



TOOLS FOR TAPPING INTO TALENT

A recruitment training resource



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Developed by Top Drawer Consultants in 2002, and updated in January 2006 with assistance from Jacqui Barratt, RCSA.

Cartoon by Bob Kerr

We would like to thank the numerous recruitment consultants who have shared their ideas, experiences and suggestions through our market research and through participating in workshops.

This toolkit provides ideas, exercises and discussion starters that you and your staff can use to ensure you employ the best people. It is based on the experience of New Zealand recruitment consultancies and their staff.

Although the tool was initially developed for recruitment consultants, many organisations have found it a useful training tool for anyone involved in recruitment.

It will help you feel confident that you operate within the requirements of the Human Rights Act. It also includes a section for recruitment consultants to help them effectively manage clients who want to discriminate.

It will also enable you to:

- tap into the full pool of diverse talent
- work effectively with diverse candidates.

Recruitment and discrimination

Recruiting Talent, a survey of recruitment professionals undertaken by the EEO Trust, told us that discrimination is a common occurrence for some groups of people seeking employment. Many recruitment professionals reported that they have been compromised or embarrassed either by managers who require them to behave illegally, unfairly or unethically, or by their clients' discriminatory briefs.

In response the EEO Trust developed these training resources, in conjunction with the Recruitment and Consulting Services Association (RCSA), to assist recruitment consultants to:

- have access to a wider pool of talent
- reduce the time it takes to fill jobs through the diverse available talent pool
- be effective in recruiting and assessing diverse staff
- give sound advice to their clients about recruiting diverse staff
- be clear about their legal responsibilities and liability.

Everyone involved in recruitment needs to be able to tap into the talent of the full labour market, regardless of people's gender, ethnicity, age, culture, religion, sexual orientation, or disability.

Background

This toolkit is a result of:

- market research with a range of recruitment consultants
- information on the experiences of recruitment consultants
- exercises and activities during workshops for recruitment consultants
- discussion, suggestions and queries from workshop participants.
- Since this toolkit was initially released, it has been one of the EEO Trust's most consistently used resources. While progress has been achieved in terms of access to employment for all, there is evidence that discrimination continues to exist.¹

¹*A rose by any other name: the effect of ethnicity and name on access to employment.*
University of Auckland Business Review. www.uabr.auckland.ac.nz

Outline of the toolkit

The toolkit is made up of six modules, which include questions, suggested solutions, assessments and scenarios relevant to recruitment.

Module One:

Are you ready for the workforce of tomorrow?

This module will help your team reflect on some of the changes that are occurring in New Zealand's labour market, and the implications for your work. It also helps you identify some of the potential benefits of diversity.

Module Two:

Keeping you and your clients on the right side of the law

This module provides a summary of the key parts of the Human Rights Act. Scenarios encourage you to think about a range of relevant recruitment situations from both a common-sense and a legal perspective.

Module Three:

Managing clients who want to discriminate

This module suggests a range of strategies that consultants can use in responding to clients who want to take actions that will discriminate (either intentionally or unintentionally). This is followed by a series of scenarios that have been drawn from actual situations, so that your consultants can think about how they might use these strategies in practice.

Module Four:

Tapping into the wider talent pool

This module is for organisations that are interested in tapping into the wider pool of talent. It will help you assess what you currently do, and identify strategies that might help you do it better. It will also help your team check that their attitudes are not creating an unnecessary barrier. New Zealand currently has one of the lowest unemployment rates in the OECD, an ageing workforce and an immigration deficit, so it is important that the right person for the job is given a fair chance to meet recruitment criteria.

Module Five:

Giving candidates useful feedback

This module explores some of the strategies that you can use to give helpful feedback to diverse candidates. It includes a range of scenarios or discussion-starters.

Module Six:

Are we open to diversity?

Are your organisation's processes and ways of operating open and accessible to diverse candidates? This module will help you assess how well you are doing.

Using this toolkit in your workplace

The toolkit has been designed to be flexible so you can use it in a way that suits the needs of your organisation. You can select a particular module to deal with a specific situation you have had to deal with, go through the guide chronologically, use it for workshops or as a basis for a facilitated training session.

Lead it yourself, or get in an external facilitator

One of your team can lead the discussions or you can get an external facilitator to help you with the training.

Select the modules that are most relevant to your staff

Although the modules have been designed to fit together as a package, you may want to select the modules that are most relevant to your staff. These areas may not have been covered in other training and they may address issues you are currently facing.

Select the case studies and exercises that are most relevant to your work and your clients

Recruitment consultants in New Zealand work in a wide range of industries, and with a wide range of clients and candidates. The case studies and exercises in this kit reflect variety so focus on the situations that are most relevant to your organisation. Feel free to add others that reflect the scenarios that your employees encounter.

Set your own timetable

Each of the six modules is designed to take approximately 30 minutes.

The training can be done as:

- a half-day workshop
- three separate one-hour modules spread over a month
- part of your regular staff meetings.

If your group likes to discuss issues in depth, you may need to allow more time.

We have used the following icons to make it easier for you to use this toolkit:

- 🗨 Talking point – these are the key ideas we want you to get across. We suggest you do not just read them to the group. Use your own words to get the message across. You will be more convincing.
- ❓ Discussion question – these are questions we suggest you put to the group to get them thinking. Encourage them to come up with the answers rather than telling them what they are meant to be thinking.
- 📄 Exercises that require a worksheet. The relevant worksheets are included in each module, after the “Facilitator’s guide”.

Help us keep this toolkit up-to-date

The EEO Trust wants to keep this resource up-to-date and as useful as possible. We have deliberately chosen to put this on our website, rather than publish a hard copy, so we can keep updating and adding to the toolkit.

Please help us by:

- letting us know what other issues you would like information or training strategies on
- sharing your recruitment experiences, both positive and negative (while protecting the identity of the people involved)
- letting us know what strategies you have found useful.

If you or the workshop participants want to know more:

You can refer to the EEO Trust's Library catalogue for full listings of books, articles and publications on topics such as recruitment, EEO, diversity etc. See www.eeotrust.org.nz/library/index.cfm for more details. We have included a small selection of publications below.

Recruitment

EEO Trust, 2005, *Employing Disabled People*

Available from the EEO Trust's website

www.eeotrust.org.nz/toolkits/disability.cfm

This toolkit provides information on a range of employment issues relating to disabled people.

Human Rights Commission, *Pre-employment Guidelines*

Available from the Human Rights Commission

www.hrc.co.nz/home/default.php

This publication has a useful description of how the Human Rights Act applies to the advertising and interviewing process, including what you can and can't ask applicants.

Communication

Mor Barak, M, 2005, *Managing diversity: Toward a globally inclusive workplace*,

Sage Publications.

The importance of understanding cross-cultural communications, together with the numerous case studies and procedural suggestions defined in this book, aim to assist businesses in setting up and implementing inclusive workplace procedures.

O'Sullivan, Kerry, 1994, *Understanding Ways: Communicating Between Culture*,

Hale & Iremonger, Sydney.

An excellent book on exploring cross-cultural communication. The emphasis is on relevant skills rather than rules. It would be particularly useful for consultants working a lot with immigrants or multi-national companies.

Tannen, Deborah, 1994, *Talking from 9 to 5*, Virago Press, London.

A useful exploration of differences in communication styles between men and women in the workplace.

Metge, Joan and Patricia Kinloch, 1978, *Talking Past Each Other – Problems of Cross Cultural Communication*, Victoria University Press.

Even though it is not a recent publication, this is still a very useful discussion of cross-cultural communication in New Zealand.

Diversity

Bell, D, 2004, *New to New Zealand: A Guide to ethnic groups in New Zealand*, Reed

This publication outlines various backgrounds and cultures immigrants to New Zealand come from. It includes descriptions of a few of the basic religions in New Zealand.

Thomas, D and Inkson, K, 2004, *Cultural Intelligence, people skills for global business*, Berrett-Koehler Publishers Inc.

This book explains how one can develop skills to read cultural clues, thereby being better equipped to manage diverse groups.

EEO Trust Resources

Information toolkits and research reports are available on the EEO Trust website

www.eeotrust.org.nz

The website also has an EEO Library, www.eeotrust.org.nz/library/index.cfm with an on-line catalogue of over 6000 publications, articles and books.

For more information contact 09 525 3023.

Module One:

Are you ready for the workforce of tomorrow?

Objective of this module

- To raise recruitment consultants'/practitioners' awareness of the changing nature of New Zealand's workforce.
- To encourage recruitment consultants/practitioners to reflect on what this might mean for their business and for their clients.
- To encourage recruitment consultants/practitioners to identify the benefits of responding to the increasing diversity of our workforce.

