



**RECRUITING AND
SUPPORTING ABORIGINAL
AND TORRES STRAIT
ISLANDER EMPLOYEES:
A GUIDE FOR COMMUNITY
LEGAL CENTRES**

NACLCL acknowledges the traditional owners of the lands across Australia and particularly the Gadigal people of the Eora Nation, traditional owners of the land on which the NACLCL office is situated. We pay deep respect to Elders past and present.

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Introduction

The National Association of Community Legal Centres (NACLC) acknowledges the severe and multiple forms of discrimination and disadvantaged faced by Aboriginal and Torres Strait Islander people across Australia broadly, in accessing justice and in employment.

NACLC is the national peak body representing and providing services and support to community legal centres (CLCs) in Australia. NACLC's members are the state and territory associations of CLCs, which in turn represent around 190 community legal services in various metropolitan, regional, rural and remote locations. Some Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) are members of state and territory CLC associations and so also come under the NACLC umbrella.

Community legal centres, as not for profit community-based organisations that provide free and accessible legal and related services to disadvantaged people, also work closely with Aboriginal and Torres Strait Islander people and organisations, both as partners and as clients. For example, the 2015 NACLC Census of CLCs in Australia revealed that 15.3% of CLC clients, on average, identified as an Aboriginal and/or Torres Strait Islander person.

CLCs pride themselves on being part of and responsive to their communities. CLCs must therefore be equipped to deliver programs and services that reflect the needs and aspirations of Aboriginal and Torres Strait Islander people and communities. One element of this is the employment of Aboriginal and Torres Strait Islander employees. Across Australia Aboriginal and Torres Strait Islander people work in and provide a significant contribution to NACLC and CLCs across Australia. The 2015 National Census revealed that only 16.5% of CLCs have at least one Aboriginal and/or Torres Strait Islander identified position.

As a result, as well as to assist CLCs to meet the cultural safety standards in the National Accreditation Scheme (NAS), NACLC has developed this Guide to assist NACLC and CLCs to improve the attraction, recruitment, support and retention of Aboriginal and Torres Strait Islander employees in the sector.

This Guide is not intended to be an exhaustive resource and provides general information only. NACLC acknowledges that centre expertise and

practices vary significantly, however the Guide is intended to provide high-level nationally relevant information that may assist CLCs in considering how they approach the attraction, recruitment, support and retention of Aboriginal and Torres Strait Islander employees. It aims to encourage positive action in centres and to assist Aboriginal and Torres Strait Islander people to excel in valued careers in the legal assistance sector.

Development of the Guide

This Guide was developed as part of a NACLC project funded by the Commonwealth Attorney-General's Department aimed at promoting, enhancing and supporting better communication and collaboration within the legal assistance sector for Aboriginal and Torres Strait Islander peoples. One of the project initiatives was to encourage CLCs to improve attraction, recruitment and retention of Aboriginal and Torres Strait Islander workers, volunteers, and Board/Management Committee members by assisting CLCs to create culturally secure and welcoming work environments for Aboriginal and Torres Strait Islander people.

In developing this resource, NACLC has consulted a range of Aboriginal and Torres Strait Islander people and networks within the legal assistance sector, as well as conducted a review of existing good practice resources. This Guide also draws on experiences shared by CLCs across Australia.

Relevance of Guide to other legal assistance services

This Guide is intended to be used as a resource by CLCs, which are non-Aboriginal and Torres Strait Islander organisations. While some aspects of the Guide may be of interest to the many Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services that now come under the NACLC umbrella, NACLC recognises that community-controlled organisations have particular expertise and connection with community, but encourages FVPLS and ATSILS to use this Guide where it is useful.

NACLC strongly believes that community-controlled organisations are the most appropriate organisations to provide legal services to Aboriginal and Torres Strait Islander people. However, this Guide is intended to provide guidance to CLCs, recognising that where community controlled organisations are not able to provide assistance to Aboriginal and Torres Strait Islander people (for example due to conflicts of interest or unavailability of services), or where clients prefer to use a non-community controlled service, CLCs often fill that gap, and they must be able to do so in a culturally safe and appropriate way, as well as through employing Aboriginal and Torres Strait Islander people.

Terminology

The term '**Aboriginal and Torres Strait Islander people**' is used throughout this Guide as the preferred usage and to refer to the original people of Australia and their descendants

The term '**employee**' is used throughout this Guide, however many of the suggestions and actions could also be used to recruit, support and retain Aboriginal and Torres Strait Islander volunteers, governing body members, contractors and sub-contractors, consultants and similar.





SECTION ONE: Creating a Culturally Safe and Appropriate Work Environment and Work Practices

A key part of being able to recruit, support and retain Aboriginal and Torres Strait Islander employees is creating a culturally safe and appropriate work environment and work practices. Creating such an environment requires a real and embedded culture of respect and appreciation within the workplace. This culture needs to be supported and encouraged by all employees, and be lead and modelled by management. It is important to recognise that cultural awareness training, cultural safety and creating culturally safe and appropriate work environments and practices are ongoing processes.

This is a national Guide, however it is important to recognise the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples across Australia. Aboriginal and Torres Strait Islander peoples retain distinct cultural identities whether they live in urban, regional or remote areas of Australia and centres should strive to understand and appreciate the particular communities in and within which they work. For example, for further information in relation to NSW, see the CLCNSW Cultural Safety Workbook.

There are a number of key actions outlined below that CLCs can take in order to develop and nurture a culturally safe and appropriate work environment and work practices.

