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INTRODUCTION

This module of study has been designed to help you understand the term 'cultural diversity', another name for which is multiculturalism.

At the heart of cultural diversity is the understanding that we are all the same. Whilst we may have different skin colour, practice different religions, eat different types of food etc., underneath all this we are essentially the same. We all want to be loved and to love. We want to be free to express ourselves and raise our children where it is safe and supportive for them to grow into caring adults. We want our elderly cared for and respected. All of these things are universal. However, the way that we approach all of those things is different and that determines what we call culture. Culture is represented by our shared characteristics such as behaviour patterns, language, beliefs, social habits, rituals, that over time we come to recognise as defining us as belonging to a particular group. This can be around similar religious experiences, birthplace, celebrations, food etc. What we need to be aware of is not to let culture define us to the point that we judge and exclude others.

Culture is much broader than just what ethnic group we identify with. We will, for example, have a culture in our workplace. It may be an open, warm and welcoming culture, or a culture of blame and bullying. Both these types of cultures within the workplace are directly related to the ideals and beliefs that people within the organisation hold. We also have a family culture where the way our family communicates, celebrates birthdays, uses humour, prepares food etc., all make up the culture within the family or the way your particular family does things. Consider for example what might happen if you break a strong tradition within your family around Christmas or a similar traditional celebration?

When we talk about cultural diversity we are talking about the various ways in which people live and express themselves. For example, a woman raised in Japan will do things differently than say a woman living in the USA. She will be influenced by different cultural norms. However, a woman is a woman and will always hold the essence of a woman within herself. Here we witness culture and diversity together in relationship to gender. We can observe this diversity within many other areas of societies, such as race, religion, abilities and disabilities etc.

Modern Australia is an explicitly culturally diverse society. This has not always been the case; there was a time when only white migrants were accepted as citizens. This white only
policy was implemented as a result of the outcome of the 1896 Shearers’ Strike, when cheap labour from China caused domestic upheaval. This policy has since been rescinded. As the population increases over the coming years there will be an increase in cultural diversity.

As part of working with cultural diversity you will meet and work with people from different countries who have different life experiences which may include traumatic events and significant losses affecting behaviour, mental health and availability of support networks.

Australia is a multicultural nation. This means that the people and government of Australia have officially decided to have a culturally diverse nation. This is different from neighbouring nation, New Zealand, which has chosen to be a bicultural society.

The essence of multiculturalism/cultural diversity is the understanding that people are essentially all the same regardless of their different life experiences, race, ethnicity, religion, cultural beliefs and practices etc. Multiculturalism allows for the integration of a wide range of ideas, experiences and practices. While the mix of cultures may change from time to time, there remains a mosaic of diversity within the States and Territories of the Commonwealth of Australia.

Research into cultures in Australia indicates that there are more than 150 cultures represented in the country.

Some definitions of culture include:

- A way of life including shared values, attitudes, goals and practices
- A set of practices underpinned by a strong sense of identity to a socio-ethnic group
- Habits, attitudes and beliefs that define a way of life for a group of people.

Taken together, these definitions indicate that changes occur within every culture over time as people’s ideas and beliefs are challenged by the advent of the next generation, new inventions and the arrival of people from different countries impact it.

Ethnicity is a different concept again. It is an attribute of a specific group of people who have a common origin or language. In this sense ethnicity is a form of identification, through historical ties.

To summarise, culture relates to beliefs, traditions, behaviours and rituals, whereas ethnicity relates to identification by race, ancestral and national heritage and language.
Culture and ethnicity interact as concepts within a society. They reinforce each other while still having their distinct features. However, it is important to note that both have the potential to become insular and protective of their beliefs to the exclusion of others in an effort to preserve identity. In this context misunderstandings and conflict can occur.

Cultural diversity also encompasses human rights, particularly the rights of women, disabled persons and other social minority groups. We have laws (legislation) in Australia to protect a person’s right to self-determination. Self-determination means that people have a right to choose how they want to live and express themselves however this must occur within the current laws and regulations of the state and country, thus protecting the integrity and safety of all citizens.
APPLICABLE LEGISLATION

Anti-Discrimination Legislation and Ethical Principles

In Australia, the following anti-discrimination laws apply:

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975

You cannot discriminate against individuals based on characteristics like age, gender, disability and race and you must afford everyone equal opportunities.

Full details about these Acts can be found at www.humanrights.gov.au

Age Discrimination Act 2004

The Age Discrimination Act is in place to ensure that individuals are not advantaged or disadvantaged because of their age; this is particularly relevant to recruitment, employment and education.

This act protects individuals from being discriminated against on the grounds of their age and is in place to promote equality in all applicable areas; there are very few instances that are exempt from this law.

Charles Sturt University offers this overview of the Age Discrimination Act:

“The Age Discrimination Act aims to:

1. remove discrimination on the basis of age in employment, education and other areas;
2. ensure, as far as practicable, that everyone has the same rights to equality before the law, regardless of their age;
3. promote recognition and acceptance of this principle within the community;
4. allow appropriate benefits and other assistance to be given to people of a certain age, in recognition of their particular circumstances; and
5. **respond** to demographic change by removing barriers to older people participating in society, particularly the workforce, and changing negative stereotypes about older people.

The Act makes it unlawful to treat a person less favourably because of their age, because of characteristics generally pertaining to their age or because of characteristics generally imputed to people of their age. Like other anti-discrimination laws, the Act provides for exemptions to its application. Among these are exemption for youth wages or direct compliance with industrial agreements and awards and exemption for educational institutions established for people of a particular age.

Under the Age Discrimination Act it is not unlawful to provide a benefit to a particular group where the action is intended to meet a need that arises from that age group.


**Disability Discrimination Act 1992**

The purpose of the Disability Discrimination Act is to protect disabled individuals and groups from discrimination based upon the disabled status; this law is particularly applicable to instances such as employment, education and recruitment.

The Disability Discrimination Act also protects the rights of disabled persons to access goods and services; this may include accessing retail outlets and professional individuals, such as lawyers.


**Racial Discrimination Act 1975**

The Racial Discrimination Act 1975 protects individuals from being discriminated against based upon their race and seeks to promote equality.

Under this Act, it is illegal to discriminate against anyone based upon their race, colour or ethnic origin. The Act also means that racial vilification is against the law.

As with the Age and Disability Acts, affected groups and individuals must have equal access to:
• Access:
  o To public areas
  o To retain premises
  o To goods and services
• Accommodation
• Education
• Employment.

More information on the Racial Discrimination Act can be found here:

**Sex Discrimination Act 1984**

The Sex Discrimination Act 1984 promotes equality between men and women, especially in the workplace.

*In terms of the workplace, the Sex Discrimination Act makes it illegal for employers to discriminate upon candidates based on their sex in matters such as:*

• Recruitment
• Ongoing employment
• Pay gap
• Promotion and upward mobility
• Leadership and management roles
• Family commitments
• Caring commitments
• Pregnancy and breastfeeding.

The Sex Discrimination Act also addresses sexual harassment, violence and access barriers and also covers lesbian, gay, bisexual, transsexual and transgender individuals.

Further information can be found here:
Australian Human Rights Commission Act 1986

The Australian Human Rights Commission Act 1986 was previously known as the Human Rights and Equal Opportunity Commission Act 1986 and was renamed in 2008. The Commission is funded by the Australian Government and is in place to handle and investigate complaints of discrimination.

The types of discrimination that are handled by the Commission include:

- Age
- Disability
- Race
- Sex
- Sexual harassment
- Gender identity

More information can be found here:


Employee rights and responsibilities

Employee rights and responsibilities may relate to:

- Duty of care responsibilities
- Leave entitlements
- Attendance requirements
- Obeying lawful orders
- Confidentiality and privacy of organisation, client and colleague information
- Adherence to WHS
- Protection from discrimination and sexual harassment in the workplace
- The right to union representation.

Requirements of own work role may include:

- Level of responsibility
- Organisation guidelines
- Individual awards and benchmarks
• Legislation relevant to work area
• Accreditation standards.

Employer Rights and Responsibilities

Employer rights and responsibilities may relate to:
• Legislative requirements for employee dismissal i.e. Workplace Relations Act
• Legislative requirements to provide a safe work environment free from discrimination and sexual harassment (see State and Commonwealth anti-discrimination legislation)
• Enterprise workplace agreements
• Relevant State and Territory employment legislation i.e. wage rates, employment conditions

Rights and Responsibilities of Clients

All clients have certain statutory rights that must be awarded to them regardless of your personal opinion of them.

Rights may include:
• To be treated in a professional and courteous manner
• To have differences respected, in relation to:
  o Race
  o Ethnicity
  o Gender
  o Nationality
  o Sexual orientation
  o Religion
  o Age
  o Disability
  o Economic situation
  o Personal values
• Respect for personal privacy and confidentiality
• A right to a safe environment
• A right to choice of services
• Participation in decisions concerning their care
• A right to complain
• A right to view information held about them
• Consultation on any changes to the services they receive

In terms of client responsibilities, they have a duty to:
• Be respectful of others, including staff and others involved in their care
• Be respectful of any equipment that belongs to others
• Refrain from being under the influence of drugs/alcohol when receiving services
• Attempt to maximise the benefit of the services provided
• Provide accurate information in regard to services provided

Equal Opportunity/Discrimination

It is important to value and treat everyone equally and with respect when it comes to their individual differences. The Equal Opportunity Act 1984 was created for workplaces to protect employees from discrimination and to give them equal opportunities. It identifies features that may cause prejudices among groups of people.

Discrimination means unfair treatment of a person based on prejudices.

Under the Act, it is illegal for any person or establishment to discriminate against another based on:

• Gender
• Marital status
• Sexual preference
• Race
• Culture/religious beliefs
• Personal principles or beliefs
• Pregnancy
• Age
• Physical or mental impairment.
1. OWN PERSPECTIVES

1.1 OWN SOCIAL AND CULTURAL PERSPECTIVES AND BIASES

Cultural Diversity

Cultural diversity is part of the social structure of many nations, particularly Australia. Australia is a nation of migrants. Even the indigenous Aboriginals originally migrated from elsewhere. Australia has more than 130 cultures represented within its population. While cultural diversity has been largely successful in Australia, there is still not a total acceptance of each other and our different ways of living. The process of adjusting to a different culture is not always easy, especially for immigrants who have witnessed atrocities in their homelands. Great care, love and respect therefore needs to be shown to people so that they can be supported to find their own way in Australian society.

Citizenship is one of the tools for positively celebrating a person’s entry into a new culture. Whilst clashes can and do exist between cultures, when they arise and they need to be addressed sensitively and caringly to avoid further escalation of tensions. When cultural issues exist you may require culturally sensitive tools and processes. When trying to resolve issues that have cultural foundations it may be wise to get support from your colleague or supervisor. Your own social and cultural perspectives and biases will vary, depending on your upbringing, surroundings and life experiences.

You may have biases on the following:

- Culture
- Race
- Age
- Language
- Sexuality
- Appearance
- Socio-economic standing
• Cultural customs
• Religion

To gain a deeper understanding about how you feel about certain topics consider your personal opinions on the following:

• The current government in Australia
• Immigration
• Gender roles in the household
• Gender roles in sport
• Openly displaying emotions
• Social hierarchies.

Depending on where we are located, there may be a different general consensus on these topics, and this may influence our way of thinking.

Our social circle can also have a big influence on our own beliefs, as we tend to value our friends’ and family’s opinions, and possibly adopt them as our own. This is not to say we don’t have free will and opinions, but that we may be influenced by others.

