



Measures intended to achieve equality

Recruiting diverse talent

Our commitment to safe and inclusive workplaces for all

The Department of Training and Workforce Development is committed to creating a diverse workforce, representative of the community we serve, and workplaces where everyone feels safe, respected and included. The Department understands its role in contributing towards the twin goals of the [WA Public Sector Workforce Diversification and Inclusion Strategy 2020-2025](#), which are to:

- ✓ Increase the representation of people from different backgrounds at all levels across our sector (workforce diversification)
- ✓ Ensure all staff in the sector experience a sense of belonging and inclusion in the work environment (workforce inclusion)

We recognise that the achievement of these goals requires a collective approach from agencies and the Department articulates this commitment in its own *Workforce Diversification and Inclusion Strategy*.

Equal opportunity in public employment

The Western Australian *Equal Opportunity Act 1984* (the Act) recognises that equal opportunity is not necessarily achieved by treating everyone the same.

The objective of the Act is to promote equality of opportunity and eliminate discrimination for individuals, wherever possible. The Act also recognises that in certain circumstances discrimination, which would otherwise be unlawful, can be used positively to further meet the objects of the Act. Exceptions in the Act allow agencies to:

- nominate race, sex, disability and age as a genuine qualification for a job (e.g. female breast screen radiographer servicing women)
- take action on the grounds of race, sex, sexual orientation, disability and age to achieve equity or improve representation in employment (e.g. leadership program to support career progression of Aboriginal and Torres Strait Islander staff or to meet targets).

Measures intended to achieve equality

Specific actions can be taken on the grounds of race, sex, sexual orientation, disability or age to provide equity and improve representation in employment. Measures can be used for recruitment and other opportunities such as training and development.

The Department applies measures intended to achieve equality to:

- better reflect the community the agency serves;
- increase representation of particular diversity groups to meet agency and/sector diversity employment targets; and
- play its part in contributing to the progress of diversity and inclusion in the public sector.

Sections of the Act which may be used in recruitment by the Department

<p>Section 66ZP</p>	<p>Section 66ZP affords persons who are of a particular age, access to facilities, services or opportunities to meet their special needs in relation to employment.</p> <p>It provides organisations with the ability to use recruitment strategies to achieve equity.</p> <p>In particular, our focus is to increase the Department's youth (those aged 24 years and under) employee cohort and one of our strategies is to apply Section 66ZP to fill suitable positions.</p> <p>This section of the Act will commonly be applied to targeted entry level programs, including traineeship and graduate program opportunities.</p>
<p>Section 66R</p>	<p>Section 66R affords persons who have an impairment access to facilities, services or opportunities to meet their special needs in relation to employment. It provides organisations with the ability to utilise recruitment strategies to achieve equity.</p> <p>Our Workforce Diversification and Inclusion Strategy outlines several initiatives designed to sustain an inclusive workplace and to increase workforce representation of people with disability.</p> <p>In using Section 66R, the Department aims to achieve equitable employment outcomes and increase workforce representation of people with disability by providing employment and career opportunities.</p>
<p>Section 51</p>	<p>Section 51 of the Act is a measure intended to achieve equality related to race. It affords a person of a particular race access to facilities, services or opportunities to meet their special needs in relation to employment.</p> <p>Our Workforce Diversification and Inclusion Strategy outlines several initiatives designed to sustain an inclusive workplace and to increase workforce representation of Aboriginal and Torres Strait Islander people.</p> <p>In using Section 51 of the Act, the Department aims to provide employment and career opportunities to Aboriginal and Torres Strait Islander people.</p>

Why are we using measures intended to achieve equality in our recruitment processes?

The Department is committed to increasing the representation of particular diversity groups to meet diversity employment targets set by the Public Sector Commission.

The achievement of set targets requires proactive employment measures, including the implementation of relevant sections of the Act, to optimise how we recruit in order to attract applicants from communities to which the measures are intended to apply.



Table 1 shows the representation of Aboriginal and Torres Strait Islander People, people with disability and youth against public sector employment targets (as at May 2023).

Table 1: Workforce Diversity Profile

	Aboriginal or Torres Strait Islander Peoples	People with Disability	Youth (24 years and under)
2023 Actual	3.8%	3.8%	6.4%
2025 Target	3.7%	5.0%	5.8%

It is anticipated that the application of measures intended to achieve equality in our advertising will attract a greater number of applications from Aboriginal and Torres Strait Islander peoples, people with Disability and youth.

How will applicants know when special measures apply to a selection process?

Where special measures are applied, a clear statement similar to the example below or words to that effect, will be applied to our job advertisements to clearly state our intentions and demonstrate transparency in our recruitment actions:

The Department is an Equal Opportunity Employer and is committed to improving employment opportunities and outcomes through the recruitment, development and retention of Aboriginal and Torres Strait Islander people, young people and people with disability.

As a measure to achieve equality, sections 51, 66R and 66ZP of the Equal Opportunity Act 1984 apply to this position. Aboriginal and Torres Strait Islander people, young people (24 years of age and under) and people with a disability are strongly encouraged to apply and to indicate within their application to which diversity group they belong.

Are applicants assessed differently when special measures are applied to a selection process?

Anyone applying for a job with the Department must be assessed equitably against the selection criteria and meet the minimum requirements for the position advertised. This is a [public sector employment standard](#) and assessment by merit must be made against the job requirements in recruitment processes.

Where more than one applicant meets the criteria, an applicant from the diversity group under which the special measure applies may be prioritised for appointment.

What is the Public Sector Commissioner's position on the use of these sections of the Equal Opportunity Act 1984?

As part of the [Workforce Diversification and Inclusion Strategy for WA Public Sector Employment 2020-2025](#) the PSC supports the implementation of special measures from the Act; specifically:

- Section 51 of the Act in the [Aboriginal and Torres Strait Islander People – Action Plan to Improve WA Public Sector Outcomes](#)
- Section 66ZP of the Act in the [Youth – Action Plan to Improve WA Public Sector Outcomes](#)
- Section 66R of the Act in the [People with Disability – Action Plan to Improve WA Public Sector Outcomes](#)

Does the Department require an exemption from the State Administrative Tribunal to use s51, s66R or s66ZP of the Act?

No, an exemption is not required from the State Administrative Tribunal.

Where can I find more information about measures intended to achieve equality in employment?

Equal Opportunity Commission

www.wa.gov.au/organisation/equal-opportunity-commission

Public Sector Commission

www.wa.gov.au/organisation/public-sector-commission

Director of Equal Opportunity in Public Employment

www.wa.gov.au/organisation/public-sector-commission/director-of-equal-opportunity-public-employment

Equal Opportunity Act 1984

www.legislation.wa.gov.au

How have other agencies in the sector applied measures intended to achieve equality?

Find out how different public sector leaders have used exemptions in the Act to attract and recruit for diversity:

- [Department of Planning, Lands and Heritage – s51 of the Act](#)
- [WA Police – s51 of the Act](#)
- [Public Sector Commission – s66R of the Act](#)