboriginal and Torres Strait Islander artwork or promote your Aboriginal employee value proposition to enhance the profile of the NSW public sector as an employer of choice for Aboriginal and Torres Strait Islander people

Reference your agency's Reconciliation Action Plan, Aboriginal Employment Strategy or Aboriginal and Torres Strait Islander Employee Network or employee support

Advertise through Aboriginal and Torres Strait Islander media and communication channels, such as Koori Mail, and Aboriginal Torres Strait Islander radio networks

Engage the 'Koori grapevine' and Aboriginal and Torres Strait Islander employee networks by encouraging Aboriginal and Torres Strait Islander employees to share with their personal networks

Sponsor pre-employment information sessions or roadshows when recruiting larger cohorts, such as apprentices and trainees

Use Aboriginal and Torres Strait Islander recruitment organisations to tailor searches to Aboriginal and Torres Strait Islander job seekers.

Role design and recruitment

Different roles demand different levels of knowledge of, and connection to, Aboriginal and Torres Strait Islander culture. It is important that agencies consider the requirements of the role when confirming a position as identified or targeted. For example, agencies should consider whether the position requires the applicant to understand the issues affecting Aboriginal and Torres Strait Islander people, communicate sensitively and effectively with Aboriginal and Torres Strait Islander people, or have knowledge of local Aboriginal and Torres Strait Islander networks, committees and service providers or a high level of participation in their community.

Job advertisements and role descriptions should set out why the job is only available to Aboriginal or Torres Strait Islander people. Examples of wording to include in a job advertisement for an identified role include:

Genuine occupational measure

This employment opportunity is identified for Aboriginal or Torres Strait Island peoples. Being an Australian Aboriginal or Torres Strait Islander person is a genuine occupational qualification required to undertake this role under section 14(d) of the *Anti-Discrimination Act 1977* (NSW).

Equal opportunity measure

This employment opportunity is designed to promote equal or improved access of Aboriginal and Torres Strait Islander people to [outline facilities, services or opportunities] and is an equal opportunity measure under section 21 of the *Anti-Discrimination Act 1977* (NSW).

Agencies are also encouraged to apply an intersectional lens to recruitment to support the inclusion of other diversity dimensions that intersect with Aboriginality, for example, roles for Aboriginal women. Reach out to your agency Aboriginal and Torres Strait Islander Employment team or People and Culture team who can review, support, and provide guidance to develop job advertisements and role descriptions to attract the right applicants.

Designing inclusive job advertisements

Attracting the right candidates starts with job advertisements. It is easy to see job advertisements as a secondary and uninteresting component of the process. However, getting the job advertisement right is a key element of attracting quality candidates. Variations in job advertisements attract different types of candidates who go on to perform differently in the role.

Growing Aboriginal and Torres Strait employment in agencies

Agencies can enhance the attraction of Aboriginal and Torres Strait Islander people by promoting professional and personal support to build their individual career aspirations, flexible work opportunities, and connection to Aboriginal and Torres Strait Islander networks within the agency and across the sector.

Strategies to attract Aboriginal and Torres Strait Islander people to work in the sector include:

- having an Aboriginal Employment Strategy or Reconciliation Action Plan
- putting diversity and inclusion strategies in place for Aboriginal and Torres Strait Islander people
- having an Aboriginal and Torres Strait Islander Employee Network and Aboriginal and Torres Strait Islander employee support
- including Aboriginal and Torres Strait Islander employees or Aboriginal artwork in recruitment materials
- offering meaningful regional employment opportunities to enable Aboriginal and Torres Strait Islander employee to work from country
- flexibility in where and how they can perform their roles, such as rotational employment opportunities between metropolitan and regional areas
- roles that offer the ability to work towards better outcomes for their communities
- strong leadership by Aboriginal and Torres Strait Islander and non-Aboriginal people to drive a culturally safe culture across the agency.



Build community relationships

Community relationship building is an essential pathway for agencies to attract Aboriginal and Torres Strait Islander talent and build trust with local Aboriginal and Torres Strait Islander community members. This is particularly important in Aboriginal and Torres Strait Islander communities, where news and information, including job opportunities, are shared.

- By connecting with the local Aboriginal and Torres Strait Islander community, your agency will:
- be recognised for having a positive culture, being authentic and providing sustainable employment for Aboriginal and Torres Strait Islander people
- be known within the local community as a trusted organisation
- have information and job opportunities shared through the community by word of mouth
- have an enhanced knowledge of cultural awareness practices, helping you to refine your attraction and recruitment strategies
- understand the barriers to employment, which could include past experience of inappropriate cultural behaviours
- have the opportunity and capacity to increase Aboriginal and Torres Strait Islander networks in and outside the local community area.

Considerations

Does your agency have an Aboriginal Employment Strategy, Reconciliation Action Plan or diversity and inclusion strategies to attract, recruit and retain Aboriginal and Torres Strait Islander employees?

Does your agency have an Aboriginal Employee Network or employee support?

Does your recruitment material attract and encourage Aboriginal and Torres Strait Islander people to apply?

Do you target roles in various locations, including regional areas?

Do you engage and consult with community stakeholder groups to improve attraction strategies?

Do you host open days and forums in regional and metropolitan centres for the community to learn about your agency or employment opportunities?



Resources

[Aboriginal Employment Strategy 2019-2025](#)

[I work for NSW](#)

NSW Public Sector [Capability Framework](#)

[NSW Workforce Profile Report](#)



Recruitment

All NSW Government agencies have a responsibility to use culturally safe recruitment practices to attract and recruit Aboriginal and Torres Strait Islander people. When recruiting, you should follow applicable GSE Act and GSE Rules and your agency's usual recruitment processes, with some additional steps to successfully recruit Aboriginal and Torres Strait Islander employees. The PSC's [recruitment and selection guide](#) provides best practice support on recruitment strategies.