Equipment you will need for this module

- An overhead transparency of Cartoon One
or
copies of the cartoon for each of the participants.
- Copies of Exercises 1 and 2 for each participant.

Useful background preparation for the facilitator

It could also be useful to gather any information you currently have about the gender, ethnic or age profile of:

- the industry and/or the region you work in
- your current candidate pool, as well as
- your past EEO Trust Diversity Survey results, if your organisation participated.

If you want to know more about your specific market or your region, you may find it useful to look at:

- Statistics New Zealand Labour Force Survey
www.statistics.govt.nz
www.stats.govt.nz/products-and-services/info-releases/hlfs-info-releases.htm
- Statistics New Zealand 2001 Census
www.statistics.govt.nz/census/default.htm
- EEO Trust Diversity Survey
www.eeotrust.org.nz/research/report.cfm
- Education Statistics of New Zealand
www.education.govt.nz
www.stats.govt.nz/people/education/default.htm
- University Graduate Destinations (report available for purchase from New Zealand Vice-Chancellors' Committee, phone: 04 381 8500
www.nzvcc.ac.nz/default.aspx?l=2&p=14
- Skill New Zealand training statistics
www.stats.govt.nz/analytical-reports/school-leavers/skill-nz-training-programmes.htm

Relevant industry associations may also prove helpful. Some will have information on gender and ethnicity.

Useful tips for the facilitator

Encourage participants to come up with the answers rather than giving the answers to them.

Give people time to express alternative views. You can prompt this by asking, “Does anyone see it any differently?” or “Are there other ways of looking at this?”

Time required

Thirty minutes, although this may vary depending on how much discussion you wish to allow.

Facilitator's session guide

Introduction (10 minutes)

- Present Cartoon One (either as overhead or as a handout)
 - This cartoon illustrates several dangers that face anyone working in the recruitment industry.
- **Either** ask people what they think are the dangers the cartoon is referring to,
or
present the following:
 - It is easier to feel most comfortable with those who are like us, and to not fairly consider people who are different from us in some ways.
 - If we look where we have always looked, we are likely to get what we always got.
 - If we continue to look only at the pool of candidates we are most comfortable with, we may fail to notice how much our workforce is changing.
- Ask participants to work in pairs and take 60 seconds to:
 - Think about the particular sector or industry that they are recruiting for.
 - Identify the typical characteristics (age, gender, education, personality, ethnicity, etc) of the people they recruit.
- Ask participants:
 - ? “How easy was it to do that?”
 - The easier it is for us to do that, the greater the risk we may be missing out on talent.

The changing nature of our workforce (10 minutes)

- Distribute a copy of Exercise 1 to each participant.
- Ask participants to work in pairs or small groups, and take 5 minutes to identify whether they think the statements on the exercise are true or false.
- Once that is done, explain that all of the statements are true.

Ask them:

- ? What are some of the possible implications of these changes for our clients?

Prompts:

- o They may have to look at employing people who come from a different background from those they have employed before.
- o They may need to change the way they attract, manage and reward staff as their old ways of doing things may not always work for this more diverse group of staff.
- o They are going to need employees who understand and respond to the expectations of diverse customers.

- ? What are some of the possible implications for us?

Prompts:

- o We may have to think more broadly or openly about who they will employ or encourage clients to do so.
- o We may have to find ways of attracting candidates who are different from those we have attracted in the past.
- o We may need to check that the way we currently assess candidates is going to work effectively for more diverse candidates.
- o Our candidates may be wanting and/or expecting different things of employers.

Being proactive about diversity – what's in it for our organisation? (10 minutes)

- ▣ Distribute a copy of Exercise 2 to each participant.
- Ask participants to work in small groups for 5 minutes and consider whether your organisation is taking full advantage of the potential benefits of diversity in the workplace.
- To the full group, ask participants:
 - ? Are there any of the suggestions in Exercise 2 that are not relevant to your organisation? Why?
 - ? Are there any benefits your organisation could take better advantage of?

I KNOW JUST THE SORT OF
PERSON I NEED FOR THAT JOB!



Cartoon: Bob Kerr

Exercise 1

What is currently happening in New Zealand's labour market?

Are these statements True or False?

	True	False
1 The growth rate of the New Zealand labour force is slowing.		
2 There was a surge in New Zealanders returning from overseas because of 9/11.		
3 In 2006, 17% of people of working age (15 years and over) in New Zealand reported having a disability. That is close to 1 in 6.		
4 New Zealand's population is only growing because of migration.		
5 In 2016 and 2021 27% of 15-24 year olds in labour force projected to be Maori or Pacific.		
6 By 2016 it is predicted that 11% of our working population will be Asian.		
7 In 2007, 19% of our NZ resident tertiary students were Maori.		
8 In 2007, approximately 12% of our New Zealand resident tertiary students were Asian.		
9 Statistics indicate that women earned 87% of men's average hourly pay in 2007.		
10 New Zealand is getting browner		
11 Currently 22% of New Zealanders under 20 are Maori.		
12 New Zealand is losing its best and brightest people.		
13 Between 2011 and 2061 the number of 45-64 year olds in the labour force will rise 17% and the number of workers over 65 will more than double.		

Answers to Exercise 1

1. True. Labour Market Statistics 2007, Statistics New Zealand; Labour market overview – labour force p.7
2. Partly false. There was an increase in permanent and long-term (PLT) arrivals of New Zealand citizens between 2001 and 2003 – but was this a result of the terrorist attacks in the US on 11 September 2001? PLT arrivals of New Zealand citizens from countries other than the UK and US had in fact been increasing since early 2001. This followed an increase in PLT departures of New Zealand citizens several years earlier. PLT migration data for the last three decades shows increases or decreases in New Zealand citizen arrivals a few years after a similar trend in departures. PLT arrivals of New Zealand citizens from the UK and the US did begin to increase during or soon after September 2001. While the timing supports the 9/11 theory, PLT departures of New Zealand citizens to these countries had also increased a few years earlier and are likely to have contributed to the increase in arrivals.
www.population.govt.nz/myth-busters/default.htm
3. True. Disability And The Labour Market in New Zealand 2006, Statistics New Zealand.
4. False. For migration to be the sole contributor to population growth there would have to be more deaths each year than births. New Zealand's natural increase has been around 30,000 people per annum since the late 1980s. Migration's contribution to population growth varies depending on inflows and outflows of people each year. In recent times, net migration reached a peak of 43,000 in 2003, while in 1999 there was a negative net migration of 11,000, meaning that more people left New Zealand than arrived. So, while migration does contribute to New Zealand's population, the main contribution is from natural increase.
www.population.govt.nz/myth-busters/default.htm
5. True. Labour Force Projections By Five Year Age Groups And Ethnic Group, customised table produced for EEO Trust January 2009, using Series 6M assumptions.
6. True. Labour Force Projections By Ethnic Group, customised table produced for EEO Trust January 2009, using Series 6M assumptions.
7. True. Ministry of Education, Education Counts, Provider Based Enrolments, Table 4 Domestic students enrolled by ethnic group 2007.
www.educationcounts/statistics/tertiary_education/participation.
8. True. Ministry of Education, Education Counts, Provider Based Enrolments, Table 4 Domestic students enrolled by ethnic group 2007.
www.educationcounts/statistics/tertiary_education/participation.
9. True. Labour Market Statistics 2007, Statistics New Zealand, Table 9.01, Average hourly earnings.
10. False. According to Statistics New Zealand's population projections, in 2021 Maori will comprise 17% of the population, 9% will identify with a Pacific ethnicity and 15% with an Asian ethnicity. This adds up to 41% but population projections suggest that 70% of the population will identify with a European ethnicity in 2021, making European the largest ethnic group. These percentages don't add up to 100 because people can and do identify with more than one ethnic group. For example, a significant part of the Pacific population is also part of the Maori population. Almost half of the Maori population also affiliate with other ethnic groups. For this reason, it is incorrect to add any of the ethnic groups together.
www.population.govt.nz/myth-busters/default.htm
11. True. Statistics New Zealand Table of Ethnic Groups (grouped total responses) by age group provided to EEO Trust, 18 March, 2009.
12. False. Over the past 15 years, net permanent and long-term (PLT) migration (arrivals minus departures) has averaged an inflow of 12,800 people a year. But are these new arrivals less skilled, less educated and less qualified than the corresponding departures? Looking at the annual average over the past 15 years, New Zealand had net PLT outflows amongst occupations such as service and sales workers, labourers, machine operators and assemblers and agricultural and fishery workers. However, there was a large inflow of professionals. This illustrates a loss of people in less skilled occupations and a gain in more skilled occupations. Even though we do lose some highly skilled people, New Zealand has a net gain of skilled people. The concept of a 'brain exchange' seems to be a better fit to the figures. How these 'brains' are used once in New Zealand (e.g. doctors driving taxis) could be debated.
www.population.govt.nz/myth-busters/default.htm
13. True. Labour Force Projections 1991-2061 (2006 base), Statistics New Zealand,
www.statistics.govt.nz

Exercise 2

Being proactive about diversity – what's in it for our organisation?

