

GUIDELINES

IMPLEMENTING A WORKPLACE DIVERSITY PROGRAM

Office of the State Service Commissioner

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Tasmania

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Introduction

A new *State Service Act* came into effect on 1 May 2001 giving Agencies more flexibility in organising work practices as well as encouraging modern management practices in the workplace. State Service Principles and a Code of Conduct have been incorporated into the *State Service Act* replacing set and often inflexible rules and regulations.

The State Service Principles will ensure we have effectively managed workplaces, providing opportunities for employees based on equity and procedural fairness, and delivering high standard of services to the Government and the community. Under the *State Service Act*, the State Service Commissioner has a duty to promote these Principles and the Code of Conduct to all employees.

The Guidelines on Workplace Diversity are designed to assist Agencies meet their statutory obligation to develop a Workplace Diversity Program and to help them embed the principals of workplace diversity in their corporate culture and management systems.

Workplace Diversity has two components: first, it involves fair treatment and the removal of barriers, and second it addresses past imbalances through the implementation of special measures to accelerate the achievement of a representative workforce. Further, workplace diversity recognises and utilises the diversity available in the workplace and the community it serves.

The Guidelines cover the legal framework for workplace diversity in the State Service and offer suggestions about how to establish and implement an effective workplace diversity program.

Agencies should use this document as a guide only – to be adapted to suit their own requirements and circumstances.

Workplace Diversity in the State Service

Diversity means different things to different Agencies, organisations and people. Diversity initiatives have historically focused on equal employment opportunity and affirmative employment. The State Service must now broaden its view of diversity. It must embrace business, cultural and demographic dimensions of diversity as well as the legal dimension. Recognising the multiple frameworks underpinning diversity is important in shaping the missions and goals of Agencies and the Government as a whole.

A diverse workforce with a range of different backgrounds and perspectives gives Agencies a broader range of ideas and insights to draw on in decision-making and policy development. A workforce that reflects the Tasmanian community will understand its client's better and will be able to effectively communicate with these clients. Organisations that value and capitalise on employee diversity have productive and fulfilling workplaces that attract and retain employees.

The State Service is committed to providing a flexible, family friendly workplace. This commitment includes implementing work arrangements that enable employees to balance family and work responsibilities while ensuring that the business needs of Agencies are also met. The State Service is moving down the path of becoming an employer of choice offering exciting career opportunities and a program of new and innovative family friendly policies. Flexibility and diversity in the workforce is welcomed and it is recognised that balancing the needs of the employees with that of the employer is essential for achieving positive results.

Legislative and Policy Framework

The legal framework applying to Agencies that employ staff under the *State Service Act 2000* reflects the expectations of the Government and the community about a fair, inclusive and productive public service.

General Legislative Framework

The *Human Rights and Equal Opportunity Commission Act 1986* (Cwth) provides for the rights of people with physical or mental disabilities and addresses complaints of discrimination in the workforce.

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

The *Racial Discrimination Act 1975* (Cwth) makes it unlawful to discriminate against a person on the basis of race, colour, national or ethnic origin.

The *Sex Discrimination Act 1984* (Cwth) aims to eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status, pregnancy or potential pregnancy.

The *Anti-Discrimination Act 1998* prohibits discrimination and provides for the investigation and conciliation of, and inquiry into, complaints in relation to discrimination.

The State Service Act 2000 (the Act)

Under section 8 of the Act, Heads of Agency must uphold, promote and apply the State Service Principles that are found in section 7 of the Act.

The Principles are central to the operation of the State Service. They provide an ethical framework for Heads of Agency, officers and employees, while allowing Agencies the flexibility to pursue their own goals and address their own needs. The following Principles are especially relevant to the diversity policies of Agencies:

- merit based employment (7(1)(b));
- non-discrimination and diversity (7(1)(c));
- provision of a fair, flexible, safe and rewarding workplace (7(1)(i)); and
- equity in employment (7(1)(k)).

State Service officers and employees also have responsibilities that relate to diversity under the Code of Conduct set out in section 9 of the Act:

- an employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination ((9(3)); and
- an employee must behave in a way that upholds the State Service Principles.

Commissioner's Directions 2001

The State Service Commissioner has issued a Direction under the Act setting out the scope and application of the State Service Principles and providing more detail about implementing diversity. These are contained in Commissioner's Direction No 2 and 3.