Culturally inclusive recruitment

Culturally inclusive recruitment embraces cultural diversity and enables all candidates to demonstrate their capabilities. This helps employers identify the best person for the role and build a diverse workforce.

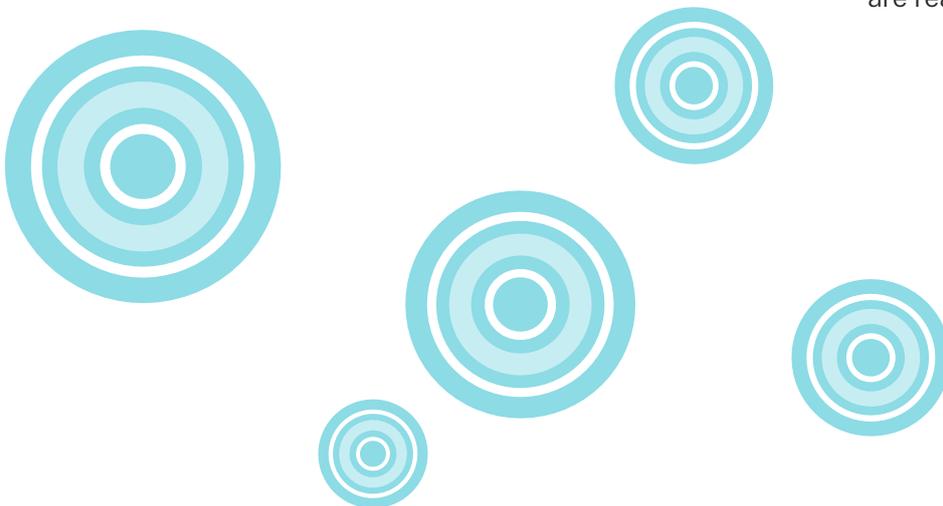
All aspects of recruitment should be inclusive, from marketing and assessment to communication and candidate care. When applied to Aboriginal and Torres Strait Islander recruitment, inclusive recruitment addresses their unique cultural and social considerations.

Importantly, inclusive recruitment does not mean accepting a lower standard. Rather, it eliminates barriers and ensures every applicant is assessed fairly on merit.

Career pathways

Potential recruitment pathways for Aboriginal and Torres Strait Islander people include:

- [NSW Government Aboriginal internship program](#) – a targeted program, in partnership with Career Trackers, which aims to provide early exposure to and understanding of working in the NSW Government sector
- traineeships and apprenticeships
- cadetships
- [NSW Government Graduate Program](#) – a structured employment and development program, designed to attract and retain talented graduates, and develop a cohort of future leaders.
- [NSW Public Service talent pools](#) – provides access to candidates who have undergone a rigorous comparative assessment process and are ready to be hired.



Creating legal career pathways for Aboriginal and Torres Strait Islander people

Enhancing education and employment is fundamental to closing the gap in health and life outcomes for Aboriginal and Torres Strait Islander people. A collaboration between Legal Aid NSW, TAFE NSW and Macquarie University is helping to achieve this through the Legal Career Pathways Program.

The program is the first of its kind in the NSW legal sector. It focuses on supporting the self-determination of Aboriginal and Torres Strait Islander peoples and communities through education and employment pathways to legal careers. All participants are guaranteed a job at Legal Aid NSW for the duration of their studies.

Over the 4-year agreement, the Legal Career Pathways Program will:

- employ 200 Aboriginal and Torres Strait Islander people at Legal Aid NSW
- support employees to complete a qualification(s) in legal services
- create cohorts of scholars employed by Legal Aid NSW who support each other's success in vocational education and career aspirations
- build an Aboriginal and Torres Strait Islander legal services workforce with the skills and capacity to deliver culturally appropriate services to clients and communities across NSW.

Wraparound support

Designed using a 7-step model of vocational education developed by the Djurali team (formerly Poche Centre), the program centres Aboriginal and Torres Strait Islander peoples' perspectives and cultures. It provides wraparound support (including a community of practice to support participant managers) and uses culturally safe practices, including recognising cultural and kinship obligations.

Since commencement, the program has facilitated employment for 32 participants in a variety of roles, including legal support, client services and grants administration. Educational qualifications continue to increase as all participants are enrolled in or undertaking legal studies.

With a substantial boost to Legal Aid NSW's Aboriginal and Torres Strait Islander workforce, from 6% to 8%, and increased workplace diversity that reflects its client base, Aboriginal and Torres Strait Islander employees are working across more locations in NSW to provide culturally appropriate services to communities.

The program is about taking real and meaningful action that supports TAFE NSW's Reconciliation Action Plan, Macquarie University's Reconciliation Statement and Legal Aid NSW's Closing the Gap commitments.



The selection and assessment process

All candidates should be treated fairly and equally during the assessment and selection process.

During the assessment and selection process, you should ensure Aboriginal and Torres Strait Islander applicants are not disadvantaged by cultural values, norms, and behaviours. Consider the following tips through the application, interview, and assessment stages of the recruitment process.

Application

- Ensure there are Aboriginal and Torres Strait Islander panel members for Aboriginal and Torres Strait Islander identified and targeted roles, and that other panel members have attended cultural awareness training.
- The Aboriginal panel member(s) should either:
 - be employed in the hiring agency or be a member of the local community
 - be involved in delivering services to Aboriginal communities.
- Listen to the advice of Aboriginal panel members, as they bring with them cultural knowledge and understanding.