Cultural awareness and respect

- Review and update internal policies, procedures and materials to ensure they are culturally safe and appropriate, in consultation with Aboriginal and Torres Strait Islander employees and stakeholders, including local communities
- Provide cultural awareness training for all volunteers, employees and Board/Management Committee members, with input from the local Aboriginal or Torres Strait Islander community, noting the importance of ensuring training is regular and relevant to the local communities with which your centre works
- Work to ensure all employees and the Board/Management Committee understand the significance of and observe cultural protocols that recognise

Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which the centre works, including Welcome to Country and Acknowledgement of Country

- Encourage employees to attend and be involved in important Aboriginal and Torres Strait Islander events and days of significance (eg National Reconciliation Week, NAIDOC Week)
- Ensure the centre and all employees use culturally appropriate language in all communications
- Encourage respectful, voluntary, two-way conversations between Aboriginal and Torres Strait Islander and other employees about all cultural backgrounds and expectations, and
- Recognise the cultural diversity between Aboriginal and Torres Strait Islander peoples
- Draw on the expertise of Aboriginal and Torres Strait Islander employees, particularly where employed in a community worker or liaison role.

Cultural awareness training

The 2015 National CLC Census indicated that only 68.8% (81 CLCs from 118 respondents) report that staff undertake cultural awareness/safety training.

CLC management and supervisors should ensure that all staff have undertaken cultural awareness training within the first few months of commencing employment at the centre. Existing staff who have not previously undertaken cultural awareness training while working at the centre should undertake the training as soon as possible.

Factors to consider include:

- **Who should deliver the training?** Due to the diversity of Aboriginal and Torres Strait Islander people and cultures, cultural awareness training should always (if possible) be delivered by someone from the local community(ies) in which the CLC works. Local cultural awareness training is also a good starting point for

national or state-wide services, which can then broaden their training needs as appropriate for their centre.

- What **method of training** is most appropriate for the CLC's circumstances and needs? For example, face-to-face, immersion, online, or a mix.
- Whether staff also require more **specialised training** in particular areas relevant to service provision or role (for example for CLCs working in community, or with translators).
- The appropriate **frequency** of cultural awareness training. This will differ across centres, but should occur at least once every year.

One way of helping to consolidate a culture of awareness and appreciation in your centre is to add cultural awareness discussion points to regular staff meetings. For example, your centre could use such meetings to include a regular time for staff to share information and stimulate discussions about Aboriginal and Torres Strait Islander history and culture.

CLCs should also seek to collect a range of resources available to all employees. There are a number of useful resources listed at the end of this Guide.

Cultural protocols

"Cultural protocol refers to the customs, lore and codes of behaviour of a particular cultural group and a way of conducting business. It also refers to the protocols and procedures used to guide the observance of traditional knowledge and practices, including how traditional knowledge is used, recorded and disseminated."¹

CLCs should always observe relevant cultural protocols to ensure positive and respectful engagement with Aboriginal and Torres Strait Islander people and communities. While acknowledging the diversity of Aboriginal and Torres Strait Islander people and communities, there are a number of cultural protocols that should always be recognised, including:

- introduce meetings with an appropriate **Acknowledgement of Country**, and also include an acknowledgement on documents and correspondence²

- invite a suitable local Aboriginal or Torres Strait Islander person to give a **Welcome to Country** at key events³
- consider incorporating other ceremonies into events, such as **Smoking Ceremonies** (generally only for major events and large gatherings)
- recognise and respect **Sorry Business** and bereavement protocols when members of the community (not just immediate family) pass away, which can require Aboriginal and Torres Strait Islander people taking an extended period of leave to attend funerals and mourning activities, as well as possibly travelling long distances. For example, if the centre has a flagpole, it could put it at half-mast
- recognise and respect **Women's Business** and **Men's Business**, which will require sensitivity to gender issues
- **consult** with Aboriginal and/or Torres Strait Islander people in relation to matters and decisions regarding their cultural heritage, and obtain **consent** prior to disseminating certain information or images. Consultations should not be rushed, and centres need to recognise that Aboriginal and Torres Strait Islander people may wish to discuss issues they are being consulted on with other people before providing any feedback or input, rather than being expected themselves to respond on behalf of Aboriginal and Torres Strait Islander people generally. It is also important to maintain contact after the consultation has ended
- obtain consent prior to using **images and voices** of Aboriginal and/or Torres Strait Islander people. If the particular person is deceased, it is very likely that using their name or image will be offensive to their community (although this differs across Country). As a result, Centres should first consult and seek written permission from the deceased person's family and/or community prior to doing so and remove public references to deceased people upon becoming aware of their passing;
- use **culturally inclusive language** within the workplace and internal policies, and for external communications, and
- consider cultural protocols in arranging **meetings and events**, for example it is important to consider the location of the

meeting/event and be transparent about who will attend, as the presence of some people may preclude the attendance of others.

CLCs should also find out what other cultural protocols apply to the communities in which they work, and should seek to observe them accordingly.

Fee for service

Aboriginal or Torres Strait Islander people who are invited to perform a *Welcome to Country* or other ceremony at centre meetings/events, should be remunerated appropriately for their service. Such payments recognise the specialised knowledge or other intellectual property that is imparted, and should also consider the travel required to attend to the event.

Significant cultural events and days

To ensure a culturally inclusive and respectful work environment for Aboriginal and Torres Strait Islander employees and external stakeholders, it is important that CLCs recognise and, where possible, participate in significant cultural events and days. An indicative national list is provided at Appendix 2.

In addition to acknowledging these days and participating in events, CLC management and supervisors need to be aware that Aboriginal and Torres Strait Islander employees may need to attend other significant community meetings and events and should be supported to do so, including through access to leave entitlements.