Developing an Effective Workplace Diversity Program

Organisational Context

Workplace diversity must be viewed as a means to attaining the organisational objectives of an Agency's core business – not as an end in itself. The link between the business objectives and processes of an Agency and the workplace diversity strategy is crucial to the success of workplace diversity initiatives.

Consistent with the emergence of human resources as a strategic corporate tool, workplace diversity as an integral component of effective human resource management has a direct influence on the effectiveness of policy formulation and service delivery.

As workplace diversity is strategically important to achieving business outcomes, it needs to be viewed as an integrated planning and management tool. [Further, workplace diversity is integral to upholding the State Service Principles.](#)

The most appropriate structure and reporting responsibilities are not prescribed. Each Agency is to determine the structure and reporting responsibilities to meet its particular needs.

Planning

It is assumed that most Agencies will be building on achievements already obtained through Equal Employment Opportunity (EEO) initiatives. Establishing an effective workplace diversity program could involve:

- consideration of the aims of the program;
- deciding how the program will be developed and implemented;
- identifying linkages to the Agency's corporate objectives;
- undertaking consultation with staff and management; and
- assessing the resources required for the successful development, implementation and on-going review of the program.

For successful development of a workplace diversity program it is beneficial to gather information to assess the current position of the Agency. Relevant information might include:

- revisiting corporate and business plans;
- a demographic profile of employees, including a demographic profile of designated groups, a skills analysis and the particular need of staff in a particular Agency;
- any external factors which will affect the Agency during the program. These could include trends and issues which are expected to impact on the Agency

(such as composition of the labour market, technological advances, stakeholder and community pressures);

- assessment of the prevailing culture and business requirements of the Agency;
- reviewing previous EEO performance;
- existing human resource policies and practices, for example, recruitment and selection practices, anti-harassment strategies and performance management schemes to identify any barriers or gaps.

Information gathering and analysis should enable a clear picture of the Agency to emerge. In particular:

- baseline statistical data about the Agency staff;
- policies and practices that inhibit the management of a diverse workforce;
- practices that prevent innovative policy making and better customer service;
- opportunities for improving, enhancing or extending existing ways of doing things or finding new ways of doing them;
- benchmark targets identified in the [Tasmania Together process](#);
- appropriateness and effectiveness of existing EEO, anti-discrimination and diversity strategies; and
- business needs and issues.

Identification of Desired Outcomes

A clear picture should be formulated that links the intended outcomes of workplace diversity strategies with the corporate goals of the Agency [and their application to the State Service Principles](#). In many Agencies established EEO strategies will remain relevant. However, the context and focus is shifting from compliance with EEO and other human rights legislation to an increasing recognition that values such as diversity are an essential element of organisational success. A specific recognition of business objectives requires a balanced approach to ensure both objectives can be achieved.

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.

Identification of how the outcomes will be achieved

Strategies should be developed to help the Agency achieve identified desired outcomes. Strategies should reflect the Agency's business and human resource needs. A high degree of consultation will help gain commitment throughout the Agency and will ensure the strategies are relevant (and support Principle 7(1)(h)).

Because each Agency is unique, with different strategic goals, different stakeholders and different needs of individuals each must determine appropriate strategies to support those differences.

Strategies need to be realistic and measurable. Strategies ideally could be incorporated into the Agency's existing accountability processes such as staff surveys, performance management processes and build on existing workplace diversity programs. Workplace diversity measures should be incorporated into the Agency's corporate plan and accountability frameworks.

Even though strategies will vary between Agencies and reflect a wide variety of workplace cultures, at a minimum they should cover:

- prevention of discrimination and unfair treatment;
- valuing and utilising the diversity of employees;
- balancing work and family responsibilities; and
- eliminating [employment-related disadvantage on the basis of gender, race, disability, sexuality, age, linguistic or cultural background, or being an indigenous Australian.](#)

Documentation of the strategy should:

- set out a statement of legislative and Government policy objectives for workplace diversity programs;
- set out how workplace diversity will support the Agency's business objectives;
- identify expected benefits to the Agency including qualitative benefits such as increased Agency performance through increased staff morale; and
- identify projects and actions to be implemented as part of the workplace diversity strategy.

