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Equal Opportunity Commission of Victoria

Research into the relationship between Equal Opportunity and
the Recruitment Industry

The Survey Findings

Study No. 13217
March 2003

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An Assessment

This survey amongst consultants in the recruitment industry reveals that there is considerable support for the **concept** of the Equal Opportunity Act but that the industry faces significant difficulty in full compliance – largely as a result of lack of knowledge and understanding of the Act amongst their employer client base. In this assessment we examine some of the key findings from the 70 interview surveys.

Awareness, Knowledge and General Attitudes Towards the Act

Most in the industry believe that they have a good personal understanding of the Act. Indeed, close to six in ten go as far as to describe their level of understanding as 'excellent' or 'very good'. There is, however, less confidence in their perceptions of the extent to which their **industry in general** understands the Act – only about a third rate this at the 'excellent' or 'very good' level.

However, when we look below the surface there is some evidence that knowledge of the Act may not be as complete as those in the industry believe. For example, whilst most are well aware that the Act covers age, gender, race, religious belief and disability – there appears to be less awareness of some of the other attributes covered by the Act.

A series of questions looked at attitudes to the Act and to equal opportunity in general.

These reveal that...

- There is strong support for the concept of the Act and a clear perception that discrimination does exist
- There is a clear perception that businesses in the recruitment industry have special responsibilities in this area
- There is, however, a belief that it is fairly easy to 'get caught out' by the Act
- Further, there is some (albeit minority) support for the notion that the Act is unworkable and difficult to interpret.

Compliance

A clear majority (around three quarters) find the Act easy to comply with – and only one in ten find it difficult to any degree.

However, it is clear that many in the industry have problems in achieving full compliance – and this is usually sheeted home to the behaviour or attitudes of the employers.

For example, a clear majority (around 80%) agree that...

“Whilst the written brief from clients usually comply with the Act, what they tell us verbally often doesn't.”

About seven out of ten agree that...

“Our clients often make requests that do not comply with the Act.”

Further, the majority seem to suggest that they do not comply full. Some 60% agree that...

“Because of the Act we can't always be truthful in explaining to candidates why they are unsuitable.”

Some, in fact, admit that they do take liberties with the Act – at least some of the time. For example, around one quarter tell us that they **occasionally** (or in some cases **often**) have to make some compromises when it comes to compliance.

However, when it comes to the industry as a whole, there is some perception that compromise is quite widespread. As many as 65% believe that most businesses in the recruitment industry occasionally or often make compromises with respect to equal opportunity.

As we have foreshadowed, many see the employers as the key difficulty.

For example, when we asked people to describe the main problems or difficulties they face when trying to comply, the most common complaint, by a sizeable margin, was the attitude of their clients, the employers.

The employers are, at best, often seen as ignorant of the Act and, at worst, discriminatory.

We said earlier that most see it as their responsibility to help influence their clients and most of those who receive requests from clients which would not comply with the Act do claim that they try to educate the clients when this occurs.

This, however, tends to be a fairly informal process and relatively few appear to have a structured approach (such as written guidelines) to aid in this area.

This brings us to...

Communication and Training

We looked at five specific issues in this area.

As illustrated in the chart the vast majority agree that...

“We try to ensure that all of our staff dealing with recruitment are familiar with the Act.”

...and most (79%) agree that they...

“Have a written policy on Equal Opportunity which guides our work practices.”

Almost all also agree that they...

“Try to inform or educate the businesses we deal with about the Act and its implications.”

However, there is also a very clear perception that the Commission could be doing more. A high 93% concur with...

“The Equal Opportunity Commission needs to do more to educate business and the community about the Act.”

...and most also believe that...

“The Commission needs to consult more with our industry when framing laws like those covered by the Act.”

Some six in ten have received some form of training on equal opportunity (four in ten haven't) and only two thirds claim that new consultants to their businesses receive training in this area.

Clearly, there remains more to be done in the area of training. However, those in the recruitment industry would point to the need to educate employers as much as those in the industry per se.

Indeed, the problem of discrimination probably goes a lot further than the employee – recruitment agency – employer relationship.

Some 73% of those interviewed in the survey held the view that...