Culturally inclusive and sensitive physical environments

Workplaces should be culturally appropriate in a physical sense. This is not only relevant to creating a positive environment for employees, but is also important for engaging with Aboriginal and Torres Strait Islander clients. This might involve:

- ensuring the centre's office space represents and symbolises its appreciation and respect for Aboriginal and Torres Strait Islander cultures by physically placing posters, a map, office flagpole or other art that celebrate its appreciation of Aboriginal and Torres Strait Islander cultures and its commitment to Aboriginal and Torres Strait Islander social justice issues

- actively considering other ways in which the centre can ensure that its office space is culturally safe and appropriate, including through consultation with Aboriginal and Torres Strait Islander employees and community
- recognise the importance of and commits to ensuring culturally safe and appropriate meeting/event arrangements, places and spaces. For example, using open spaces or buildings with windows to ensure the meeting space does not feel closed in or sterile, and
- providing relevant reading material within the workplace and waiting areas, eg Koori Mail, and/or relevant brochures or newsletters from local Aboriginal and Torres Strait Islander community organisations and services.

Frameworks, plans and policies

Cultural Safety Policy

The National Accreditation Scheme requires that CLCs develop and implement 'documented procedures or a plan to develop documented procedures to promote cultural safety across all services and activities and at all levels of the organisation'. More information on the NAS Cultural Safety Standard is available in Appendix 1.

Reconciliation Action Plan

A Reconciliation Action Plan (RAP), as explained by Reconciliation Australia, is a practical written plan of actions built on relationships, respect and opportunities, that provides a framework for organisations to realise their vision for reconciliation and create social change and economic opportunities for Aboriginal and Torres Strait Islander peoples.

Ideally each centre should have its own RAP as a written way of outlining the centres commitment to engaging with and respecting Aboriginal and Torres Strait Islander peoples and communities. It should be a meaningful living document incorporated into the everyday work of the centre and owned and lead by management. If your centre does not have a RAP, consider developing one with the assistance of Reconciliation Australia and appropriate consultation with Aboriginal and/or Torres Strait Islander organisations and/or people from the sector and local community.

It is important that CLCs do not rely solely on Aboriginal and Torres Strait Islander employees to develop the RAP. While Aboriginal and/or Torres Strait Islander employees may be able to contribute and should be supported to be actively involved and consulted, it is a strategic document about *reconciliation*, and as such it is important to come from management and be imbedded in the centre itself.

There are a number of resources that can assist CLCs to develop their own RAP and Reconciliation Australia can also provide useful support when putting together your RAP.

Aboriginal and Torres Strait Islander Employment Strategy

Centres should consider developing and implementing an Aboriginal and Torres Strait Islander Employment Strategy (Employment Strategy), which should be embedded in the Strategic Plan and supported by management and stakeholders. The Employment Strategy should guide how the centre attracts, supports and retains Aboriginal and Torres Strait Islander employees, consultants, volunteers and Management Committee/Board members by assisting CLCs to create a culturally sensitive and welcoming work environment for Aboriginal and Torres Strait Islander people.

CLCs should develop their own Employment Strategy specific to the particular centre so that it is relevant and effective for the centre. However, CLCs that do not have their own Employment Strategy, or require assistance in creating their own version, might refer to and use various aspects of the NALC Aboriginal and Torres Strait Islander Employment Strategy and/or the CLCNSW Aboriginal Employment Strategy, listed in the resources section at the end of this document.

NOTES TO SECTION

1. Community Legal Centres NSW, *Aboriginal Cultural Safety Workbook for Community Legal Centres: A Practical Step-By-Step Workbook*, 14.
2. An Acknowledgement of Country is a way that an Aboriginal and Torres Strait Islander person who is not a traditional owner or custodian of the land where the event is being held, or a non-Aboriginal and/or Torres Strait Islander person, shows respect for Aboriginal and Torres Strait Islander culture and heritage and the ongoing relationship the Traditional Custodians have with the Land. It is important to recognise the appropriate groups/nations and to check the pronunciation (for spoken acknowledgements). Acknowledgements of Country can take various forms. An example of an appropriate Acknowledgement of Country is: *'I would like to acknowledge the people who are the Traditional Custodians of the Land. I pay respect to their Elders, both past and present, and extend this respect to all Aboriginal and Torres Strait Islander people present.'*
3. It is extremely important that a 'Welcome to Country' be given by an appropriate person - a representative of the Traditional Custodians of the Land or a senior representative of the local Aboriginal and Torres Strait Islander community. To establish who an appropriate person may be, contact your local Land Council as well as consult with Aboriginal and Torres Strait Islander employees and local organisations your centre works with.



SECTION TWO: Recruitment of Aboriginal and Torres Strait Islander Employees

In order to benefit from and assist in developing the growing Aboriginal and Torres Strait Islander workforce across the sector, centres should consider ways to increase attraction and recruitment of Aboriginal and Torres Strait Islander employees. Centres could consider:

- increasing opportunities through advertising and attraction, targeted recruitment and interviewing and selection committees; and
- induction and employment conditions, including through orientation and induction, employment contracts and conditions.

Increasing opportunities

Centres should consider ways to increase opportunities for the employment of Aboriginal and Torres Strait Islander employees, as well as for existing employees. This might involve:

- expanding the range of employment opportunities for Aboriginal and Torres Strait Islander people within the centre, including by:
 - considering the Strategic Plan and work plans and identify areas of work most appropriately done by or in partnership with Aboriginal and/or Torres Strait Islander employees
 - consider the employment of Aboriginal and Torres Strait Islander consultants and experts for consultancy and project work where possible
 - identifying and pursuing possible sustainable funding to recruit Aboriginal and Torres Strait Islander employees (but also acknowledging that employment of Aboriginal and Torres Strait Islander people should not be dependent on specific or identified funding)
 - providing entry level opportunities and internships, including through establishing training programs (where appropriate), for example traineeships/cadetships
 - establishing identified/targeted positions where appropriate (in line with relevant legislation), and

- seeking to ensure that Aboriginal and Torres Strait Islander people are equally represented at all remuneration levels (where possible), including increasing representation in senior roles.
- investigate opportunities for Aboriginal and Torres Strait Islander student and volunteer engagement, including by:
 - Investigating possible internship programs, including Aurora and the Federal Government's Indigenous Cadetship Support program, and
 - Investigating possible volunteer opportunities for Aboriginal and Torres Strait Islander peoples in the centre's work and events.

