



STANDING UP TO RACE-BASED DISCRIMINATION

Local Government Continuing to Build Inclusive Communities

Developed by the Municipal Association of
Victoria and the VicHealth Localities Embracing
and Accepting Diversity (LEAD) program

Acronyms

AHRC	Australian Human Rights Commission (formerly HREOC Human Rights and Equal Opportunity Commission Australia)
CALD	Culturally and linguistically diverse
CEH	Centre for Culture, Ethnicity and Health
CMY	Centre for Multicultural Youth
ECCV	Ethnic Communities Council of Victoria
LEAD	Localities Embracing and Accepting Diversity program
LOTE	Language other than English
MAV	Municipal Association of Victoria
NESB	Non-English speaking background
RDA	Racial Discrimination Act
VCAT	Victorian Civil and Administrative Tribunal
VEOHRC	Victorian Equal Opportunity and Human Rights Commission



The Municipal Association of Victoria's resource – *Standing Up to Race-Based Discrimination, Local Government Continuing to Build Inclusive Communities* was developed through Municipal Association of Victoria (MAV) and the Victorian Health Promotion Foundation (VicHealth) Localities Embracing and Accepting Diversity (LEAD) program funding.

The resource is available from: Municipal Association of Victoria www.mav.asn.au

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Local Government Continuing to Build Inclusive Communities

Local government has an important role in influencing community wellbeing. Its traditional roles and functions (roads, rates and rubbish) have extended to include facilitation of healthy, just, inclusive and cohesive communities. This can be through leadership, advocacy, planning and developing service and program responses to those most in need.

Municipalities are constantly evolving and increasingly diverse. This presents opportunities and challenges for councils to continuously balance community needs, issues and aspirations: how to be fair and ensure that all people are included; how to respond to the diversity that exists across the municipality; and how to ensure council practices and actions result in improvements for the whole community. A key focus of local government is placing diversity at the heart of all of council business.

Experiences of race-based discrimination affect the wellbeing of individuals and communities, and all levels of government need to take a leadership role against racism. Local government in Victoria has a clear legal obligation to take proactive and preventative measures to eliminate racial discrimination at all levels of its organisation and operations. This is carried into each council's role in building inclusive and cohesive communities.

The Municipal Association of Victoria is proud to be supporting local government to promote opportunities for healthy, diverse and inclusive communities, and to 'take a stand' against race-based discrimination. We believe sharing councils' experiences, knowledge and actions is part of looking forward and strengthening local government's capacity to meet legal obligations and everyday challenges and opportunities.

Working in partnership with the Victorian Health Promotion Foundation (VicHealth) and the Localities Embracing and Accepting Diversity program, the Municipal Association of Victoria commends this resource to complement the range of strategies that support and improve councils' capacity to shape the life of their communities.

Cr Bill McArthur President
Municipal Association of Victoria

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1.

Introduction

Individuals and communities continue to report experiencing race-based discrimination. Current work in addressing race-based discrimination includes the Australian Human Rights Commission National Anti-Racism Strategy. A strong theme emerging from the consultations undertaken in this strategy was the need for all levels of government to 'stand up' against racism in the public arena.¹

Standing up to Race-Based Discrimination, Local Government Continuing to Build Inclusive Communities focuses on supporting local government's broad and diverse role of working for and within local communities. The resource builds on the achievements of councils in shaping cohesive and diverse communities, and promoting fairness and justice for all residents. Promoting diversity and preventing race-based discrimination go hand-in-hand.

The Municipal Association of Victoria (MAV) and the Victorian Health Promotion Foundation (VicHealth) have a strong history of working in partnership to support diversity and address discrimination. The Localities Embracing and Accepting Diversity (LEAD) program established as a pilot in 2009 in two councils, cities of Greater Shepparton and Whittlesea, aims to build social cohesion and eliminate disadvantage through a coordinated range of actions with individuals, communities and organisations within a specific locality.

An additional component of the LEAD program in 2012 was the development of the *Standing up to Race-Based Discrimination, Local Government Continuing to Build Inclusive Communities* resource. The primary focus of this resource is on promoting diversity and preventing race-based discrimination at organisational and systems levels within local government. This resource aims to:

- > share and build on councils' achievements in responding to diversity
- > assist councils to understand race-based discrimination in all of its forms
- > acknowledge councils' civic leadership and challenges of working within complex, diverse and evolving communities, and
- > support local government to 'stand up' against race-based discrimination.

This resource contributes to councils' ongoing journey – continuing to develop respect for diversity at organisational and community levels. It sits alongside other MAV resources such as *Creating a More Inclusive Community for People with a Disability*, *A Strategic Framework for Local Government*, *Preventing Violence Against Women Leadership Statement*, and the *MAV Statement of Commitment to Cultural Diversity*.

¹ National Anti-Racism Strategy Consultation Report Australian Human Rights Commission July 2012

2.

Local government, diversity and race-based discrimination context

All levels of government are realising the social and economic benefits of a stable and cohesive community, and the need to fully respond to all groups making up a democratic society. From citizenship to the development of liveable communities, local government welcomes, supports, embraces and celebrates the diverse experiences of all Australians.²

The *Standing up to Race-Based Discrimination, Local Government Continuing to Build Inclusive Communities* resource has been developed within a broader context of community wellbeing, social cohesion, social justice and local government. Promoting diversity and preventing race-based discrimination are important actions underpinning social justice, human rights and wellbeing.

VicHealth undertakes substantial work in addressing the social and economic determinants of mental and physical health at the individual, organisational, community and societal levels. *Reducing Race-Based Discrimination and Supporting Diversity: A Framework for Action*³ is the overarching guide informing work undertaken by VicHealth across a range of settings: state and local government, workplaces, sport, health, housing, arts and culture. This framework outlines key factors contributing to race-based discrimination and highlights themes, settings and actions to reduce this discrimination.