Education and personal experiences also have a big role to play – the former usually begins at an early age, when we are more susceptible to believing what we are told at face value, and these thoughts can become ingrained for the majority of our life.

The era in which we have grown up can often have an effect – think of how different things were when our grandparents grew up to when we did. Were all genders considered equal? Were all sexualities widely accepted?

People can often be afraid of things that are different from what they are used to, as they don’t fully understand them. However, in 100 years, it is possible that certain things that are considered ‘abnormal’ now may be widely accepted.

The media can also affect our own biases, as many people absorb it as reliable evidence of what is important in society – therefore, things that are reported negatively are seen negatively by consumers; things that are reported positively often become popular opinions for the general public. An example is what and how events are reported in the media. Reports are not necessarily true and it is important not to blindly accept what the
media presents. The media will make sensational displays to sell a story, and not always seek the truth first and foremost.

What are your social and cultural biases? Where have they come from? How do you react in certain situations?

It may pay to learn about the different cultures in your area and their histories, as this will help you become more understanding and accepting, widening your perspective and broadening your horizons.

**ASSESSMENT 1.1**
1.2 OWN LIMITATIONS IN SELF AND SOCIAL AWARENESS

<table>
<thead>
<tr>
<th>ELEMENT:</th>
<th>1. Reflect on own perspectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERFORMANCE CRITERIA:</td>
<td>1.2 Work with awareness of own limitations in self and social awareness</td>
</tr>
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Awareness of Your Own Limitations

Getting to know yourself and your cultural practices will support you to work more effectively and sensitively with other people. This then means that, when we are faced with cultural behaviours and customs that differ from our own, we will be able to respond with more understanding especially when it comes to providing care services.

If we reflect on what challenges us with regard to other cultures we can gain insight into others’ behaviour and perhaps become aware of our own beliefs and attitudes, which may at times be judgmental. For example, you may be a quiet and introverted person caring for a male client who expresses loudly with hand gestures and often speaks in his original language which you do not understand. This type of expression may be challenging for you. In circumstances like these you will need to get to know him and how he expresses before you can fully understand whether an interpreter is needed or when he is simply expressing his feelings about something quite minor that does not require attention or follow-up.

If you become aware of any harmful stereotypes and biases that you have it is important to seek support with these to ensure that they do not impact on the quality of care you offer clients or colleagues.

Self-Awareness

Self-awareness is about understanding ourselves. This includes understanding who we are, what we value, what we like and don’t like, our strengths and weaknesses, and the impact these have on life, including work. Self-awareness is also about understanding how we respond in different situations and why we respond in these ways. A key element to self-awareness is appreciating what we do well and how we contribute to our team and our clients.

Self-awareness can support us to understand what triggers us to react to certain things and the impact that our reactions can have on ourselves and on others. We are always
responsible for our own reactions and at times may need support to understand why we are reacting and how we can respond differently.

Sometimes we may find our work overwhelming and it is important to gain support and share what is happening for us. In doing so we learn more about our relationship with ourselves and our work.

Social Awareness

Social awareness is your ability to understand and respond to the needs of others. A part of being able to respond to the needs of others is to become aware of how other people perceive you, and how your actions affect another. If you are oblivious to this, you will miss key clues that could support you in your relationship with another. For example, you may be someone who makes him or herself available to assist others without stopping to ask whether the other person requires assistance. In the process you may take over and remove another’s opportunity to learn or take responsibility for the task allocated to them.

Social awareness requires:

- **Compassion**
  
  Compassion is being aware of and sensitive to another’s situation or experience. Developing understanding through observation allows us to fully support, assist, care for and offer understanding for another without being immersed in their situation. This approach provides the basis for clients to be heard and understood, and in turn, clients are more likely to honestly share their experiences. The process of expressing compassion relies on being able to listen to the client and connect with what they are expressing but not taking it on, remaining objective is the key.

- **Awareness of an organisation**
  
  Awareness of your organisation is about putting people first, well before any product. With the drive to succeed, we can easily lose sight of the fact that any organisation is made up of people and it is the people that service the product. The importance of people can be dismissed and de-valued in the pursuit of performance and managing tasks. Social awareness of an organisation comes first from within, an awareness and understanding that an organisation is built on people and the level of genuine contribution the organisation can provide to
society is seeded, developed and confirmed by how the people within the organisation relate and interrelate. An organisation has far more responsibility beyond the people working, participating or contributing to the organisation, it also has a responsibility to the society it is providing the product or service too.

- **Good service**
  It is necessary to consider other people’s feelings, what works for them and how to support them to get their needs met when providing good service.

**Identifying Gaps in Knowledge**

Part of the point of being socially and self-aware is to identify the gaps in your own knowledge and understanding, so you can educate yourself and eliminate them, making you a more culturally competent individual.

**It is important to be aware of the following:**

- The exclusion of certain cultures
- Stereotypes
- Cultural biases
- Social attitudes
- Culture shock
- The history of different cultures, for example Aboriginal and Torres Strait Islander people
- Different cultures present in your environment
- The experiences of your colleagues and clients
- The origin of stereotypes and biases.

**ASSESSMENT 1.2**
1.3 OWN ABILITY TO WORK INCLUSIVELY

**Element:** 1. Reflect on own perspectives

**Performance Criteria:** 1.3 Use reflection to support own ability to work inclusively and with understanding of others

**Working Inclusively and with Understanding of Others**

As part of your education on diversity, you can include culturally diverse people in your organisation’s planning processes.

You can also partner with local service providers, local government, cultural representatives and members of the community, to help adapt your work processes to help meet the needs of diverse people.

You can also aim to implement a diverse employment strategy, creating a culturally diverse workforce, so you have a variety of skills and perspectives to draw upon.

**Reflect on Your Own Ability to Work Inclusively**

In order to work inclusively we need to be self-aware and sensitive to how our own particular limitations in self and social awareness can impact on those around us. One of the key elements in the ability to work inclusively is to accept others as they are – regardless of any differences, cultural or otherwise that may exist or be perceived.

It is valuable to reflect on where you are already working inclusively. These are aspects of working inclusively:

- accept others as they are
- embrace diversity
- interact with people in a respectful and sensitive manner
- use inclusive language - which simply means using terms that avoid marginalising or excluding those who may be susceptible to or are already marginalised. It involves using language that is accessible or meaningful to a wide range of people.

The process of self-reflection should also include an honest self-assessment of any negative or stereotypical attitudes you may carry towards particular groups such as Aboriginal or Torres Strait Islanders and other ethnic groups, gender biases, etc.

**Assessment 1.3**
1.4 WAYS TO IMPROVE OWN SELF AND SOCIAL AWARENESS

Ways in Which we can Develop Self-Awareness Include:

- **Self-reflection**
  Spend some time at the end of each day reflecting on the day, what you did well, what you could improve on, why things went well and why things didn’t go well. This is not an exercise in judgement, it is a simple exercise to support you to understand yourself better.

- **Appreciation**
  Similar to self-reflection, another great way to develop your self-awareness is to spend time at the end of each day appreciating the qualities you brought to your day and what you were able to do with those qualities. The more we appreciate ourselves, the more we start to get a whole picture of who we are, and how that supports us to make changes where necessary.

- **Keep a diary or a journal**
  Diaries or journals are a great way to record your feelings and thoughts, and how you are tracking in life. You may choose to focus on a few key areas, i.e. what foods you ate and how these impacted on you, how much you expressed in meetings, how much you were able to communicate with certain clients, what things triggered you, etc. Over time, you will start to see key patterns emerge, which give you a level of awareness that you did not have before, and an opportunity to change certain behaviours.

- **Support**
  It can be beneficial to seek the support of someone – either a close friend that we trust, or a practitioner or counsellor that we can talk to, to help us understand ourselves more. The key here is to remember that you know yourself best of all, and the practitioner / counsellor is there to support you in understanding yourself better.
• Honesty

A key aspect of self-awareness is honesty. For us to truly understand ourselves and have a high level of self-awareness, we need to be able to be honest with ourselves – both in appreciating how amazing we are at certain things, and looking at the not-so-great things we’ve done and being honest about why we’ve done them.

ASSESSMENT 1.4
2. DIVERSITY AND INCLUSIVENESS

2.1 INDIVIDUAL DIFFERENCES

Valuing and Respecting Individual Differences

Whilst we appear different on a physical level for example, a tall black African man and a small white western woman, we are in fact on the inside all equal and the same. The more we get to know people the more we get to see and experience this. When reading the below list regarding individual differences keep in mind for example that an 18 year old woman with a disability who speaks German is in essence no different than an 80 year old man with a stroke who is unable to walk. A person is a person, and whilst they may express differently and want different things at different phases of their life, they both remain a person. When reading the below list consider if you have been inclined to focus on perceived differences with people rather than on their similarities.

Individual differences that we tend to focus on and categorise people into include:

- Ability
- Age
- Belief systems/values
- Culture
- Expertise/experience/working styles
- Gender
- Interests
- Interpersonal style
- Language
- Learning styles
- Mental ability
- Past experiences
- Physical characteristics
- Race
- Religion
- Sexual orientation
As you can read from the list above there are many ways that we have identified people by deeming them different than ourselves. When we work with people however we have a responsibility to challenge anything that can cause us to not be fully able to be with them and see them for who they are.

Ability

Ability is a talent or skill that enables us to express and work well in a specific area, for example good customer service. Individuals have different abilities and some people work more easily and competently in some areas than others. This is important to understand and be aware of when working as a team.

Irrespective of whether we work individually with someone or as part of a team it is important to connect with the purpose of what we are doing and value our contribution. Take for example a cleaner. He or she can come to work every day and do what their job requires without appreciating its importance. But what if they connected with the purpose of the whole organisation? What if they came to work and understood that they are someone who cleans hospitals so that patients have a clean environment in which to recover from an illness and in that their role is just as important to the patient and to the whole organisation as is the role of the surgeon or the nurse or the office clerk? The cleaner who connects with that bigger picture of what they offer will be much more motivated to serve the purpose of the organisation.

Age

This is self-explanatory but it is something that should be taken into consideration when assessing the training needs of a workforce. For example, an older member of the team may require a more comprehensive training package for operating a new computer system than someone who has just left school. Conversely, an older colleague may have a more experienced knowledge of problem solving in the workplace than a younger counterpart. At the same time, this not may be the case at all and we must be careful not to assume anything by stereotyping.

Belief systems/values

A belief system is a personal set of core values or principles that define how we behave. It is not necessarily based on experience or truth, and in some cases can be dangerously
misleading. People have different morals and this affects how they behave towards themselves and one another. Holding certain beliefs that require extreme rituals or isolating activities can be exclusive of others to the point that those who have differing beliefs can become the target of abuse or harm. Extreme religious beliefs are an example.

**Culture**

A culture is a set of attitudes, customs and beliefs that define groups of people, for example, youth culture, rugby culture, drug culture. Many cultures are stereotypical and are often misunderstood by those on the outside of the culture.

Cultures also exist within a family or a work team and it is not until patterns or behaviours change or are challenged that we realise that a definite culture exists. We can have a supportive culture where cooperative teamwork is the norm. This culture can change when one person joins the team who behaves in a dominating way, or does not share and cooperate with other team members.

**Expertise/experience/working styles**

Similar to ability and talents, individuals possess specific areas of expertise and they are employed to meet the individual needs of each organisation. For example, an electrician may not be the ideal candidate to be employed as a legal secretary, and vice versa.

Experience varies between individuals and does not necessarily mean that an employee over 50 years old has more experience than someone half their age as the former may have held the same job on a production line for their entire working life, whereas the latter may have been employed in a number of different roles in varying sectors. Experience includes understanding, practice and capability as well as the knowledge gathered as we learn and which we use to improve our abilities and decision making.

