



Cultural diversity in the workplace

> A guide for employers working with Indigenous employees

Employers have a responsibility to make sure that people who work with you are treated fairly and with respect. This can require flexibility to accommodate people of different cultural backgrounds and beliefs.

Do you manage or work with Indigenous people?

This guide provides tips and things to think about when working with Indigenous people. It explains some common cultural practices amongst Indigenous people.

This is general information only. It's important to bear in mind that Indigenous culture and traditions are diverse and practiced in different ways. It's best not to make assumptions about what people need or do. Take an open approach and let your employees know you are happy to talk about any needs they have.

What is discrimination?

The *Equal Opportunity Act 2010* protects people from discrimination in a variety of areas of public life. Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as:

- race, including nationality and ethnicity
- religion
- age
- sex
- disability.

Discrimination is against the law in areas of public life including employment, which covers full-time, part-time, casual, contract work and work paid by commission.

The law prohibits discrimination at all stages of the employment process, including:

- recruitment
- terms of employment
- access to training or opportunities for promotion or transfer, and
- being dismissed, retrenched or demoted for a discriminatory reason.

The Equal Opportunity Act has introduced a positive duty requiring all organisations covered by the law – including employers – to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation.

Instead of allowing organisations to simply react to complaints of discrimination when they happen, the Act requires people to be proactive and take steps to prevent discriminatory practices.

Special measures

Under the Equal Opportunity Act, it is not against the law to take special measures to promote equality for groups of people who have one or more of the protected characteristics.

You may be able to limit a job offer to only Indigenous people because you have identified an opportunity to actively address discrimination or disadvantage.

Example of special measures

A health organisation identifies a high proportion of Indigenous women in the area. The organisation seeks to employ an Indigenous female only to encourage Indigenous women to access its services: see Northern Health – Exemption Application (A104/2012).

If you want to create a position for Indigenous people, you will need to determine whether the action you take is a special measure and is not discriminatory. You need to ask yourself whether the measure is necessary, genuine and justifiable given the needs of the group who will benefit.

The essential characteristics of a special measure include that the measure is:

- Undertaken in good faith
- To help promote or achieve substantive equality for Indigenous peoples in Victoria
- Reasonably likely to achieve this purpose
- Justified because members of the Indigenous community have a particular need for advancement or assistance.

The following information explains some Indigenous traditions and cultures that may be relevant in the workplace. This information does not reflect the opinions and views of all Indigenous people and communities.

Welcome to Country

Welcoming people to country is a traditional practice by Indigenous people onto land or to an event. The tradition signifies respect of the traditional people and land to which the meeting or event is taking place. It is conducted by a traditional owner of the country where the meeting is held.

Acknowledgement of country is usually done by non-traditional owners or non-Indigenous people wishing to pay their respects to the traditional owners to which the meeting or event is taking place. If known, it is best to acknowledge the name of the traditional land. For example, Yorta Yorta people, Gunditjmarra people, etc. To find out who are the traditional owners of the land, you could contact:

- the local Aboriginal organisation in the area
- Aboriginal Affairs Victoria for cultural heritage related matters, on 1800762 003 or dpcd.vic.gov.au/indigenous
- Native Title Services Victoria for native title, land and natural resource matters and the Secretariat of the Victorian Traditional Owner Land Justice Group – ntsv.com.au.

Example of acknowledgement of country: I would like to acknowledge the traditional owners, the *Gunaï* people, on whose land we are meeting on today. I would also like to pay my respects to the Elders past and present, and welcome all Indigenous people here with us today.

For more information about protocols for recognising traditional owners visit dpcd.vic.gov.au/indigenous/about/reconciliation/protocols-for-recognising-traditional-owners.

Diversity among Indigenous people

Australia is made up of many Aboriginal and Torres Strait Islander nations and language groups. For more information, Horton's Map of Aboriginal Australia shows all language groups in Australia. healthinfonet.ecu.edu.au/map-aboriginal-australia.