Performance indicators for each strategy should also be developed. It is best if they are simple and easy to measure and that there is a transparent process for monitoring and evaluating the indicators.

Implementation and Monitoring

Following the approval of the program by the Head of Agency, all employees should be provided with a copy or have a copy made available and to have an opportunity to discuss how it will be implemented in their work areas.

In accordance with Commissioner's Direction No 3, a copy of the program must be sent to the Commissioner as soon as practicable after it has been established.

To make the strategy operational, Agencies will be required to:

- define specific activities/actions including timetables;
- allocate responsibility for the management of workplace diversity activities and actions;
- allocate Agency resources; and
- collect and review statistical data.

Monitoring Progress

Many question whether diversity results can in fact be measured in a meaningful way. Performance indicators are the basis for monitoring the success of the program. Quantitative measures such as representation rates are necessary but not sufficient to track diversity progress. It is necessary to use a mixture of quantitative, qualitative and process measures when tracking diversity progress. Measurement could include changes to the employee profile of the Agency (this profile could include employment status, classification level, recruitment and retention patterns, take up of training and flexible working arrangements). Monitoring could also be done through staff surveys, rates of absenteeism or the number of harassment or discrimination complaints as they relate to diversity. Some suggested indicators are included on page 12.

Although the results of monitoring are internal to the Agency, they should be used to fulfil reporting arrangements as specified in the legislation, Agencies are required to report on their progress in their annual reports to Parliament.

Evaluation

Evaluation will establish the effectiveness of workplace diversity strategies and help assess the reasons for various outcomes. Both quantitative data and people's perceptions gathered through surveys will help assess the effectiveness of the program.

Measuring the impact on designated groups will traditionally involve:

- representation by employment status;
- distribution across the levels by designated groups in the organisation;
- flow of people entering and leaving the Agency;

- opportunity to access training and development, rewards and promotions;
- distribution across occupational groups and classification levels.

An assessment of the impact of the organisational culture on individual employees and designated groups around the dimension of balance (for example, employees' ability to balance work/family responsibilities) will provide valuable information for the review of diversity programs in addition to providing relevant information for external reporting purposes.

Senior management will need to regularly assess the achievements of the Agency in terms of their performance indicators and legal obligations. The mere establishment of a workplace diversity program does not fulfil an Agency's obligations.

Reporting

Under the Commissioner's Direction, Heads of Agency must annually evaluate and report on the effectiveness and outcomes of the workplace diversity program. They must also review the program every four years.

The State Service Commissioner will analyse and report on comparative Agency performance. The focus will be on establishing trends and identifying performance benchmarks across the State Service, in addition to identifying good/best practice. The State Service Commissioner will use personnel data collected centrally and survey information to monitor a range of issues. Such issues could include:

- the extent to which people with employment related disadvantages are clustered in the lower levels and in some occupations;
- the extent to which part-time work provides employees with access to the same employment benefits enjoyed by full-time workers; and
- the extent to which flexible work arrangements have enabled employees to effectively balance their work and personal lives.

There will be no service-wide mandatory targets set for Agencies. It is up to each Agency to establish its own targets and to justify its diversity outcomes within the broader context of its particular business circumstance. However, youth recruitment targets for each financial year will be required to be set annually and reported to the State Service Commissioner on a quarterly basis.

The information being gathered by Agencies should be able to be collected in the normal course of managing their activities.

Performance Indicators

The following are some examples of the sorts of performance measures that could be used to measure the success of workplace diversity programs. This material is only provided as an aid.

- Recognition of workplace diversity achievements through the performance appraisal process.
- Degree of participation of staff on steering groups, Boards, working parties and committees and in the development and achievement of work plans.
- Extent of promotion of workplace diversity issues in the Department.
- Satisfaction of management with the outcomes of the Workplace Diversity Program.
- Degree of change in the Department's employee profile.
- Level of satisfaction with the selection process.
- Degree of satisfaction of staff in balancing their work and personal life-style responsibilities, through feedback received via performance appraisal.
- Extent of flexible work practices in place to balance work and personal life-style responsibilities.
- Feedback on the results of specific initiatives.
- Number of grievances and incidents of workplace harassment and their resolution.
- Availability of relevant documentation to deal with incidents of workplace harassment and feedback on the adequacy of the documentation.
- Demographic composition including:
 - numbers of employees in designated groups and patterns of participation, including at senior levels;
 - distribution of designated groups across occupation and classification/salary levels;
 - part-time/job-sharing participation;
 - recruitment and promotion numbers;
 - retention and separation rates;
 - returns from maternity leave;
 - training patterns;

- grievance patterns.
- Attitudinal surveys/culture audits
- Peer reviews to help provide an accurate and objective assessment of how well employees and managers are doing.
- Requests for review of actions.
- Turnover and absenteeism statistics.
- Diversity surveys that identify issues in connection with job satisfaction, career development, management, support and discrimination or harassment in the workplace.
- Focus groups.