**Working effectively and efficiently can include working:**

- Collaboratively in teams
- Planning thoroughly with purpose as the guide
- Autonomously
- Working during the day/night
- Following up and following through to complete tasks or projects
• Time management skills
• Communicating via email/telephone/face to face

Gender
Despite equal opportunities legislation some vocations still tend to be either male or female orientated because of their nature. We will cover this legislation further on in the unit.

Interests
People have all sorts of diverse interests from knitting to netball, gardening to going to the gym.

Interpersonal style
People vary in the way they behave and how they communicate with one another. There are a number of different interpersonal styles including:

• Directive, assertive, controlling
• Amiable, helpful, openly display feelings
• Expressive, intuitive, persuasive
• Analytical, thorough, thoughtful.

Language
Language does not just include the native tongue but extends to more informal things such as jargon and dialect. Some industries have their own specific jargon.

Learning styles
We all learn in different ways. The following are the most common styles:

• Visual – pictures, shapes, paintings, sculptures
• Kinaesthetic – gestures, body movements, object handling, positioning
• Auditory – listening, tone, chanting, rhythms.

Mental ability
The ability to learn and retain knowledge is different for different people. Some people for example can remember things after reading it once, others may have to write it down,
others may have to keep referring to notes whilst others may have to physically perform the task to learn and remember.

Organised Religion

Organised religion has a different perceived value in different cultures where there are different belief systems. It is important to be aware of this when clients make any comment about religion. An example of the different perceived values associate with religion is one of the tenets of Islam where immediate burial occurs when a person has died, whereas (generally) a burial in Australia may not take place for five or seven days.

Past experiences

Past experiences can shape how we behave and respond or react to situations, but they do not define who we are. Our past experiences vary greatly and it is important to be aware of the effect these differences may have on our interactions. We always have a choice about how we respond to what life presents to us when triggered, we can learn to understand the choices we have in front of us are always an opportunity for growth or not.

Race, religion and sexual orientation

As with gender, there is specific legislation relating to these topics, which we will cover later in the unit. Needless to say, these differences are often the most talked about and controversial.

Appropriate Behaviours

The issue of appropriate behaviour is a skill set that all workers providing services need to acquire. Obviously you cannot expect to know all that needs to be known about other cultures or the diversity of people, however there are certain behaviours and communications that are universal and conducive to building purposeful, warm and cooperative relationships including:

Openness

This will include being non-judgmental with a client from another culture. It also means being flexible and adaptable in communications. Over time, it will become possible to
learn relevant protocols. This is what Dr Carl Rogers referred to as ‘unconditional positive regard’.

**Attentiveness**

In these situations, pay close attention to what is being said, so that subtle nuances can be understood. Often, body language will tell you how the person is feeling and the stability of their mental health. In certain situations it may be appropriate to seek support from a colleague, professional or family member.

**Compassion**

Compassion allows us to remain supportive of another person through the ability to observe their situation, bring awareness, understanding and care to it without feeling that we have to fix it for another. This empowers another to find their own answers and come to their own realisations. People have a wealth of lived experience and wisdom gained from past experiences, cultural experiences and travels, significant life events, illness and disease etc. Often, people do not know how to communicate their wisdom but if we remain open and compassionate we may find that we open up opportunities to support, encourage and empower them to express what they know and feel.

**Discovery**

It is important to take the time to understand another person’s culture, customs and beliefs. Much can be learnt from connecting with people and talking with them as well as looking up the internet or talking with people who are more familiar with that culture. Also, many cultural practices can be easily learnt over a shared meal or a cup of tea.

**Body language**

Non-verbal communication can be a sensitive issue. For example, patting someone on the shoulder might be quite acceptable in some cultures, while it is offensive in other cultures. Eye contact can be an issue because some cultures discourage direct eye contact, as a sign of respect. The potential for misunderstanding can be high, therefore it is important to learn and observe how and what to communicate to those in your care as you get to know them.

**Sensitivity**
Some migrants in Australia have come to the country as refugees. They may have left behind memories of torture, rape, killing and starvation. These memories may be easily reactivated. Insensitive communication can easily open up old wounds, especially where there may be signs of post-traumatic stress syndrome. Always be aware that you do not know someone else’s experience so be careful not to make assumptions. Gain permission before commencing any activities or procedures that you are unsure about.

Respect

It is important and supportive in any organisation to understand and respect that we all have a unique expression and have different life experiences. This applies to colleagues, clients and customers. When we hold each other as equals and consistently focus on the purpose of our work, we can engender a culture and work environment that is harmonious, healthy, collegiate and a productive working environment. The reasons for this are both moral and legal.

Power and authority

Different cultures approach authority from different perspectives. Sometimes, the male is deemed the source of authority, while on occasions it will be the female. Often, there are small clues within body language. This is a major challenge for law enforcement agencies when dealing with Indigenous Australians – especially where shame and honour issues are reinforced, directly or indirectly, by law enforcement practices.

Gender appropriateness

In some cultures, there is a degree of gender sensitivity that needs to be considered. It may be totally inappropriate in some cultures for a male to be alone in a room with a female. The chaperone factor may be a necessary solution. An example in counselling may occur when interviewing a child about sexual abuse. A sole male counsellor interviewing a young girl may be a major issue that could contaminate the validity of court evidence. Most human service agencies have policies to cover this situation.

Honour

In some cultures, shame is unbearable. It is a matter of dishonour, failure and disgrace. So, it is essential that you don’t say or do anything that will be regarded as shaming the other person. This applies particularly where there is a risk of violence to the client, a third party
or yourself. For example, if it becomes obvious that you need to address inappropriate behaviour of another cultural sensitivity becomes very important so that people do not “lose face”. This might require you speaking one-on-one with the person rather than in a group situation. It is our duty of care to address issues or get support if this is outside our role.

CASE STUDY – CULTURAL DIFFERENCE

Gretja invited her neighbours from down the road to join her and her grandchildren in opening presents under the Christmas tree. The neighbours accepted and adjusted their plans for Christmas day, not knowing that Gretja was a migrant from the Netherlands who celebrated with presents on Christmas Eve. They did eventually catch up on Christmas Eve but only after an urgent phone call.

LEARNING POINTS

In a world of cultural diversity, assumptions can have big consequences. This case study showed how a little assumption could have a major impact. A simple question about time and place would have been successful. Often, we may not have the opportunity to rescue a situation – as happened in this case study. Fortunately, in this example, Gretja was proactive in helping to resolve the dilemma.

ASSESSMENT 2.1
2.2 WORK PLACE AND PROFESSIONAL RELATIONSHIPS

**ELEMENT:** 2. Appreciate diversity and inclusiveness, and their benefits

**PERFORMANCE CRITERIA:** 2.2 Contribute to the development of work place and professional relationships based on appreciation of diversity and inclusiveness

Developing Workplace and Professional Relationships

Part of our responsibility is a commitment to making changes to accommodate cultural diversity. The forecast growth of the Australian population from 22 million to 43 million by around the middle of the century, will inevitably increase the sizes of the nation’s many cultures.

When providing personal services, we are not limited to working with individuals. Sometimes, we will be organisational consultants. The growing use of employee assistance programs means you may be visiting workplaces to provide a range of services to groups, teams, managers and HR practitioners more often.

One of the key issues is to make sure that company and organisational policies support change in working with a diversity of people. With projected growth in the multi-cultural workforce in Australia, policies to facilitate change in the area of culture diversity will be essential. You may even be invited to help prepare these policies. Increasingly, issues of the workplace will appear in our work duties as problems that need to be solved. Tighter laws, with respect to discrimination and racist provocation, are also likely to increase the amount of mediation you have to do.

More information on cultures and their needs will become available as Australia realises the value of nurturing them (cultures). This can be achieved by attending information sessions or seminars and gathering information from a range of clients, families, carers and friends. Other options include additional professional training, learning placements in culturally dedicated environments and the pursuit of special interest groups.

‘Continuous improvement’ is a process in the modern workplace that is driven by productivity demands. However, rather than focussing on productivity demands, it is important to remember that any business or workplace is about people first and foremost, long before it is about any system or product. ‘Continuous Improvement’ presents an organisation with the opportunity to support, grow and develop its people. And it is the development of each and every one of us that ultimately leads to productivity, harmony and wellbeing in all workplace settings. Thus not only do we greatly benefit from
developing ourselves, but so too do our workplaces greatly benefit from us bringing more of us to them – because at the core of them, our workplaces are made up of us, as people. When we make it about people, our professional relationship with diversity and inclusiveness can be appreciated. Continuous improvement is as applicable to cultural diversity as any other area of workplace practice. International recruitment in some industries is actually fostering greater cultural diversity through sponsored migration programs.

CASE STUDY – SPONSORED MIGRATION

Some Australian business and education organisations are branches of global organisations. These global organisations like to build capability through exposing people to business operations in different countries. For example, consider the Indian restaurant that specialises in hot curry and tandoori dishes – it needs a properly trained chef who understands the southern Indian food and cultural preferences. For the owner, it is much easier to recruit a chef from southern India and bring him into Australia on a work migration visa for a highly-skilled employee. Training a tandoori chef can take many years in the appropriate working environment. For the employer – the restaurant owner – part of the challenge of bringing in a sponsored employee is the matter of acculturation (cultural adjustment to the new country and the workplace). So, assistance may be needed with accommodation, friendship networks, community links and access to the local temple. These social support measures are as important for the sponsored worker as they are for the refugee. They require planning and forethought.

LEARNING POINTS

This case study shows how cultural diversity might be a planned phenomenon, a cultural learning experience. There are social support issues that need to be addressed as part of the sponsorship obligations of the employer. The simple appointment of a food specialist from another culture is part of the Australian history of cultural diversity. Since the 1950s, Australia has extensively expanded its range of foods from different cultures.
Celebration of Culture

In Australia, culture is celebrated as part of the federal government’s policy of multiculturalism. This policy was developed after World War II, through the influence of federal immigration Minister Arthur Calwell (1896-1973). He developed the policy of “populate or perish”, as support for European migrants to come to Australia to start a new life. Ironically, in retrospect, Calwell has also been regarded as a racist because of his support for the ‘White Australia’ policy – a policy that led to the deportation of many people who were not white-skinned.

In many countries, citizenship has been regarded as an instrument of cultural acceptance and integration. By becoming an Australian citizen, a migrant is demonstrating their commitment to the Australian nationality and way of life. The connection between citizenship and culture in Australia is celebrated annually on January 26 – a day known as Australia Day. Many citizenship investiture ceremonies are held on this day.

Throughout the years of Australian history since 1788, the role and value of migrants from other cultures has been researched, analysed and debated. Many reports have been written about the value of these new sources of culture.

In September 2009, Australian Jewish News reporter Naomi Levin outlined the results of one of these studies conducted by Monash University’s Global Terrorism Research Centre: *Perception of Multiculturalism and Security in Victoria*.

The research involved a sample of 120 respondents. While questions were raised about the integration of recent Sudanese and Somalian immigrants, the research supported the value of bringing new migrants to Australia.

Findings from the research have been earmarked for use in government policy making, through the Australian Multicultural Advisory Council.

Affirmative Action

‘Affirmative action’ is a policy approach to systemic discrimination against women within organisations and workplaces. Affirmative action is the name given to a wide range of programs undertaken by organisations to achieve equal employment opportunities for women. The approach of this policy model is to remove structural inequity that has become embedded in organisational practices and culture.
Such programs can range from reviewing employment practices to ensure they don’t directly or indirectly discriminate against women, to developing special programs to encourage women to apply for a wider range of positions within the organisation. Affirmative action programs are designed to ensure the organisation’s employment practices; in particular, recruitment, selection and promotion will be based on merit – without regard for such factors as gender or marital status.

