
Psychosocial risk to remedy: reconciliation and First Nations employment

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In this article, I will explore the nexus between First Nations identity and workplace requirements through legislation, diversity and inclusion programmes and Reconciliation Action Plans (RAPs).

Australian workplaces have undergone a transformation within the past decade as employers seek to embed diversity and inclusion programmes within business-as-usual operations. Corporate Australia has invested in the development of teams to provide their expertise around developing initiatives to attract talent from diverse backgrounds, ranging from scholarship and internship opportunities to dedicated roles. However, as diversification increases, so too do the considerations for workplaces. Mechanisms of inclusion are adopted to ensure diversity thrives — from recognition of dates/weeks of religious importance to prayer rooms and interchangeable leave policies to accommodate different backgrounds.

The **Diversity Council of Australia** explores diversity and inclusion below:

Diversity refers to the mix of people in an organisation — that is, all the differences between people in how they identify in relation to their:

Social Identity eg, Aboriginal and/or Torres Strait Islander background, age, caring responsibilities, cultural background, disability status, gender, religious affiliation, sexual orientation, gender identity, intersex status, and socio-economic background.

Professional Identity eg, profession, education, work experiences, organisational level, functional area, division/department, and location.

These aspects come together in a unique way for each individual and shape the way they view and perceive their world and workplace — as well as how others view and treat them.

Inclusion refers to getting the mix of people in an organisation to work together to improve performance and wellbeing. Inclusion in a workplace is achieved when a diversity of people (eg, ages, cultural backgrounds, genders, perspectives) feel that they are:

RESPECTED for who they are and able to be themselves;
CONNECTED to their colleagues and feel they belong;
CONTRIBUTING their perspectives and talents to the workplace; and

PROGRESSING in their career at work (ie have equal access to opportunities and resources).¹

The increasing awareness and need around diversity and inclusion in Australian workplaces has seen the demand grow for First Nations² specific programmes. Targeted recruitment through graduate programmes and other designated roles has seen First Nations employment become a hot topic of discussion. With this focus, consideration has been given to Australian-centric dates, in particular, 26 January. Numerous workplaces have introduced policies that provide flexibility around public holidays, with some workplaces allowing staff to substitute the public holiday for another nominated day of leave.³ However, the increased work around First Nations employment is through mechanisms such as Reconciliation Action Plans,⁴ which are developed by organisations and have been a feature in Australian workplaces since 2006 and over 2000 workplaces have RAPs in place, approved by Reconciliation Australia, stating:

RAPs have enabled organisations to sustainably and strategically take meaningful action to advance reconciliation.⁵

There are three types of RAPs, designed to support each organisation with where it is at in terms of their reconciliation work⁶:

- **Innovate:** implementing reconciliation initiatives
- **Stretch** RAP: embedding reconciliation
- **Elevate** RAP: leadership in reconciliation.

RAPs revolve around three key pillars:

- **Relationships**
- **Respect**, and
- **Opportunities.**

These three pillars suggest a framework of review, inclusion and pathways forward, with the “Opportunities” section often housing employment initiatives, seeking organisations commitment to a figure of First Nations employment. The progress of your RAP is measured against target sets and reported on annually through the RAP Impact Survey. A RAP is one way an organisation can consolidate its efforts in the First Nations space and create a path towards achieving reconciliation. However, the Australian Human Rights Commission note that:

Aboriginal and Torres Strait Islander people, and those from culturally diverse backgrounds, often have to deal

with systemic forms of discrimination. Such experiences limit the access that members of these groups enjoy to the opportunities and resources offered to many people from Anglo-Australian backgrounds.⁷

In 2020, the ground-breaking **Gari Yala (Speak the Truth): Centring the experiences of Aboriginal and/or Torres Strait Islander Australians** at work was released.

Gari Yala (meaning Speak the Truth in Wiradjuri language) report was released in a collaborative partnership between the Jumbunna Institute of Indigenous Education and Research and Diversity Council Australia.⁸ The research explored the experiences of over 1000 First Nations employees across various industries in Australia.

Truth-telling plays a pivotal role in First Nations lives and allows First Nations Peoples to exercise sovereignty over lived experience, with Reconciliation Australia detailing it as “official apologies, truth and reconciliation or other inquiries and commissions, memorials, ceremonies and public art”.⁹ The findings of *Gari Yala* include:

- **78%** of respondents said it was important for them to identify as Indigenous within their workplace
- **63%** experience high identity strain — the strain Indigenous employees feel when they themselves, or others, view their identity as not meeting the norms or expectations of the dominant culture in the workplace
- **39%** carry the burden of high cultural load, which comes in the form of extra work demands and the expectation to educate others
- **38%** reported being treated unfairly because of their Indigenous background sometimes, often or all the time
- **44%** reported hearing racial slurs sometimes, often or all the time
- **59%** reported experiencing appearance racism — receiving comments about the way they look or “should” look as an Aboriginal or Torres Strait Islander person.¹⁰