An overview of diversity and race-based discrimination, the links between this discrimination and wellbeing, and local government responsibilities to proactively prevent this discrimination is presented in this section.

The MAV's *Statement of Commitment to Cultural Diversity* captures the context and principles underpinning diversity and local government's role as an organisation and as the level of government that is closest to the community.

² Australian Local Government Association Cultural Diversity Policy and Research Area

³ *Reducing Race-Based Discrimination and Supporting Diversity: A Framework for Action* VicHealth September 2009

MAV COMMITMENT TO CULTURAL DIVERSITY

The MAV provides leadership and support in promoting a whole-of-council response to cultural diversity.

The *MAV Statement of Commitment to Cultural Diversity*⁴ aims to promote and facilitate good multicultural practice and leadership within and across local government in Victoria. The MAV commitment outlines the MAV's role in supporting the building of strong and healthy communities free of inequality by harnessing and nurturing the richness of cultural diversity.

The MAV's vision is for a strong local government sector providing leadership in the way cultural diversity is recognised, nurtured, respected and valued. Central elements of access, equity, participation and inclusiveness underpin all local government business.

The *MAV Statement of Commitment to Cultural Diversity* is based upon the following principles:

- > social justice and human rights
- > access and equity
- > social inclusion and equal opportunity for participation
- > strong and healthy communities
- > freedom from structural and individual discrimination and racism
- > addressing diversity as central to all aspects of policy development and program design
- > gender equity.

The *MAV's Statement of Commitment to Cultural Diversity* is informed by:

- > Commonwealth, Victorian and local government legislation and strategies on recognising and embracing cultural diversity
- > Local government's role as a representative government, taking into account the diverse needs of local communities as specified in the *Local Government Act 1989*
- > Local councils' cultural diversity and multicultural plans.

⁴ *MAV Statement of Commitment to Cultural Diversity 2012*

DEFINING DIVERSITY AND RACE-BASED DISCRIMINATION⁵

Making our communities and organisations welcoming and fair for all is not just the right thing to do. It is fundamental to our survival as a peaceful and prosperous society. One in four Victorians are either born overseas or have at least one parent born overseas, making us a diverse society by both national and international standards. Victoria has a good record in supporting this diversity. However recent events, in particular the victimisation of people from Indian backgrounds, suggest that this requires sustained and careful attention.⁶

Diversity

Diversity is used to describe variation between people in terms of a range of factors including ethnicity, national origin, gender, ability, age, physical characteristics, religion, values, sexual orientation, socio-economic class and/or life experiences.

For the purposes of this resource, diversity refers to ethnic, cultural, religious and/or linguistic diversity.

Supporting diversity

Supporting diversity involves respecting and valuing a range of ways of living and being, within democratic and human rights frameworks, governed by the rule of law.

What is race-based discrimination?

Race-based discrimination involves practices and behaviours that result in unfair and avoidable inequalities between groups in society based on race, religion, culture or ethnicity.

What is systemic (institutional) race-based discrimination?

Race-based discrimination may be systemic or institutional in nature. Systemic discrimination refers to the way in which the rules, regulations and norms of an institution disadvantage certain racial groups – whether intended or not.

Systemic race-based discrimination may occur because of practices developed over many years that inadvertently exclude or disadvantage people from certain cultural backgrounds. For example, a uniform requirement that does not allow a head-scarf.

In Victoria the *Equal Opportunity Act 2010* gives the Victorian Equal Opportunity and Human Rights Commission more effective options to respond to systemic discrimination. For example, when there are serious and systemic issues that can't be resolved through an individual complaint, the Commission may choose to undertake an investigation into the issues raised.

⁵ Definitions sourced from: LEAD Program Information Sheet VicHealth December 2011, Review of audit and assessment tools, programs and resources in workplace settings to prevent race-based discrimination and support diversity Trenerry B, Franklin H & Paradies Y VicHealth 2010

⁶ Building on our Strengths Sir Gustav Nossal, Patron VicHealth 2009

LEGAL OBLIGATIONS AND REQUIREMENTS OF COUNCILS⁷

A complex array of legislation, frameworks and strategies exist to provide guidance for governments and organisations to address discrimination and inequality, and to promote diversity. Under Victorian law, councils are required to be proactive in eliminating discrimination. Commonwealth and Victorian laws relating to racial discrimination and councils' legal obligations and requirements are presented below.

LEGISLATION

WHAT THIS MEANS FOR COUNCILS

Racial Discrimination Act (RDA) 1975 (Commonwealth)

Racial discrimination under the RDA is when someone is treated less fairly than someone else because of their race, color, descent or national or ethnic origin.

For further information see Australian Human Rights Commission
www.hreoc.gov.au

Local government has responsibilities under the RDA. Areas covered under the RDA include:

- > employment
- > education
- > accommodation
- > getting or using services such as those provided by local government departments
- > accessing public places such as parks, libraries and clubs.

It is also racial discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular race, colour, descent, national or ethnic origin or immigrant status.

Charter of Human Rights and Responsibilities (the Charter) Act 2006

The Charter sets out civil and political rights and some cultural rights for all citizens in Victoria.

Rights include freedom of thought, conscience, religion and belief (section 14), and cultural rights (section 19).

For further information see VEOHRC
www.humanrightscommission.vic.gov.au

Under law, local government is required to act consistently with Charter rights and to consider human rights as they go about developing and fulfilling policies, providing services and making laws.

As a public authority, local government needs to ensure that human rights are valued and protected within their organisation and in the community.

Equal Opportunity Act 2010 (Victoria)

Came into force in August 2011.

Prohibits discrimination including race, religious belief or other activity.

For further information see VEOHRC
www.humanrightscommission.vic.gov.au

Covers the same areas (listed above) as the RDA.