In Australia, the responsibility for monitoring Affirmative Action is the Equal Opportunity for Women in the Workplace Agency, now renamed as The Workplace Gender Equality Agency [WGEA] after the Workplace Gender Equality Act 2012 came into place. You can find further information on their website www.wgea.gov.au (site active June 2015).

Australia is different from other countries in its application of the affirmative action strategy. The focus in Australia is change over time through education. In the USA, it is a numbers game where quotas are the tool for measuring compliance. In New Zealand, affirmative action is applied to the Indigenous Maori population. Other countries have their own variations.

The WGEA website functions include:

- Advise and assist employers in improving gender equality
- From consultations, to develop benchmarks in indicators of gender equality
- Guidelines for employers on the purpose of the Workplace Gender Equality Act 2012
- To review compliance of the Act by relevant employers, review public reports form relevant employers and process those reports in compliance with the Act
- Collect information from relevant employers and analyse in order to advise the minister in regards to legislative instruments under the Act
- Undertake educational, research and other programs to promote and improve gender equality in the workplace
- Promote understanding and acceptance of gender equality in the workplace
- Review the Act for its effectiveness
- To report to the minister on matters of gender equality in the workplace.

[Source: WGEA website]
LEARNING POINTS

Affirmative action is a serious issue in a democracy like Australia. The participation results quoted from EOWA show that women do not hold anything like proportionate status in top management roles and levels. The engineering case study highlights the fundamental issue linked to pregnancy and child-rearing. In addition to being a human rights issue, affirmative action is a workforce planning and development issue. Women are essential members of the Australian workforce and they bring some very special employment skills, especially in relationships and communication.

ASSESSMENT 2.2
2.3 SAFE ENVIRONMENTS

Creating a Safe Environment

In Australia, it is the responsibility of employers and organisations to look after the safety of their workers, customers and other stakeholders as covered in the unit, **Follow Safe Work Practices for Direct Client Care**. Safety is more than a moral obligation – it is one of the duties of care imposed by Work Health and Safety (WHS) legislation. The concept of safety is broad – it involves more than physical safety; it covers emotional safety, the feeling of being secure and protected from intimidation, harassment, discrimination and racial denigration.

Workplace health and safety (WHS) in Australia aims to prevent injury and disease to persons in the workplace. New national WHS laws were introduced in January 2012 to harmonise the law across Australia as all states and territories had their own specific laws in relation to WHS. Whilst it is not compulsory for each state and territory to comply with the national laws many have adapted them to suit their individual needs. For information on which new laws your state or territory has adopted, visit the government’s website at http://www.business.gov.au/business-topics/employing-people/workplace-health-and-safety/Pages/workplace-health-and-safety-in-your-state-or-territory.aspx

Workplace Health and Safety (WHS) refers to the health and safety of everyone involved in every aspect of the organisation, including your clients, your staff or contractors and any visitors to the premises. Going to work should be a healthy experience (both physically and psychologically) both for you as the worker and for all those you care for.

The business owner, manager, and you have a responsibility regarding health and safety in the workplace. They and you as a member of staff have a responsibility in ensuring first as a duty of care that the organisation doesn’t create health or safety issues.

Knowing and understanding the new work health and safety (WHS) laws or what are also known as occupational health and safety (OH&S) laws in some areas can help you avoid workplace injury and illness (physical or emotional). However, more importantly is that these are approached with natural care, with common sense and consideration of everyone first.
The initiating point then in addressing WHS requirements is that they are understood to be of paramount importance and not seen as an unnecessary regulation or requirements to be complied with. They are part of the foundations that you would want to establish in and for the organisation with the integrity that you would want it run with. It is first and foremost about care and consideration for the people in all aspects of the organisation.

Employers must comply with the state, territory or Commonwealth legislation which applies to them.

Employers and organisations, have an obligation to be proactive in fulfilling their duty of care to employees. Breaches of emotional safety can range from verbal abuse through to deliberate isolation or non-communication. In an emotionally safe organisational culture, an individual feels free to be themselves without risk of being punished or treated negatively. With modern technology, emotional safety can be conveyed by emails, websites and mobile phones. Monitoring is an important part of the culture of safety in any organisation. This may mean checking in that staff are treating each other with respect and not abusing each other in any way.

Culture can be redefined as a way of living, a way of being or working that intentionally supports us to understand our equality with others and provides opportunity to develop our skills and capacities in the context of serving people in a way that reflects this truth. Working and living in this way, creates an emotionally safe environment where concerns can be dealt with in a non-judgemental and supportive way; everyone understanding that we are all learning how significant our contribution to our clients and colleagues truly is and that what we have to offer, when our intentions have integrity, is valued and needed by our clients and our colleagues.

The provision of training and information can assist employees to understand their obligations to guarantee the workplace is emotionally safe. Workshops, seminars and staff meetings are tools used to ensure that employees are aware of their rights and responsibilities.

CASE STUDY – EMOTIONAL SAFETY

Mili comes from Somalia. She came to Perth, Australia as a refugee on a risky boat escape to Christmas Island. She has experienced a lot of violence and discrimination in her home country. She saw people killed, raped and houses burned down. She was lucky not to be
forced to become a child soldier. Mili got a job in an aged care facility as a cleaner. She enjoyed it and she received a lot of workplace training. Mili was obvious as an employee because of her very dark skin colour. She was a quiet and helpful person by nature. She found problems with a particular supervisor, who seemed to think it was funny to call her the “shadow”. At first, Mili was not worried. She told the supervisor that she did not like the word because it made her sound sneaky and untrustworthy. The supervisor persisted. Mili spoke to the HR division; they spoke to the supervisor; she claimed she meant nothing by the term.

A workplace discussion was held between Mili and the supervisor, with the assistance of a professional employee assistance counsellor. Both sides presented their thoughts and ideas. The counsellor explained the rights and obligations of each party. The counsellor explained that Mili had sufficient evidence to lodge a complaint with the Australian Human Rights Commission. The supervisor was asked to review the company policy and also to look at the definitions of discrimination. The supervisor realised that she had potentially breached the legislation. She met again with Mili and apologised. She said she had not really thought about the issues or Mili’s feelings. Mili accepted the apology – she just wanted the supervisor to stop calling her that.

LEARNING POINTS

This case study demonstrates how ignorance is not a defence to claims of discrimination on the basis of a person’s physical features. The supervisor did not realise her obligations to Mili. For Mili, it was an emotional issue she did not like and that she felt made fun of her skin colour. The issue was resolved using a mediation process that allowed both parties to air their viewpoints. The company had an HR policy and procedure for dealing with the situation. It was used effectively, by asking the supervisor to make herself aware of company and government policy. This in-house learning process emphasised the need for the supervisor to be aware of her obligations. It should be noted that many acts of discrimination do not start by being intentional; more often, they are the product of ignorance.

ASSESSMENT 2.3
3. DIVERSE BACKGROUNDS AND SITUATIONS

3.1 COMMUNICATION WITH ALL PEOPLE

Communication

Cultural diversity in Australia spreads into the workplace. It has done so since the first days of settlement in 1788. In many workplaces, working alongside people from diverse backgrounds has made the workplace successful.

Some services are specifically targeted to the needs of specific ethnic groups, for example Aboriginal people. Often, the workers in those services will have an affiliation to that ethnic group. They may for example be from an aboriginal background themselves and will therefore have an understanding as to how aboriginal people like to live, which may be quite different from other cultures.

You can expect to deal with a wide range of cultural and ethnic issues. At times, there may be issues around different ways of viewing things and at other times, there may be issues that arise from misunderstandings. What is important to note here is that irrespective of what cultural group you identify with differences of opinion and misunderstandings can and do occur amongst people in general.

You may find that some cultural groups will have different attitudes towards receiving help. They may have difficulty accepting your services (e.g. counselling, aged care) as a legitimate support process. In some cases, they may see you as an unwelcome intrusion. For example, in cultures where the family is the primary social group, care is expected to be given by the family members, not outsiders who may be strangers.

Another example would be cultures that consider that only a person who is seriously in emotional trouble would opt to receive support from a therapist or counsellor. So, in these contexts, counselling becomes stigmatised.

Privacy is another cultural issue that is controversial when providing any personal service. The level of disclosure of personal information that frequently occurs when providing
things like aged care and counselling services can often be seen as invasive. In some cultures, it is not appropriate to discuss personal troubles with a stranger, or people to allow you to assist them getting dressed if you are a stranger.

These attitudes are very important considerations for someone who is seeking to gather information from a client. If working with a client whose culture includes a belief that personal information is not to be shared with strangers, the worker must take care to ensure that they have made an accurate assessment of the client’s situation in gathering all the necessary information. Vital information may be withheld without you knowing exactly what has occurred.

In these situations, it is your responsibility to be clear and support the client and their family to understand why you are gathering information from them and also the ways in which it might be used.

ASSESSMENT 3.1
3.2 EFFECTIVE RELATIONSHIPS, MUTUAL TRUST AND CONFIDENCE

Communication Strategies

Your communication strategies will vary depending on the situation, so you will need to consider the requirements and desired outcome, before choosing the most appropriate strategy. You will need to consider whether you need to use verbal or non-verbal communication or both, as this will aid in an effective outcome.

**Verbal communication can include:**

- Formal or informal
- Tone
- Volume
- Speed.

**Non-verbal can include:**

- Body language
- Gestures
- Facial expressions.

**Establish Rapport**

Establishing rapport is usually the initial phase of any communication, so can be largely established through body language and other non-verbal communication. Being friendly and approachable by smiling and welcoming new members of staff and/or clients, will help them to feel comfortable around you. Establishing rapport with staff and clients is very important as it will be the basis for any working relationship you have with them, so it is important that you are willing to listen and get to know the person, so that a level of trust and respect is established.
Exchange Information

When exchanging information, you need to have open body language and use clear, accurate language. Staff and clients need to know that they can trust the information you are providing them with and they also need to be clear and understand what they are being told. Exchanging information is best done face to face so that any misunderstandings can be dealt with and any questions can be asked but you may find that your organisation uses email, for example, as its established channel of communication, so ensure any written information is clear and concise.

Facilitate Resolution of Issues and Defuse Potentially Difficult Situations

There are a number of things you should consider when dealing with any issues or defusing potentially difficult situations.

These will include:

- Use open body language such as smiling, maintaining eye contact, open posture etc.
- Avoid folding your arms or putting your hands on your hip
- Connect with your body; for example, ensure you feel your feet as you walk towards the person
- Remain calm and patient
- Use clear language
- Speak without shouting or raising your voice
- Listen intently and allow the other to express fully before responding
- Give accurate information.

Communicating effectively under any circumstance can include:

- Effective use of questioning, speaking, and listening and non-verbal communication techniques. e.g. inclusive, open-ended questions ‘What is the most useful way for us to gather information about Mr Ali’s personal care needs?"
- Identifying and evaluating what is occurring within an interaction in a non-judgemental way
• Observing verbal and non-verbal expression and behaviour and responding where appropriate. For example you may observe agitated behaviour in a client and from previous experience know that this usually escalates into verbal abuse if intervention does not happen quickly.
• Using clarifying, summarising questions, e.g. given that we have not covered sections a, b or c, in this meeting, do we agree that they be included in next week’s discussion?
• Putting together a response that is culturally appropriate
• Expressing an individual perspective
• Expressing own philosophy, ideology and background and exploring the impact of this on the communication
• Exploring and unpacking problems
• Using active and reflective listening appropriately
• Providing sufficient time to enable a person to finish what they need to say
• Providing summarising and reflective responses in conflict situations
• Confirming that required information is accessed or message communicated.