Interview

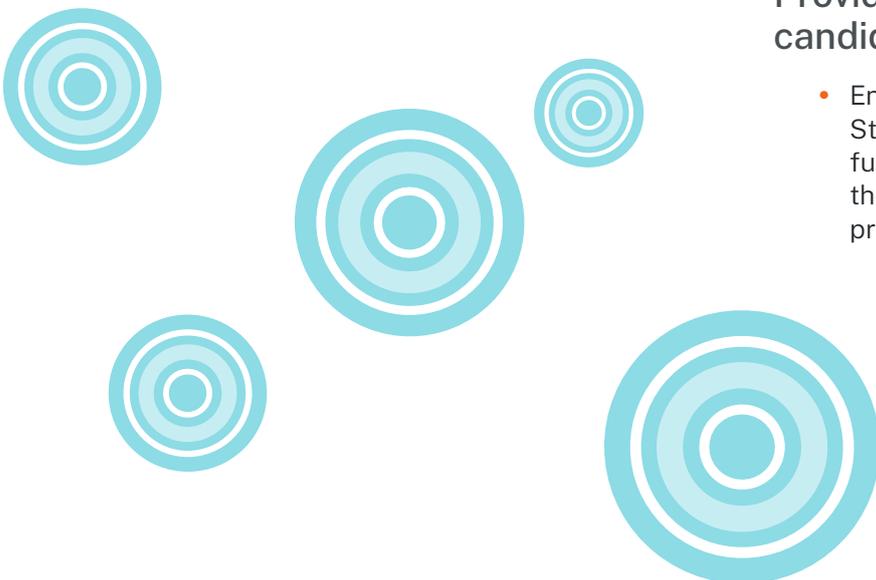
- Provide clear details about the interview process during the application stage or prior to interview.
- Ensure the interview space is culturally safe and is an environment where everyone is open-minded and flexible in attitudes towards people from cultures other than their own. For example, ensure office spaces reflect appreciation of, and respect for, Aboriginal and Torres Strait Islander cultures by displaying the Aboriginal and Torres Strait Islander flags or artwork.
- Deliver an Acknowledgment to Country before an interview commences. An Acknowledgement of Country at the beginning of an interview is a sign of respect to Aboriginal and Torres Strait Islander culture and people.
- Take into account that Aboriginal and Torres Strait Islander people have their own communication style, which may include longer silences than non-Aboriginal and Torres Strait Islander people are used to and that it may be impolite to make lots of eye contact.

Assessment methods

Ensure the chosen assessments are accessible for all candidates and are suitable for Aboriginal and Torres Strait Islander candidates. For example, psychometric or aptitude testing may create a barrier for Aboriginal and Torres Strait Islander people.

Providing feedback to unsuccessful candidates

- Encourage unsuccessful Aboriginal and Torres Strait Islander candidates to apply again in the future. Provide positive feedback on where they went well in the application and interview process and advice on areas to improve on.



Be culturally appropriate and sensitive when confirmation of Aboriginality is required

Some roles within the public sector may be reserved for Aboriginal and Torres Strait Islander people only (identified roles). For other roles, it is not essential to be Aboriginal or Torres Strait Islander, however, it is desired (targeted roles).

For roles for which being Aboriginal or Torres Strait Islander is essential or desired, the job advertisement and role description should reflect this. Confirmation of Aboriginal or Torres Strait Islander heritage is required for these roles.

Aboriginal and Torres Strait Islander identification is a complex and often contentious issue for Aboriginal and Torres Strait Islander people, Aboriginal and Torres Strait Islander communities and governments. For some, being asked how they identify can trigger painful emotions associated with traumatic experiences from both their past and present.

Confirming the Aboriginality of a candidate can sometimes be challenging for selection panels. The optimal outcome is not to create overly prescriptive or restrictive barriers to employment.

It is important to note that each agency will have its own process to confirm Aboriginality. The advertisement should make clear the process that will be used to confirm Aboriginality requirements.

Hiring managers should consider the history of Aboriginal and Torres Strait Islander people. The impact of past social and political developments and contemporary Aboriginal and Torres Strait Islander issues may prevent some applicants from being able to demonstrate their Aboriginality and/or cultural knowledge as easily as others.

Some agencies use the definition contained in the *Aboriginal Land Rights Act 1983*, which refers to a person who:

- a) is member of the Aboriginal race of Australia, and
- b) identifies as an Aboriginal person, and
- c) is accepted by the Aboriginal community as an Aboriginal person.

Agencies may consider asking a pre-screening question at the application stage to confirm if applicants have Confirmation of Aboriginality documentation.



During an interview for an identified or targeted role, the assessors must be satisfied the applicant has confirmed their Aboriginality either by providing documentary evidence or by assessment through the interview panel, or both. Physical appearance or where the applicant lives are not relevant factors in determining Aboriginality.

Examples of written documentation include:

- a document demonstrating membership of their Local Aboriginal Land Council
- a certificate or documentation confirming Aboriginality from a recognised Aboriginal organisation with a common seal
- references from at least two Aboriginal community representatives with a signed declaration in the following terms:
 - I am a person of Aboriginal descent.
 - I identify as an Aboriginal person
 - I am accepted by the Aboriginal community as an Aboriginal person
 - I declare that this information is true and correct at the time of submission
- a statutory declaration if the applicant has no other formal documentary evidence. However, the applicant may need to provide additional supporting documents if the evidence in the declaration is not strong enough.

If an applicant cannot provide any of the above written documentation, an agency can consider providing the applicant with an opportunity during the interview to confirm their Aboriginality.

The hiring manager should record how Aboriginality was confirmed.

It is important that the assessors for identified and targeted roles include an Aboriginal or Torres Strait Islander person to advise and inform decisions on confirmation of Aboriginality. At interview, the Aboriginal panel member(s) should ask about the applicant’s history, family, and community ties, and outline their own, if relevant. Reach out to your agency’s Aboriginal Employment team or to the PSC if you require support.