Institutions including government, non-government agencies and businesses must take proactive measures to prevent discrimination.

The Act requires a positive duty to take reasonable and proportionate measures to eliminate discrimination as much as possible.

Racial and Religious Tolerance Act 2001 (Victoria)

Prohibits racial and religious vilification.

For further information see VEOHRC
www.humanrightscommission.vic.gov.au

In all of council business including communication and actions, council must ensure there is no vilification – behavior that encourages others to hate, disrespect or abuse a person because of their race or religion.

⁷ Information sourced from the Australian Human Rights Commission, the Victorian Equal Opportunity and Human Rights Commission, and the Department of Justice Victoria

LINKING DIVERSITY, DISCRIMINATION AND WELLBEING

As well as affecting individuals, discrimination has the potential to harm us all by undermining harmonious community relations and social cohesion, compromising productivity and placing an unnecessary burden on our health, welfare and legal systems.⁸

Extensive research identifies the relationship between racial discrimination and its impact on an individual and/or a community. The effects of race-based discrimination can have far-reaching and cumulative consequences. A person can also experience multiple incidents across time and settings.

Key themes emerging from the research identify the consequences of discrimination at personal and community levels. These consequences include:



Local government roles in community wellbeing are clearly linked with promoting diversity and preventing race-based discrimination.

⁸ More than Tolerance: Embracing Diversity for Health. VicHealth 2000

3.

Local government roles in civic leadership – strategic actions against race-based discrimination

It is no longer possible to ignore the cultural diversity within our communities. The presence of people from countries across the globe has transformed our way of life and brought both huge benefits and many challenges for our state. Local government is in the front line of these changes and meeting the needs of an increasingly diverse constituency.⁹

Local government's functions are broad and complex. They cover a range of roles, including community leaders and advocates, community representatives, delivering services to the community, and working with the community to shape the health and wellbeing of the municipality.

There is no one recipe for how a council functions or how a council should promote diversity and prevent race-based discrimination. It is important for local government however, to be aware of its legal obligations around preventing and responding to race-based discrimination.

The following section presents a range of examples of civic leadership where councils have taken a stand to address discrimination and support fairness, justice and wellbeing in their municipality. The examples have been selected to show challenges, progress and strategic actions in this area.

⁹ Multicultural Planning Framework, Mayor Troy Pickard, President WA Local Government Association, Sept 2010

OVERCOMING KEY CHALLENGES – SHARING SOME OF THE LEARNING

Local government's front line role in its communities requires constant balancing of responses (services, programs, actions) to meet a diverse range of community needs and interests. Councils' responses are not always supported in the community and local, national and global events can have an impact on how the community reacts and behaves. Strong strategic leadership of local government can play a role in fostering good community relations arising from cultural, linguistic and religious diversity.

Despite legislation and policy on diversity and anti-discrimination, taking a leadership role in promoting diversity and addressing discrimination is not without significant challenges for councils to work through.

Challenges that councils have experienced in this work include:	Strategies supporting leadership and working through challenges include:
<ul style="list-style-type: none">> managing divisive opinions within the community> dealing with special interest group lobbying> responding to sensationalised and negative media> managing divisive opinions within councillors and council staff> experiencing unexpected strong racist reaction from community including:<ul style="list-style-type: none">– racially offensive and/or abusive behaviour– dealing with unpleasant personal verbal attacks.	<ul style="list-style-type: none">> councillors and council staff are informed of their legal obligations to prevent and respond to racial discrimination, harassment and victimisation, as well as racial and religious vilification> all areas of council are informed of council's position and policy on diversity> community groups working with council are required to respect council's diversity policy and position> the media are encouraged to present positive stories of diversity> conflict resolution skills are applied to resolve divisive opinions within council> the wider community are educated and informed of the diverse makeup of the municipal population> the value of programs that connect communities and build respect for understanding of different cultures are promoted to the wider community> zero tolerance of discrimination is promoted by council.

REDUCING RACE-BASED DISCRIMINATION THROUGH SOCIAL MARKETING¹⁰

Social marketing and communications have been identified as effective strategies for reducing race-based discrimination and supporting diversity¹¹. As part of the LEAD project, images and stories of local people have been used in a social marketing campaign, *See Beyond Race*, to break down cultural stereotypes and raise awareness of race-based discrimination.

See Beyond Race is the first community awareness campaign in Australia to be delivered as part of a council-wide program.

See Beyond Race was developed in response to local research showing that despite the majority of residents feeling positive about living in a culturally diverse community, prejudiced attitudes still remained. The campaign was implemented in the cities of Whittlesea and Greater Shepparton between May and September 2011.

The core creative concept of using close-up black and white images of local people and telling a small part of their story in text or audio was developed by a leading marketing agency. Rationale behind the approach included focusing, in a balanced manner, on both 'sameness' and 'difference' and demonstrating that the cultural groups featured in the campaign shared at least one of the values of the dominant group.

The councils focused on a range of communication channels, including bus ads, newspapers, radio, television, billboards and councils' own communication channels to ensure the campaign reached the target audiences in each location. Imagery focused on each individual's face and gave information on their hobbies, work and family to encourage the community to see the person and look past stereotypes and prejudices.



¹⁰ Information sourced from *See Beyond Race: Social Marketing Campaign LEAD* information

¹¹ Building on our Strengths (framework) VicHealth 2009 and *More than Tolerance: Embracing diversity for health: Discrimination affecting migrant and refugee communities in Victoria, its health consequences, community attitudes and solutions – A summary report* VicHealth 2007

See Beyond Race received the Public Relations Institute of Australia's (PRIA) Golden Target Award (2012) – recognising the year's most outstanding public relations and communication campaigns.

Evaluation of the campaign involved benchmarking before and after the campaign. Higher than anticipated self-reported reflections or change of attitude, belief or behavior amongst the target groups was a key outcome. A measurable shift in positive attitudes towards cultural diversity among the target audience was identified.