“The Act can only succeed when there has been cultural change in Australia (so that people in society overall are less likely to discriminate).”

Background

The Equal Opportunity Commission of Victoria (EOCV) is an independent statutory agency, with its role and function defined in the *Equal Opportunity Act 1995*. The primary purpose of the EOCV is to reduce discrimination and assist all Victorians to experience equal opportunity.

In seeking to address broader or more systemic discrimination, the EOCV is conducting an enquiry into the recruitment industry, and its relationship with equal opportunity legislation and associated principles. The objective of the enquiry ultimately is to increase the opportunity for greater access to the workforce by a wider range of people, thereby increasing diversity in the workforce.

As part of this enquiry, the Commission appointed The Key Response and Sweeney Research to conduct a research study amongst recruitment industry personnel.

The overall objective of the research is...

... to investigate the recruitment industry in relation to their awareness of, compliance with, and practice of the principles within the Equal Opportunity Act of 1995.

The programme of research consists of three distinct phases...

PHASE ONE : Qualitative and Questionnaire Development

To define the question areas and approach that will help identify the key criteria affecting awareness and compliance with the act, and guide questionnaire development.

A qualitative research approach comprising a series of one-on-one depth interviews amongst peak body and recruitment agency representatives.

PHASE TWO : Quantitative Evaluation

To provide statistical data in relation to awareness of and compliance with the Equal Opportunity Act

A quantitative research approach comprising telephone interviews with randomly selected recruitment agency personnel selected from a range of recruitment agency organisations, and different levels within those organisations.

PHASE THREE : Qualitative Case Studies

To provide an in-depth understanding of the employer/recruiter/job seeker relationship(s), and the impact of equal opportunity legislation on this interaction, as well as provide greater insight regarding general awareness of the content of the Act.

A series of five case studies conducted with different employers/recruiters and job seekers (an estimated 15 interviews).

This report provides the results of Stage 2 – the quantitative evaluation.

The Objectives of the Quantitative Research

The overall objectives of the quantitative research was to provide measures of awareness, understanding and behaviour with respect to the Act.

This involved detailed examination of...

- awareness and knowledge of the Act;
- attitudes towards the Act and its objectives
- compliance issues
- policies and procedures; and
- communication

The Approach

The research consisted of a series of telephone interviews conducted with businesses involved in the recruitment industry.

These included...

- executive search business
- personnel agencies
- labour hire firms
- government licensed job seeker organisations

A total of 70 interviews were conducted by experienced Sweeney Research interviewers with recruitment business personnel defined as...

"... consultants who would have responsibility for placing ads, interviewing job candidates and so forth in order to find staff for clients."

The charts opposite and overleaf show the structure of the sample.

Interviewing was conducted in early March 2003.

A copy of the questionnaire used is appended.

Type of firm		
	#	%
Government licensed program for unemployed job seekers	27	39
A personnel agency	24	34
Labour hire firm for short term workers	16	23
An executive search firm	14	20
Labour hire firm for contractors	14	20

Q. How would you describe this firm?

Note : Multiple answers allowed

Types of employees dealt with		
	#	%
Unemployed job seekers under government funded programs	18	26
Professionals (e.g. accountants/lawyers)	15	21
Clerical staff	9	13
Unskilled or semi skilled labour	9	13
Skilled labour	8	11
Middle management	7	10
Senior executives/boards/CEO's etc.	6	9
Other	6	9

Q. Which of the following types of employees do you mainly deal with?

Note : Multiple answers allowed

Sample Profile

Industries specialised in		
	#	%
Manufacturing	14	20
Accounting/Finance	11	16
Retail/Wholesale	11	16
Government	9	13
Blue collar industries	7	10
Agriculture/primary industry	5	7
I.T.	4	6
Hospitality	3	4
No specialisation	27	39

Q. Which particular sectors or industries, if any, does your firm specialise in?
Note : Multiple answers allowed

Respondent's position in company		
	#	%
A senior partner or director	18	26
A senior consultant	22	31
A consultant	20	29
Some other position	10	14

Q. Which statement best describes your position in this business?

Number of employees		
	#	%
1 - 5	19	27
6 - 10	12	17
11 - 19	6	9
20 - 49	6	9
50 - 100	5	7
Over 100	22	31