Diversity in the workplace can be a huge asset to any organisation but it can also result in issues with communication, both verbal and non-verbal between colleagues and clients.

**Issues in communication may come from:**

• Social customs
• Different languages
• National origin
• Ethnic origin
• Religious beliefs
• Gender
• Personal values.

Standing too close to someone when talking to them can be construed as intimidating, not making eye contact can be deemed as rude, personal values on manners and etiquette may conflict with others, and colleagues with English as a second language may
not totally understand the nature of comments, and may themselves write or articulate incorrect messages and meanings through no fault of their own.

**Verbal Communication Issues**

Some issues that can arise in verbal communication to be aware of are:

- **Tone of voice**
  The way in which we say things can sometimes offend or upset others and may be unintentional but must be kept in mind, particularly when issuing instructions.

- **Jargon**
  Words or phrases associated with a particular industry, sector or profession. Be aware that new employees or non-English speaking colleagues may not understand it. For example, you may work for the City of Westmead, which is shortened to COW. You may refer to people in the organisation as COWs, which is unlikely to be understood by anyone new to the organisation especially if English is their second language!

- **Jokes**
  Without realising it, telling a joke may be seriously offensive to someone from a different culture, race or religion.

- ** Offensive language**
  Can be highly offensive and disrespectful to some people.

- **Colleagues that do not speak English**
  Early training for new employees who do not speak English is essential. It is important to assign a mentor to help them in the first stages of their employment.

**Non-verbal Communication Issues**

Often what we don’t say but what we communicate by non-verbal means can cause even more issues than we realise.

Issues may arise in the following areas:

- **Eye contact**
  Making and maintaining eye contact is regarded as polite manners, although in some cultures this may not be true.
• **Gestures**
  Actions such as pointing may be considered rude by some people, as highly animated gestures may appear threatening to others.

• **Body position**
  Standing too close to someone may be an invasion of their personal space, however, if an employee is hearing impaired they may need to stand closer than others in order to hear you speak.

• **Appearance**
  We often make judgements on people’s appearance. Dress may form part of someone’s culture or religion.

There are a number of ways we can accommodate diversity within the workplace:

• **Respect**
  Accept peoples’ differences without judgement.

• **Understand**
  Remember that underneath all the perceived differences we are all the same so talk to your colleagues about their differences and take an interest; it may be that there are aspects about you that they do not understand so share these with your colleagues. Maybe even do independent research on their differences if you do not feel that you can approach them.

• **Take opportunities**
  People from different backgrounds should not be seen as a limitation to your organisation. Diversity can bring new perspectives, insights and skills to the workplace.

• **Training**
  Identify differences within your organisation and involve relevant colleagues in training to educate the workforce and achieve acceptance and understanding.

**ASSESSMENT 3.2**
3.3 EFFECTIVE COMMUNICATION

Develop Trusting Relationships

We have looked previously at how valuing and encouraging team views and contributions can help build communication and trust. There are also other ways that you can achieve trusting relationships, which will help to negotiate and breakdown any communication barriers.

You can do this by:

• Developing consistency
• Showing respect
• Having a positive attitude
• Co-operation
• Keeping your word
• Loyalty
• Expressing appreciation for the other.
• Following all social, ethical and business standards.

Behaviours that engender trust need to be the norm at an organisational level. If you know your role and perform it competently, co-workers and clients will trust that they can approach you. Keeping your word to both staff and clients will ensure that they can trust you in all situations and come to you with any issues that they might have.

It is important that every member of staff feels valued for who they are and what they bring to the organisation. For the employee it is important that they are able to carry out their job competently and for the person in a leadership role it is important that they are consistent and clear in their communication. If people in leadership roles are not consistent then those who work for them may well lose respect for them and not be inspired to bring their best to their role.

All members of staff, especially those within leadership or management roles, need to ensure they model competent behaviour so that:
• All staff have an opportunity to feel this and develop this in themselves
• The behaviour sets a supporting foundation for all to continually and consistently be inspired by
• Staff will have more respect for each other
• The behaviour creates an impression of the entire organisation on people both within the organisation and externally e.g. clients and customers.

By promoting a culture where people feel met, valued and appreciated for who they are and respected for what they bring to the workplace, communication barriers are decreased, whilst staff morale and loyalty are increased. The behaviour that you demonstrate to your team needs to also be demonstrated to external personnel. Remember, professional conduct is not only demonstrated through internal organisational policy and procedure, it can also be influenced by regulations and legislation.

Barriers to Communication

Barriers to communication may relate to:

• Co-workers, clients; or it may extend to the organisation as a whole.

It is essential that when barriers to communication are identified that the cause is dealt with as soon as possible to prevent complete communication breakdown and any knock on effects.

Barriers to communication and individual issues can be a result of:

• Lack of training
• Lack of experience
• Confidence issues
• Cultural or language issues
• Low morale
• Negative attitudes
• No incentives or recognition
• Work overload
• Personal issues.
All of the above issues can affect both individuals and teams as a whole but they can all be dealt with efficiently. None of the above are necessarily any one person’s fault. People need to be supported and a consultation process needs to occur to establish the reasons for the barrier(s) and a resolution met. If you are to manage barriers to communication, you need to ensure expectations are clearly defined to allow the work team to have a clear understanding of what is expected of them.

**Lack of training and/or experience**

Lack of training and experience can be dealt with through further training sessions, individual professional development coaching or mentoring.

**Confidence issues and/or low morale**

Supporting a worker to identify specifically where they lack confidence, scheduling support sessions and practice reviews can develop confidence and a stronger sense of purpose in the team/workplace.

**Cultural and language issues**

Cultural and language concerns can be addressed through taking the time to connect with individual staff members, translation and interpretive services, team building, and team discussions to aid understanding.

**Negative attitudes**

This can be for many reasons. Negativity can be related to a lack of understanding and commitment to the purpose of our work or it may be that a person has a tough life and has developed a negative attitude towards life and people in general. Each situation will need to be dealt with individually. It may be a case of holding a meeting with the individual or team to find out what the underlying issues are.

**Work overload**

When we are employed in any position, we become part of a team or organisation that is accountable for delivering a service or product to the community or a customer and the responsibility for doing so is relied upon every working day. Whilst it is essential that no employee should work more hours than is legally acceptable and the work that is given to them is appropriate to their skill level and be is regularly monitored, the purpose and
quality and commitment to our work remains our responsibility. The quality of our work will depend on how we care for ourselves. If we for example, stay up late at night when we know we have to be at work early the next day then we are jeopardizing our ability to bring our full commitment to our job the next day due to tiredness. Our lack of care therefore not only affects us but our clients and the organisation we work for.

It can become a cultural norm in workplaces that once people secure a position and become proficient in the work tasks and structural requirements (recording, policies, data collection and reporting for example) the focus on purpose and quality are replaced by a comfortable existence that sees the employees needs put before that of the client. There is no integrity in this way of working as it means that people will just be inclined to do the bare minimum that is required to get through the day. This leads to a culture of apathy being created and it also means that it undermines the people who are fully committed to bringing a high standard of care to their work. The attitude of doing the bare minimum therefore needs to be addressed as it affects the whole organisation.

Employers also need to be aware that people are given a fair workload. Overly heavy workloads can cause stress and anxiety and will lead to a diminished quality of work and to people taking time off as sick leave. Absenteeism affects everyone and can be avoided if we understand what the work responsibilities entail and support ourselves to be fit and able to perform them. It is our responsibility as employees to live in a way that supports us to do the work that is required of us, for example an aged care worker may need to learn some core strength exercises in order to build their capacity to perform manual handling of clients. If they do not do this they may become overwhelmed with what is required of them, blame the organisation for their workload and then become disillusioned which may then contribute to a negative work culture.

A healthy workplace is a partnership between an employee and an employer focused on purpose, accountability and responsibility.

Our attitude towards work has a huge effect on how we are at work. If we see work as something that interferes with other things we would rather be doing, then we will always have problems at work. Working is an opportunity to bring our love and our care to whatever we are doing. It is an opportunity to connect with the purpose of why we are doing the job we are doing and what we specifically can bring to that role. When we
approach work in this way, the way we work changes dramatically and becomes much more fulfilling and fun.

Personal issues

This could be dealt with similarly to negative attitudes, as you would need to find out the underlying issues where the person felt comfortable discussing it with you. If you can help in this situation, you may be able to offer counselling or some time off of work to allow the person time to deal with the situation.

You may need to provide feedback, so you will need to consider:

• **The language you use both verbal and body language**
  You do not want to come across as being too negative or critical as this can cause the team member to become upset or very defensive. Remember to use respect, integrity and compassion, you are there to help people to develop their communication skills and overcome their barriers. Someone who feels respected and listened to is more likely to want to communicate effectively.

• **When dealing with personal issues, remember to keep an open mind and not judge the person.**
  Avoid making assumptions or generalisations about a situation if you wish to discover the real reason behind the barriers. You want the person to feel comfortable talking to you about their issues as this will enable more effective workplace relationships.

If barriers or individual issues remain unresolved then you may need to refer the matter to your Human Resources. Your organisation will have procedures for resolving disputes, so ensure you are familiar with them.

**ASSESSMENT 3.3**
3.4 COMMUNICATION NEEDS

<table>
<thead>
<tr>
<th>ELEMENT:</th>
<th>3. Communicate with people from diverse backgrounds and situations</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERFORMANCE CRITERIA:</td>
<td>3.4 Seek assistance from interpreters or other persons according to communication needs</td>
</tr>
</tbody>
</table>

Interpretation and Translation

You may find that you will need to have access to interpretive or translation services for clients or staff who have English as a second language. It may be as simple as having documents, manuals etc. translated for the appropriate language or that a translator is required to come into the workplace to aid in discussions.

You may have a local organisation that can provide such services but you should discuss options with appropriate personnel i.e. HR or management. There is a national service provided by the Department of Immigration and Border Protection but you would need to check that this is appropriate for your needs.

The Translating and Interpreting Service (TIS National) could potentially provide an appropriate service for staff and clients who do not speak English and need help communicating with you. Further information on this service can be found at: http://www.tisnational.gov.au (site live June 2016).

ASSESSMENT 3.4
4. UNDERSTANDING ACROSS DIVERSE GROUPS

4.1 COMMUNICATE MISUNDERSTANDINGS

Causes of Communication Misunderstandings or Other Difficulties

Common causes of communication misunderstandings may include:

- Discrimination
- Stereotypes
- Language barriers
- Personal issues
- Different perspectives
- Personal opinions and beliefs
- Past experiences

Discrimination

Discrimination occurs when a person considers they have been treated less favourably than other people. There are standard concepts that apply across Australia but there are variations between state and territory jurisdictions. In Victoria, for example, the following attributes are potential sources of discrimination – that is, where one person is treated differently from another person.

The protected attributes which may vary in different localities include:

- Physical features
- Age
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Gender
• Gender identity
• Marital status, including de facto status
• Political belief or activity
• Race
• Pregnancy/breastfeeding
• Religious belief or activity
• Status as a parent or carer
• Irrelevant criminal conviction
• Personal links with someone with the above attributes

ASSESSMENT 4.1
4.2 IMPACT OF MISUNDERSTANDINGS

<table>
<thead>
<tr>
<th>ELEMENT:</th>
<th>4. Promote understanding across diverse groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERFORMANCE CRITERIA:</td>
<td>4.2 Where difficulties or misunderstandings occur, consider the impact of social and cultural diversity</td>
</tr>
</tbody>
</table>

Impact of Misunderstandings

The final consideration in cross-cultural relationships is to understand the barriers that may come into play and how they impact us socially and culturally. Some have been outlined below. They may be complicated where combinations occur at the same time.