If we actively consider a diverse range of candidates it ...	We already take advantage of this	We could take more advantage of this	This is not relevant to our organisation
Extends our pool and ensures we can put forward the best person for the job.			
Helps us find good candidates whom others may have overlooked.			
Helps us gain credibility with a wide range of candidates.			
Encourages successful candidates to tell others about how great we are.			
Helps us find candidates in a candidate-short market.			
Helps us gain credibility with our clients.			
Helps us demonstrate that we are a vibrant and open place to work.			
Helps us win contracts with firms or organisations that care about these diversity issues.			
Helps us reflect our diverse customer base.			
Keeps us on the right side of the law and avoids complaints and legal action.			
Creates positive publicity, which sends a message that we are fair to candidates.			
Provides positive opportunity to promote our organisation and obtain positive media and PR attention.			
May help us tap into new markets.			

Module Two: Keeping you or your clients on the right side of the law

Objective of this module:

- To familiarise participants with the relevant requirements of the Human Rights Act.
- To reassure participants about the application of the Human Rights Act.

Equipment you will need for this module

- Whiteboard and whiteboard pen
or
a large sheet of paper, marker pens, Blu-tack or masking tape.
- Copies of Exercise 3 for each participant.

Useful background preparation for the facilitator

Familiarise yourself with the sections of the Human Rights Act that are included in the background information section of this module.

Read the questions and answers in the exercise several times to make sure that you understand them.

Useful tips for the facilitator

Your role is to get people to start thinking about the issues. It is not to make everyone think in the same way.

Don't feel that you need to be an expert on the Human Rights Act. If you are not sure of an answer, say so, and together examine the Act to try to find the appropriate response. If it is still not clear, suggest that you or a volunteer find out the answer before the next meeting. You can ring the Human Rights Commission Helpline 0800 496 877 or email infoline@hrc.co.nz for advice.

Time required

Thirty minutes. People may want to take longer discussing the answers if you have more time available.

Facilitator's session guide

Introduction (2 minutes)

- Present the following:
 - Some clients or managers may want to act in a way that discriminates, either intentionally or unintentionally. This puts everyone at risk. If there is a complaint, everyone involved in the recruitment process may be held liable. It is in everyone's best interests to comply with the Human Rights Act.

Grounds of discrimination (3 minutes)

- Present the following:
 - The Human Rights Act includes 13 specific grounds or personal characteristics which cannot be used to discriminate against people.
- Write up the first letter of each of the grounds of discrimination on the whiteboard as below. Alternatively, you could have prepared this earlier on a flip chart.

S	D
M	A
R	P
E	E
C	F
R	S
E	

- Ask the group to identify the prohibited grounds of discrimination. As they are identified, write them on the whiteboard beside the appropriate letter.

S Sex (including pregnancy and childbirth)	D Disability
M Marital status	A Age (from 16)
R Religious belief	P Political opinion
E Ethical belief	E Employment status
C Colour	F Family status
R Race	S Sexual orientation
E Ethnic or national origin	

Applying the Human Rights Act to recruitment (20 minutes)

- Explain that the Human Rights Act also includes a number of exceptions that make it lawful to discriminate in some situations.
 - ▣ Give each participant a copy of Exercise 3.
- Ask people to work in groups of two or three, and take 10 minutes to go through the exercise, completing only the column *What does your common sense tell you?* Encourage them to not worry about the Human Rights Act at this stage.
- With the full group, complete the column *What does the Human Rights Act say?* Ask participants for the answers first. Check for different opinions. If needed, either correct or add to the answers.
- Ask the group:
 - ? How often did your common sense match the legislation?

Areas of risk for us (5 minutes)

- Ask the group:
 - ? What are the areas in which we or our clients could end up unlawfully discriminating?

Encourage them to think about:

- o application forms
- o comments or questions that indicate (or could be seen to indicate) an intention to discriminate
- o references to age, gender, race, etc in advertisements
- o asking questions about health and disabilities.

In addition, if your organisation is in the public sector, local government or a Crown Entity, you may have specific obligations under the State Sector Act, the Local Government Act or the Crown Entities Act.

www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes

Exercise 3

What has the Human Rights Act got to say about recruitment?

Question	What does your common sense tell you?	What does the Human Rights Act require?
1. Can the owner of a tourist souvenir shop ask for a Japanese person to serve in the shop as the majority of the customers are Japanese?		
2. Can a movie director who wants to make a rerun of "Snow White and the Seven Dwarves" advertise for a young, dark-haired woman?		
3. The owner of a 20-person factory wants to employ only Indian workers, as all the other employees are Indian. Can he do this?		
4. The local lingerie shop wants to employ only women. Can it?		
5. The employer says the job involves heavy lifting, so wants only male applicants and no-one in a wheelchair. Can it limit its job search in this way?		
6. The local freezing works requires Muslim workers to kill meat in Halal fashion on the killing chain – is this OK?		
7. A multi-national company wants to employ only male, Muslim, 45 years and older sales agents, as the bulk of its work will be carried out in the Muslim country of Oman. Can it do this?		
8. An accounting firm instructs you to only recruit people with New Zealand accounting experience. Can they do this?		

Question	What does your common sense tell you?	What does the Human Rights Act require?
<p>9. You have a great candidate who happens to be transsexual. You have referred this candidate to your client but they refused to see them as they did not know how to accommodate their needs with regards to male or female toilets and how other staff would feel. Is this OK?</p>		
<p>10. Your potential candidate was convicted of fraud 15 years ago and spent 12 months in jail. She has not repeated her offending and is keen to be put forward for roles. Under the Criminal Records (Clean Slate) Act 2004 is the candidate required to tell you about the conviction if asked?</p>		
<p>11. Your client tells you that they will not employ the person you sent them as she/he is too closely related to the general manager of the company. Can they do this?</p>		
<p>12. The employer wishes to start female employees on \$50 per week more than the male employees, "as they are so much more sensible" than the men. Can they legally do this?</p>		
<p>13. Your client says you are not to send anyone for an interview who is currently unemployed. Is this OK?</p>		
<p>14. An elderly woman wants a reputable, single woman to live in as a nurse aid / housekeeper. Can she advertise this way?</p>		
<p>15. An employer wants a fit, strong person for working on dump trucks. Can they say this in the advertisement?</p>		
<p>16. The employer wishes to pay 19-year-olds "youth rates" which are \$2 an hour less than for workers over the age of 20. Can they do this?</p>		

Question	What does your common sense tell you?	What does the Human Rights Act require?
17. A sexual violence counselling agency wishes to employ a gay, Polynesian, male counsellor, and wants you to advertise for them. Can you accept?		
18. An employer does not want to employ anyone with tattoos, or nose or tongue piercings. Can they refuse to consider them?		
19. The best candidate you are putting forward for a job has a hearing impairment. She could do all aspects of the job, but would require a modified telephone. The employer does not want to consider her. Can they refuse to appoint her on the basis of her hearing impairment?		