Advertising: reaching and attracting applicants

Centres should consider how to attract Aboriginal and Torres Strait Islander job applicants and ensure advertising and recruitment processes are appropriate. This might involve:

- ensuring job descriptions are designed to attract a wide pool of suitable applicants and do not disadvantage Aboriginal and Torres Strait Islander people
- advertising and promoting job opportunities through Aboriginal and Torres Strait Islander media, communities, networks, education and other organisations and services, not only positions dealing with service delivery to Aboriginal and/or Torres Strait Islander people and communities, and
- engaging existing Aboriginal and Torres Strait Islander employees in promoting the benefits of a career in CLCs and at the centre with local community members and organisations.

CLC managers responsible for recruitment should attempt to ensure that job advertisements reach and attract prospective Aboriginal and Torres Strait Islander applicants.

To ensure that job advertisements **reach** potential Aboriginal and Torres Strait Islander applicants, positions should be advertised and promoted through Aboriginal and Torres Strait Islander media, networks and communities:

- positions can be advertised in media such as: the Koori Mail, Indigenous Jobs Australia, National Indigenous Times, and Torres News. The National Indigenous Radio Service, regional radio stations and social media might also be appropriate as well as relevant local media
- centres can inform and provide recruitment information to Aboriginal and Torres Strait Islander community organisations, appropriate networks (including Aboriginal Interagency networks), employment and careers expos, community events and relevant functions, as well as through Aboriginal and Torres Strait Islander support units at education institutions and employment networks, and
- centres can promote employment opportunities via email networks as well as by word of mouth and through face-to-face conversations with Aboriginal and Torres Strait Islander workers in the sector.

To assist in **attracting** Aboriginal and Torres Strait Islander applicants, centres should ensure advertisements:

- use plain English and inclusive language, and avoid using jargon
- focus on abilities needed to do the job rather than specific education or qualifications. For example, recruiting Aboriginal and/or Torres Strait Islander lawyers can be difficult, as they are often in high demand. As a result, the centre may wish to carefully consider the essential or desired criteria such as experience requirements, for example accepting relatively recent graduates with a commitment to providing additional training and support
- include the statement “Aboriginal and Torres Strait Islander people are encouraged to apply for this position” within the advertisement
- allow long enough timeframes for applications to be submitted to account for positions being communicated through by word of mouth. For example, it may take several weeks for information about a position to be passed on through relevant community networks, and
- ensure the confidentiality of applicants as well as employees.

Centres should also promote the organisation’s role in employing Aboriginal and Torres Strait Islander employees, as this will help applicants to feel that they will be welcomed and respected within the workplace. For example, on the website and/or in job advertisements, centres might include references to:

- a commitment to the employment of Aboriginal and Torres Strait Islander employees
- any particular support offered to Aboriginal and Torres Strait Islander employees such as any available mentors, advisory committees, support and encouragement for them to attend cultural and community events and similar
- the centre’s Reconciliation Action Plan; Aboriginal and Torres Strait Islander Employment Strategy or other relevant policies/frameworks
- images of Aboriginal and/or Torres Strait Islander staff members working in the organisation (with appropriate consent), and
- an Acknowledgement of Country.

If, having considered the suggestions above, your centre is having difficulty attracting Aboriginal and Torres Strait Islander applicants for positions, consider discussing potential strategies to address the issue with: Aboriginal and Torres Strait Islander employees, Board/ Management Committee members or volunteers; your centre’s Aboriginal and Torres Strait Islander Advisory Group (or equivalent) or RAP Working Group; the relevant State or Territory Network; or the National Aboriginal and Torres Strait Islander Women’s Network.

Targeted recruitment

While centres should seek to recruit Aboriginal and Torres Strait Islander people into all positions, there are some roles within centres that might be most appropriately and specifically suited to Aboriginal or Torres Strait Islander people, for example if the role requires engaging and maintaining relationships with local Aboriginal and Torres Strait Islander people and communities, as well as the provision of assistance, information and advocacy to Aboriginal and Torres Strait Islander clients. Such roles can include Aboriginal Access Workers and Community Engagement Officers.

In advertising for targeted roles, consider the points highlighted above in relation to the way in

which position descriptions and selection criteria are developed. For many such positions, to attract a wide range of suitable candidates it is more effective to focus on what you want the person in the role to do, rather than formal qualifications. For example, rather than requiring a candidate to have a law, social work or similar degree, it might be better to include selection criteria such as the 'ability to effectively communicate and work with the local Aboriginal and/or Torres Strait Islander communities'; 'knowledge of and social justice issues in Aboriginal and Torres Strait Islander communities'; and/or 'willingness to undertake professional development and training'.

Some centres also require that their Board/ Management Committee, and/or Advisory Council includes at least one identified Aboriginal or Torres Strait Islander member.

Roles that specifically require the employee to be an Aboriginal and/or Torres Strait Islander person can be specifically recruited for using targeted recruitment. Such recruitment is provided for under the *Racial Discrimination Act 1975* (Cth), as well as in various state- and territory-based legislations.

However, it is important to make sure that any targeted recruitment for Special Measures or Identified Positions complies with both federal and relevant state/territory laws. These can differ between jurisdictions, and some might require exemptions to be granted before advertising positions only open to Australian Aboriginal and/or Torres Strait Islander applicants.

Interviews and selection committees

Centres should ensure that those involved in and responsible for hiring employees have an understanding of local cultural differences and additional considerations that may need to be given to create an inclusive recruitment process for Aboriginal and Torres Strait Islander applicants, and that applicants are supported prior to interviews as required.

