



Targeted recruitment of Aboriginal and Torres Strait Islander people



Despite efforts to ‘close the gap’ in Indigenous disadvantage, the disparity between employment of Aboriginal and Torres Strait Islander people and non-Indigenous Australians has increased in recent years.

According to the most recent *Closing the Gap* report less than half of Aboriginal and Torres Strait Islander people are employed, compared to over three quarters of non-Indigenous Australians.*

Increasingly, employers are seeking to create employment opportunities for Aboriginal and Torres Strait Islander people through **targeted recruitment strategies**.

Are exemptions necessary?

Some employers are concerned that implementing such strategies may breach discrimination laws and believe that they need to apply for exemptions from those laws in order to target employment opportunities to Aboriginal and Torres Strait Islander people. **This is generally not the case.**

Australian discrimination laws recognise that some groups, including particular racial groups, have experienced historical disadvantage that means they do not enjoy their human rights equally with others.

Most Australian discrimination laws which prohibit discrimination on the basis of race allow employers to adopt ‘**special measures**’, including targeted recruitment strategies, to assist disadvantaged racial groups.

As long as a targeted recruitment strategy for Aboriginal and Torres Strait Islander people meets the requirements of a special measure, it is not unlawful and, except in New South Wales, does not require an exemption.

‘Targeted recruitment strategies’ for Aboriginal and Torres Strait Islander people may include:

- reserving certain positions for Aboriginal and Torres Strait Islander applicants
- guaranteed interview schemes
- work placements, traineeships or mentoring programs
- engaging an Indigenous Recruitment Service to hire trainees, graduates and fill other roles

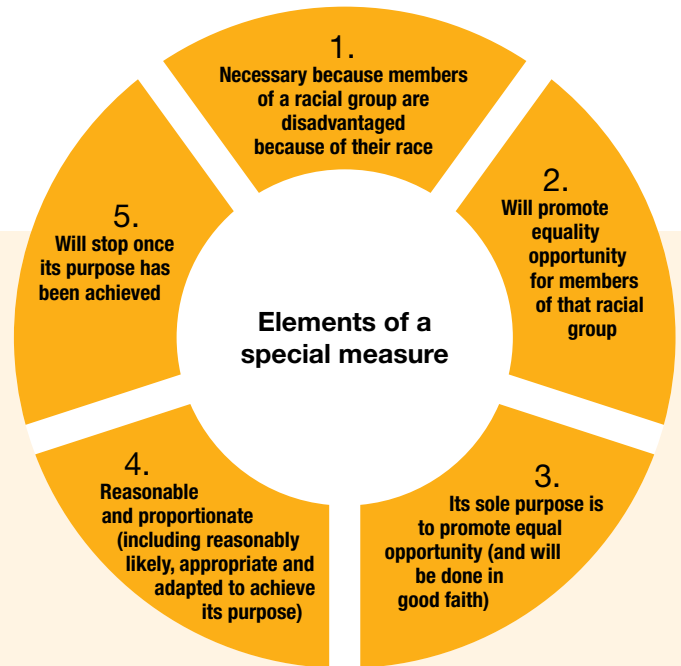
What is a ‘special measure’?

A special measure is an action taken to address disadvantage by providing a benefit to a particular racial group, so that members of that group may enjoy their rights equally with other groups. Special measures support groups of people who face, or have faced, entrenched discrimination so they can have similar access to opportunities as others in the community.

Elements of a special measure

The elements of a special measure are essentially the same under federal, state and territory discrimination laws.

To meet the test for a 'special measure' in all jurisdictions, an employer must be able to show that a targeted recruitment strategy meets 5 requirements, reflected in the diagram opposite.



Targeted recruitment and Reconciliation Action Plans

Many employers choose to include targeted recruitment strategies in an Indigenous Engagement Strategy, or as part of a broader Reconciliation Action Plan (RAP). A RAP is a policy document that outlines practical action that an organisation can take to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians.

Linking targeted recruitment strategies to an Indigenous Employment Strategy or RAP can provide useful context for an employer's action in taking a special measure. It makes clear to the public the employer's commitment to reducing unemployment for Aboriginal and Torres Strait Islander peoples.

Example

In Crown Resorts' *Elevate Reconciliation Action Plan 2015–17* (the Plan) it recognises that 'providing meaningful employment for Aboriginal and Torres Strait Islander Australians is central to reconciliation'. The Plan contains a commitment to 'employ, develop and promote Aboriginal and Torres Strait Islander people at our properties, at every opportunity'.

In the Plan, Crown states that it made a commitment in 2009 to hire 300 Aboriginal and Torres Strait Islander people; a goal which it achieved in 2013. Its current target for its Indigenous Employment Program is to provide 2,000 job opportunities by 2021.

The Plan also contains the shorter-term measurable goal of hiring 200 new Aboriginal and Torres Strait Islander employees by July 2017.

More information

For practical advice about designing a targeted recruitment strategy to meet the requirements of a special measure, including a template for documenting the strategy, see the guideline

Targeted recruitment of Aboriginal and Torres Strait Islander people: A guideline for employers at www.humanrights.gov.au/targetedrecruitment



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Disclaimer

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* This figure relates to the 2012–13 reporting year. Department of the Prime Minister and Cabinet, Australian Government, *Closing the Gap: Prime Minister's Report 2015* (2015) p 13, available at www.dpmmc.gov.au/pmc-indigenous-affairs/publication/closing-gap-prime-ministers-report-2015#jobs (viewed 2 June 2015).