For applicants unable to confirm their Aboriginality to fulfill the requirements of the role, the assessors should look for ways to provide applicant care. For example, encourage applicants to participate in their local Aboriginal community and, where applicable, share available support services.

Considerations to prepare for culturally inclusive recruitment

Do your advertisements and role description encourage Aboriginal and Torres Strait Islander people to apply?

How you can ensure Aboriginal and Torres Strait Islander applicants are not disadvantaged in the assessment and selection process?

Do you know your agency policy on confirming Aboriginality?

Do you provide advice and clear reasons why Aboriginal and Torres Strait Islander candidates did not get the role?

Suggested interview questions to confirm Aboriginality

Can you briefly outline knowledge of your Aboriginal heritage, including where you come from and your community ties?

Aboriginality is an essential requirement for this role. Please outline, how your Aboriginal cultural background, together with your professional skills, knowledge and experience, will enable you to effectively provide other Aboriginal people with a service for the purpose of promoting their welfare?



Resources

I Work for NSW: [Information for Aboriginal graduates](#)

[Career Trackers](#)

NSW PSC: [Recruitment and selection guide](#)

NSW PSC: [Capability Application Tool](#)

Aboriginal Affairs NSW: [Aboriginal Identification in NSW: the way forward](#)

NSW Government [Aboriginal internship program](#)

Onboarding

Onboarding builds trust and sets the foundations for working relationships with Aboriginal and Torres Strait Islander employees. The induction process should be tailored to best suit Aboriginal and Torres Strait Islander employees. There are many elements that ensure a successful onboarding experience for Aboriginal and Torres Strait Islander employees. Most important is ensuring that the workplace is culturally safe, inclusive, and welcoming.

Inductions that make a difference

Initial workplace inductions are important for all employees and should be tailored for Aboriginal and Torres Strait Islander employees. Inductions provide an important opportunity for Aboriginal and Torres Strait Islander employees to be connected.

Key elements to include in your induction process for Aboriginal and Torres Strait Islander employees include:

- assigning an Aboriginal and Torres Strait Islander 'buddy' or an informal mentor on the first day of employment. If their buddy/mentor is not Aboriginal or Torres Strait Islander, connect the buddy/mentor with resources like this guide.
- linking new starters with their team and fellow Aboriginal and Torres Strait Islander employees and Aboriginal and Torres Strait Islander Employee Networks.
- giving new starters time to meet with other Aboriginal and Torres Strait Islander employees to build connection and create an environment where cultural connection is respected.
- sharing details of available Aboriginal and Torres Strait Islander support mechanisms, such as NAIDOC leave and anti-racism policies or procedures.

- sharing information they need to effectively perform their role, including organisational systems and human resources processes
- encouraging Aboriginal and Torres Strait Islander employees to introduce themselves, where comfortable. Do not introduce Aboriginal and Torres Strait Islander employees as 'the Aboriginal and Torres Strait Islander employee' or similar. Many people do not define their employment by their cultural background.

Cultural responsibilities

Aboriginal and Torres Strait Islander employees may have cultural responsibilities requiring their absence from work. Cultural responsibilities vary for each Aboriginal and Torres Strait Islander employee. Examples of cultural responsibilities include:

- attending significant community meetings or events.
- Sorry Business (bereavement and funerals). Attendance is an important tradition for many Aboriginal and Torres Strait people. It is an expectation and seen as an act of showing respect to community members and families.
- significant cultural events and celebrations such as NAIDOC, Sorry Day, and Reconciliation Week.

Agencies should use flexible approaches to help employees meet their cultural responsibilities, which in turn helps employees feel supported and valued.

NAIDOC Week

NAIDOC Week recognises and celebrates Aboriginal and Torres Strait Islander culture, and the contributions that Aboriginal and Torres Strait Islander people make to our country and society.

Aboriginal and Torres Strait Islander employees can access Special Leave to participate in NAIDOC events [Clause 84.9 of the [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#)].

The PSC issues annual [circulars and memos](#) that clarify arrangements to support the release of eligible employees on Special Leave. The circular is distributed across NSW Public Sector agencies to encourage Aboriginal and Torres Strait Islander employees to access Special Leave and non-Aboriginal employees who are members of Aboriginal and Torres Strait Islander families to access other forms of leave for NAIDOC events.

Considerations for onboarding Aboriginal employees

Connect with your People and Culture team and find out about available support for new Aboriginal and Torres Strait Islander employees

Plan the onboarding experience for your new Aboriginal and Torres Strait Islander employees



Resources

[NAIDOC](#)

Ensuring Aboriginal and Torres Strait Islander support mechanisms are shared

There are several internal and external support mechanisms available for Aboriginal and Torres Strait Islander employees.

Internal agency support

- Workplace employee assistance programs, including Aboriginal and Torres Strait Islander EAP services
- Aboriginal and Torres Strait Islander Employee Networks and support.

External support services

13YARN – crisis support.
P: 13 9276

Link Up – NSW Aboriginal referral and counselling service for Aboriginal people affected by past government policies.
P: 02 7227 1443
E: linkup@nsw.link-up.org.au

Healing Foundation – national support service supporting Aboriginal people and communities affected by trauma.
P: 02 6272 7500
E: info@healingfoundation.org.au

Gayaa Dhuwi (Proud Spirit) Australia – national Aboriginal and Torres Strait Islander wellbeing and mental health care support services.
E: info@gayaadhuwi.org.au

Beyond Blue – social and emotional well-being support resources for Aboriginal and Torres Strait Islanders.
P: 1300 22 4636

Career development and progression

Career barriers and enablers for Aboriginal and Torres Strait Islander employees

It is important to support the career development and aspirations of Aboriginal and Torres Strait Islander employees, so they can progress in their careers and meet their career goals.