One of the critical success factors identified included the 'faces' of the campaign. The use of real rather than fictional characteristics in the ads resonated with the audience.

The *See Beyond Race* campaign is part of the broader LEAD program — a partnership between VicHealth, Commonwealth Department of Immigration and Citizenship, beyondblue, the Victorian Equal Opportunity and Human Rights Commission, the Municipal Association of Victoria, and Greater Shepparton and Whittlesea councils. Images from the campaign are available for other organisations to use.



LEADERSHIP IN THE COMMUNITY – MANAGING DIVISIVE COMMUNITY RESPONSES AND MEDIA

The following scenario of a council taking a stand against discrimination is presented to illustrate what some of the challenges can be for councils and to share the learnings.¹²

The program is consistent with *Council's Cultural Diversity Strategy* aimed at fostering greater respect, tolerance and understanding of others.

Ninety percent of the comments were from people outside the municipality, many from outside Australia.

Background

The Oasis Aquatic Leisure Centre in Dandenong is owned by the City of Greater Dandenong and is operated under contract by a contract manager. The Centre is not open to the public on Sunday evenings because of lack of public demand, however, the centre is hired out on a Sunday evening as a 'private booking' to a local multi-faith group for a women's-only program. This program sought, through Council as the facility owner, an exemption through the Victorian Civil and Administrative Tribunal (VCAT) under the Discrimination Act for a gender-specific program. The program was open to all women of all cultures/religions. Approximately 200 women and children attended the program.

In 2010, the multi-faith group wanted to run a community event during Ramadan and invite all members of their families. An application to VCAT for an exemption for a clothing restriction for participants was signed by the Council delegates and the contract manager, and approved by VCAT.

The (VCAT-granted) application was reported in a daily newspaper. The headline 'Public Asked to Enforce Dress Code at Oasis Aquatic Centre' invoked an avalanche of anti-Islamic response from Australia and around the world. Following the newspaper headline:

- > Council received approximately 200+ emails or telephone calls from the public expressing outrage
- > many emails expressed 'hate' or anger
- > the daily newspaper website 'vote what you think on this issue' received 700 'hits'
- > the Mayor participated in 10 radio and TV interviews outside the centre.

The negative comments began to subside after a radio station corrected the information. The 'issue' however continued to be reported in some media and a number of articles ran under various headings including 'Cover up for Pool'.

Council was unaware that there was an 'issue' that would 'explode' and had many unanticipated pressures that they needed to respond to including a large volume of complaints, customer calls and emails and managing the impact of the 'hate' mail on Council and staff.

¹² Information sourced from interview with Mark Doubleday, Director of Community Services, City of Greater Dandenong and the Making Hard Decisions: Women's Multi-Faith Group presentation by Mark Doubleday at the MAV Conference 2011

Strategies that assisted to manage the situation and to demonstrate leadership

Council employed a number of immediate and longer-term strategies to manage the divisive community responses and media. These strategies included:

- > immediate briefing of all councillors on Council's position
- > gaining a consistent and united councillor position
- > having an agreed communication approach—the Mayor would be the Council spokesperson and Council information would:
 - make no reference to specific communities
 - articulate the right of the women's group to request a dress code at a private activity
 - reiterate that the program was not a public session, and that this program in no way imposed a dress code on the public
 - demonstrate councils commitment to their Cultural Diversity Strategy and promote a view of cultural harmony
- > formulating a position around a private booking and the rights of people in private bookings.

To resolve a forward Council position on the issue, all councillors participated in the St James Ethics Center's 'Ethical Decision-Making Process'.¹³

Key learnings

There has been continuing media attention since 2010 on Muslim participation at public facilities such as the Oasis and the role of local government.

A key learning for Council from this experience was to develop a communication plan and include key elements that:

- > pre-empt the questions
- > turn a negative experience into a positive (proactive) experience
- > promote the facts.

Further information to support communication can be found at *Media Guide: Islam and Muslims in Australia*. Islamic Women's Welfare Council of Victoria 2005 Available from: www.ausmuslimwomencentre.org.au

¹³ St James Ethics Centre www.ethics.org.au

WELCOMING DIVERSE POPULATIONS IN REGIONAL AREAS

A number of regional municipalities are actively welcoming overseas migrants and newly arrived refugees into their communities. Lessons learned from resettlement programs in Victoria include the need for local government to play a significant role in the resettlement program – local government ownership, endorsement, support and active participation in the planning and implementation of regional resettlement are important.¹⁴

Examples from the City of Ballarat

The City of Ballarat has a number of complementary programs that support the welcoming of new and diverse populations.

Multicultural Ambassador Program

The Multicultural Ambassador Program was instigated by the City of Ballarat as a part of their overall regional skilled migration strategy. The program involves Multicultural Ambassadors being nominated and selected from the community. The Ambassadors are elected for a two-year period in which they promote multiculturalism in the region through public speaking engagements and working collectively on community development projects.¹⁵

The Community Welcome Desk

A Community Welcome Desk located at the Ballarat Library/Community Hub provides an opportunity for Settlement Services to co-locate and provide settlement information and services. The Desk commenced operations in April 2013 in collaboration with the Centre for Multicultural Youth, Ballarat Regional Multicultural Council, Ballarat Community Health and the City of Ballarat Multicultural Ambassadors. Utilising the Library/Hub maximises library resources, is located in the community and is visited by community members including new population groups on a daily basis.

Examples from the City of Wodonga

The City of Wodonga applied to the Department of Immigration and Citizenship's Diversity and Social Cohesion program to fund a leadership program to assist community members to gain a voice to speak up in the wider community. The program involved 11 participants who developed their leadership skills.

Council applied for a second round of funding to continue this project by skilling-up individuals from diverse communities with a Certificate IV in Governance to assist individuals to be part of a range of different boards.