Aboriginal and/or Torres Strait Islander workers who experienced unfair racist treatment were:

- **2.5** times less likely to always be satisfied with their job, compared to those who rarely or never experienced unfair racist treatment
- **3** times less likely to always recommend their workplace to other Indigenous people
- **2** times as likely to be looking for a new employer in the next year.¹¹

The results demonstrated a lack of adequate mechanisms to address racism:

- Only 1 in 3 had the workplace support required when they experienced racism.
- Only 1 in 5 worked in organisations with both a racism complaint procedure and anti-discrimination compliance training that included reference to Indigenous discrimination and harassment.

These results present as psychosocial hazards under the Safe Work Australia guidelines, with the *Gari Yala* report identifying hazards outlined by Safe Work Australia as:

- job demands
- low job control
- poor support
- poor organisational justice
- violence and aggression
- bullying
- harassment, including sexual harassment, and
- conflict or poor workplace relationships and interactions.

The Work, Health & Safety (WHS) framework assigns a duty of care to PCBUs,¹² noting that PCBUs must eliminate or minimise, so far as is reasonably practicable, the psychosocial risks that arise from psychosocial hazards.¹³ The Model Code of Practice: Managing psychosocial hazards at work¹⁴ accounts for provides practical guidance on how to achieve the standards of work health and safety required under the WHS Act and the Work Health and Safety Regulations (the WHS Regulations), and effective ways to identify and manage risks.¹⁵

As Australia moves between a pre and post referendum result, the Inclusion@Work Index has highlighted a dramatic increase in racism in the workplace.¹⁶ The study found that 59% of Aboriginal and/or Torres Strait Islander workers experiencing discrimination and/or harassment in the workplace in 2023, a 9% increase since the last Inclusion@Work Index in 2021.¹⁷ However, non-Indigenous respondents reported a small drop in levels of discrimination and harassment, with 22% reporting this type of exclusion in 2023 compared with 23% in 2021.¹⁸

Australia is reaching a critical juncture with activity on the Voice to Parliament. With reports highlighting the increase of racism in the workplace, employers must close the gaps between diversity and inclusion and reconciliation efforts. It is apparent that there is a need for workplaces to create workplace psychosocial risk assessments and actions to fulfil obligations under WHS regulations in order to remain compliant.

Workplaces across Australia have made great progress when it comes to embedding diversity, inclusion and reconciliation programmes as active functions to their businesses. However, it is evident that there is the need for transformation in the workplace to meet legislative frameworks. It is essential to mitigate the psychosocial hazards discussed above. From both a legal and cultural practical perspective, moving from risk to remedy would look like:

- a First Nations risk assessment to measure any psychosocial risks
- creating a First Nations function to sit within the business to mitigate psychosocial risks
- hiring First Nations expertise to consult on policy review and development
- developing specific senior roles to oversee workplaces investigations that are culturally safe
- mandating cultural awareness programmes to embed cultural understanding across the workplace.

Reports such as Gari Yala and WHS frameworks provide an opportunity for businesses to transform and embed First Nations expertise in a deeper capacity to not only mitigate risk, but embolden First Nations aspirations through effective protection from risks. This shift will create pathways for seniority of First Nations staff and non-traditional career pathways.



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Footnotes

1. www.dca.org.au/di-planning/getting-started-di/diversity-inclusion-explained.
2. First Nations refers to Aboriginal and/or Torres Strait Islander Peoples.
3. www.afr.com/companies/professional-services/more-firms-offer-swap-for-australia-day-public-holiday-20230117-p5cd8q.
4. www.reconciliation.org.au/reconciliation-action-plans/.
5. Ibid.
6. Ibid.
7. <https://humanrights.gov.au/our-work/education/who-experiences-racism>.
8. www.dca.org.au/research/project/gari-yala-speak-truth-centreing-experiences-aboriginal-andor-torres-strait-islander.
9. www.reconciliation.org.au/our-work/truth-telling/.
10. www.dca.org.au/research/project/gari-yala-speak-truth-centreing-experiences-aboriginal-andor-torres-strait-islander.
11. Ibid.
12. Person conducting a business or undertaking. The model WHS Act places the primary duty of care on the PCBU. The term PCBU is an umbrella concept used to capture all types of working arrangements or structures. A PCBU can be a: company; unincorporated body or association; sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU.
13. www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/mental-health/whs-duties.
14. Section 274 of the Work Health and Safety Act.
15. www.safeworkaustralia.gov.au/doc/model-code-practice-managing-psychosocial-hazards-work.
16. www.dca.org.au/media-releases/first-nations-facing-increased-discrimination-cultural-load-voice-debate-heats.
17. Ibid.
18. Ibid.