Knowledge is one obvious barrier. The choice to not find out about another’s culture and remain ignorant can lead to bigotry when it comes to understanding and accepting another culture. This is a critical factor in the development of young people and their ideas. Adolescence is a crucial phase of human development, where fundamental ideas and values are formed. Without education in cultural diversity, some young people can become quite rigid and racist. An example would be the 2005 Cronulla riots in Sydney. They were a series of racially motivated riots that impacted local communities.

Attitudes are another barrier to cultural diversity. Strongly held, narrow beliefs can effectively block acceptance of cultural diversity as a normal social structure. These attitudes may have their foundations in religion, traditional practices, historic relationships or personal experiences. Their source of origin, is a choice which leads to cross-cultural attitudes and tensions.

Experience is another potential barrier to cultural diversity. The Second World War has left a lot of people, especially the Jewish culture, with very powerful negative memories of persecution and discrimination by the Nazis. Similar memories are held about the Japanese and the atrocities they committed in the Asia-Pacific of the same war. These memories endure and are not easily forgotten by those families who had loved ones killed during this war. While they exist, such memories inevitably colour views of the culture that committed these atrocities and this needs to be understood.

Cultural dominance is another barrier to consider. Within most nations, there are a range of cultures evident to some degree but one usually appears dominant. Cultural dominance may be established through political processes, military power, historical experience or other sources of authority. Cultural dominance will become a barrier when it excludes the
validity or value of other cultures and an acceptance of our equality as human beings. Such exclusion can develop into a source of discrimination by way of marginalisation. Marginalised minorities become resentful and reactive when they encounter the exclusion or denigration of their culture by another culture.

CASE STUDY – PARENT AT WORK

Susmitha is a young mother who recently immigrated to Australia with her husband. Her mother had come with the young couple. Susmitha has been trained as a dental care assistant; she was looking for work; she approached several dental practices. Discussion somehow drifted to the fact that she was a parent. She noticed that comments were made about the pressures of parenting but nothing was said directly. Susmitha went to her local legal aid centre. A lawyer advised her of her right not to be discriminated against. She sought the assistance of a counsellor from a migrant services agency. They then contacted the Australian Dental Association and explained the problem. The organisation helped by finding some dental practices which had work available. This round of interviews was successful. Susmitha had been told by the association that it would advise its members in advance of their obligations.

LEARNING POINTS

Discrimination is often subtle and the product of ignorance. It comes from false presumptions, personal attitudes and beliefs. In the first round of interviews it appears that the dental practices did not really understand their obligations not to discriminate against a person because of their parental status. The professional association took a proactive stance and helped its industry comply with the existing laws for the particular locality. Often, you will have to work as an advocate in such situations.

ASSESSMENT 4.2
4.3 RESOLVING DIFFERENCES

Cross-Cultural Conflict

Diversity involves change and acceptance of difference. For some people, change is a disruption, a threat or a destabilising experience. Resistance to change occurs often until the receiver of change can understand its value. This involves compassion, which is being able to observe what is occurring for another without having to take it on.

Given the number of cultures and languages that exist within Australian society, some level of tension, disagreement or conflict is inevitable. The resolution of such cross cultural misunderstanding depends primarily upon education and a willingness to understand and accept existing differences. Education may occur in a number of ways. It may range from formal classroom learning to informal workplace discussions.

Conflict Resolution Tools

There are some common conflict resolution techniques that can be used in the sorting out of cross cultural misunderstandings.

They include:

- Identify the presenting problem(s)
- Identify the key stakeholders
- Understand legal compliance obligations
- Consider the depth of feeling around the issues
- Decide on an informal or formal approach
- Determine who will lead the resolution process
- Gain the agreement of the parties to participate in problem-solving
- Get both points of view or concern out in the open
- Support the parties to understand each other’s point of view
- Find compromises and partial agreements
- Agree on any points that cannot be settled but lived with
- Finalise agreement on matters in common
- Identify strategies to avert ongoing conflict
- Offer ongoing counselling to the parties

A simple process model has been outlined in the following diagram:

**The Basic Dispute Resolution Model**

This model is generic. It can apply to a range of situations. It acknowledges the key phases of development in a planned resolution model.

They are:

**Dispute recognition**

This is a step towards identifying the problem. There may be a main dispute and several mini disputes. It is helpful to understand who is involved and the history to the dispute. In cross cultural disputes, the history can go back over centuries of time. This phase is sensitive because it deals with people and their feelings. Emotions may well be heightened in this phase. It may take several discussion sessions to understand what the problem is, especially among people who, by nature avoid conflict or deny anything is wrong. You need to be aware that the different cultures may have different approaches to conflict, one may think there is a ‘right and a wrong’ to the conflict and ‘fight’ to be ‘right’ whereas another may feel ashamed that there is conflict and try and hide it. It is helpful for
all parties to be aware of these approaches so as to be able to move on to the next phase of resolving the dispute.

Identifying the problem

In this phase, you must look at the core problem. Instead of the presenting problem, there may be an underlying problem. Poor communication is often a source of the original problem. Failure is common as is misunderstanding. Good research in this phase makes the next steps easier. You may need to identify other stakeholders with an interest in the dispute and its resolution.

Parties meeting to gain understanding

This phase is the first formal or open meeting of the parties. Much depends on the depth of feeling between the parties as to how it is handled. In simple cases, a counselling room may be sufficient. In major cases it may require formal mediation rooms with the parties separated. Consideration must be given to the use of a professional mediator(s). The purpose of this phase is to scope the conflict and its boundaries. It is essential to get the views of all parties in this phase. Once the problem is fully defined and accepted, it becomes possible to consider negotiation.

Conflict negotiation begins

Negotiation is only effective when the parties are prepared and ready for it to occur. This phase depends on a clear agreement as to the issues in dispute. They can be dealt with as subsidiary conflicts. Negotiation may result in agreement to disagree. This phase is about separating the person from the problem. People need to communicate as clearly as they are able to as part of the process. As a mediator, you will need to support people to voice their concerns. It may be necessary to have a gap between sessions. People may need time to process the negotiations. Often, parties will have to compromise; they won’t get every outcome they want.

Dispute resolution occurs

Once the key negotiation has taken place, it is possible to finalise the resolution and its outcomes. This may require a formal or informal written agreement. It is important to close off the dispute and to deal with any un-dealt with emotions around it. Post-resolution discussions may be needed by one or both parties. Without an agreement about what has
been achieved, it is possible for the original dispute to flare up without notice. If there is a further dispute, it is treated as a new dispute.

ASSESSMENT 4.3
4.4 ADDRESSING DIFFICULTIES

Persecution and Victimisation

Persistent and sustained discrimination can occur. It can for example happen when a person who has raised a complaint or concern suffers negative treatment or consequences from expressing their concern. Persecution and victimisation are serious human rights violations and can lead to serious penalties.

Workplace bullying is a form of discrimination and victimisation. It occurs when one person uses implied or actual power to intimidate another person. Intimidation may range from threats to assaults. Workplace bullying is emotionally stressful as well as potentially dangerous.

Three points need to be considered by any person being bullied. Firstly, you need to realise that by doing nothing you may be seen as accepting the behaviour of bullying. Secondly, you need to get support with dealing with a bully as they are using some form of power/authority to maintain their intimidation. Thirdly, you need to consider that you may not be the only person being bullied. You may be the leader for others.

There are various steps that can be taken with respect to discrimination.

They include:

• Discuss the matter with your immediate manager
• Seek the assistance of a Human Resources professional
• Contact the Australian Human Rights Commission
• Discuss the matter with the relevant professional body for your field
• Seek the assistance of a professional counsellor
• File a formal complaint that requires action.

Dealing with Difficulties

Closed or unreceptive attitudes

You may find that people can be closed off or unreceptive to your support, if this is the case, you will need to find a way to communicate that can help breakdown any barriers
they may have. Learn to listen to people rather than just talk at them and give people time and space to open up to you. Some people may want you to initiate communication and this will be for you to discern.

**Mistrust or misunderstanding of people, organisations, systems and/or processes**

Many people do not trust large organisations or systems that are put in place by the government. You can restore trust by making it about people first, being caring and consistent, remaining positive, loyal and always being open and honest. You may also find that some people are wary of new people, so the more open, friendly and approachable you are the more people will be able to connect with you and it is through connection that people learn to regain trust.

**Emotional states, such as fear, anger and frustration**

We cannot control how people react to certain situations but we can help minimise its effects on others. Allow people time to talk about their issues/concerns, and be willing to provide advice and guidance as appropriate and within your work responsibilities. This will allow people to trust you and feel as though they can open up. Remaining calm and patient will support people to feel more relaxed and more inclined to open up to you.

**Mistrust and conflict**

 Depending on your role in the workplace, chances are, you will need to deal with and resolve issues that may be raised by members of the work team or clients. Issues can include problems colleagues are having with the work they are doing, workload concerns, as well as misunderstandings amongst people, which lead to mistrust, tension or conflict.

 No matter who the issue involves, you will need to remain sensitive and compassionate towards the individuals and the situation. Confidentiality may also be key during this time and you will need to ensure everyone is treated equally when dealing with the issue.

 You may find that the issue needs to be passed on to a specialist or external personnel.

**These individuals could include (depending on the situation):**

- Human Resources manager
- Manager/area manager
- WHS specialist
• Government personnel
• Counsellors
• Subject specialists/trainers.

Support

It is important to show individuals that you are approachable and are willing to listen to them when they have any concerns. People need to be able to trust you and know you will support them, whether that is to directly deal with the concern/s raised yourself or to see it through to the end when passed on to more appropriate personnel.

Sometimes you will find that your role will be split into many; you may find that you take on responsibilities you didn’t expect, such as acting as a mentor, coach or counsellor. Even though you cannot give out legal advice or tell someone what to do, you can support and guide them.

There are many forms of conflict you may encounter.

These can include:

• Interpersonal conflict
• Intragroup conflict.

Interpersonal conflict

Interpersonal conflict arises from tension between different people. It is important to note that tension can stimulate and motivate workers into taking positive action to rectify a situation bringing greater quality and equity. It can occur due to tensions that arise from having different perceptions, personalities, goals, attitudes etc.

Intragroup conflict

Intragroup conflict can occur between more than two members of the same team. If this happens, ensure each individual is dealt with equally and fairly. Intragroup conflict can occur during workplace projects or between different departments or in your work area or team meetings. Speaking up and naming that there is tension in the team is important, even if you are not involved and cannot on your own resolve the situation.

If you do not have the authority to deal with the issues raised, you might need to pass it on to another member of staff.
Relevant personnel may include:

- Specialists
- Supervisors or managers
- Union representatives

ASSESSMENT 4.4
REFERENCES

These suggested references are for further reading and do not necessarily represent the contents of this Student Manual.

Websites

- Australian Human Resources Institute and policies: www.ahri.com.au
- Details of Australian citizenship policies and tests: http://www.border.gov.au/Trav/Citi
- Australian history and foreign relations: www.dfat.gov.au
- Equal opportunity information: www.wgea.gov.au
- Australian Human Rights Commission and policies: www.hreoc.gov.au
  Immigration policies and history: www.immi.gov.au

Articles/Journals

- “A Multicultural Timeline of Australia” Australian Institute of Multicultural Affairs: www.multiculturalaustralia.edu.au
- “A Tour of Jewish History in Australia”: www.ajhs.info
- “History of Immigration from Greece”: 
www.museumvictoria.com.au

• Ancient Heritage, Modern Society (History of Australia):
  www.dfat.gov.au

Books

• Bordenwork in Multicultural Australia:

• Australian sociology: a changing society:
  Holmes, D., Hughes, K., Julian, R., Pearson Education. Sydney. 2007. [2nd Ed.]