By providing these opportunities, the City of Wodonga aims to build the skills and platforms necessary for diverse communities to have a voice, bring understanding and hopefully reduce discrimination and racism.

¹⁴ Refugee Resettlement in Regional and Rural Victoria: Impacts and Policy Issues Dr Brooke McDonald, Prof. Sandy Gifford, Ms Kim Webster, Prof. John Wiseman, Ms Sue Casey 2008

¹⁵ Examples of welcoming activities in regional Victoria from A Guide to Welcoming Committees and Activities for Regional Skilled Migrants, Ethnic Communities Council of Victoria September 2006

DEMONSTRATING COMMITMENT TO DIVERSITY AND COHESIVE COMMUNITIES

Councils' place promoting diversity at the heart of council business and have policies, processes, action plans, service plans and workforce development to respond to diversity as a core business of council.

A selection of policies, strategies and frameworks that underpin and guide councils' capacity to be leaders in promoting diversity and preventing discrimination are presented below. These examples are only some of the many approaches that councils can take to support their civic leadership roles.

Social Justice Charter, City of Hume

The Social Justice Charter (City of Hume 2007) provides the policy framework and action plans through which Hume City Council strives to build a just and inclusive city. The Charter includes a Citizens' Bill of Rights and assessment tools to evaluate policies, strategies and plans.¹⁶

Welcoming diversity environment, City of Yarra

Council believes strongly that one of the most effective ways of dealing with racism is to create an environment that welcomes diversity, promotes and celebrates differences and commonalities, and speaks out against racism.

The City of Yarra endorsed the Ten Point Commitment Plan of the Coalition of Cities Against Discrimination on 17 February 2009. The International Coalition of Cities against Discrimination is an initiative launched by United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 2004.

The ten commitments are:

1. Assessing racism and discrimination and monitoring municipal policies
2. Providing political leadership at the city and community levels to address issues and discrimination
3. Promoting an inclusive society
4. Strengthening support to victims of racism and discrimination
5. Facilitating greater participation and the empowerment of residents through access to information
6. Promoting the city as an equal opportunity employer and service provider
7. Promoting the city as an active supporter of equal opportunity practices
8. Challenging racism and discrimination through education
9. Promoting cultural diversity
10. Preventing and overcoming racist incitement and related violence.

This Ten Point Commitment Plan is an excellent structured process for municipalities and regions to become involved in this area if they don't already have an established approach to addressing racism in their community.¹⁷

¹⁶ See: www.hume.vic.gov.au/About_Us/Your_Council/Media_Publications_Forms/Council_Strategic_Plans/Social_Justice

¹⁷ See: www.yarracity.vic.gov.au/Search/?SearchText=Ten%20Point%20commitment%20plan%20coalition%20of%20cities%20against%20discrimination

A common activity of the Interfaith networks and councils is the hosting of tours of places of worship. The tours are open for anyone to attend and aim to promote open communication, understanding and respect.

Refugee Welcome Zones Declaration

A Refugee Welcome Zone is a local government area that has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community.

Signing the Declaration can also promote harmony, social cohesion and respect for human rights in a local community. Currently about 25 Victorian rural and metropolitan councils are signatories to the Refugee Welcome Zone.¹⁸

Interfaith Networks

Interfaith networks consist of various cultural and religious faiths, aimed at understanding difference and promoting and strengthening mutual respect, harmony, community participation and wellbeing.

Many councils across Victoria are involved in supporting Interfaith networks in their community. This support includes:

- > facilitating the development of Interfaith networks through a partnership approach
- > providing practical support such as venues, transport, administration and information dissemination
- > supporting Interfaith Advisory Committees, gatherings, community events and festivals
- > hosting and promoting Interfaith network information on council websites
- > facilitating an understanding within Interfaith networks of human rights and equal opportunity laws and practices.

¹⁸ See www.refugeecouncil.org.au/g/rwz.php

4.

Local government as an organisation – preventing systemic race-based discrimination to benefit the whole community

Promoting diversity and preventing systemic race-based discrimination will bring mutual gain for an organisation, and for the community it serves.

Council leadership roles in promoting diversity and preventing race-based discrimination as portrayed in Section 3 of this resource is underpinned by the systems, policies and actions that guide councils as organisations.

Councils operate at a number of levels – as an organisation and as a level of government in the community. This places a close connection between councils' operations and corresponding impacts on individuals and communities. For example local government systems, policies or processes established some time ago might inadvertently discriminate against a recently arrived minority group in the community.

This section looks more closely at councils as organisations and how they can proactively promote diversity and prevent race-based discrimination across council roles, systems and functions. These actions respond to councils' legal obligations to take proactive, preventative measures to eliminate racial discrimination at all levels of its organisation and operations, as well as their role in shaping cohesive communities.

Examples and strategies from across some of councils' functions are provided.

UNDERSTANDING SYSTEMIC RACE-BASED DISCRIMINATION IN ORGANISATIONS

The primary responsibility for preventing systemic race-based discrimination rests with the organisation.

Over the last decade and more, much has been learnt about the nature and impact of systemic racism. At its core lies the unthinking continuation of routine organisational practices that in their effect are discriminatory. This sets this form of racial discrimination apart from the malicious intentional racism of individuals.

An important part of combating systemic racism is to find ways to recognise the consequences of actions, practices and policies that impact different groups and individuals unequally.¹⁹

Systemic race-based discrimination refers to the way in which the rules, regulations and norms of an institution disadvantage certain racial groups – whether intended or not. This discrimination may occur because of practices developed over many years that inadvertently exclude or disadvantage people from certain cultural backgrounds. It also can occur because of entrenched attitudes and racial bias of dominant cultural groups.

From a legal point of view, it does not matter whether the discrimination was intended or not, what matters is what the consequences were/are for people experiencing unlawful race-based discrimination.