Selection committees and interview styles and formats for all positions should be culturally inclusive and appropriate. Centres should consider the following:

1. **Have an Aboriginal and/or Torres Strait Islander person on selection panels:**

- a. This is **vital** for targeted or identified positions or a role that involves working directly with communities. Where it is not possible to find an Aboriginal and/or Torres Strait Islander person to

join the panel from within the centre or local community, consider other Networks and organisations that may have suitable panel members (for example, the National Aboriginal and Torres Strait Islander Women's Network or relevant State/Territory Networks such as the CLCNSW Aboriginal Advisory Group). The selection process for such positions should be postponed until an appropriate panel member can be found

- b. This is **highly desirable** for recruitment of all roles within a centre. If it is not possible to find an Aboriginal and/or Torres Strait Islander person with relevant skills, knowledge or availability to join the panel, at a minimum centres should ensure that there is someone on the panel with cultural competency with regards to the recruitment of Aboriginal and/or Torres Strait Islander people. That is, someone who has a firm understanding of what is required by Aboriginal and Torres Strait Islander employees in their professional capacity, and the kinds of challenges that they may face in their communities. The person should also have appropriate training/background/ experience to communicate effectively with Aboriginal and Torres Strait Islander applicants
- c. All panel members should be involved in the full recruitment process, including reviewing applications, interviews, referee checks and agreeing upon suitable candidates. For example, an Aboriginal and/or Torres Strait Islander person on a panel may identify particular skills or experience in an application that is not apparent to a non- Aboriginal or Torres Strait Islander panel members.

2. **Provide support to applicants prior to the interview:**

- a. For example, ensure applicants are provided with clear instructions about the selection process and interview requirements
- b. For targeted or identified positions, consider offering an Aboriginal or Torres Strait Islander point of contact from within the centre or sector

- c. Where there is an Aboriginal and/or Torres Strait Islander applicant for a non-identified position, centres may also wish to consider offering that applicant additional culturally appropriate support during the application process. For example, in the advertisement documentation include a sentence that says 'if you are an Aboriginal and/or Torres Strait Islander applicant you may wish to speak to our Aboriginal Access Worker' and arrange for that person to provide applications with additional support.

3. Be prepared to be flexible about application periods and recruitment practices and allow for appropriate adjustments to be provided to candidates, including Aboriginal and Torres Strait Islander applicants, during the recruitment process. For example:

- a. Be prepared to allow for appropriate adjustments to be provided to applicants during the recruitment process, for example for Aboriginal and Torres Strait Islander applicants this may be because they are unable to attend at the scheduled time due to Sorry Business
- b. To create a more relaxed and welcoming environment for interviews, it may be useful to:
 - i. do not rush the introductions stage of the interview – be sure to start with a welcoming conversation, and try to establish a connection with the applicant, both by introducing yourself and your role, explaining the role being recruited for clearly, and allowing the applicant sufficient time to tell you about themselves
 - ii. allow extra time for applicants to be comfortable and not feel rushed through the interview, and
 - iii. use appropriate language that is easily understood and free from jargon during the interview and in other discussions with the applicant.

4. Understand and remember that there are a number of potential differences in communication styles, for example:

- a. Silences may be longer with Aboriginal and/or Torres Strait Islander people, and these should be allowed and respected – often they provide opportunities for deeper thought and reflection, ultimately leading to more comprehensive responses
- b. Making eye contact is not always polite in some Aboriginal and Torres Strait Islander cultures (although in some it is normal), so do not make assumptions about any lack of eye contact, and be respectful also to those who do not choose to make eye contact
- c. Where limited responses are offered, further simple questions may be helpful to extract more detailed responses
- d. Keep in mind that some Aboriginal and/or Torres Strait Islander applicants can be disadvantaged by interview styles that focus on questions for obtaining information. Sometimes it can be useful to invite further conversation without using questions
- e. Open questions can often lead to more detailed responses than closed (yes/no) questions
- f. Quantifying questions are best asked without reference to numbers – eg "when" instead of "what time", "who" instead of "how many people", etc
- g. Understand that there are differences between Aboriginal English and General Australian English, including in the pronunciation and use of words
- h. Recognise that apparent agreement or "yes" responses do not necessarily mean that person does actually agree with (or even understand) the question. There are a number of reasons why answers that appear to indicate agreement may be given, such as an attempt to provide the desired or expected answer, and
- i. Most importantly, recognise that communication styles will differ between different Aboriginal and Torres Strait Islander people and communities – there is a diversity of Aboriginal and Torres Strait Islander people, cultures

and communication styles. The key thing is to be aware of the types of differences that there can be in order to minimise any miscommunication. You can best identify the most common communication styles in your area by consulting Aboriginal and Torres Strait Islander employees, local Aboriginal and Torres Strait Islander organisations and/or local Aboriginal Land Council.

Induction and employment conditions

Orientation and induction

When new employees commence in a centre they should always commence with an organised orientation and induction process, to make them feel welcome in the organisation. This may need to be more comprehensive for some employees, depending on their prior work experiences and in some cases, depending on their cultural backgrounds and their professional expectations. Where an Aboriginal and/or Torres Strait Islander employee is commencing, centres should consider the most appropriate orientation and induction process and format for the employee.

The orientation and induction process is likely to differ significantly between centres and should be appropriate to the centre, but induction of new employees could include:

- introductions to other staff and management – team morning teas can often help create a welcoming environment, and connect the new employee with existing staff members
 - provide an induction kit, which in addition to the organisations policies and other material could also include a map of Aboriginal and Torres Strait Islander Australia as well as some background on the culture and history of the local area and the relevant Aboriginal and/or Torres Strait Islander community contacts and organisations
 - orientation and induction is the appropriate opportunity for managers to provide a clear outline of job expectations and goals to new employees. Organisational policies should also be explained, as well as identifying who the new employee can speak to about particular areas/issues, and
- providing details of local Aboriginal and Torres Strait Islander community organisations and service providers in the area, particularly if the person has moved for the job. If possible and available, arrange for new staff to attend an Aboriginal interagency meeting and NACLCL and relevant State/Territory network meetings (for example the National Aboriginal and Torres Strait Islander Women's Network meeting at the NACLCL National CLCs Conference each year).