Aboriginal and Torres Strait Islander employee representation across all levels is critical to the NSW public sector being an exemplar employer for Aboriginal people and truly reflective of the community it serves.

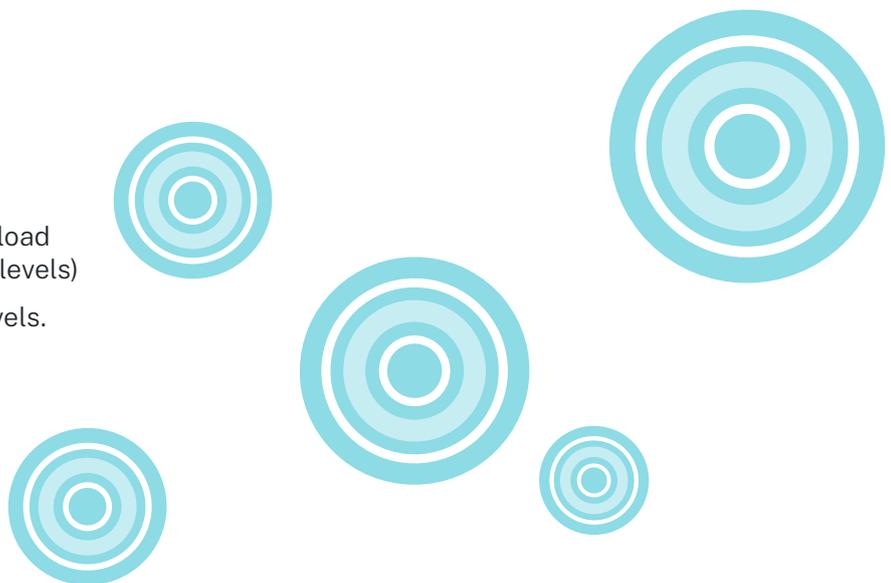
Research commissioned in 2019 by the Centre for Aboriginal Economic Policy Research, *Navigating to senior leadership in the Australian Public Service: Identifying employment barriers and enablers for Aboriginal and Torres Strait Islander peoples* outlines factors that impact on the progression of Aboriginal people to senior leadership roles. These include:

- clustering of Aboriginal senior leaders at lower senior executive bands, often in Aboriginal Identified roles
- limited opportunities in regions
- preconceptions and biases, prejudice, and pigeonholing
- poor management practice
- inadequate organisational commitment to diversity
- institutional biases
- engaging with two worlds and cultural load (especially difficult at senior executive levels)
- lack of networks at senior executive levels.

The report recommends the following key enablers for career progression of Aboriginal and Torres Strait Islander employees:

- increased accountability at the highest levels for improving progression
- employment targets at all levels and monitor progress
- mentoring, coaching, and sponsoring of Aboriginal and Torres Strait Islander employees
- develop a greater number of senior roles and career opportunities
- clear pathways and plainly communicate expectations for career progression
- strong 'value proposition' specific to Aboriginal and Torres Strait Islander employees
- utilise employee data and the employee surveys to monitor career progression.

Ensuring Aboriginal and Torres Strait Islander employees are valued and supported in their career journeys also means genuinely listening to what Aboriginal employees experience as barriers to advancement and what they believe is required to overcome them.



Performance development plans

Providing performance development feedback is important for all employees, including Aboriginal and Torres Strait Islander employees. It is important to provide regular, direct, and honest feedback, while maintaining empathy for the person on the receiving end. It is important that feedback is respectfully provided and comes from a place of care.

Performance development tips:

- Have a proactive conversation with your Aboriginal and Torres Strait Islander employees about the skills or exposure that would be beneficial for them and suggest opportunities and connections
 - Put forward Aboriginal and Torres Strait Islander employees for opportunities in different roles, not just identified roles, in order to increase their breadth of skills and experience
 - Give Aboriginal and Torres Strait Islander employees a seat at the table, letting them observe 'how things are done'. Having a voice in the conversation is hugely impactful
- Shadowing is a simple way of maximising impact for Aboriginal and Torres Strait Islander employees at all levels to enable them to observe different roles and help them make informed career decisions
 - Actively learn from Aboriginal and Torres Strait Islander employees about their culture and lived experience.

Mentoring

Across the sector there are several reverse mentoring programs that aim to build cultural capability and cultural intelligence between Aboriginal and Torres Strait Islander employees and non-Aboriginal employees. The programs also aim to support the career progression of Aboriginal and Torres Strait Islander employees. These programs encourage Aboriginal employees to share their culture and lived experiences in a safe and supportive environment and help non-Aboriginal understand the lived experience of Aboriginal and Torres Strait Islander employees and what it means to walk between two worlds.



Senior Leaders Aboriginal Mentoring Program (SLAM)

About the program

The Department of Planning and Environment first piloted SLAM in 2020. SLAM is an reverse mentoring program where senior leaders are mentored by Aboriginal employees at any grade. The program is now a public sector wide initiative, aims to improve Aboriginal cultural capability amongst senior leaders (senior executive band 2 and above), and provides Aboriginal employees with the opportunity to share their culture and lived experiences in a safe and supportive environment.

Previous mentoring pairs have expressed how invaluable the opportunity is, with many continuing their mentoring relationship and going on to support each other in their career and cultural journeys.

What's involved in the program:

- The duration of the program is around 8 months and includes a combination of face-to-face Introductory Yarning Circle. Pairs then meet at least monthly.
- Participants have access to a range of resources, as well as online training.
- The cohort come back together for a face-to-face mid program Yarning Circle and a Closing Yarning Circle, which allows participants to provide feedback about their experience and continue to deepen networks and connections.
- Pairs are supported throughout by the Aboriginal People and Culture team.