Answers to Exercise 3

Question	What does the Human Rights Act say?
1. Can the owner of a tourist souvenir shop ask for a Japanese person to serve in the shop as the majority of the customers are Japanese?	<p>No, discrimination is prohibited on the grounds of race. However, it would be lawful to ask for a Japanese-speaking employee. The exception related to authenticity would not apply in this situation.</p> <p>Relevant section: 21 (1) (f)</p>
2. Can a movie director who wants to make a rerun of "Snow White and the Seven Dwarves" advertise for a young, dark-haired woman?	<p>Yes, she would be allowed to discriminate on the basis of sex and age for reasons of authenticity. Although she could probably get someone to wear a wig, asking for someone with dark hair is not illegal.</p> <p>Relevant section: 27 (1)</p>
3. The owner of a 20-person factory wants to employ only Indian workers, as all the other employees are Indian. Can he do this?	<p>No exemptions or exceptions apply here; the Act prohibits discrimination on the grounds of ethnic or national origin.</p> <p>Relevant section: 21 (1) (g)</p>
4. The local lingerie shop wants to employ only women. Can it?	<p>No problem; the Act allows for sex discrimination to ensure the preservation of reasonable standards of privacy.</p> <p>Relevant section: 27 (3) (a)</p>
5. The employer says the job involves heavy lifting, so wants only male applicants and no-one in a wheelchair. Can it limit its job search in this way?	<p>No. Employers cannot discriminate on the basis of gender. The key issue is whether someone can do the job, not whether they are male or female. Employers may be able to exclude people in wheelchairs if they could demonstrate that being in a wheelchair would make it impossible to do the particular lifting that is required.</p> <p>Relevant sections: 21 (1) (a) and 22 (1)</p>
6. The local freezing works requires Muslim workers to kill meat in Halal fashion on the killing chain. Is this OK?	<p>Yes. This is a bona fide occupational qualification, therefore the prohibition on discrimination regarding religion does not apply.</p> <p>Relevant sections: 22 and 27 (1)</p>

Question	What does the Human Rights Act say?
<p>7. A multi-national company wants to employ only male, Muslim, 45+-year-old sales agents, as the bulk of their work will be carried out in the Muslim country of Oman. Can they do this?</p>	<p>Legally yes. The Act allows for discrimination on the basis of sex, religious or ethical belief, or age if the duties are to be performed outside the country and the laws, customs or practices of that country where they are to be performed are ordinarily carried out only by people of that gender, age or belief. Care is needed, however, to check that the situation really requires it, and that the decision is not based on outdated stereotypes.</p> <p>Relevant section: 26</p>
<p>8. An accounting firm instructs you to only recruit people with New Zealand accounting experience. Can they do this?</p>	<p>Maybe. You should not discount the person because they appear to lack some of the experience you think they need. Don't make assumptions. With very little training the applicant may be able to attain the experience necessary to do the job. It is important to consider the applicant's capacity to perform in this role. Each case needs to be viewed on its merits and no sweeping assumptions should be made.</p>
<p>9. You have a great candidate who happens to be transsexual. You have referred this candidate to your client but they refused to see them as they did not know how to accommodate their needs with regards to male or female toilets and how other staff would feel. Is this OK?</p>	<p>No, it is illegal to discriminate on the grounds of an applicant's sex. Reasonable steps could be taken to accommodate the specific needs of the prospective employee. Consultation often clears up assumptions and lack of understanding between the prospective employers and employee.</p> <p>Relevant section: 27</p>

Question	What does the Human Rights Act say?
<p>10. Your potential candidate was convicted of fraud 15 years ago and spent 12 months in jail. She has not repeated her offending and is keen to be put forward for roles. Under the Criminal Records (Clean Slate) Act 2004 is the candidate required to tell you about the conviction if asked?</p>	<p>Yes, she does because she received a custodial sentence. The criteria under the Criminal Records (Clean Slate) Act means each case needs to be considered carefully. It would be useful to have a copy of the eligibility overview from the legislation and a copy of the Act. Although the rehabilitation period referred to in the Clean Slate legislation is seven years, there are eligibility criteria and specific requirements before the Clean Slate legislation applies. In this case, the fact that the person had a custodial sentence means that the information about her conviction, even though it was 15 years ago, cannot be concealed unless the offence for which she received a custodial sentence had been abolished. As fraud is still an offence this cannot apply to this scenario.</p> <p>In brief, the Clean Slate legislation applies if the candidate has not re-offended in the last seven years, never received a custodial sentence, never had a mental health order made against them, was not convicted of a "specific" offence (such as sexual offences), never been indefinitely disqualified from driving, and has paid in full any fine, reparations or costs ordered in a criminal case.</p> <p>Employers can ask prospective employees to sign a form that allows them to conduct a police reference check. This check will come back clear if the eligibility criteria under the Clean Slate legislation apply. A copy of the Criminal Records (Clean Slate) Act 2004 is available on line at www.legislation.govt.nz. You may also wish to refer to the Ministry of Justice's written pamphlets about this legislation.</p> <p>Also see www.fvm.co.nz/criminalrecords.htm for further reading.</p>
<p>11. Your client tells you that they will not employ the person you sent them as she is too closely related to the general manager of the company. Can they do this?</p>	<p>Possibly. The Act permits discrimination on the grounds of family status where there is:</p> <ul style="list-style-type: none"> o the risk of collusion o a reporting relationship o a situation of commercial sensitivity by employment with another employer. <p>Relevant sections: 32 (a) (i) and 32 (b)</p>
<p>12. The employer wishes to start female employees on \$50 per week more than the male employees, "as they are so much more sensible" than the men. Can they legally do this?</p>	<p>No. The Act makes it unlawful to offer or afford less favourable terms or conditions of employment on the basis of sex.</p> <p>Relevant section: 22 (1) (b)</p>
<p>13. Your client says not to send for an interview anyone who is currently unemployed. Is this OK?</p>	<p>No. The Act prohibits discrimination on the basis of employment status.</p> <p>Relevant section: 21(1)(k)</p>

Question	What does the Human Rights Act say?
14. An elderly woman wants a reputable, single woman to live in as a nurse aid / housekeeper. Can she advertise this way?	<p>Yes. The Act includes an exception for discrimination on the basis of sex and marital status where the position is a live-in one. Where the employment is one of domestic employment in a private household, discrimination is permitted on the basis of sex, religious or ethical belief, disability, age, political opinion or sexual orientation. Relevant sections: 27(5) and 27 (2)</p>
15. An employer wants a fit, strong person for working on dump trucks. Can they say this in the advertisement?	<p>Yes. The only problem would be if the recruitment agent translated that to mean "male".</p>
16. The employer wishes to pay 19-year-olds "youth rates" which are \$2 an hour less than for workers over the age of 20. Can they do this?	<p>No. Youth rates apply to 16 and 17 year olds only. Currently the minimum rate is \$7.60 an hour. The minimum adult rate is \$9.50 per hour. These will change to \$8.20 and \$10.25 respectively in March 2006. Relevant section: 30(2)</p>
17. A sexual violence counselling agency wishes to employ a gay, Polynesian, male counsellor, and wants you to advertise for them. Can you accept?	<p>Yes. The Act allows discrimination on the grounds of sex, race, ethnic or national origins and sexual orientation where the position is a counselling one on personal matters such as sexual matters or the prevention of violence. Relevant section: 27 (4)</p>
18. An employer does not want to employ anyone with tattoos, or nose or tongue piercings. Can they refuse to consider them?	<p>Generally yes. Tattoos and piercings are not included in the Act as one of the grounds of discrimination. There may be some difficulty, however, if the candidate can show a direct link between the tattoo or piercing and their race or ethnicity.</p>
19. The best candidate you are putting forward for a job has a hearing impairment. She could do all aspects of the job, but would require a modified telephone. The employer does not want to consider her. Can they refuse to appoint her on the basis of her hearing impairment?	<p>Generally no. Employers are required to make any reasonable changes that are required to enable the person to do the job. What is reasonable is influenced by:</p> <ul style="list-style-type: none"> o cost o size of the employer o resources of the employer o level of disruption o impact on other employees o health and safety considerations. <p>Relevant section: 29 (1) (a)</p>

Background information for facilitator

Extracts from the Human Rights Act 1993

The following summarises the relevant sections of the Human Rights Act with regard to recruitment for employment. Please refer to the full Act or seek legal advice before taking action.

Section 21: Prohibited Grounds of Discrimination

- (1) For the purposes of this Act, the prohibited grounds of discrimination are –
- (a) sex, which includes pregnancy and childbirth
 - (b) marital status, which means the status of being –
 - (i) single; or
 - (ii) married; or
 - (iii) married but separated; or
 - (iv) a party to a marriage now dissolved; or
 - (v) widowed; or
 - (vi) living in a relationship in the nature of marriage
 - (c) religious belief
 - (d) ethical belief, which means the lack of a religious belief, whether in respect of a particular religion or religions or all religions
 - (e) colour
 - (f) race
 - (g) ethnic or national origins, which includes nationality or citizenship
 - (h) disability, which means –
 - (i) physical disability or impairment
 - (ii) physical illness
 - (iii) psychiatric illness
 - (iv) intellectual or psychological disability or impairment
 - (v) any other loss or abnormality of psychological, physiological or anatomical structure or function
 - (vi) reliance on a guide dog, wheelchair or other remedial means
 - (vii) the presence in the body of organisms capable of causing illness
 - (i) age
 - (j) political opinion, which includes lack of a particular political opinion
 - (k) employment status, which means being unemployed or in receipt of a benefit
 - (l) family status, which means having full or part-time responsibility for the care of children or other dependants; having no responsibility for the care of children or dependants; being married to, or being in a relationship in the nature of marriage with, a particular person; being a relative of a particular person
 - (m) sexual orientation, which means a heterosexual, homosexual, lesbian or bisexual orientation.