• Understanding Australian multiculturalism:

• Why Warriors Lie Down and Die:

All references accessed on and correct, as of 17/8/2015, unless otherwise stated.
APPENDIX

Aboriginal and/or Torres Strait Islander history

As with any culture before you work with Aboriginal and/or Torres Strait Islander people, it is important to understand their background.

Events and issues in Aboriginal and/or Torres Strait Islander history may include but are not limited to:

- Pre- and post-colonisation history
- Legislation
- Stolen generations
- Deaths in custody
- Health
- Land rights
- Maralinga
- Mabo
- Religion

A Brief Overview of Their History

Before Australia was colonised, it is estimated that there were over one million Aboriginal and Torres Strait Islander inhabitants. This population declined post-colonisation, leaving only 60,000 of them by the 1920s.

The effects of European colonisation included:

- Forcing Aboriginal and Torres Strait Islanders off their land, away from their hunter-gatherer origins
- Violence in retaliation to their land being taken from them
- Infection from the European colonials sometimes resulting in death
- Being forbidden to use their own language or maintain cultural practices, when moved to missions/reserves
- Laws were created that limited the rights of Aboriginal and Torres Strait Islander people, implementing segregation
• Aboriginal and Torres Strait children were removed from their families and raised by foster families or in institutions
• Aboriginal and Torres Strait Islander people suffered physical and sexual abuse or were forced into servitude and poverty
• Loss of cultural identity and language, as expectations were to adopt European customs
• Prevention of contact with their Aboriginal and Torres Strait Islander families.

'Stolen Generations'

The removal of Aboriginal and Torres Strait Islander children from their own families happened systematically between 1910 and 1970, so as to remove their culture and identity. The official reason was for their safety and well-being, but the 1997 report – Bringing them home: The ‘Stolen Children’ – found that the results were often less positive than those children who remained with their birth family.

The combination of colonisation, disruption to their families, discrimination and cultural-killing practices created high rates of the following in the Aboriginal and Torres Strait Islander communities:

- Poverty
- Homelessness
- Unemployment
- Health problems.

This discrimination and social disadvantages still exist today in many communities.

Aboriginal and Torres Strait Islander People Today

As of 2011, the Aboriginal and Torres Strait Islander population in Australia was estimated to be 669,900 people, according to the Australian Bureau of Statistics (Estimates of Aboriginal and Torres Strait Islander Australians, June 2011) – this accounts for three per cent of the total Australian population.

In the Northern Territory, they make up 30 per cent of the population, the highest proportion in any Australian state or territory. One in four Aboriginals or Torres Strait
Islanders live in remote areas, with 80 per cent speaking only English at home (HREOC, 2004).

Many of them live in socio-economic disadvantaged areas, with homelessness, unemployment and poverty rife. This in turn leads to poor nutrition, smoking, alcoholism and a lack of physical activity – this can lead to serious mental and physical health issues in individuals within the community.

Health

People within the Aboriginal and Torres Strait Islander community view health from a wholesome point i.e. not only the physical, but also the social, emotional and spiritual health of the whole community. Another aspect is their strong bond with the land, especially that of their people.

As such, they prefer to use the term “social and emotional wellbeing” to “mental health”, as this presents a more holistic approach to health (Australian Health Ministers, 2003).

As their perception of health is different than that of western medicine they may only utilise health services/hospitals when their condition is severe, or because their local area has limited facilities. They may view things such as hallucinations, negative feelings or pain as a personal/spiritual issues, rather than health ones.

Their beliefs mean that many people in their community may have undiagnosed conditions. The estimated life expectancy is 20 years lower than other Australians for males and 19 year for females (Australian Health Ministers, 2004), with higher mortality rates across all age ranges, particularly between 35 and 54 (five to six times higher than average).

While they are less likely to consume alcohol than non-Aboriginal and Torres Strait Islander people, those who do tend to, drink it at dangerous levels, according to the 2001 National Health Survey.

The National Drug Strategy Household Survey found that 57 per cent of Aboriginal and Torres Strait Islander people had tried at least one illicit drug, compared to 37 per cent of the general urban population. They are also more likely to be hospitalised for psychological and behavioural disorders – be aware that this may be down to the fact that
they only tend to seek help at the severe stages, so early symptoms may have gone undiagnosed. This can also lead to higher rates of self-harm and suicide.

**Deaths in Custody/Incarceration**

Some Aboriginal and Torres Strait Islander people have frequent run-ins with the law – while they are in custody or incarcerated, the risks of self-harm and mental illness go up. This can be down to the custodial system and prison officers not providing appropriate standards of care to meet their cultural needs. The Royal Commission into Aboriginal Deaths in Custody found that this was down to failings in the system and the inadequate investigation and explanation post-death created concern in the community.

This led to the implementation of a national program to monitor deaths in custody, reporting death rates and causes of death among the entire population.

Data from the Annual Report of the National Deaths in Custody Program (2003) showed that:

- Natural causes were the most common reason for death in Aboriginal and Torres Strait Islander people, followed by self-inflicted injuries.
- Non-Aboriginal and Torres Strait Islander people deaths were most commonly caused by self-harm, followed by natural causes.
- For Aboriginal and Torres Strait Islander people, most people who died were under 25.
- For non-Aboriginal and Torres Strait Islander people, most people who died were between 25 and 39 years.
- While the death rates were equal across the whole population, when you consider that Aboriginal and Torres Strait Islander people make up only three per cent of the population, it shows they have a much higher arrest rate.

**Land Rights**

The landscape and waters contain areas and places of deep significance to Aboriginal and Torres Strait Islander people. These are known as sacred sites and are connected to their spiritual and cultural beliefs. They are celebrated through ceremonies, rituals, dance and
art – these sites require protection, along with those of historical, cultural and social importance.

Though there is Commonwealth, state and Territory legislation to protect these sites, the Aboriginal and Torres Strait Islander Council believe that more comprehensive and effective legislation is required to ensure their safety.

Even where they can no longer live on the land that is sacred to them, they may have an active interest in how it is managed. This requires cooperation between the State, Territory and local governments and Aboriginal and Torres Strait Islander peoples.

Historically, before the advent of farming, pastoral activity and urban development, the lands and water were managed by Aboriginal and Torres Strait Islander people. There was huge biodiversity, which is being lost since their influence diminished. Utilising their knowledge of the natural environment and resources is a useful tool for managing Australia’s natural assets.

Maralinga

This was the home of the Maralinga Tjarutja, Indigenous people in the remote western areas of South Australia.

Between 1956 and 1963, the British conducted seven secret nuclear tests on this site, as well as hundreds of minor trials for explosions. This resulted in radioactive contamination of the site; an initial cleanup in 1967 failed to subdue these effects and another was commissioned in 2000 at a cost of $108 million. The government was forced to pay $13.5 million compensation to the Maralinga Tjarutja people, as concerns arose for the long-term effects on their health.

In 1985, the land was handed back to the Maralinga Tjarutja people under the Maralinga Tjarutja Land Rights Act 1984 – they resettled on it 1995. The town was renamed to Oak Valley and is 128km NNW of where they original settled. It has a population of around 50 people, which can rise to 1,500 people during special cultural activities.

The Mabo Case

This was a milestone court case which increased fair land rights for Indigenous people of Australia.
In 1982, Eddie Mabo led the Indigenous people of Mer Island and fought for the rights of their land. Their island was at risk of being developed on and they needed to ensure its protection. They defied the notion that the land was ‘terra nullius’ (owned by no-one and therefore free to lawfully claim), as the Europeans claimed, and argued that they had inhabited the island for many generations – this pre-dated the European arrival.

In 1992, after ten years of legal disputes, the court granted the Meriam people their land rights. This overruled the British belief that the whole of Australia was terra nullius – the basis for them claiming the land on their arrival in 1770. The Meriam people of Mer Island received a native title, declaring that they were the rightful and traditional owners of the land.

The spurred other Indigenous communities to take their claims for land to court, leading to the creation of the Native Title Act (to clarify the processes that needed to be followed).

**Key Legislation**

Various laws have been passed that affect Aboriginal and Torres Strait Islander people, to give them more rights that have historically been taken away from them.

They include:

- State Children Act 1911
- Aboriginals Preservation and Protection act 1939
- Torres Strait Islander Act 1939
- Adoption of Children Act 1964
- Aboriginal and Torres Strait Islander Affairs Act 1965
- Children's Services Act 1965
- Aborigines Act 1971
- Torres Strait Islander Act 1971.
The following timeline (extracted from “The Little Red Yellow Black Book – an introduction to Indigenous Australia”) details the major events in Aboriginal and Torres Strait Islander history that have occurred over the last 70,000 years:

- 70,000 – 60,000 before present (BP) – possible first arrival of people from south-east Asia.
- 55,000-60,000 BP – at a site in Arnhem in the Northern Territory, a rock shelter was used by people with stone tools who used red ochre, probably to prepare pigments for rock painting or body decoration.
- 30,000 BP – A man from the Lake Mungo area is buried in a shallow grave, and liberally covered with powdered red ochre. This is one of the earliest known burials of distinctly modern people.
- 26,500 BP – A woman is buried in Lake Mungo, providing the earliest evidence of ritual cremation in the world. These early people had small sculls and delicate bones in comparison to modern Aboriginal people.
- 23,000 BP – Aborigines are living at Malangangerr in Arnhem Land and using a variety of edge-ground tools.
- 15-20,000 BP – Deep in caves under the Nullarbor Plains at Koonalda, South Australia, Aboriginal people are mining flint and leaving grooved designs on the cave walls.
- 18,000 BP – Grindstones are being used for hard fruits, seeds and vegetables and in ochre preparation in Arnhem Land.
- 12,000-13,000 BP – At the end of the glacial period the seas rise, separating Tasmania from the mainland.
- 9,000 BP – Aboriginal people at Wyrie Swamp in southeast South Australia are using returning boomerangs to catch waterfowl.
- 9,000-13,000 BP – Several people are buried in different positions in the Kow Swamp, suggesting complex mortuary rituals. They have more robust bone structures than those found at Lake Mungo.
- 9,000-7,000 BP – The earliest visible evidence of Aboriginal beliefs connected with the Rainbow Serpent.
• 5,000 BP – A new, small-tool technology is developing in south-eastern Australia. By 3000 BP the technology has spread as far as Cape York.
• 1451 – Dutch documents record the journeys of Macassan trepangers (those seeking sea-cucumber) to ‘Marege’, as the Macassans called Australia. They introduce tobacco and canoes.
• 1606 – Spanish mariner, Luis Vaez de Torres, becomes the first European to travel through what is now called the Torres Strait. Dutchman Willem van Colster’s 1623 exploratory voyage is the first recorded European contact with Aboriginal people in Arnhem Land.
• 1770 – Lieutenant James Cook claims possession of the whole east coast of Australia by raising the British flag at Possession Island in the Torres Strait, just off the northern tip of Cape York Peninsula.
• 1788 – Captain Arthur Phillip raises the Union Jack at Sydney Cove and white colonisation begins. The Aboriginal population is estimated to be more than 750,000, across the continent.
• 1789 – Less than a year after the arrival of the First Fleet, over half the Aboriginal population living in the Sydney basin have died from smallpox.
• 1792 – Young Eora man, Bennelong, is captured, lives with Governor Arthur Phillip in Sydney at Government House and is later taken to Britain. He becomes the first true mediator between Indigenous and non-Indigenous groups.
• 1803 – Van Dieman’s Land (Tasmania) is colonised, and several violent clashes ensue.
• 1824 – Conflict between non-Aboriginal and Aboriginal people in the Bathurst district of central western NSW becomes so serious that martial law is proclaimed from August to December.
• 1830 – In what has become known as the ‘Black War’ Governor Arthur tries unsuccessfully to drive all the remaining Aboriginal people in eastern Van Diemen’s Land on to the Tasman Peninsula. It is spectacularly unsuccessful in rounding up people but is a precursor to Aboriginal people later accepting George Augustus Robinson’s suggestion to move to a Flinders Island settlement, before final repatriation to Tasmania in 1847.
• 1834 – Western Australia’s Governor Stirling leads twenty-five mounted police against Aboriginal people following attacks on the white invaders, British colonisation of Western Australia having begun in 1829. Official records show fourteen Aboriginal people are shot in what’s now called the ‘Battle of Pinjarra’; Aboriginal testimonies suggest that far more.