Assessment Framework for Workplace Diversity Programs

The Minimum Requirements

The following represents the minimum legal obligations for Agencies to create a workplace diversity program in the State Service. If an Agency has met all these criteria it has fulfilled the **minimum** obligations.

Planning

The program:

- is linked to other corporate, business and human resource plans.
- has a maximum four years life with review processes integrated into that period.

Implementation and Monitoring

The program has:

- measures to prevent all forms of discrimination and to ensure that anti-discrimination laws are complied with.
- measures to assist employees to balance work, family and other caring responsibilities.
- measures to eliminate [employment-related disadvantage on the basis of gender, race, disability, sexuality, age, linguistic or cultural background, or being an indigenous Australian](#).
- measures that seek to value, recognise and utilise the diversity of staff.
- recruitment policies and procedures that are fair, equitable and provide a reasonable opportunity for eligible members of the community to apply for State Service employment.

Evaluation

- performance indicators to measure progress have been established.
- evaluation of the effectiveness and outcomes of the program is undertaken annually.
- a review of the program is undertaken at least once every four years.

Reporting

- fulfilled the reporting requirements as specified in the Commissioner's Direction No.3

Best Practice

The Agency has demonstrated a strong commitment to achieving diversity outcomes, tailored to and integrated with the core business of the Agency.

Planning

- Diversity measures are integrated with existing accountability processes, for example performance management.
- Performance indicators are based on information gathered during the planning phase.
- Diversity program is revised in response to annual evaluation and results of monitoring.
- Senior management demonstrate a commitment to the program.

Implementation and Monitoring

- Program is communicated to staff who are encouraged to discuss and respond.
- Resources to support implementation are provided throughout the Agency.
- Mechanisms are in place to ensure regular monitoring.
- Implementation of the program is adjusted to account for the outcomes of monitoring.
- A range of measures to recruit and support staff in designated groups is implemented.

Evaluation

- A range of data is regularly collected, including reliable information on the staff profile of the Agency.
- Information is evaluated with comparison to other Agencies or sectors.
- Information of the current position is compared to data gathered at the inception of the program.
- Progress toward diversity outcomes is demonstrated by the data.

Reporting

- Reporting highlights improvements and challenges.
- Monitoring and evaluation results are used in reporting.
- Comprehensive reporting is provided in the Agency's annual report.

Input from the Community

The Gay, Lesbian, Bisexual and Transgender (GLBT) Reference Group has prepared a 'draft checklist' for identifying discrimination or potential discrimination in the State Service. A copy of the checklist is at Attachment 1 for information. The checklist may be a useful resource to draw on the developing Managing Diversity policy/plans.

As other community groups develop similar checklists – these will be included in the Guidelines.

Attachment 1

**SEXUALITY AND GENDER BASED
DISCRIMINATION CHECKLIST**

**Prepared and issued by the Gay, Lesbian, Bisexual and
Transgender Reference Group**

INTRODUCTION

The State Service has an obligation to provide a workplace free from any form of discrimination. This includes discrimination on any grounds, including discrimination based on gender status, sexual orientation or lawful sexual activity. The State Service Principles also state that ‘the State Service delivers services fairly and impartially to the community’¹.

With this in mind Government Agencies, Heads of Agencies, managers, key stakeholders, occupational health and safety officers and employees are encouraged to examine their policies, procedures and practices to determine whether they meet current requirements under these Acts.

The Department of Health and Human Services’ Gay, Lesbian, Bisexual and Transgender (GLBT) Reference Group has developed the following checklist to assist in identifying and preventing discrimination on the grounds of sexual orientation

¹*State Service Act 2000*

and gender status. The checklist may be useful for management groups, OH&S groups, team leaders and employees.