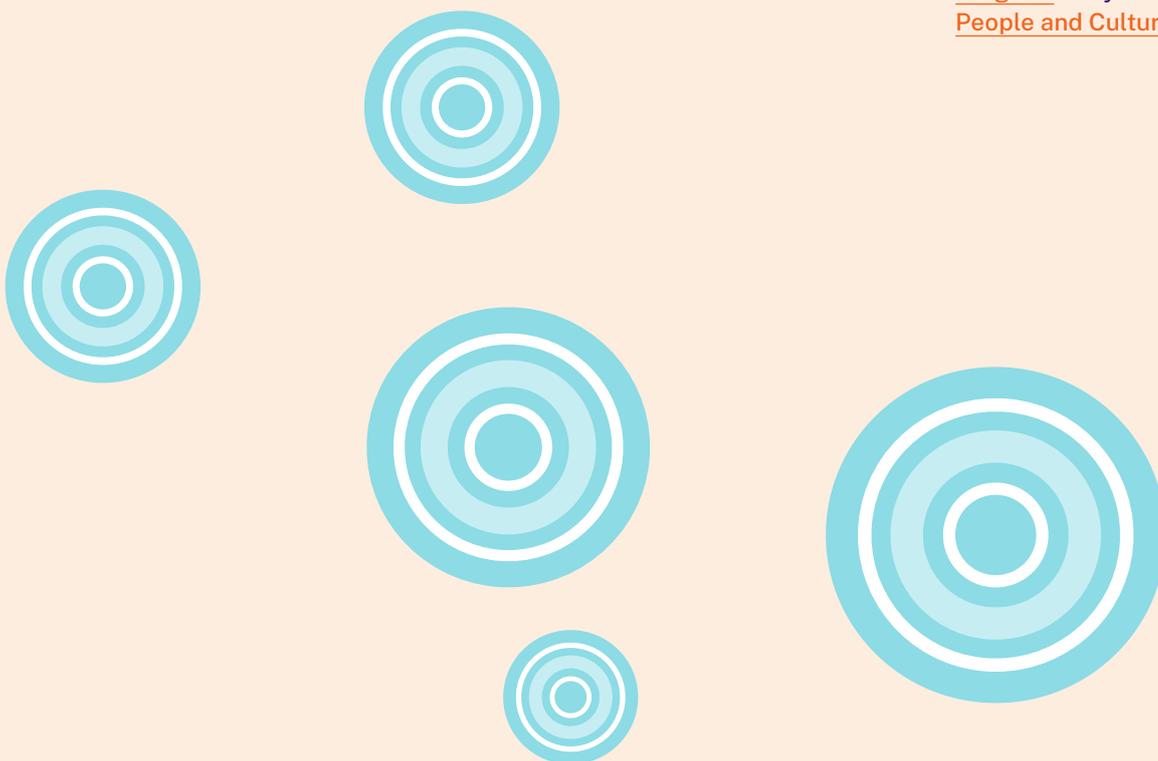
One of the many benefits of a diversity based reverse mentoring relationships is that it pairs people who may not normally come together. These relationships are often profoundly transforming for both partners, promote a culture of inclusion and an organisation where everyone matters.

Outcomes include Aboriginal mentors being able to share their unique stories and histories, build relationships and experience the willingness of mentees to learn and grow. Mentees benefit by having honest conversations in a safe environment, connecting with local communities, and being inspired by their Aboriginal mentors to champion and embed Aboriginal outcomes within their agencies and teams.

A record 68 participants were matched as 34 pairs in 2023. Previous program participants have emphasised the lasting impact of SLAM on both [professional and personal lives](#).

Learn more about the program:

[Senior Leaders Aboriginal Mentoring Program](#) or by contacting [Aboriginal People and Culture team](#).



CASE STUDY

Sponsorship

Aboriginal and Torres Strait employees face structural and systemic challenges in the workplace. Sponsorship is a key enabler for career development pathway that can support Aboriginal and Torres Strait Islander employees. We have a significant number of Aboriginal and Torres Strait Islander senior leaders at the Band 1 level. To break the ceiling for them to reach Band 2 and beyond, senior executive sponsors are required to champion Aboriginal and Torres Strait Islander employees into more senior roles.

Sponsors take an active role by acting as allies and advocates and using their personal and positional power to support and elevate another person who does not have access to this kind of power. Sponsors also support to address bias and barriers that impact career progression.

Aboriginal and Torres Strait Islander Employee Networks

Most agencies have an Aboriginal and Torres Strait Islander Employee Network that aims to provide a supportive, connected and culturally safe space for Aboriginal and Torres Strait Islander employees. Reach out to your agency’s People and Culture team for more information. The PSC can provide information on starting employee networks.



Aboriginal support network

The Department of Planning and Environment (DPE) Aboriginal Support Network (ASN) was established in 1995 and has a proud history of supporting the needs of Aboriginal and Torres Strait Islander staff.

Membership is currently open to Aboriginal and Torres Strait Islander employees from DPE and the Department of Regional NSW and currently has more than 200 members across both agencies.

The aim of the ASN is to provide support, career development and encouragement to Aboriginal and Torres Strait Islander staff while assisting both agencies as they strive to service our communities.

Members meet bi-annually to enable shared problem solving, networking and collaboration. Meetings are hosted at different locations across the state to enable local Aboriginal communities to engage and participate in meetings and identify opportunities for collaboration or support.

The ASN plays an important role in supporting Aboriginal and Torres Strait Islander employee wellbeing, connection, and development. Members also have a role in collating insights and advice on policy and programs developed across public sector agencies.

Training and development opportunities aimed at improving capability and performance are offered to enhance current and future career prospects. Members also take part in volunteering to enhance their development skills, knowledge and experience.