Particular things to consider for new Aboriginal and Torres Strait Islander employees include:

- induction discussions may be a good time for managers to formally convey to new employees that they recognise that the work of Aboriginal and Torres Strait Islander employees does not always fall neatly within the hours of 9am to 5pm; that the centre offers flexible working hours and conditions (if it does); and that using entitlements, for example in relation to cultural/ceremonial leave is supported and encouraged, and
- connect or buddy the new employee with other Aboriginal or Torres Strait Islander employees, either within the centre, another local centre and/or within the sector. In some roles it may be appropriate to have an Aboriginal Advisory Committee who can mentor the worker. Let the employee know about other relevant Networks, for example the National Aboriginal and Torres Strait Islander Women's Network or relevant State/Territory Aboriginal and Torres Strait Islander networks.

Employment contracts and conditions

Centres should consider:

- promoting the use of flexible work practices to assist Aboriginal and Torres Strait Islander students, volunteers and employees to balance work and cultural responsibilities, expectations and commitments
- reviewing internal policies and procedures to ensure they create a culturally safe and appropriate workplace, including through the provision of cultural/ceremonial leave, and
- ensuring that existing and new employees understand that the centre recognises that Aboriginal and Torres Strait Islander people are experts in their communities and strive to remunerate these unique qualities accordingly.

By way of example, the *NACLC Enterprise Agreement 2016-2020* provides for:

- flexible work arrangements, including in relation to hours
- 3 days paid cultural/ceremonial leave per year
- up to 10 days additional unpaid cultural/ceremonial leave per year
- 10 days paid family/domestic violence leave per year and other supports
- 10 days unpaid community/lateral violence leave per year and other supports, and
- discretionary access to other forms of paid and unpaid leave.

In considering access to leave, centres should recognise and respect Sorry Business and bereavement protocols when members of family and community pass away, which can require Aboriginal and Torres Strait Islander people to take an extended period to attend funerals and mourning activities, as well as possible associated travel over long distances.





SECTION THREE: Supervising, Supporting and Retaining Aboriginal and Torres Strait Islander Employees

Background

Living the job

It is important for centres and managers/supervisors to recognise that often Aboriginal and Torres Strait Islander employees continue work outside the office and sometimes outside of business hours (particularly for Aboriginal Legal Access workers). For example, the worker may need to engage with other organisations and community groups, and attend events to promote the service and to develop networks. Aboriginal and Torres Strait Islander employees often report being approached on the street or in the shops at any hour of the day by members of their community who recognise them and know that they can talk to them about getting legal help.

In the case of Aboriginal Access Workers/Community Liaison Officers, it is often an important part of the workers' jobs to be receptive to out-of-office and out-of-hours approaches and requests. It is equally important, therefore, that centre management respects and appreciates that part of the position involves that additional work, and encourage employees to record that time and to take flexible leave where appropriate.

Additional pressures

Aboriginal and Torres Strait Islander employees are often requested to be involved in additional activities outside the scope of their role, such as sitting on Advisory Councils and other consultative bodies in a representative capacity. In addition, the work and actions of the centre may impact on the reputation of Aboriginal and/or Torres Strait Islander employees, because the community may hold them accountable for centre actions. It is important for centres to recognise this generally, as well as in relation to the increased pressure it places on Aboriginal and Torres Strait Islander employees.

These increased pressures (as well as pressures from the employee's private life) can sometimes lead to burnout. Management should strive to be aware of (and help to manage where possible), additional pressures on their employees, so as to help reduce employee burnout and support employee health and wellbeing.

Mentoring and professional development

Centres should strive to provide informal and culturally sensitive **mentoring** arrangements for Aboriginal and Torres Strait Islander staff, or access to external debriefing for employees. Mentoring should be based on commonality of job type as well as Aboriginal or Torres Strait Islander support.

Managers should have ongoing discussions with their employees around developing and managing their careers, to identify potential areas of **professional development** that should be pursued. Centres should aim to:

- provide training to suit the learning styles of Aboriginal and Torres Strait Islander employees in supportive learning environments
- consider appropriate opportunities together with employees, for example with regards to:
 - part-time study leave opportunities;
 - flexible working arrangements and
 - other professional development and training opportunities
- empower Aboriginal and Torres Strait Islander employees in decision-making processes
- identify capacity development opportunities for Aboriginal and Torres Strait Islander employees to participate in the delivery of cultural awareness training and activities for cultural events (for example NAIDOC week)
- provide mentoring or encouragement for Aboriginal and Torres Strait Islander employees applying for promotions, and
- ensure access to acting opportunities is fair and transparent.

Support

Aboriginal and Torres Strait Islander employees, like all employees, are valuable and make an important contribution to centres across Australia and they must be supported, encouraged and empowered in their roles. Positive and constructive feedback should be provided.

Managers should be flexible to the specific needs of Aboriginal and Torres Strait Islander employees, while still respecting professional boundaries. Centres should promote a healthy balanced approach to wellbeing in the workplace to ensure that professional, cultural and family responsibilities can be met without employees over-extending themselves, and a positive and open-minded approach.

On occasions, Aboriginal and Torres Strait Islander employees may experience cultural obligations that impact on work:

- Trust, respect and clear communication can ensure that cultural and workplace obligations are met to the satisfaction of all employees
- Centres should provide support mechanisms that are culturally appropriate for Aboriginal and Torres Strait Islander employees such as meeting cultural obligations to attend significant community events and gatherings.

Managers should keep an open door policy and a safe and encouraging environment for one-on-one discussions, and should regularly check in with employees. Managers/supervisors should also be understanding of cultural differences, such as communication and privacy and the possible impacts of shame.