Race-based discrimination at a systems and/or organisational level is difficult to identify as it can be intentional, unintentional and/or buried within traditional systems and not necessarily reported.

Where might systemic race-based discrimination occur in local government?

Councils' roles and functions are broad and complex. Discrimination at a systemic level could occur in:

- > policies
- > practices
- > values
- > service delivery
- > community engagement and communication
- > recruitment practices
- > decision-making processes.

¹⁹ The Public sector anti-racism and equality program, Substantive Equality Unit Equal Opportunity Commission WA

CONSEQUENCES OF RACE-BASED DISCRIMINATION FOR ORGANISATIONS

Under Victorian law organisations are required to be proactive in eliminating discrimination.

Race-based discrimination has clear and adverse impacts for organisations. The economic costs can include responding to grievances through formal complaint mechanisms, estimated to be an average of \$55,000 per case.²⁰

A complex array of legislation, frameworks and strategies exist to provide guidance for governments and organisations to address discrimination and inequality, and to promote diversity. Commonwealth and Victorian laws relating to racial discrimination and councils' legal obligations and requirements are presented in Section 2.

Legal, financial and ethical consequences of not addressing race-based discrimination and not complying with the law can include:

- > damage to an organisation's reputation
- > a perceived loss of leadership in the organisation and in the community
- > civil action against an organisation and corresponding legal and staff resource costs
- > negative impact on workforce culture and increased absenteeism, decreased productivity
- > negative impact on organisational values
- > lack of opportunities for a cohesive community.

The Victorian Equal Opportunity and Human Rights Commission employment practice example below illustrates discrimination and consequences for an organisation.

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<p>Employers can be held legally liable for a complaint of racial discrimination if management did nothing to prevent or respond to it.</p> <p>An employer could be liable if the organisation's human resources department recruited staff in a way that discriminated against applicants on the basis of certain characteristics, rather than assessed their ability to do the job.</p>	<p>Employers can demonstrate leadership (and limit their liability) by taking reasonable precautions to prevent discrimination from occurring, as well as putting in place measures to respond to issues that do arise.</p> <p>Since August 2010, employers and organisations have a positive duty to take preventative measures to stop racial discrimination, harassment and victimisation from occurring.</p>

²⁰ Preventing Race-Based Discrimination and Supporting Cultural Diversity in the Workplace (evidence review series) VicHealth 2012

STRATEGIES FOR IDENTIFYING SYSTEMIC RACE-BASED DISCRIMINATION IN COUNCILS

There is no one approach for how a council can identify if and where systemic race-based discrimination may be occurring. As part of continual improvement, identifying systemic race-based discrimination is assisted by:

- > management's commitment and leadership to preventing discrimination
- > an organisational culture of continuous improvement
- > ongoing critiquing of systems and processes, and asking the right questions
- > applying a 'diversity lens' in audits, reviews, performance measures, etc.

Identifying systemic discrimination can occur at a number of levels – as part of broader strategies such as social inclusion, disability and/or gender equity audits, or as stand-alone strategies. The following examples are tools developed to identify racial discrimination and promote diversity across the whole-of-council.

Workplace Diversity and Anti-Discrimination Assessment Tool

This tool focuses on promoting diversity and reducing discrimination in the workplace. The tool is designed to assist organisations to examine their internal workplace and employee policies, practices, resources and communications. The tool can help identify key organisational strengths, as well as opportunities for continuous learning and improvement.

Developed for VicHealth's Localities Embracing and Accepting Diversity (LEAD) project by Bridget Trenery and Yin Paradies with support from City of Whittlesea and Greater Shepparton City Council.

For further information regarding the LEAD program and available resources contact VicHealth on: www.vichealth.vic.gov.au or email lead@vichealth.vic.gov.au

Equity and Inclusion Planning and Audit Tool (EIPAT) City of Darebin

This tool is a resource for all levels of council to use on an ongoing basis in their consideration, planning, development, and evaluation of policies, services and programs. The tool aims to strengthen collaboration across council and between council and communities and will be developed further through practice. An Equity and Inclusion Management Committee will monitor the implementation and progress of the tool and report on outcomes.

Developed by the City of Darebin under their Equity and Inclusion Policy.

For more information see:

http://www.darebin.vic.gov.au/Files/Equity_and_Inclusion_Policy_2012-2015.pdf

PLACING DIVERSITY AT THE HEART OF COUNCIL BUSINESS

Council leadership in promoting diversity and preventing discrimination is underpinned by implementing a whole-of-council approach. Councils continue to embed promoting diversity and community cohesion across all areas, plans and strategies as outlined below.

Promoting diversity and preventing race-based discrimination is included in the Council Plan... Can be included as part of council's vision, goals and strategic actions.

Promoting diversity and preventing race-based discrimination is integrated across council policies... Can be a stand-alone policy or included as part of multicultural, diversity, inclusion, justice and human rights policy frameworks.

Promoting diversity and preventing race-based discrimination is included in key council plans and strategies... Can be included as goals, actions, priorities, defining special needs target groups, targeting of services, monitoring and reporting. Municipal Health and Wellbeing plans and Municipal Strategic Statements would be a high priority. Can be driven by a diversity action plan.

Responsibility for preventing race-based discrimination is embraced across all departmental areas... all managers are clearly informed of council's role and position on preventing race-based discrimination and promoting diversity. Preventing systemic race-based discrimination can be included in position descriptions, orientation, training, and so on.

Council seeks out and supports opportunities for partnerships and collaborations with culturally and linguistically diverse groups in the community... Can include setting up an advisory committee to provide feedback on diversity, building CALD groups capacity for participation in council business, collaborative service delivery and staff exchanges.

Monitoring and reporting on council's work in promoting diversity and preventing race-based discrimination is part of continual improvement...