Section 22: Employment

- (1) Where an applicant for employment or an employee is qualified for work of any description, it shall be unlawful for an employer, or any person acting or purporting to act on behalf of an employer –
- (a) To refuse or omit to employ the applicant on work of that description which is available; or
 - (b) To offer or afford the applicant or the employee less favourable terms of employment, conditions of work, superannuation or other fringe benefits, and opportunities for training, promotion, and transfer than are made available to applicants or employees of the same or substantially similar circumstances on work of that description;
- (2) It shall be unlawful for any person concerned with procuring employment for other persons or procuring employees for any employer to treat any person seeking employment differently from other persons in the same or substantially similar circumstances by reason of any of the prohibited grounds of discrimination.

Section 23: Particulars of applicants for employment

It shall be unlawful for any person to use or circulate any form of application for employment or to make any inquiry of or about any applicant for employment which indicates, or could reasonably be understood as indicating, an intention to commit a breach of section 22 of this Act.

Section 24: Exception in relation to crews of ships and aircraft

Nothing in section 22 of this Act shall apply to the employment or an application for employment of a person on a ship or aircraft, not being a New Zealand ship or aircraft, if the person employed or seeking employment was engaged or applied for it outside New Zealand.

Section 25: Exception in relation to work involving national security

- (1) Nothing in section 22 of this Act shall apply to any restriction on the employment of any person on work involving the national security of New Zealand –
 - (a) By reference to his or her –
 - i. Religious or ethical belief; or
 - ii. Political opinion; or
 - iii. Disability, within the meaning of section 21 (1) (h) (iii) or section 21 (1) (h) (iv) of this Act; or
 - iv. Family status, within the meaning of section 21 (1) (l) (iv) of this Act; or
 - v. National origin; or
 - (b) By reference to the national origin of any relative of that person.
- (2) It shall not be a breach of section 22 of this Act to decline to employ a person under the age of 20 years on work involving the national security of New Zealand where that work requires a secret or top secret security clearance.

Section 26: Exception in relation to work performed outside of New Zealand

Nothing in section 22 of this Act shall prevent different treatment based on sex, religious or ethical belief, or age if the duties of the position in respect of which that treatment is accorded –

- (a) Are to be performed wholly or mainly outside of New Zealand; and
- (b) Are such that, because of the laws, customs, or practices of the country in which those duties are to be performed, they are ordinarily carried out only by a person who is of a particular sex or religious or ethical belief, or who is in a particular age group.

Section 27: Exceptions in relation to authenticity and privacy

- (1) Nothing in section 22 of this Act shall prevent different treatment based on sex or age where, for reasons of authenticity, being of a particular sex or age is a genuine occupational requirement for the position or employment.
- (2) Nothing in section 22 of this Act shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household.
- (3) Nothing in section 22 of this Act shall prevent different treatment based on sex where –
 - (a) The position needs to be held by one sex to preserve reasonable standards of privacy; or
 - (b) The nature or location of the employment makes it impracticable for the employee to live elsewhere than in premises provided by the employer, and –
 - (i) The only premises available (being premises in which more than one employee is required to sleep) are not equipped with separate sleeping accommodation for each sex; and
 - (ii) It is not reasonable to expect the employer to equip those premises with separate accommodation, or to provide separate premises, for each sex.
- (4) Nothing in section 22 of this Act shall prevent different treatment based on sex, race, ethnic or national origins, or sexual orientation where the position is that of a counsellor on highly personal matters such as sexual matters or the prevention of violence.
- (5) Where as a term or condition of employment, a position ordinarily obliges or qualifies the

holder of that position to live in premises provided by the employer, the employer does not commit a breach of section 22 of this Act by omitting to apply that term or condition in respect of employees of a particular sex or marital status if in all the circumstances it is not reasonably practicable for the employer to do so.

Section 28: Exceptions for purposes of religion

- (1) Nothing in section 22 of this Act shall prevent different treatment based on sex where the position is for the purposes of an organised religion and is limited to one sex so as to comply with the doctrines or rules or established customs of that religion.
- (2) Nothing in section 22 of this Act shall prevent different treatment based on religious or ethical belief where –
 - (a) That treatment is accorded under section 65 of the Private Schools Conditional Integration Act 1975; or
 - (b) The sole or principal duties of the position (not being a position to which section 65 of the Private Schools Conditional Integration Act 1975 applies) –
 - (i) Are, or are substantially the same as, those of a clergyman, priest, pastor, official, or teacher among adherents of that belief or otherwise involve propagation of that belief; or
 - (ii) Are those of a teacher in a private school; or
 - (iii) Consist of action as a social worker on behalf of an organisation whose members comprise solely or principally adherents of that belief.
- (3) Where a religious or ethical belief requires its adherents to follow a particular practice, an employer must accommodate the practice so long as any adjustment of the employer's activities required to accommodate the practice does not unreasonably disrupt the employer's activities.

Section 29: Further exceptions in relation to disability

- (1) Nothing in section 22 of this Act shall prevent different treatment based on disability where –
 - (a) The position is such that the person could perform the duties of the position satisfactorily only with the aid of special services or facilities and it is not reasonable to expect the employer to provide those services or facilities; or
 - (b) The environment in which the duties of the position are to be performed or the nature of those duties, or of some of them, is such that the person could perform those duties only with a risk of harm to that person or to others, including the risk of infecting others with an illness, and it is not reasonable to take that risk.
- (2) Nothing in subsection (1) (b) of this section shall apply if the employer could, without reasonable disruption, take reasonable measures to reduce the risk to a normal level.
- (3) Nothing in section 22 of this Act shall apply to terms of employment or conditions of work that are set or varied after taking into account –
 - (a) Any special limitations that the disability of a person imposes on his or her capacity to carry out the work; and
 - (b) Any special services or facilities that are provided to enable or facilitate the carrying out of the work.

Section 30: Further exceptions in relation to age

- (1) Nothing in section 22 (1) (a) or section 22 (1) (d) of this Act shall apply in relation to any position or employment where being of a particular age or in a particular age group is a genuine occupational qualification for that position or employment, whether for reasons of safety or for any other reason.
- (2) Nothing in section 22 (1) (b) of this Act shall prevent payment of a person at a lower rate than another person employed in the same or substantially similar circumstances where the lower rate is paid on the basis that the first-mentioned person had not attained a particular age, not exceeding 20 years of age.
- (3) Nothing in section 22 (1) (a) of this Act shall prevent preferential treatment based on age accorded to persons who are to be paid in accordance with subsection (2) of this section.

Section 31: Exception in relation to employment of a political nature

Nothing in section 22 of this Act shall prevent different treatment based on political opinion where the position is one as –

- (a) A political adviser or secretary to a member of Parliament; or
- (b) A political adviser to a member of a local authority; or
- (c) A political adviser to a candidate seeking election to the House of Representatives or to a local authority within the meaning of the Local Elections and Polls Act 1976; or
- (d) A member of the staff of a political party.

Section 32: Exception in relation to family status

Nothing in section 22 of this Act shall prevent restrictions imposed by an employer –

- (a) On the employment of any person who is married to, or living in a relationship in the nature of marriage with, or who is a relative of, another employee if –
 - (i) There would be a reporting relationship between them; or
 - (ii) There is a risk of collusion between them to the detriment of the employer; or
- (b) On the employment of any person who is married to, or living in a relationship in the nature of marriage with, or who is a relative of, an employee of another employer if there is a risk of collusion between them to the detriment of that person's employer.

Section 33: Armed Forces

Nothing in section 22 of this Act shall prevent preferential treatment based on sex being given within the Armed Forces to any member of those forces who has the duty of serving in an active combat role in those forces.

Section 35: General qualification on exceptions

No employer shall be entitled, by virtue of any of the exceptions in this Part of this Act, to accord to any person in respect of any position different treatment based on a prohibited ground of discrimination even though some of the duties of that position would fall within any of those exceptions if, with some adjustment of the activities of the employer (not being an adjustment involving unreasonable disruption of the activities of the employer), some other employee could carry out those particular duties.

www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes&clientid=218337444&viewtype=contents

Module Three: **Managing clients who want to discriminate**

Objective of this module:

- To equip participants with strategies they can use with clients who want to act in a way that discriminates, either intentionally or unintentionally.
- To explore when it is most appropriate to use these strategies.
- To enable participants to reflect on situations they have encountered where clients have wanted to discriminate.

Equipment you will need

- Copies of Exercises 4 and 5 for each participant.

