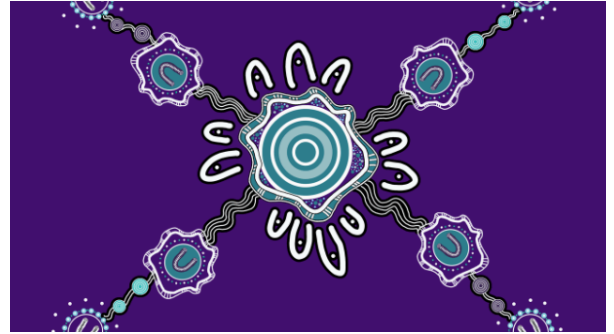


# Attracting Aboriginal and Torres Strait Islander job seekers



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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.

## Video embed:

[Cultural capability guide - Blake](#)

## 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



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.

## 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.

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.

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)*.

## 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.

Tips for designing inclusive job advertisements to encourage Aboriginal and Torres Strait Islander people to apply:

- 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.

## 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?

## Useful links and other information

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### **Aboriginal Employment Strategy 2019-2025 (Refresh 2022)**

The Aboriginal Employment Strategy 2019-2025 provides NSW public sector agencies with the best practice, connections, information, and resources to drive Aboriginal employment outcomes and priorities.



### **I work for NSW**

Find available roles within the NSW public sector.



### **Capability Framework**

The Capability Framework supports the public sector to attract, recruit, develop and retain a responsive and capable workforce.



### **Workforce Profile Report**

The Workforce Profile Report provides in-depth data and information about the NSW public sector workforce and can be used to inform workforce management strategies and policy.