Q. How many people does your business employ in Australia?

The Results in Detail

Section 1 : Awareness, Knowledge and General Attitudes

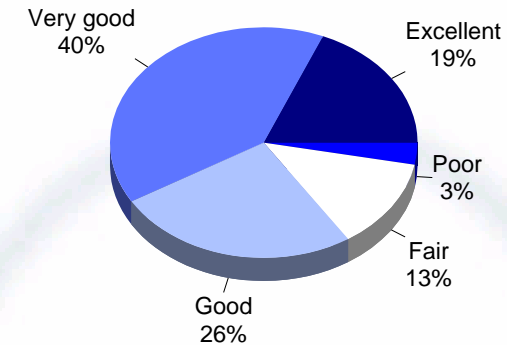
Personal Level of Understanding

Respondents were asked to describe their own level of understanding of the Act.

As illustrated opposite, the majority (85%) see themselves as having a 'good' understanding to some degree - a high 59% rate their understanding as 'excellent' or 'very good' and only 3% as 'poor'.

Whilst we need to be wary of small sample sizes when looking at a further breakdown of the results, there is some evidence that the more senior consultants and those dealing with more senior employees are more familiar with the Act.

Personal level of understanding - summary



Q. Thinking about the Equal Opportunity Act as it relates to businesses like yours - how would you describe your own personal level of understanding?

Personal level of understanding in detail

	Excellent or Very Good	Good	Fair or Poor
Total	59%	26%	16%
Position in firm			
Senior partner/senior consultant	65%	20%	18%
Other	53%	33%	13%
Size of firm			
Up to 10 employees	61%	23%	16%
Over 10 employees	56%	28%	15%
Types of employees dealt with			
Senior execs./professionals	80%	20%	0%
Other	50%	28%	22%
Type of business			
Personnel agency	58%	25%	17%
Government licensed programme	59%	30%	11%
Labour hire firm	43%	43%	14%
Other	62%	28%	10%

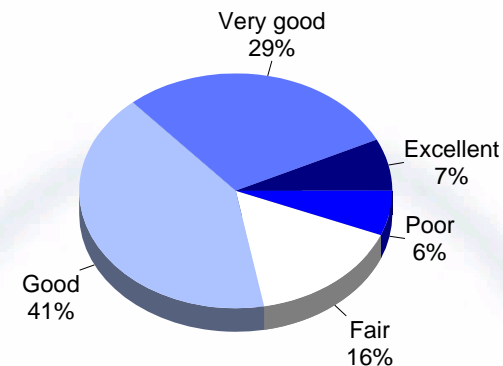
Perception of the Industry's Level of Understanding

Respondents are less confident about the level of understanding of the Act in their industry overall.

Here, 77% rate as 'good' or 'better' with 36% rating as 'excellent' or 'very good'.

The more senior consultants, those in the larger firms and those dealing with more senior executives tend to be more positive about the industry's level of knowledge.

Perception of the industry's level of understanding - summary



Q. And how would you describe the level of understanding of the Act amongst your industry in general?

Perception of the industry's level of understanding in detail

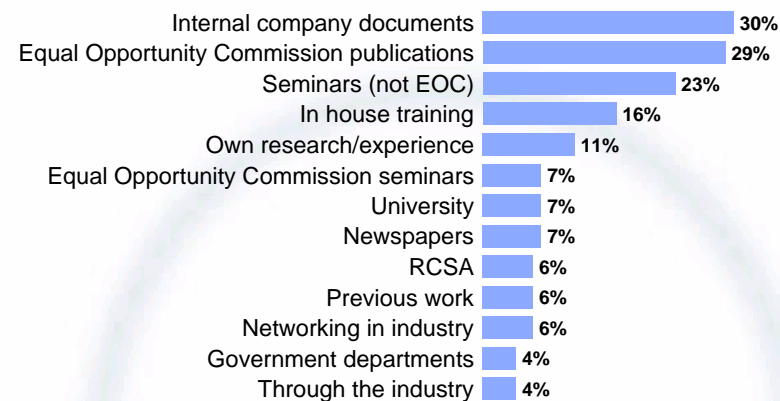
	Excellent or Very Good	Good	Fair or Poor
Total	36%	41%	21%
Position in firm			
Senior partner/consultant	40%	38%	20%
Other	30%	47%	23%
Size of firm			
Up to 10 employees	29%	42%	26%
Over 10 employees	41%	41%	18%
Types of employees dealt with			
Senior execs./professionals	40%	40%	15%
Other	34%	42%	24%
Type of business			
Personnel agency	33%	38%	25%
Government licensed programme	44%	48%	7%
Labour hire firm	21%	43%	36%
Other	34%	31%	31%