Useful preparation for the facilitator

Familiarise yourself with the scenarios in Exercise 5. You may want to take out any that are not relevant to your industry, and add in others that you know have happened in your industry in the past. If you are adding more, take care to ensure that participants cannot identify the individuals involved.

Useful tips for the facilitator

Your role is to get people to start thinking about the issues. It is not to make everyone think in the same way.

Encourage people to share the strategies they have found useful in the past. Ask them to be quite specific about what they said or did.

Avoid telling people that what they did or said was wrong, although you may need to alert them to any potential risks associated with the strategy they have described. If needed, help them identify other possible strategies for use in the future.

Encourage people to identify situations they have found difficult in the past, and ask the group to work together to come up with possible solutions.

Time required

Thirty minutes. People may want to take longer discussing the answers if you have more time available.

Facilitator's session guide

Introduction (2 minutes)

- Present the following:
 - ☞ There will be times when employers will want to discriminate. Sometimes this will be intentional. Sometimes they will not be aware of what they are doing. This session is about exploring what you can do if this happens. It is rare for there to be only one right answer. People need to select the strategy that suits the situation, the people involved and their own personal style.

Strategies for managing clients who want to discriminate (10 minutes)

- ☐ Give each participant a copy of Exercise 4.
- Present the following:
 - ☞ The worksheet contains a range of strategies that recruitment professionals have used in these types of situations.
 - ☞ This is often about using a good "one liner". Encourage participants to take note of any good "one liners" that others have used and that they could possibly use themselves.
- Ask them to work in groups of two or three for 5 minutes to complete the worksheet.
- Ask the full group:
 - ? Which of these strategies are particularly useful in our industry.
 - ? Are there other strategies that belong on this list.

Applying the strategies (18 minutes)

- ☐ Give each participant a copy of Exercise 5.
- Present the following:
 - ☞ All of these situations come from actual situations that recruitment consultants have experienced.
- Ask them to work in small groups for 10 minutes to identify how they would respond if they encountered these situations.
- In the full group, **either** go through each of the scenarios and compare answers, **or** ask participants to identify the scenarios they are most interested in hearing other people's views on.

Exercise 4

So they want to discriminate...what can I do?

Possible strategies	Yes, I already use this strategy	I could possibly try this strategy	This strategy is not for me
<p>Humour e.g. "I must remember to bring my walking stick next time."</p>			
<p>Identify the issue behind the attitude e.g. The employer is saying they need someone who can travel, not that they can't employ a woman with a family.</p>			
<p>Focus on the skills e.g. "It seems to me that you are looking for someone with the skills to communicate effectively, rather than it necessarily being someone who has English as their first language."</p>			
<p>Reflect back what they are saying e.g. "Are you telling me that you don't want to employ anyone who isn't white?"</p>			
<p>Rational argument e.g. "If you get all the same people, you may get all of the same strengths and weaknesses and people who want to resign after a similar period of time".</p>			
<p>Understand where the request is coming from e.g. The client has just stated they must have a woman in this role. Ask them to explain why it is so important to have a woman in this role? This ensures you understand where the client is coming from and can address their concerns appropriately.</p>			

Possible strategies	Yes, I already use this strategy	I could possibly try this strategy	This strategy is not for me
<p>Experience e.g. "I hear what you are saying however I have worked with a number of clients who have had a positive experience recruiting a diverse workforce. For example ..."</p>			
<p>Focus on competencies e.g. "At the end of the day the key ingredient is attracting the best person for your organisation so you get the desired results. To do this given the market position we need to stay focused on the core competencies and keep an open mind as to the background of the individual we attract."</p>			
<p>Remind them of what the competition is doing e.g. "The firm down the road has found it very useful to ..."</p>			
<p>Sell the advantages e.g. "This person may have the skills you need to tap into the Asian market."</p>			
<p>Remind them of the legal risk e.g. "We need to remember that it is against the Human Rights Act to discriminate in that way."</p>			
<p>Deflection e.g. "This is a candidate-short market. Why don't we see who we can get?"</p>			

Possible strategies	Yes, I already use this strategy	I could possibly try this strategy	This strategy is not for me
<p>Pointing out the exceptions e.g. "Not all women have children."</p>			
<p>Embarrassment e.g. "I am surprised that a person of your ability and standing would think that."</p>			
<p>Are there others you can think of?</p> <p>1.</p> <p>2.</p> <p>3.</p>			

Module Four: **Tapping into the wider pool of talent**

Objective of this module:

- To help participants assess what your organisation currently does to tap into the wider pool of talent, and identify strategies that might help you do it better.
- To get participants to share ideas on strategies they have found to be effective.
- To help participants identify if any of their own attitudes may be creating a barrier to their tapping into this wider pool of talent.

Equipment you will need for this module

- Copies of Exercises 6 and 7 for each participant.

Useful background preparation for the facilitator

If possible, gather information on the demographic composition and trends of the workplace and who makes the purchasing decisions. Recent research in the USA suggests that 80% of consumer decisions are made by women. If you/your client work/s internationally, identify the markets and any recent relevant trends in these countries. This will help your team identify the skills you may need to develop.

Useful tips for the facilitator

The presentation points describe the ideas that are important to get across. Don't just read them. Find your own way of expressing the ideas. You will be much more convincing.

Time required

Thirty minutes. People may want to take longer discussing the answers if you have more time available.

Facilitator's session guide

Introduction (1 minute)

- Present the following:
 - ☞ We need to be sure that we can be effective in recruiting diverse candidates. This module is designed to help us identify the strategies we do use or could use to attract diverse candidates. It will also help us check that the assumptions we make when we meet these candidates don't get in the way.

What recruitment strategies might work for us? (14 minutes)

- Present the following:
 - ☞ Different things trigger different people to apply for jobs. If we use the same approaches all the time, we are likely to get the same sorts of people each time, perhaps unintentionally missing out on others who would also be suitable for the position.
 - ☑ Give each participant a copy of Exercise 6.
- Either as a full group (if fewer than 10) or in small groups, complete Exercise 6.
- ? Check if participants are aware of other strategies that could be used to tap into the wider pool of talent.
- With the full group, review the strategies that participants have suggested would be useful to try, or to do more often. Encourage participants to identify the particular situations that the strategies would suit, and ways they would implement them.

When assumptions act as an unnecessary barrier (15 minutes)

- Present the following:
 - ☞ One of the biggest barriers to effective communication is the assumptions we make about others. These assumptions can influence what information we are open to receiving, and the judgements we make about others.
 - ☑ Give each participant a copy of Exercise 7.
- Ask everyone to take 3 minutes to complete the column headed *My first assumption might be ...* Encourage people to do this quickly, rather than thinking about it too much – you are not looking for the politically correct answer, but people's gut reaction. If they don't have an instinctive first assumption, then suggest they leave it blank.
- In small groups, take 7 minutes to use the remaining column to identify other possible explanations. Encourage them to identify at least one alternative for each behaviour example.

- In the large group, ask participants:
 - ? Have you seen people use any of these, or other, assumptions to influence their decisions during the recruitment process?
 - ? How many of these behaviours are associated with different cultures?
 - ⌘ Many of these are associated with different cultures. It is easy for us to either misinterpret or inappropriately judge behaviours that are different from our own. Some of these behaviours have no particular meaning associated with them.
 - ⌘ When you find yourself or others making assumptions about someone, it is useful to pause and consider any alternative explanations before making a judgement.

If participants are interested in learning more about differences between cultures, refer them to some of the books suggested in the introduction to this training kit, or to www.eeotrust.org.nz

Exercise 6

Has your organisation tried these strategies and were they useful?

	Has it been tried? Yes / No	Was it useful? Yes / Partially / No / Not applicable	Should we try it or do more of it?
Advertising on our own website			
Advertising in community newspapers			
Including languages other than English in our advertisements			
Using visual images of diverse people in our advertisements or recruitment material			
In advertisements including references to things the employer can offer, e.g. paid parental leave, flexible hours, childcare centre, flexible leave			
Advertising on Maori radio			
Advertising in Maori media, e.g. Mana			
Advertising on local marae noticeboards			
Advertising through the local Pacific Island churches			
Advertising in Asian newspapers and magazines			
Networking with Maori and Pacific Islands liaison officers at universities and polytechnics			
Working with supported employment agencies such as Workbridge (an organisation that provides jobs and training for disabled people)			
Networking through specialist organisations, e.g. women's lawyer groups			
Deliberately including references to men and women in advertisements for jobs that have traditionally been thought of as being done by only men or only women			

	Has it been tried? Yes / No	Was it useful? Yes / Partially / No / Not applicable	Should we try it or do more of it?
Developing relationships with groups and individuals who may be able to promote the job you are recruiting for to people in diverse communities			
Employing a diverse group of consultants			
Using the EEO Employers Group logo in advertisements			
Using previously placed candidates and clients as referees			
Are there other strategies that you are aware of?			