CHECK LIST

DISCRIMINATION

Does your service/agency have policies on harassment and discrimination?

Yes ? No ? Unsure ?

Do these policies address discrimination on grounds of sexual orientation and gender status?

Yes ? No ? Unsure ?

Does your service/agency promote acceptance of diversity in other ways (e.g. brochures, posters, books, music etc?)

Yes ? No ? Unsure ?

SERVICE PROVISION

Does your service provide a safe and welcoming environment for people who are gay, lesbian, bisexual or transgender?

Yes ? No ? Unsure ?

Does your service/agency display its policy on harassment/human rights/discrimination to service users and staff, or communicate its position in other ways?

Yes ? No ? Unsure ?

Do the registration or application forms of your service require answers to questions that are inappropriate for GLBT people such as married/de facto/divorced, or allow for recognition of same sex relationships?

Yes ? No ? Unsure ?

Are your clients aware of their responsibilities to meet the requirements of Tasmania's Anti-Discrimination legislation and *State Service Act*?

Yes ? No ? Unsure ?

Does the physical environment of your service assist gay, lesbian, bisexual and transgender people to disclose or discuss their issues privately, should they wish to, or when it is appropriate for them to do so?

Yes ? No ? Unsure ?

Does your service have a confidentiality agreement that covers staff and volunteers?

Yes ? No ? Unsure ?

HUMAN RESOURCE POLICY AND PRACTICE

Do human resource forms of your service/agency only recognise heterosexual relationships

(e.g. married/single/de facto)?

Yes ? No ? Unsure ?

Do human resource policies recognise same sex relationships in the following instances:

- Transfer and relocation policies and allowances?

Yes ? No ? Unsure ?

- Parenting, family, carers and bereavement leave entitlements?

Yes ? No ? Unsure ?

- Employee health insurance schemes?

Yes ? No ? Unsure ?

- Policies or arrangements for holidays?

Yes ? No ? Unsure ?

COMPLAINTS REVIEW

Are your staff and clients aware of systems for raising complaints or highlighting inequity?

Yes ? No ? Unsure ?

Are there less formal procedures for raising issues without being identified (eg. suggestion box, telephone, web site)?

Yes ? No ? Unsure ?

Is there a process for reviewing practices and policy that includes consideration of/input from gay, lesbian, bisexual or transgender staff/clients?

Yes ? No ? Unsure ?

If harassment or discrimination based on sexuality was occurring in your service would you know how to respond?

Yes ? No ? Unsure ?

Are there staff in your organisation who could assist someone to pursue a complaint of harassment or discrimination based on sexual orientation or gender status?

Yes ? No ? Unsure ?

PROGRAM/STAFF DEVELOPMENT AND SERVICE PROMOTION

Does your service specifically promote itself to gay, lesbian and transgender people?

Yes ? No ? Unsure ?

Are all staff in your service aware of their responsibilities to meet the requirements of the Anti-Discrimination Act and the *State Service Act*?

Yes ? No ? Unsure ?

WHERE TO FROM HERE?

In general, if the response to a question is:

- ‘no’, the group/manager may seek assistance from the organisations or individuals listed in the ‘Finding Solutions’ section below.
- ‘unsure’, this may raise issues of commitment or communication of policy etc. within agencies.
- ‘yes’, but same sex relationships, homosexuality or transgender identity are not named, this lack of explicitness may be conveying a non-inclusive message.

Work culture and work practices may sometimes be best addressed by educative and developmental processes for staff and management rather than policy change alone.

FINDING INFORMATION OR TRAINING

Gay, Lesbian, Bisexual and Transgender Reference Group

C/- Director, Health Advancement

Department of Health and Human Services

GPO Box 125

HOBART TASMANIA 7001

Working It Out

Telephone: 6234 6122

For information relating to available training providers

The Training Consortium

Office of the State Service Commissioner

144-148 Macquarie Street

HOBART TASMANIA 7000

COMPLAINTS RESOLUTION

Office of the State Service Commissioner

9th Floor, 144-148 Macquarie Street, HOBART, 7000

The process for a review of state service action is outlined in the *State Service Act 2000*, which can be obtained at: www.thelaw.tas.gov.au.

Tasmanian Anti-Discrimination Commission

5th Floor, 15 Murray Street

HOBART TASMANIA 7000

Telephone: 1800 632 716