Can be built into current systems, key performance indicators, performance reviews, departmental meeting agendas and annual reports.

STRATEGIC PRACTICES ACROSS COUNCIL FUNCTIONS

There are a number of strategies that councils use to promote diversity and prevent race-based discrimination. The following provides only a select number of practice examples from across some council functions.

The proportion of people who feel able to have a say in the community on issues that are important to them is one measure of social inclusion adopted by Australia's Social Inclusion Board. Unfortunately, people born overseas who were not proficient in English had particular difficulty having a say on community issues (70%) compared with people born overseas who were proficient in English (49%) and people born in Australia (45%) or born overseas in other English speaking countries (44%).²¹

Community engagement: preventing discrimination and including people who do not speak English

The engagement process and plan was developed:

- > with specific knowledge of the cultural and linguistic makeup of the targeted community and their communication and cultural needs
- > in response to council's role in representing and working with all residents in the community
- > as part of ongoing conversations between community and council
- > within a human rights framework providing opportunity for a person to be involved with decisions that affect their life.

Engagement strategies and process included:

- > applying a range of communication formats: English and translated information, community meetings with interpreters, specific language targeted focus groups, conversations in local community settings etc.
- > collaborating with stakeholders and community groups who had connections and trust with the targeted group/community
- > implementing community-responsive feedback processes
- > applying strategies that are responsive and appropriate for community needs.

Engagement outcome included:

- > residents from a range of communities in the municipality participated in the engagement
- > needs and aspirations from across the community informed the outcomes
- > empowerment of communities that previously had not been included in council decisions
- > reflection and learning informed future engagement processes.

²¹ Social Inclusion in Australia, How Australia is Fairing, Australian Social Inclusion Board 2009

A study in 2007 that submitted 5,000 job applications with fictitious names found that applicants with Chinese, Middle Eastern, Indigenous and Italian sounding names had to submit 68%, 64%, 35% and 12% more job applications respectively to get the same number of interviews as an Anglo-Australian applicant with equivalent experience and qualifications.²²

Just over half (56%) of children from Non-English speaking backgrounds were involved in any after school activity, compared with almost three-quarters of Australian born and English speaking children.²³

.... individuals and groups from CALD backgrounds are being systematically excluded in research due to the challenges and additional investments required to ensure their participation.²⁴

Recruitment practice example: ensuring council encourages and receives applicants from diverse backgrounds

The Human Resources department reviewed council's application processes after understanding that the current process presented significant barriers for applicants who did not have a good command of English regardless of the level of English language required for the role.

Strategies implemented included:

- > applying an 'applicants may not have good command of English' lens to review the current process
- > advertising the position in a range of settings such as cultural groups, ethnic organisations and ethnic media
- > assessing applications with an 'applicants may not have a good command of English lens'
- > including person/people with an understanding of cultural sensitivity and diversity on the interview panel
- > the capacity to conduct the interview both in English and in the person's own language if required.

Outcomes included:

- > improved Human Resources practices
- > increased number of applications from people from diverse backgrounds
- > increased diversity across the organisation
- > prevention of exclusion of potential applicants.

Participation in activities: identifying systemic issues resulting in exclusion

A review of a council-run school holiday program identified there were no young women from key cultural groups in the area attending the program. The review identified that all of the programs involved a mixed-gender group and some rules for dress requirements. This resulted in some families being unable to participate because of cultural and/or religious practices.

Strategies implemented included:

- > working with the young people and their families to gain a better understanding of their backgrounds and cultural requirements
- > building a relationship with the whole of the community through community leaders
- > involving young people and their community in the design of the program
- > making adjustments to the program where possible to ensure opportunity for inclusion for all young people in the target group.

Research and data collection

Review and ongoing improvement in the type of data collected through council surveys included critiquing current methods.

Critique included exploring:

- > what data do we collect on diversity?
- > how well does the data inform us about the diversity in the municipality?
- > how is the diversity data used to inform policy, planning, practice and service delivery?
- > does our community research design/method include the diversity of the municipality?
- > what are the key challenges and how can these be addressed?

²² Preventing Race-Based Discrimination and Supporting Cultural Diversity in the Workforce VicHealth 2012

²³ Living a culture of Anglo dominance (source VicHealth letter 2007)

²⁴ Cultural competency in health: A guide for policy partnerships and participation National Health and Medical Research Council 2005

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Links to further resources

A range of resources on diversity and cultural competence are available. The links below are provided for some key resources to support councils in addressing race-based discrimination.

RESOURCE

KEY CONTENT

Centre for Culture, Ethnicity & Health (CEH)

www.ceh.org.au/culturalcompetence

Using a cultural competence framework CEH assists organisations to review their work with clients from CALD backgrounds, improve their planning, service delivery and evaluation. Includes a series of tip sheets.

Centre for Multicultural Youth (CMY)

www.cmy.net.au

Focusing on young people from diverse backgrounds, the CMY provides resources and information to support communities and service providers to lead positive change at local, state and national levels, including:

- > information sheets
- > good practice guides
- > training
- > *CALD Youth Guide for local councils.*

Ethnic Communities Council of Victoria (ECCV)

www.eccv.org.au

The ECCV is the peak body for ethnic and multicultural communities. Resources include:

- > Information, policy and advocacy
- > New and Emerging Communities Policy Sub-Committee
- > *Online multicultural aged care services directory*

Localities Embracing and Accepting Diversity (LEAD) program

www.vichealth.vic.gov.au

LEAD was established in 2009 by VicHealth as a pilot partnership program with two local councils: Whittlesea and Greater Shepparton City Councils.

A number of resources are being developed and evaluated such as self-assessment tools and implementation guides that may be useful to other councils. These resources include:

- > staff experience survey to capture staff attitudes and experiences of race-based discrimination and diversity
- > self-assessment and review of current policy and internal systems
- > action plans
- > pro diversity training
- > *See Beyond Race* community awareness campaign
- > *Workplace Diversity and Anti-Discrimination Assessment Tool*
- > school-based setting assessment tools.