Exercise 7

Checking that assumptions aren't being used as an unnecessary barrier

The candidate ...	My first assumption might be ...
Speaks too softly	
Speaks too loudly	
Is overweight	
Stands too close	
Asks more questions about time for family than about the actual job	
Is uncomfortable identifying things that they have individually been responsible for achieving	
Won't initiate any questions	
Smiles and laughs nervously	
Has a firm handshake	
Spends a lot of time making small talk rather than getting into the heart of the interview	
Won't make eye contact	
Has a soft handshake	
Wears an earring in his left ear lobe	

The candidate ...	My first assumption might be ...
Wears an earring in her right ear lobe	
Asks blunt questions about money	
Pauses for a long time before answering any question	
Is nervous about doing computer assessments	
Casually groomed for the interview or poor general personal hygiene	
Lack of confidence	
Doesn't stand up and greet you when you enter the interview room	
Reluctant to give names and details of references to be completed	
Cannot articulate what they want	
Doesn't provide full information	
Smelling of smoke in the interview	
Chewing gum	
Unsmiling face, in general seems non-emotive	

Module Five: Giving candidates useful feedback

Objective of this module

- To equip participants with ideas and information they can use for giving feedback to unsuccessful candidates from diverse backgrounds.
- To explore and encourage the exchange of ideas about difficult situations they have encountered or are likely to encounter.

Equipment you will need for this module

- Copies of Exercises 8 and 9 for each participant.
- Copies of the information sheet *Resources for job seekers* available for each participant.

Useful preparation for the facilitator

Familiarise yourself with the scenarios in Exercise 9. You may remove those that are not relevant to your industry, and add in others that you know have happened in your industry in the past. If you add more scenarios, take care to ensure that participants cannot identify the people involved.

Before printing out the information sheet *Resources for job seekers* at the end of this toolkit, you may want to investigate and add the contact information for relevant organisations or programmes in your region.

Useful tips for the facilitator

If participants have not thought about providing feedback to unsuccessful candidates, ask them to identify the potential benefits of providing feedback for the candidate, and for your organisation.

Encourage participants to closely examine the reasons why a candidate has been unsuccessful, particularly if their ability to speak English, their accent and their age may be seen as issues. These are often given as excuses and are not always the actual problem.

Encourage participants to be quite specific about how they would give feedback. If they say they would just tell the candidate directly, ask them to explain exactly what they would say, and when, how and where they would say it.

Time required

Thirty minutes. People may want to take longer discussing the answers if you have more time available.

Facilitator's session guide

Introduction (1 minute)

- Present the following:
 - Unsuccessful candidates often need and want feedback. Sometimes these candidates will have been unsuccessful because of something about them. Other times it will have more to do with the people making the decision, or who the competition is. Giving this feedback, particularly to people whose background may be very different from our own, is not always easy.

Diagnosing the problem (10 minutes)

- Present the following:
 - Feedback is best received when it is wanted. Check that people want feedback before you give it. The first step in providing useful feedback is clarifying what the real issue is. That will help you decide on the most appropriate strategy to use or suggestion to make. Make sure your feedback is tactful but honest.
 - Give each participant a copy of Exercise 8.
- In the full group or in smaller groups, ask participants to complete Exercise 8 and identify which suggestions are relevant to your industry, and to share any other strategies or suggestions that they have found useful.

Giving feedback (19 minutes)


- Give each participant a copy of Exercise 9.
- In small groups, ask people to take 8 minutes to decide how they would handle these situations.
- With the full group, **either** go through each of the scenarios and compare answers, **or** ask participants to identify the scenarios they are most interested in hearing other people's views on.
- Ask participants:
 - ? When have you found it difficult to give feedback to unsuccessful candidates?
 - ? What strategies would be helpful in these situations?

Exercise 8

Suggestions for unsuccessful candidates

If the problem is ...	Possible suggestions you could make	Is this relevant in our industry?	Other advice or strategies you have found useful
<p>their ability to speak English to the standard that is necessary for the job</p>	<ul style="list-style-type: none"> o Enrol in an ESOL (English for speakers of other languages) Home Tutor scheme. o Many polytechnics have ESP (English for specific purposes) or EOP (English for occupational purposes) courses. o Some community centres and churches run social English groups to help migrants practise their English skills. 		
<p>their accent</p>	<ul style="list-style-type: none"> o Find an individual tutor. o Practise slowing down. o Borrow tapes from the local ESOL Home Tutor Association. 		
<p>the way they present at interviews</p>	<ul style="list-style-type: none"> o Enrol with one of the programmes or agencies that support job seekers. o Go to a career counsellor who can help them practise interview techniques. o Ask them to find a friend who will work with them to identify and then practise talking about their strengths. o Provide specific relevant feedback e.g. "Thank you for seeing me, I want to give you some feedback on how you interviewed today. When you answer the questions you need to take time to think of an example that relates to your working environment as opposed to your personal situation. This allows us to get a full picture of what you can do". Then walk through an example they gave during the interview to highlight your point. 		
<p>they don't have the necessary set of skills or knowledge</p>	<ul style="list-style-type: none"> o Contact the relevant industry training organisation for training. o Research the local requirements and standards, e.g. building code. o Use the Career Service to identify what skills are missing and how they can gain these skills. 		

If the problem is ...	Possible suggestions you could make	Is this relevant in our industry?	Other advice or strategies you have found useful
<p>they have unrealistic expectations</p>	<ul style="list-style-type: none"> o Go to the Career Service for career counselling and advice. o You need to uncover what the expectation is. If it is money you need to provide market information e.g. "Over the last 6 months we have placed a number of people within customer service roles and the average salary has been XYZ." Or "For you to achieve your desired salary level you would need to have greater experience. There are people in the market achieving that salary but they would have at least 5 years' experience as opposed to the 18 months you currently have". 		
<p>their CV is poorly presented or not in a style appropriate for New Zealand</p>	<ul style="list-style-type: none"> o Go to the Career Service for help in developing their CV. o Use a CV service. o Borrow relevant books from their local library to get ideas for reshaping it. o Provide a sample of a good CV both in format and content so the individual can see specifically what it is they need to do. Provide them with some CV tips they can go away with but walk them through it, explaining what they need to do. If the CV has been sent via email then attach the tips or sample CV so they learn. The key is to be specific, not generic in your response as this will not assist people. 		
<p>their qualifications are not familiar to New Zealanders</p>	<ul style="list-style-type: none"> o Make a submission to NZQA to get evidence of what their qualifications are equivalent to in New Zealand. 		

If the problem is ...	Possible suggestions you could make	Is this relevant in our industry?	Other advice or strategies you have found useful
<p>they are getting angry, disillusioned or discouraged</p>	<ul style="list-style-type: none"> o Enrol in one of the groups or agencies that support job seekers. o Listen first and take the time, it is only natural they are getting frustrated, we would all feel the same if we had been unsuccessful as many times as some of these candidates have been. o Check to see that their search is targeted and structured and they are not merely sending their CV out for every job vacancy. o Check what agencies they are applying to and advise who are the best consultancies to service their needs e.g. if it is the engineering or medical sector, steer the person to those companies that work within those fields. o Tell them how important it is that they have clarity about what they are looking for not just in terms of the job but with regards to location, salary and organisation they want to join. o We appreciate that many people new to New Zealand say they are willing to do anything and be paid any amount but, in reality, that might suit a short term need but it may not work out in the medium to long term. For example someone says they are happy to travel to Pakuranga when they live in Albany but they don't have their own transport and plan to catch public transport. It might seem OK to do for the first few months but experience would tell us that they will find it very difficult and be looking for a new job soon. Advise the person to take a trip out there and see for themselves the distances and then to contact you if they still believe it is suitable. 		
<p>there is no real problem, but they just aren't being given a chance or the employer is prejudiced</p>	<ul style="list-style-type: none"> o Start with voluntary work. o Try temping, contracting or executive leasing. o Find someone already in the industry who could mentor, coach or advise them. o Join the relevant professional association, e.g. Science Teachers Association. o Register on the NewKiwis internet job site. o Contact EEO Employers Group members directly as they are open to diversity. o Look for the EEO Employers Group logo in advertisements. This indicates Employers of Choice who value diversity.  <ul style="list-style-type: none"> o Keep on trying. 		