Additional support should be provided for workers in identified and targeted roles or roles with high community contact, such as recognising that fulfilling workload responsibilities that involve Aboriginal and Torres Strait Islander clients may be time and resource intensive.

- Aboriginal and Torres Strait Islander employees may need an extra kilometre allowance or other travel allowances, or more flexible working hours
- Aboriginal and Torres Strait Islander employees who frequently work outside of the office are likely to rely more on their mobile phones and so these bills should be covered, or a separate work mobile provided.

Encouraging Aboriginal and Torres Strait Islander employee networks

Centres should encourage Aboriginal and Torres Strait Islander employees to become part of Aboriginal and Torres Strait Islander Networks within the sector. Alumni networks can also be useful to encourage ex-centre workers to stay in contact and enable access to future opportunities.

Networking and peer support is important to the wellbeing and morale of many Aboriginal and Torres Strait Islander employees. Establishing and/or providing access to Aboriginal and Torres Strait Islander networks is a positive way for centres to show support to Aboriginal and Torres Strait Islander employees. Employee networks can provide opportunities for Aboriginal and Torres Strait Islander employees to share experiences, provide cultural support, be a sounding board, and decrease isolation. They can also help identify areas where employees need or wish to increase their skills. Network meetings can be either formal or informal.

Encouraging community involvement

Supervising managers should ensure that staff work plans encourage and allocate time for employees to be involved with the local communities. Encouraging such involvement not only demonstrates the centre's respect for its staff's cultures, but can also help Aboriginal and Torres Strait Islander employees to feel comfortable and confident about being involved in their communities. They can also provide useful networking opportunities and a chance to increase awareness of the centre and its work.

For example, staff work plans might include:

- attendance at community events, and in particular for significant cultural events or ceremonies. Note that Aboriginal and Torres Strait Islander workers should be encouraged to explore the events and other stalls as well, rather than just requiring them to stand at the CLC's stall the whole event
- involvement in any relevant Networks, and
- developing relationships with relevant community-controlled organisations.

Reflecting on the retention and departure of employees

It is important that centres and managers build on learnings from the experience and advice of existing Aboriginal and Torres Strait Islander employees to inform employment strategies and professional learning opportunities. This includes seeking to understand the workplace experiences of current and former Aboriginal and Torres Strait Islander employees and why they remain at or have left the centre.

As part of this reflecting process necessary changes can then be made where required, which will not only help retain current staff, but also assist in the recruitment of future staff, because negative employment experiences with the centre or sector may influence community attitudes and perceptions about working at, or seeking assistance from, the centre.

For example, exit surveys and/or exit interviews can help evaluate attraction, development and retention strategies. The CLC NSW Aboriginal and Torres Strait Islander Employment Strategy has a useful exit interview template. Promoting stories of successful Aboriginal and Torres Strait Islander people who have held long term or multiple roles in the sector can also help recruit and retain other Aboriginal and Torres Strait Islander employees.



APPENDIX 1: Background Information

NACLC

The National Association of Community Legal Centres (NACLC) is the national peak body representing and providing services and support to community legal centres (CLCs) in Australia. NACLC's members are the state and territory associations of CLCs, which in turn represent around 190 community legal services in various metropolitan, regional, rural and remote locations. Some Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services are members of state and territory CLC associations and so also come under the NACLC umbrella.

Vision, Mission and Strategic Objectives

NACLC's vision is to realise rights, fairness and equality for everyone. NACLC's mission is to lead, connect and sustain CLCs to realise rights, fairness and equality for everyone. NACLC's relevant strategic objectives include to:

- **Strive for equitable access to justice and the promotion and protection of human rights**, including to proactively undertake and support advocacy and initiatives that promote and advance appropriate recognition of the unique place and value of Aboriginal and Torres Strait Islander peoples and communities and partner with Aboriginal and Torres Strait Islander peoples to protect their human rights in ways of their choosing
- **Proactively identify the sustainability needs of CLCs in collaboration with the sector and through other evidence, and drive initiatives to sustain healthy, viable legal assistance organisations and maximise ongoing service availability**
- **Advance the interests of CLCs and their clients, disadvantaged and marginalised people in Australia, by developing, maintaining and strengthening mutually beneficial collaborations with CLCs and with other key partners**, including by strengthening and maintaining collaborative partnerships with our legal assistance partners, in particular with National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the National Family Violence Prevention Legal Services Forum (NFVPLS) and their members and searching out and investing in opportunities to work in partnership with Aboriginal and Torres Strait Islander peoples and organisations
- **Guide the operation and oversee the wind-down of knowmore, supporting its clients and staff and preserving and building on its legacy**, and
- **Build a sustainable future for NACLC**, modelling good practices, including being guided by the experiences and perspectives of Aboriginal and Torres Strait Islander peoples.

National Accreditation Scheme Cultural Safety Standard

The National Accreditation Scheme for CLCs now contains a Standard on Cultural Safety for Aboriginal and Torres Strait Islander employees and clients.

The aim of the Cultural Safety Standard is to assist CLCs to provide legal assistance for Aboriginal and Torres Strait Islander communities in a culturally safe and appropriate manner and to support Aboriginal and Torres Strait Islander employees who work in CLCs.

Standard D1.2 Cultural Safety for Aboriginal and Torres Strait Islander staff and clients

The organisation is actively working to create a culturally safe organisation for staff and clients, is well connected to local Aboriginal and Torres Strait Islander communities and responds to the identified needs of Aboriginal and Torres Strait Islander people. The organisation is accessible to Aboriginal and Torres Strait Islander communities and people and provides services in a culturally safe and appropriate manner, respecting and acknowledging cultural diversity between different Aboriginal and Torres Strait Islander groups.

