



Using Section 51 of the *Equal Opportunity Act (WA) 1984* to increase the Aboriginal Workforce

Section 51 of the Equal Opportunity Act (WA) 1984 is an exception to what would otherwise be unlawful discrimination. It enables an agency to increase workforce diversity and the presentation of a particular race within their workforce profile.

How is section 51 different to section 50(d)?

Sections 50(d) and 51 of the Equal Opportunity Act (WA) 1984 operate as **exceptions** to what would otherwise be unlawful discrimination under the Act. The application of **s. 50(d)** of the Act, enables services to be provided to a racial group by a person of the same race e.g. **Aboriginal Health Workers**. Aboriginality is a genuine occupational qualification. Non-Aboriginal people **are not eligible to apply**.

The application of **s. 51** of the Act enables agencies to create a more diverse workforce through targeted appointments aimed at a particular race that is under-represented in the workforce e.g. recruiting Aboriginal people into **mainstream positions**. Non-Aboriginal people **are eligible to apply**.

The *Equal Opportunity Act (WA) 1984* (the Act) is the main piece of legislation underpinning the principles of **equal opportunity** in Western Australia. The Act **addresses discrimination** in the areas of employment, accommodation, education and the provision of goods, facilities, services and activities.

Why is CAHS applying s. 51 to all adverts?

The application of s. 51 to all adverts is just one measure to support the increased representation of Aboriginal people in the CAHS workforce. The Health Service Executive are committed to achieving a target of 3.2% representation and have endorsed the [CAHS Aboriginal Workforce Strategy 2018-2026](#) which outlines a number of initiatives to support the attraction, retention and development of Aboriginal employees in CAHS.

For hiring managers:

For more detailed information please refer to the [Guidelines](#) on Healthpoint or contact CAHS Human Resources (HR).

Prior to advertising:

- ✓ Educate yourself about the requirements of s. 51.
- ✓ Understand the health services goals in terms of increasing representation and improving the health and wellbeing of Aboriginal people.
- ✓ Include an Aboriginal employee - contact cahs.aboriginalworkforce@health.wa.gov.au to request an Aboriginal employee to join your recruitment panel.
- ✓ Make sure all panel members have completed the Aboriginal Cultural eLearning training.
- ✓ Consider flexible and innovative approaches to advertising and job design – this can include flexible application times and promotion of position.
- ✓ Consider alternative methods of assessment – for example work samples, practical skills tests, undertaking simulations/role play or group assessments.

During advertising:

- ✓ Assess all applicants against the selection criteria as per the WA Health Recruitment, Selection and Appointment Policy.
- ✓ All applicants MUST meet the work-related requirements to be considered.
- ✓ All Aboriginal applicants that meet the selection criteria must be prioritised for shortlisting and be assessed.
- ✓ Ensure culturally appropriate selection methods.

Finalising the appointment:

- ✓ The **intent** is to appoint a suitable Aboriginal applicant to the vacancy even if they are not the most competitive from the total field of applicants.
- ✓ Visit Healthpoint and refer to the sample R12 form. It is important to note in the R12 that section 51 was applied.
- ✓ Read the resource [“How well do you understand the Aboriginal people you employ?” developed by the Aboriginal Workforce Development Centre.](#)

Did you know?

1.4%

Of the 6,274 strong CAHS workforce identifies as Aboriginal.

3.3%

Of the WA population are Aboriginal.

Employment is a key

Social determinant of health – it benefits the individual, their family and community.