Source of Information

Respondents were asked to indicate where they have gained most of their knowledge about the Act.

Internal company documents and EOC publications are the two most commonly mentioned sources – with seminars and in-house training also featuring quite prominently.

Source of information



Q. From where have you gained most of your knowledge about the Act?

All other answers less than 3%

Lack of Knowledge

Some 31% say that there are some aspects of the Act about which they lack sufficient knowledge.

Amongst those 22 individuals the responses to the question...

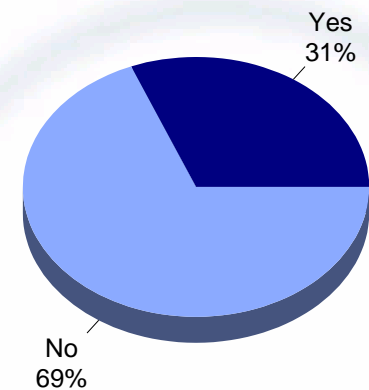
“What would these areas be?”

...included...

- The whole act (5 out of 22)
- Disabilities (3)
- Cultural (1)
- Age areas (1)
- Privacy regulations (1)
- Workplace bullying (1)
- Religious convictions (1)

Lack of knowledge of specific areas

Are there any areas about the Act or equal opportunity in general which you feel you lack sufficient knowledge on?



Awareness of Characteristics or Attributes which are covered by the Act

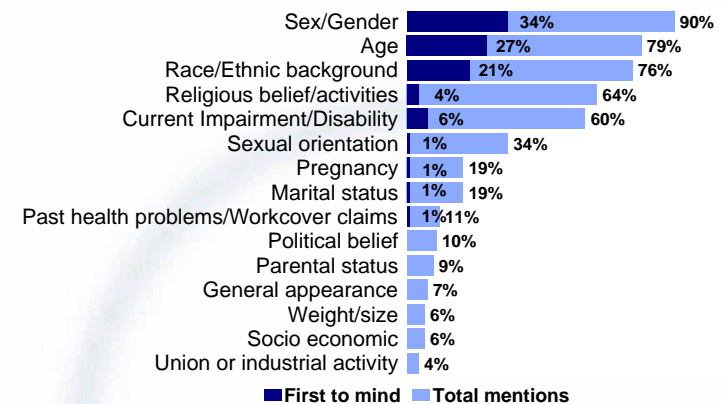
Respondents were asked to nominate the different attributes or characteristics which form the basis on which it is illegal to discriminate.

The majority referred to...

- Gender
- Age
- Race or ethnic background
- Religious belief
- Impairment or disability

About one third mentioned sexual orientation and less than one in five mentioned any of the other areas.

Characteristics or attributes covered by the act



Q. The Equal Opportunity Act covers a number of different attributes or characteristics of individuals on the basis of which it is illegal to discriminate. As far as you are aware what are these attributes or characteristics?

General attitudes towards the Act

Respondents were asked the extent to which they agreed or disagreed with a series of 15 statements about the Act and about equal opportunity issues overall.

We have grouped these into high agreement statements, statements which polarise, and of statements which generate high levels of disagreement.

The responses reveal plenty of support for the Act overall and a clear perception that the recruitment industry has a key role to play in its workings. Almost all agree (usually strongly so) that...

“It is essential that we have strong equal opportunity laws in Victoria .”

“Businesses in the recruitment industry have a special responsibility to uphold the Act and educate their clients about it.”

However, as many as 81% also agree that...

“Even the best intentional people get caught out by the Act.”

There is also strong majority support for...

“Most of what’s in the Act is common sense.”