Note, Accreditation Coordinators will take into account the difference between community-controlled organisations and mainstream services. Accreditation Coordinators are not assessing the Cultural Safety of the organisation – they assess how the CLC is meeting the Standard and Requirements at that point in time, taking the context of the CLC into account.

Requirements for Standard D1.2 Cultural Safety for Aboriginal and Torres Strait Islander staff and clients

| | |
|--|-----------|
| Documented procedures or a plan to develop documented procedures to promote cultural safety across all services and activities and at all levels of the organisation. | Primary |
| Processes to identify, understand and monitor existing and emerging legal and social needs of Aboriginal and Torres Strait Islander communities within the catchment area. | Secondary |
| The organisation is connected to the local Aboriginal and Torres Strait Islander communities, families, people and organisations, with formal consultation processes functioning to inform strategic planning and service delivery activities (such as outreach, CLE and advice and participation in Aboriginal and Torres Strait Islander community-building events). | Secondary |
| Employment and retention strategies for Aboriginal and Torres Strait Islander members of staff. | Secondary |
| Regular Cultural Awareness/Cultural Competency training for all governing body members, staff and volunteers. | Secondary |
| The internal areas of the CLC, and the outside of the building and surrounds, where possible, are welcoming, culturally sensitive and create culturally safe environments for clients and staff. | Secondary |
| Evaluation, monitoring and continual development of cultural safety and responsiveness strategies. | Secondary |

Requirements are categorised as either Primary or Secondary. Actions to meet any Primary Requirements which have not been fully met at the time of assessment will be included in the CLC's agreed Improvement Plan with timeframes for their completion that are as soon as possible and within 12 months. Actions to reach compliance with Secondary Requirements will also be included in the CLC's agreed Improvement Plan and the CLC may be allowed up to 3 years across the certification period to achieve the actions. The CLC is required to demonstrate through six monthly progress reports that it has completed actions and is actively working towards compliance.

APPENDIX 2: Significant Dates and Events

Below is a list of some significant national dates and events. Importantly however, your centre should also investigate and recognise other dates and events, including those specific to your State/Territory and local communities.

January

Australia Day – Invasion Day or Survival Day

26 January

February

Anniversary of the National Apology

13 February

March

Anniversary of the signing of the Close the Gap Statement of Intent on Indigenous Health Equality

20 March

May

National Sorry Day

26 May

National Reconciliation Week

27 May – 3 June

June

Mabo Day

3 June

July

National NAIDOC Week

August

National Aboriginal and Islander Children's Day

4 August

December

Anniversary of the Wik Decision

23 December

APPENDIX 3: Further Information and Useful Resources

NACLC documents

NACLC Strategic Plan 2016-19

http://www.naccl.org.au/cb_pages/strategic_plan_2014-17.php

NACLC Reconciliation Action Plan 2017-19 and NACLC Aboriginal and Torres Strait Islander Employment Strategy 2017-2019

http://www.naccl.org.au/cb_pages/reconciliation_action_plan.php

NACLC Aboriginal and Torres Strait Islander Employment Strategy 2017-2019

http://www.naccl.org.au/cb_pages/NACLCEmploymentStrategy.php

Sector resources

Community Legal Centres NSW, Aboriginal Cultural Safety Workbook for Community Legal Centres

www.clcnsw.org.au/public_resource_details.php?resource_id=636

Community Legal Centres NSW, Protocols for Welcome to Country and Acknowledgement of Country

http://www.clcnsw.org.au/public_resource_details.php?resource_id=369

Community Legal Centres NSW, Aboriginal and Torres Strait Islander Employment Strategy

http://www.clcnsw.org.au/public_resource_details.php?resource_id=165

Kingsford Legal Centre, Working with Aboriginal Clients at Kingsford Legal Centre, Service Provision Manual

<http://www.klc.unsw.edu.au/sites/klc.unsw.edu.au/files/UN702-KLC-Aboriginal-Service-Provision-Manual-FA-WEB.pdf>

Other resources

Australian Human Rights Commission

Targeted Recruitment of Aboriginal and Torres Strait Islander People – A Guideline for Employers (2015)

<https://www.humanrights.gov.au/news/stories/guidelines-help-employers-create-opportunities-indigenous-staff>

Aboriginal and Torres Strait Islander Peoples Engagement Kit (2012)

[https://www.humanrights.gov.au/sites/default/files/content/pdf/about/Aboriginal%20and%20Torres%20Strait%20Islander%20Peoples%20Engagement%20Toolkit%202012%20\(pdf\).pdf](https://www.humanrights.gov.au/sites/default/files/content/pdf/about/Aboriginal%20and%20Torres%20Strait%20Islander%20Peoples%20Engagement%20Toolkit%202012%20(pdf).pdf)

Good Practice, Good Business Factsheets:

- A quick guide to Australian discrimination laws
<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>
- A step-by-step guide to preventing discrimination in recruitment
<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/step-step-guide-preventing-discrimination>
- Racial discrimination
<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/racial-discrimination>
- Workplace discrimination, harassment and bullying
<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/workplace-discrimination-harassment-and-bullying>

Australian Human Rights Commission and National Congress of Australia's First Peoples

Community Guide to the UN Declaration on the Rights of Indigenous Peoples

<http://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/community-guide-un>

Reconciliation Australia

Share our Pride

A simple online learning tool focussing on introductory issues relating to Aboriginal and Torres Strait Islander history and cultures

www.shareourpride.org.au

RAP Online Hub

<http://www.reconciliation.org.au/raphub/>

Australian Public Service Commission

Building an Indigenous Employment Strategy Kit

<http://www.apsc.gov.au/publications-and-media/current-publications/building-an-indigenous-employment-strategy-kit>

Indigenous Jobs Australia

<http://www.indigenousjobsaustralia.com.au/>



NALCLC welcomes feedback and suggestions about ways to improve future versions of this Guide. To provide feedback, or for more information please contact:

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'Untitled' by Jillary Lynch