RESOURCE

KEY CONTENT

Municipal Association of Victoria (MAV)

www.mav.asn.au

The MAV provides support and resources for local government. Supporting diversity is embedded as a function across all of the MAV portfolio areas. In addition, specific MAV resources supporting councils in promoting diversity include:

- > *Commitment to Cultural Diversity Statement 2012*
- > Multicultural Policy Advisor Position
- > link to multicultural resources and good practice resources
- > MAV Multicultural Committee.

National Strategy Against Racism

www.itstopswithme.humanrights.gov.au

The Strategy centres on building close partnerships with individuals and organisations. The strategy includes:

- > a public awareness campaign
- > work with stakeholders to address systemic racism
- > promoting good practice
- > *Good practice, good business: Eliminating discrimination and harassment in the workplace.* (Information resource for employers).

StepOne (Community Cohesion and Anti-Racism Toolkit)

www.stepone.org.au

StepOne provides guidance and practical resources to councils and community groups interested in implementing community cohesion initiatives in their local areas. Features best practice case studies focusing on:

- > reducing racism, intolerance and negative stereotypes
- > building positive and sustainable relationships
- > getting communities together and interacting
- > dealing with the 'difficult stuff' of living together, not just soft multiculturalism
- > moving beyond the 'multicultural festival' model (food, dance etc)
- > showing us how to live in harmony, making the most of our racial, cultural, social and religious diversity.

Provides links to international and Australian resources, websites, case studies and projects.

St James Ethics Centre

www.ethics.org.au

The St James Ethics Centre offers training and resources for organisations and individuals to strengthen their capacity to exercise sophisticated judgement and justify decisions based on well-developed reasons. Resources include:

- > St James Ethical Decision-Making Training and Resources
- > ethics consulting
- > leadership development
- > ethics counselling
- > quarterly newsletter
- > links to ethics-related websites.

RESOURCE

KEY CONTENT

VicHealth

www.vichealth.vic.gov.au

VicHealth programs to reduce race-based discrimination and promote cultural diversity are multi-faceted. A number of resources and programs available include:

- > **Arts about us** – focusing on arts organisations, the program promotes discussion about cultural diversity and the harms of race-based discrimination
- > **Building on our strengths** – a framework to reduce race-based discrimination and support diversity in Victoria 2009 – highlights a number of factors at individual, organisational, community and societal levels that contribute to race-based discrimination. Provides a framework for action
- > **Creating Healthy Workplaces evidence review series** – Preventing race-based discrimination and supporting cultural diversity in the workplace (An evidence review) 2012
- > **Everyone Wins** – a program to assist sport and recreation organisations to create more inclusive, safe and welcoming environments for all participants
- > **More than tolerance: Embracing diversity for health: Discrimination affecting migrant and refugee communities in Victoria, its health consequences, community attitudes and solutions** – A summary report 2007
- > **Review of audit and assessment tools, programs and resources in workplace settings to prevent race-based discrimination and support diversity** November 2012
- > **Resources** – Links to organisations that have useful information for organisations about race-based discrimination
- > **Training** – Short course preventing race-based discrimination.

Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

www.humanrightscommission.vic.gov.au

VEOHRC's role is to educate people about the rights and responsibilities contained in the Charter and to report to government on the operation of the Charter.

Services include:

- > free telephone enquiry line
- > free, fair and timely dispute resolution service
- > race-discrimination resources, information and support for individuals, community and organisations concerned about unlawful racial and religious discrimination, harassment, victimisation and vilification
- > information and resources for understanding Victorian laws on discrimination: *Equal Opportunity Act 2010*, *Racial and Religious Tolerance Act 2011* and *Charter of Human Rights and Responsibilities Act 2006*
- > *Anti-Hate Campaign* www.antihate.vic.gov.au
- > tailored training and education programs for councils outlining their human rights and equal opportunity obligations under Victorian law.

Victorian Multicultural Commission (VMC)

www.multicultural.vic.gov.au

VMC provides the main link between CALD communities and the government as well as delivery of services to CALD communities. Services include:

- > information and resources about diversity and multicultural policies
- > multicultural resource directory
- > diversity demographics in local government areas
- > snapshot community profiles
- > interfaith calendar
- > language services policy.

KEY STRATEGIES, POLICIES AND FRAMEWORKS PROMOTING CULTURAL DIVERSITY

The Charter of Public Service in a Culturally Diverse Society was introduced in 1998 by the Australian Government to ensure that government services are delivered in a way that is sensitive to the language and cultural needs of all Australians. The Australian Government, state and territory governments and the Australian Local Government Association have endorsed the Charter.

Key Commonwealth and Victorian Government strategies, policies and frameworks promoting cultural diversity include:

- > Access and Equity Strategy
- > Charter of a Public Service in a Diverse Society (Commonwealth)
- > Social Inclusion Agenda (Commonwealth)
- > National Anti Racism Strategy 2012
- > Charter of Human Rights and Responsibilities (Vic)
- > Multicultural Victoria Act 2011
- > All of Us – Victorian Government Multicultural Policy
- > Municipal Association of Victoria, Statement of Commitment to Cultural Diversity 2012
- > Victorian Multicultural Commission, Language Services Strategy
- > Victorian Multicultural Commission, Community Accord
- > Cultural Diversity Guide, Department of Human Services 2012

Promoting diversity and preventing race-based discrimination go hand-in-hand

Under Victorian law all organisations are required to be proactive in eliminating discrimination

Local government systems, policies or processes established some time ago might inadvertently discriminate a recently arrived minority group in the community

Promoting diversity and preventing systemic race-based discrimination will bring mutual gain for an organisation and for the community it serves