Resources for jobseekers: Organisations

The EEO Trust website

This has a list of career and supported employment providers.

See www.eeotrust.org.nz/jobseekers/resources.cfm for more details.

The links section of the website also has a list of organisations that may be of help to jobseekers www.eeotrust.org.nz/links.cfm.

The organisations below may be of interest to jobseekers:

Association of supported employment in New Zealand (ASENZ)

Call them on 04 471 0933 for assistance or visit their website, which has a complete list of supported employment providers. www.asenz.org.nz/providers.html

Postal address: PO Box 50 130, Porirua City

Career Services

This is New Zealand's leading provider of career information, advice and guidance. See their website www.careers.govt.nz for more details or call 0800 222 733 or 0800 109 901.

Postal address: National Office, PO Box 9446, Wellington.

Extra Mile Training

Offers free computer training courses.

Contact them on 09 486 4622 or see their website www.extramiletraining.co.nz for more details.

KiwiCareers

This is a government-funded website containing New Zealand job, industry and training information. www.kiwicareers.govt.nz/

National Association of ESOL Tutor Schemes Inc

There are local associations in many parts of New Zealand, see their website for details www.esolht.org.nz/ or email them natoffice@esolht.org.nz.

Postal address: PO Box 12 114, Wellington.

New Kiwis website

A government-funded website that contains New Zealand job, industry and training information, including contacts of Industry Training Organisations (ITOs) and links to other useful sites.

www.newkiwis.co.nz

New Zealand Qualification Authority (NZQA)

For information on the evaluation of overseas qualifications see www.nzqa.govt.nz

Postal address: National Office, PO Box 160, Wellington.

New Zealand Immigration Service

For information on visas, permits and immigration procedures see call 0508 558 855 or visit

www.immigration.govt.nz

Postal address: National Office, PO Box 3705, Wellington.

Workbridge

Provides funding for training and employment for disabled people. Check your local phone book for contact details of the branch in your community, or call freephone 0508-858-858, or free fax on 0800-080-715.

Postal address: National Office, PO Box 90411, Auckland Mail Centre.

Resources for job seekers: Programmes

Tertiary Education Commission

The TEC works with the tertiary education sector to improve the strategic use of resources, enhance strategic capability building and to implement the Government's Tertiary Education Strategy (TES). See www.tec.govt.nz for more details or contact 0800 4 27773.

Business Mentor Programme

If you would like to apply for a Business Mentor to assist you in the development of your business, contact 0508 103 400 or visit www.businessmentor.org.nz.

Can you help us add to these lists?

If you have found other useful organisations, programmes, websites or books to refer jobseekers to, please let the EEO Trust know, so we can add to these lists.

Email: admin@eeotrust.org.nz

Module Six: Are we open to diversity?

Objective of this module:

- To encourage participants to reflect on how open their organisation is to diversity and how this is reflected in its processes and ways of operating.
- To encourage people to identify how they could make any changes.

Equipment you will need for this module

- Copies of Exercise 10 for each participant.
- **Either** a whiteboard and pens, **or** a large sheet of paper, pens, masking tape or Blu-tack.

Useful background preparation for the facilitator

If you think it may be relevant to your team, you may want to borrow a copy of the video *Interviews Involving Whanau Support and Support People*, available from the EEO Trust's Library. The video is 20 minutes long, so viewing and discussion of the video would take approximately 30 minutes. This could be run as a separate session either prior to or after this module, or it could be added to this module.

You could also participate in a Diversity Game session or buy a copy for your office. See our website for more details on this interactive board game. www.eeotrust.org.nz/faq.cfm

Useful tips for the facilitator

This is not about judging people. Keep the focus on "What are other possible ways of doing this?", rather than "What they are doing wrong?".

When people are planning for action, encourage them to be quite specific. If possible, get people to identify what needs to happen, who will do it, when will it be done, and how it will be reported back to the group.

Time required

Thirty minutes. People may want to take longer discussing the answers if you have more time available. If you want to include the video on whanau and support interviews in this module, 60 minutes will be needed.

Facilitator's session guide

Introduction (1 minute)

- Present the following:
 - ▮ It is easy to say that you are open to diversity. It is harder actually to do it. Being open to diversity means having to look again at the way you ordinarily do things

How well are we doing? (15 minutes)

- ▮ Give each participant a copy of Exercise 10.
- In small groups, ask people to take 10 minutes to complete the assessment sheet. If they do not know the answer, suggest that they just leave it blank.
- Ask the full group:
 - ? Using this assessment tool, how well do you think we are doing?
 - ? What could we do better?

Write the suggestions for what you could do better on a whiteboard or large sheet of paper. Put up all suggestions. Discourage people from discussing the suggestions at this stage.

Preparing for action (12 minutes, or longer if you have time)

- Ask each participant to read the whiteboard list of suggestions and personally identify *up to three* of the suggestions that they think would be of most value.
- As a full group, go through the list one item at a time, and ask how many people had the same suggestion as one of their three most important ones. When you have finished doing a tally, summarise which suggestions stand out as the most important to the group.
- **Either:** As a full group, start with the suggestion that most people felt would be of most value to the organisation and discuss ways you could make this happen. Encourage people to be specific and practical. Try to reach consensus. When you have reached agreement, write up any actions that were agreed, on the whiteboard or on a large sheet of paper.
- **Or:** Ask for volunteers who would be interested in doing some thinking about the priority issues and bringing back some ideas to the next staff meeting. It is useful to have two or three people, rather than just one, working on an issue.

Conclusion (2 minutes)

- Thank people for participating in the modules. Thank them for their questions, sharing of experiences, ideas and suggestions.
- Encourage them to continue the discussions, and to ask others for ideas when they come up against situations like the ones you have discussed during the modules.
- If you are using an evaluation form, encourage people to fill them out immediately after the workshop and return them to you.

Exercise 10

How open is your organisation to diversity?

	Yes, we do this well	We could do this better	No, we do not do this	Not relevant
<p>Clear statement of values</p> <ul style="list-style-type: none"> o We have a clear statement of values that includes an openness to, and valuing of, diversity. o We make sure our staff know our values. o We make sure our clients know our values. o We make sure our candidates know our values. o We are a member of the EEO Employers Group. 				
<p>Selection of staff</p> <ul style="list-style-type: none"> o We select staff who have the skills and knowledge to work effectively with diverse clients. o We employ a diverse range of staff. o We value and utilise the skills, e.g. language, cultural knowledge, networks that these diverse staff bring. o We employ at least some staff who know how to actively tap into different parts of the talent pool, e.g. Maori, Asian. 				
<p>Training of staff</p> <ul style="list-style-type: none"> o All of our staff are familiar with how to communicate effectively with people from other cultures. o All of our staff are familiar with how to communicate effectively with people who have hearing or sight impairments. o All of our staff involved in recruitment are familiar with how to minimise the risk of bias in the selection process. 				
<p>Advertising and promotional materials</p> <ul style="list-style-type: none"> o We include in our materials visual images and messages that signal that diverse candidates are welcome. o As we develop advertising and promotional materials we check how it is received by diverse people. 				

	Yes, we do this well	We could do this better	No, we do not do this	Not relevant
<p>Office environment</p> <ul style="list-style-type: none"> o Our offices and the rooms we use for meeting candidates are accessible to people using wheelchairs. o Our offices and the rooms we use for meeting candidates are furnished in a way that is welcoming to people of different cultures. o We have sufficient space for people who want to bring support people or whanau to interviews. 				
<p>Prevention of harassment</p> <ul style="list-style-type: none"> o We have a clear policy on and procedures for the prevention of harassment that covers employees and candidates/contractors. o Our staff know what to do if they are harassed. o Our candidates/contractors know what to do if they are harassed. o Our managers are equipped to respond appropriately to complaints of harassment. 				
<p>Assessment of candidates</p> <ul style="list-style-type: none"> o All of our staff involved in working with candidates are familiar with the principles and practice of whanau or support interviews. o Any psychological or assessment tests we use have been checked for their appropriateness for people of other cultures and for people with different types of impairments. o All of our staff working with candidates know which questions they can and cannot legally ask in interviews. o We are able to provide all information or tests for candidates in alternative formats, e.g. large print or other languages, if required by candidates or clients. 				
<p>Advice for clients</p> <ul style="list-style-type: none"> o All our staff involved in working with clients can advise them on the basic issues involved in complying with the Human Rights Act. o All of our staff who work with clients have been equipped with strategies for managing clients who want to discriminate. o Our staff know that the organisation will back them if they say no to clients who want to discriminate. o We are familiar with the ethnic and gender composition of our customers or our client's customers so we can identify the skills needed. 				