...and...

“The Act can only succeed when there has been cultural change in Australia (so that people in society overall are less likely to discriminate).”

Close to three quarters also agree that the Act has resulted in a fairer system for all.

High agreement					
	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
It is essential that we have strong equal opportunity laws in Victoria	81%	10%	3%	4%	1%
Businesses in the recruitment industry have a special responsibility to uphold the Act	79%	11%	3%	7%	0%
Businesses in the recruitment industry have a responsibility to educate their clients about the Act	71%	17%	3%	4%	4%
Even the best intentioned people can still get caught out by the Act	50%	31%	10%	7%	1%
Most of what's in the Act is common sense	49%	31%	14%	3%	3%
The Act can only succeed when there has been cultural change in Australia so that people in society overall are less likely to discriminate	43%	30%	13%	7%	7%
The Act has resulted in a fairer system for both employees and employers	23%	49%	10%	11%	7%

General attitudes towards the Act (cont.)

Four statements polarise views.

Whilst 57% **agree** that a lot of job seekers they see have experienced discrimination, over a third **disagree** that this is the case

A similar polarisation exists on the issue of whether or not job seekers misrepresent the facts about themselves to avoid discrimination – nevertheless, once again, the majority support the statement.

About half **agree** that the Act ..

“...does not recognise the realities of the job market.”

..although a sizeable 33% disagree with this idea.

Finally, whilst just under half **disagree** that ...

“The Act is difficult to interpret.”

...one fifth **agree** that this the case.

Polarisation

	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
A lot of the job seekers we deal with have experienced discrimination when seeking work	27%	30%	10%	16%	17%
We often find that job seekers misrepresent the facts about themselves so as to avoid discrimination	31%	24%	11%	20%	13%
The Act does not recognise the realities of the job market	16%	33%	19%	17%	16%
The Act is difficult to interpret	7%	14%	30%	26%	23%

General attitudes towards the Act (cont.)

Four statements generate clear majority disagreement.

Some 63% disagree that ...

“Many aspects of the Act are simply unworkable for businesses like ours.”

...although a small minority of 22% agree with this.

Over 80% disagree that ...

“It’s not a subject we think about very much.”

...suggesting that, for most, the Act is a top of mind issue.

Only 13% agree that its hard to find information about the Act (two thirds disagree); and just 15%...

“...don’t believe that there is a great deal of discrimination in the job market in Australia.”

High disagreement

	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
Many aspects of the Act are simply unworkable for businesses like ours	11%	11%	14%	27%	36%
It’s not a subject we think about very much	6%	11%	0%	27%	56%
It’s hard to obtain information about the Act	6%	7%	21%	26%	40%
I personally don't believe that there is a great deal of discrimination in the job market in Australia	4%	11%	4%	30%	50%

In summary...

- There is strong support for the concept of the Act and a clear perception that discrimination does exist
- There is a clear perception that businesses in the recruitment industry have special responsibilities in this area
- There is, however, a belief that it is fairly easy to ‘get caught out’ by the Act and that, it can only work to its full intent once there has been cultural change in Australian society overall
- Further, there is some (albeit minority) support for the notion that the Act is unworkable and difficult to interpret.

The Results in Detail

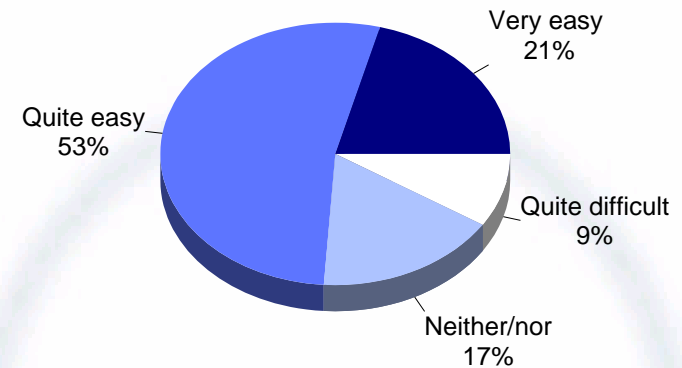
Section 2 : Compliance

How easy is it to comply?