The ASN actively seeks to promote and showcase community participation and achievements within both agencies and across the NSW public sector.



Aboriginal Senior Leadership Network

The PSC has established the Aboriginal Senior Leaders Network. The network is open to Aboriginal and Torres Strait Islander NSW public sector leaders Clerk Grade 11/12 (or equivalent) and above. The PSC hosts quarterly forums to connect Aboriginal and Torres Strait Islander leaders and support their career development. Aboriginal and Torres Strait Islander senior leaders have been involved in the co-design and ongoing development of the network. Over 50 Aboriginal and Torres Strait Islander leaders have attended each forum, providing positive feedback about the forums. Get in touch with the PSC [Workforce Inclusion and Experience](#) branch for more information or if you are an Aboriginal senior leader and you would like to join the network.

NSW Aboriginal Career and Leadership Development Program

The PSC Leadership Academy’s Aboriginal Career and Leadership Development Program (ACLDP) is open to Aboriginal and Torres Strait Islander employees from Clerk Grade 7/8 and above. The program creates a pipeline of future Aboriginal and Torres Strait Islander leaders for the sector. Since 2014, 447 employees have successfully completed the program. For more information reach out to the PSC [Leadership Academy team](#).



ACLDP Alumni Program

The ACLDP Alumni Program enables past participants to continue to develop, connect and enhance their management skills through training and development sessions, peer support, networking, and information sharing. Upon completion of the ACLDP program, participants can opt in to receive updates about continuous learning opportunities for their ongoing professional development. For more information reach out to the PSC [Leadership Academy team](#).

Considerations for career development and progression

Do you consider your Aboriginal and Torres Strait Islander employees for opportunities and provide support in career development?

Do you have continuous and honest conversations with Aboriginal and Torres Strait employees on career advancement?



Resources

- [Performance Development Framework](#)
- [NSW Leadership Academy](#)
- Omadeke, J. (2021) *What’s the Difference Between a Mentor and a Sponsor?* Harvard Business Review
- Chow, R. (2021) *Don’t Just Mentor Women and People of Color. Sponsor Them.* Harvard Business Review

Cultural load

Cultural load is the additional workload on Aboriginal and Torres Strait Islander employees that is often invisible, unrecognised, or acknowledged (see the [Gari Yala \(Speak the Truth\)](#) report). Aboriginal and Torres Strait Islander employees are often asked to undertake extra responsibilities such as educating the workforce on Aboriginal and Torres Strait Islander history and issues, and assisting in organising cultural events.

Cultural load is a key contributor to a culturally unsafe environment. Our workplaces should be actively working towards reducing the cultural load. Some practical tips to do this include:

Encouraging employees to do their own research

Not expecting Aboriginal and Torres Strait Islander employees to educate other employees in their workplaces

Not expecting Aboriginal and Torres Strait Islander employees to speak on behalf of their entire community. Like all communities, there are diverse views

Consulting Aboriginal and Torres Strait Islander employees on actions to minimise cultural load and increase cultural safety.

Considerations

Reflect on cultural load and when it exists and make efforts to reduce its occurrence.

Negative workplace behaviours

There is no place for racist behaviour, abuse, bullying or harassment in NSW public sector workplaces. Racism towards Aboriginal and Torres Strait Islander employees is unlawful and not tolerated in the NSW public sector, but unfortunately data shows us that negative workplace behaviours are still experienced by Aboriginal and Torres Strait Islander employees.

During consultations in the development of this guide, Aboriginal and Torres Strait Islander employees shared experiences of racism. These experiences are consistent with People Matter Employee Survey (PMES) results. Since 2021, the PMES has included a question about experiences of racism and discrimination in the workplace. Results show a significant gap between whole of sector results and the results for Aboriginal and Torres Strait Islander employees for experiences of racism, discrimination, bullying and sexual harassment. In 2023:

17%

of **Aboriginal and Torres Strait Islander** respondents reporting that they **experienced racism** in the past 12 months, compared to 5% for whole-of-sector respondents

19%

of **Aboriginal and Torres Strait Islander** respondents reporting that they **experienced bullying** in the past 12 months, compared to 13% for whole-of-sector respondents

7%

of **Aboriginal and Torres Strait Islander** respondents reporting that they **experienced sexual harassment** in the past 12 months, compared to 5% for whole-of-sector respondents

The PMES also indicates that Aboriginal and Torres Strait Islander employees do not report experiences these negative workplaces behaviours at the same rate as other employees and when they do, they are not satisfied with the outcome. Reasons given for not reporting include that it won't make a difference, it won't be taken seriously, it may have negative consequences for them, and it will not remain confidential.

Employers have a responsibility to ensure their employees, and people who apply for a job with them, are treated fairly and to prevent racism, unlawful discrimination, harassment and bullying. Employees also have a responsibility to treat others equally, fairly and with respect. Employees who have witnessed racism, unlawful discrimination, harassment, or bullying are encouraged to act and support colleagues who have experienced it.

It is unlawful for an employer to act in a discriminatory or harassing way in specific employment circumstances (see *Anti-Discrimination Act* and Commonwealth anti-discrimination legislation). Employers have a legal responsibility to take all reasonable steps to prevent discrimination and harassment.

The *Work Health and Safety Act 2011* imposes a duty to ensure the health and safety of workers, manage risks to health and safety, and eliminate (or minimise) psychosocial hazards, including harassment or bullying, so far as reasonably practicable. Workers also have responsibilities, including to take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

Code of Ethics and Conduct

Government sector employees are required to comply with the *Code of Ethics and Conduct for government sector employees* under section 8A of the GSE Act.