• 1835 – On the banks of the Merri Creek (today’s Northcote suburb of Melbourne) John Batman claims eight clan leaders of what he called the Dutigullar tribe sign a treaty for two tracts of land totalling approximately 243,000 hectares. It is not recognised by Governor Bourke. Batman offers blankets, knives, mirrors, tomahawks, scissors, clothing and flour in return. Today’s scholars dispute that people who have never held a pen, or practised writing, signed the document.

• 1837 – The Report of the Select Committee of the House of Commons on the Aborigines of the British Settlements (North America, Africa, and Australasia) concludes that local legislatures are ‘unfit’ to exercise jurisdiction over Aboriginal peoples and their lands. The colonisers ignore the report, and continue to claim Indigenous land as their own.

• 1838 – The first Aboriginal Protectorate was established for Port Philip in Victoria. At Myall Creek near Inverell in NSW, twenty-eight Aboriginal people are shot by twelve non-Aboriginal men. Seven of the murderers are hung in December and there is public outrage that European men should be convicted for the murder of Aboriginal Australians.

• 1848 – NSW native police troopers are hired and brought to Queensland to track and kill wanted Aboriginal people with whom they have no kinship or alliance, and to help open up the land for settlement.

• 1851 – The colony of Victoria is proclaimed.

• 1869 – The Aboriginal Protection Act 1869 is passed in Victoria, giving the Board for the Protection of Aborigines an extraordinary level of control over Aboriginal people’s lives.

• 1871 – The London Missionary Society, led by Rev. Samuel MacFarlane, lands on Erub (Darnley) Island in the Torres Strait.

• 1872 – The Overland Telegraph line connects Adelaide to Darwin and cuts through the middle of Aboriginal land.
• 1894 – Bunuba man, Jandamarra, a skilled stockman who worked with the police chooses his people over the colonisers. He leads an armed insurgency in the Kimberley. An outlaw to some, a hero to others, his guerrilla war against police and pastoralists lasts for three years.

• 1906 – The peoples of the Great Sandy Desert experience their first contact with white settlers when Canning’s survey team travel 2000 kilometres from Wiluna in Western Australia, surveying the desert and in search of water. It becomes known as the Canning Stock Route.

• 1918 – The Aborigines Ordinance in the Northern Territory combines the 1910 Act (SA) and the 1911 Ordinance (Cth), giving the Chief Protector wide-ranging powers over Aboriginal people.

• 1926 – Aboriginal people are murdered by police following the spearing of a pastoralist in what’s now called the Forrest River Massacre. Two policemen were charged but the case was dropped due to lack of evidence. The 1927 Royal Commission to Inquire into Alleged Killing and Burning of Bodies of Aborigines in the East Kimberley is established. Subsequently, governments were pressured to improve the circumstances of Aboriginal people.

• 1927 – The West Australian state government declares central Perth a prohibited area for Aboriginal people. Aboriginal people could only enter with a ‘native pass’ which was issued by the Commissioner of Native Affairs. This lasts until 1954.

• 1931 – Arnhem Land in the Northern Territory is declared an Aboriginal reserve.

• 1942 – Darwin is bombed by the Japanese and many Aboriginal people are relocated in ‘control camps’, with restrictions placed on their movement. In Arnhem Land, Aboriginal people are recruited into the Northern Territory Special Reconnaissance Unit to defend against the anticipated Japanese invasion.

• 1949 – Aboriginal people who served in World War II gain the right to enrol to vote under the Commonwealth Electoral Act.

• 1953 – The first of three British nuclear tests is conducted at Emu Field in South Australia, leaving many Aboriginal people suffering from radiation sickness.

• 1957 – The Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCMTSI; later FCAATSI) is formed. It continues to petition for Indigenous rights for the next 21 years.
• 1962 – The Commonwealth Electoral Act is amended to give Aboriginal people the right to enrol to vote in all states except Queensland.

• 1965 – Indigenous people in Queensland finally gain the right to enrol to vote in State elections.


• 1967 – A referendum is held in May to change clauses in the Federal Constitution which discriminate against Aboriginal people. Nearly 91 per cent of Australians vote ‘yes’ for change, and as a result Indigenous people are included in the Census and legislation concerning the welfare of Aborigines passes from State to Commonwealth government.

• 1971 – Larrakia people ‘sit-in’ on Bagot Road, Darwin in a protest against the theft of their land.

• 1972 – The Aboriginal Heritage Act is declared in Western Australia. The Whitlam Government freezes all applications for mining and exploration on Commonwealth Aboriginal reserves.

• 1973 – Mr Justice Woodward of the Aboriginal Land Commission delivers his first report, emphasising Aboriginal people’s right to prevent mining on their land, and signalling a new approach to Aboriginal land rights.

• 1975 – The World Council of Indigenous People is founded.

The Aboriginal Land Fund Commission is established to buy land for Aboriginal groups across Australia.

The Senate unanimously pass a resolution put by Senator Bonner which acknowledges prior Indigenous ownership of Australia, and provides compensation for dispossession of land.

• The Racial Discrimination Act is passed by the Whitlam Government. It overrides state and territory legislation and makes racial discrimination unlawful.

• 1976 – Aboriginal law and land rights are finally recognised in the Aboriginal Land Rights (Northern Territory) Act. Recognition of land ownership is extended to 11,000 Aboriginal people.
• 1977 – The Yanyuwa people’s claim to crown land at Borroloola commences hearing. It is the first and longest lasting land claim in Australia’s history.

• 1978 – The Northern Territory Aboriginal Sacred Sites Ordinance is passed, instituting prosecution for trespass and desecration of Aboriginal sites.

• 1980 – International attention is drawn to Aboriginal land rights when Aboriginal people from around Australia travel to Western Australia’s Noonkanbah to help the Yungnogora people fight to stop the Amax mining company from drilling on their land.

The National Federation of Land Councils is formed, giving a national voice to the land rights movement.

• 1981 – The Pitjantjatjara Land Rights Act (SA) is passed and a large area of the State is returned to the Pitjantjatjara people.

• 1982 – Aborigines at Ntaria (Hermannsburg mission), in Central Australia are granted freehold title.

• 1984 – Joint Land Councils from the Northern Territory and the states visit Parliament House, Canberra, to protest against the proposed amendments to the Northern Territory’s Aboriginal Land Rights Act and the inadequate provisions in Prime Minister Hawke’s visions of ‘Uniform National Land Rights’.

The Western Australian Government introduces a land rights bill but it is defeated in the Upper House.

• 1987 – Voting becomes compulsory for Aboriginal people in the Northern Territory elections.

• 1988 – Tens of thousands of Aboriginal and Torres Strait Islander people and some non-Indigenous Australians march through the streets of Sydney on 26 January (Australia Day) to celebrate two hundred years of survival, while many non-Indigenous Australians commemorate the bicentenary of the colonisation of the country.

Prime Minister Hawke responds favourably to the suggestion of a treaty with Indigenous people, but this is never realised.

• 1989 – The Aboriginal and Torres Strait Islander Commission (ATSIC) are established by the Federal Government.
• 1991 – Legislation providing for land rights is passed through the Legislative Assembly in Queensland, but is markedly inferior to the standards set in the Northern Territory. Land rights legislation for Tasmanian Aboriginal people is rejected by the upper house.

• 1992 – Prime Minister Paul Keating makes his ‘Redfern Park’ speech at the launch of the International Year of the World’s Indigenous People, in which he acknowledges past wrongs.

• 1993 – The United Nations Year of Indigenous Peoples is celebrated throughout the world. Second World Indigenous Youth Conference held in Darwin, Northern Territory.

• 1994 – Minister for Aboriginal Affairs, Robert Tickner, places a 25 year ban on the construction of the Hindmarsh Island Bridge, after a group of Ngarrindjeri women claim that it is sacred, but cannot be publicly revealed. The 1995 Hindmarsh Island Royal Commission finds that claims of ‘secret women’s business’ are a fabrication. The later 2001 Federal Court judgment finds that there was no fabrication of ‘secret women’s business’.

• 2007 – The Australian government announce a dramatic intervention into some Northern Territory Aboriginal communities in response to the Little Children Are Sacred Report. Against the recommendations of the report, the Northern Territory National Emergency Response Act 2007 is passed, and sections of the Racial Discrimination Act 1975 are repealed.

• 2008 – Against the recommendations of the Northern Territory Emergency Response (NTER) review, the Australian government continues the Northern Territory intervention for a further twelve months, with some changes. The Prime Minister, Kevin Rudd, moves a motion in federal parliament of Apology to Australia’s Indigenous Peoples with specific reference to the Stolen Generations.

• A High Court decision, known as the Blue Mud Bay decision, gives traditional owners native title rights over the inter-tidal zone of Blue Mud Bay rights along the coastline of northeast Arnhem Land.

• 2009 – Australia signs the Declaration on the Rights of Indigenous Peoples in 2009, after initially refusing along with Canada, United States and New Zealand.
• 2010 – The Queensland Parliament amends the state’s Constitution to include a Preamble providing due recognition to Queensland’s Aboriginal and Torres Strait Islander peoples.

• Noongar man Ken Wyatt becomes the first Indigenous member of the House of Representatives in the federal parliament.

The first board of the National Congress of Australia’s First Peoples, a representative body advocating for the recognition of Aboriginal and Torres Strait Islander peoples’ rights, is appointed and the company becomes incorporated.

• 2012 – The Aboriginal tent embassy celebrates its 40th anniversary.

The Panel on Constitutional Recognition of Indigenous Australians presents its report Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution to the Prime Minister, Julia Gillard. In its Report, the Panel unanimously endorsed a specific proposal to amend the Constitution.

Source: lryb.aiatsis.gov.au

The Impact of Colonisation

The treatment of Aboriginal and Torres Strait Islander people has been recognised as being very abusive and totally against established human rights. This abuse was systemic and has impacted on future generations; some of which is seen in the following social, physical and emotional predicaments:

• Depression
• Alcoholism
• Drug problems
• Self-harm
• Violence
• Language difficulties
• Loss of identity
• Poverty
• Homelessness
• Unemployment
Still today Aboriginal and Torres Strait Islander people have a higher incidence of physical, social and emotional problems than the general population. This situation needs to be rectified through understanding that irrespective of what culture we identify with, we all need to heal the hurts that we carry. Everyone deserves to be treated with decency, respect, care and love and it begins with each of us affording these qualities to ourselves.