In Victoria, there are 36 traditional language groups. According to the 2011 census, Victoria's Indigenous population makes up 0.7 percent of Victoria's total population (37, 988 people). Most Indigenous people are centred in and around Melbourne and large regional groups found in Shepparton, Mildura, and East Gippsland. While many Victorian traditional owners live on country or around the state, the Victorian Indigenous community is also comprised of Indigenous people from all over Australia.

To view the traditional language groups in Victoria see, vaclang.org.au/maps.aspx.

Language Group names and nations

Unless unknown, most Indigenous people refer to their nations' name when identifying as an Indigenous person. For example, "I am a proud Yawuru woman from Broome" or "my family are Wurundjeri people".

Others may refer to the general term used in the area, which they live. For example, 'Koori' is used in southeastern Australia, 'Murri' in Queensland and 'Nunga' in South Australia. Sometimes people may say they belong to the First Nations of Australia.

We use the term Indigenous to refer generally and to include both Aboriginal and Torres Strait Islander peoples and use specific nation names when we are certain or have been given permission to use them. However, it's important to be aware that the use of 'Indigenous', 'Aboriginal' and 'Torres Strait Islander' are colonial labels and are sometimes offensive to people.

Definition of family

'Family' for Indigenous people is crucial and is extended further than the nuclear or immediate family structure which is common in Western society. All families have a responsibility to the elders in their immediate family and in the broader community. Elders are relied upon and respected for their cultural knowledge and guidance provided to the community. Aunties and Uncles can often play significant parenting roles within the family too.

Community 'business'

Indigenous communities have a family and social obligation to attend to community 'business'. For example, many Indigenous people refer to someone's passing as 'sorry' business' and will be required to attend and support the family and community during this time. Indigenous people working in identified roles may also be conflicted between work and family/community obligations.

Example of accommodating cultural practices in the workplace: Roger works in a manufacturing plant in Altona. His Auntie, who lives in East Gippsland passes away and the family relies on Roger to be close by during the 'sorry business'. This means Roger needs to spend some time away from work to support his family. His boss agrees to accommodate Roger's needs in accordance with his cultural responsibilities.

Important cultural events

NAIDOC week is an important event within the Indigenous community. Celebrations are held across Australia each July to celebrate history, culture and achievements of Indigenous peoples. The week is a great opportunity to participate in a range of activities and to support your local Indigenous community.

For more information visit naidoc.org.au/.

Other significant dates are:

26 January – Survival/Invasion Day. On the Australia Day public holiday, the Indigenous community celebrates the survival of Indigenous cultures.

26 May – Sorry Day. A day of commemoration and remembrance for the Indigenous children forcibly removed from their families, communities and culture – known as the Stolen Generations. Visit nsdc.org.au.

3 June – Mabo Day. Commemorates the 1992 High Court decision that recognised the existence of native title rights in Australia.

4 August C National Aboriginal and Islander Children's Day - this day is marked with a special theme each year.

9 August – International Day of the World's Indigenous Peoples – a day marked to recognise indigenous history, culture, languages, rights and aspirations throughout the world.

Some tips when working with Indigenous employees

- Be mindful of your expectations: Indigenous people cannot be expected to speak on behalf of all Indigenous people.
- Attend cultural awareness training to further your understanding of Victorian Aboriginal traditions and culture.
- Acknowledge and celebrate significant cultural events within your organisation or in the community.

About the Commission

The Commission is an independent statutory body that promotes equal opportunity, human rights and racial and religious tolerance. The Commission has functions under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*.

These laws require the Commission to:

- provide information and education about rights and responsibilities under these laws
- help people resolve disputes about discrimination, sexual harassment, victimisation and racial and religious vilification
- conduct research and investigations
- help organisations comply with their responsibilities under these laws
- report to the Victorian Government.



**Victorian Equal Opportunity
& Human Rights Commission**

Need more information?

Take a look at our training and consultancy services
Online humanrightscommission.vic.gov.au/education

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
TTY 1300 289 621
Interpreters 1300 152 494
Email employers@veohrc.vic.gov.au
Website humanrightscommission.vic.gov.au

Accessible formats

This publication is available to download from our website at humanrightscommission.vic.gov.au/resources in PDF and RTF. Please contact the Commission if you require other accessible formats.

We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at communications@veohrc.vic.gov.au.

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.