Managers and executives have a responsibility under the Code to lead and promote implementation of the Ethical Framework, ensure their workplace culture, practices and systems operate consistently with the Ethical Framework, and to act promptly and with due process to prevent and address any breaches of the Ethical Framework.

All government sector employees have a responsibility to demonstrate high levels of behaviour consistent with the Ethical Framework.

Positive workplace environment

Workplaces should:

Ensure all employees are aware that racism, discrimination bullying, harassment and other negative workplace behaviours are unlawful and not tolerated

Ensure all employees are aware of their responsibilities under the Code of Ethics and Conduct and that action is taken in relation to misconduct or unlawful conduct

Remind all employees of internal complaints policies and reporting options

Encourage those who have experienced racism or any kind of discrimination, harassment or bullying at work to make a report

Adopt a trauma informed, person centred approach to ensure the individual who has made the report is supported and feels informed and empowered throughout the process

Provide information and relevant links for employees who wish to make an external complaint.

Visit the PSC's website for further guidelines and resources concerning creating a positive workplace environment, the Code of Ethics and Conduct, prevention of workplace bullying and harassment.

Recognition and retention

Recognition

Proactively recognising and celebrating workplace achievements helps create an inclusive and culturally safe work environment, as well as a positive workplace experience. Celebrating the achievements of Aboriginal and Torres Strait Islander employees in your agency shows appreciation for their diligence, dedication, and the results they deliver.

Recognition is a key driver of retention for Aboriginal and Torres Strait Islander employees, and acknowledges the value they bring to the agency. Culturally safe environments that embrace and celebrate cultural diversity enhances an agency's reputation, are important to Aboriginal and Torres Strait Islander employees wanting to build their careers, and encourages others to enter the public sector workforce.

Awards

The NSW Premier's Awards recognise and celebrate outstanding achievements from across the sector. Some agencies also have their own awards to recognise and celebrate outstanding achievements from staff across their agencies.

Consider nominating Aboriginal and Torres Strait Islander employees and teams for their workplace achievements when submitting your agency award nominations.

Retention

Research on retention of Aboriginal and Torres Strait Islander employees indicates that retention relies heavily on creating cultural safety, in addition to factors that are usually considered for any mainstream retention strategy.

Focus Group insights on retention

Key reasons Aboriginal and Torres Strait Islander staff are likely to leave the NSW public sector

Lack of career progression

Low level roles and temporary roles for long periods of time

Cultural load

Racism and absence of Aboriginal and Torres Strait Islander involvement in racism complaint procedures

Complaints procedures not seen as culturally safe spaces for Aboriginal and Torres Strait Islander staff to raise issues.

Key reasons Aboriginal and Torres Strait Islander staff are likely to stay in the NSW public sector

Career progression is seen as faster at more culturally safe agencies, which means staff can move to another agency to enhance their career

Agencies have cultural awareness training and other opportunities for non-Aboriginal and Torres Strait Islander staff to engage with Aboriginal and Torres Strait Islander communities

Agencies are addressing racism through training and policy.



Separation

Aboriginal and Torres Strait Islander separations are slightly higher than non-Aboriginal and Torres Strait Islander separations across the sector. The separation of Aboriginal and Torres Strait Islander employees from the workforce marks an important element of the Aboriginal and Torres Strait Islander employee lifecycle, with many Aboriginal and Torres Strait Islander employees noting they often move to another agency or re-engage with the same agency at a later stage in their career.

Exit interviews are an important element of the separation process, enabling you to learn about opportunities and challenges in the workplace and how to better support Aboriginal and Torres Strait Islander employees.

Aboriginal and Torres Strait Islander employees often prefer to have exit interviews with Aboriginal and Torres Strait Islander people or have an Aboriginal and Torres Strait Islander support person present. It is recommended that agencies offer this option. Following an exit interview, review the feedback given and where issues of concern have been raised, take appropriate action to address those issues.



Principles for exit interviews or surveys

When approaching and conducting exit interviews or surveys with Aboriginal and Torres Strait Islander employees, you should:

Clearly explain the interview or survey structure

Encourage employees to participate, but note that participation is voluntary

Explain how information will be captured, analysed, and used

Clearly outline confidentiality arrangements

Design and personalise culturally appropriate questions

Use an Aboriginal and Torres Strait Islander senior leader or a culturally appropriate external provider trained in cultural awareness to conduct the interview or survey

Ensure Aboriginal and Torres Strait Islander employees know that information they share about racism, harassment, discrimination and bullying will not be used to hinder their future employment in the sector, and that their feedback and insight will be used for improvement purposes.

Considerations for separations

Do you know the existing process and procedures used when an Aboriginal and Torres Strait Islander employee separates from your agency?

Do you take time to understand why Aboriginal and Torres Strait Islander employees in certain roles or work areas are experiencing high turnover and address potential issues?



Resources

Faulkner S and Lahn J (2019): [*Navigating to Senior Leadership in The Australian Public Service: Identifying Employment Barriers and Enablers for Aboriginal and Torres Strait Islander Peoples*](#)

International Journal for Equity in Health (2019): [*Factors supporting retention of Aboriginal health and wellbeing staff in Aboriginal health services: a comprehensive review of the literature*](#)

[Anti-discrimination NSW](#)

[Australian Human Rights Commission](#)

NSW PSC: [Exit Interviews](#), [Sexual harassment](#), [Positive and productive workplaces](#), [Code of Ethics and Conduct](#), [Workplace Culture](#).

Public Service Commission



Cultural Capability Guide

Shaping an inclusive employee experience for
Aboriginal and Torres Strait Islander people

For more information

Cultural Capability and Transformation team

Workforce Inclusion and Experience branch

NSW Public Service Commission

P: 02 9272 6022

E: diversity.inclusion@psc.nsw.gov.au

W: www.psc.nsw.gov.au