A clear majority (around three quarters) find the Act easy to comply with - a fifth or so find it very easy to do so. Just 9% find the Act difficult to comply with to some degree.

Those in the large organisations are more likely to find compliance easy than those in the smaller concerns.

Ease of compliance - summary



Q. Overall, taking everything into account, how easy or difficult do you find it to comply with the Equal Opportunities Act?

Ease of compliance in detail

	Easy	Neither/nor	Difficult
Total	74%	17%	9%
Position in firm			
Senior partner/consultant	73%	23%	5%
Other	77%	10%	13%
Size of firm			
Up to 10 employees	61%	29%	10%
Over 10 employees	85%	8%	8%
Types of employees dealt with			
Senior execs./professionals	80%	15%	5%
Other	72%	18%	10%
Type of business			
Personnel agency	71%	21%	8%
Government licensed programme	78%	15%	7%
Labour hire firm	79%	14%	7%
Other	76%	17%	7%

The main problems or difficulties in complying with the Act

Respondents were asked...

“What are the main problems or difficulties you have in complying with the Act?”

In the chart opposite we have grouped responses to this unprompted question into a number of key categories.

One of the major areas of difficulty seems to lie in educating or dealing with client demands. Over a third mentioned these issues with typical comments including...

“Changing client expectations, educating clients.”

“Some clients want certain people.”

“I often encounter requirements for employers with specific attributes that can be described as discriminative – one employer asked for a candidate with no accent.”

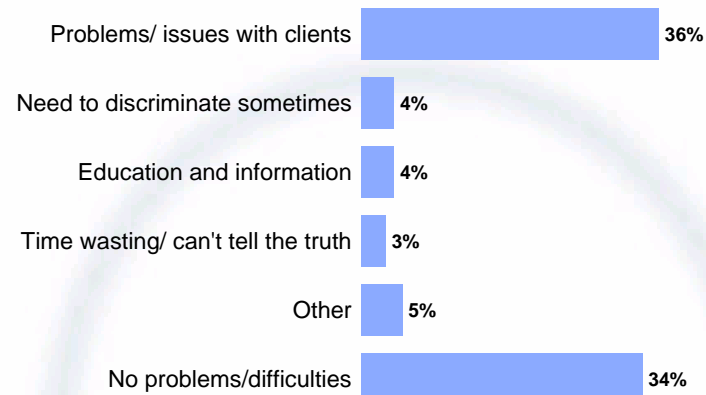
“Getting clients to understand the implication of engaging in a recruitment process which could be regarded as discriminatory.”

“Clients may say to us they want somebody 18 years or over.”

“Sometimes employers make choices which could be against the Act.”

“The employers ignorance of the Act.”

Main problems or difficulties with complying



Q. Thinking about your business - what are the main problems or difficulties, if any, that you have in complying with the Act?

...and so forth.

Other concerns included the need to be discriminatory in some areas...

“Because we place people in different physical jobs, gender and age could be an issue – also people with disabilities.”

“Disabled people working with agricultural equipment.”

“Sometimes, due to the nature of work I provide for, there has to be discrimination against people of a particular country.”

The main problems or difficulties in complying with the Act cont...

Some referred to education and information...

“Just ensuring our staff are educated and kept up to date with most legislation.”

“Being fully informed on the subtleties of the Act.”

“There isn’t enough information out there (for employers) – I would like a \$ for every time I’ve had to explain it.”

Others referred to the problem of time wasting – or not being able to tell the truth...

“When a particular position is clearly male or female... but the employer or recruitment agency can’t discriminate, it is wasting everybody’s time.”

“Being able to tell people the truth.”

“We have to find out some of the information (about people) without letting the people know we are doing it.”

Finally, there were a series of ‘one-off’ mentions such as...

“The newspapers are so scared of being sued they have gone overboard.”

“Looking for work for those with disabilities.”

“The ad is not commonsense.”

Areas causing most compliance difficulties

We read out the main non-discrimination characteristics and asked which, if any, would cause people most difficulty when it comes to compliance with the Act.

Age is clearly the number one issue followed by gender, previous health problems, current disabilities and race.

The remaining characteristics are relatively rarely mentioned.

We asked those who nominated each characteristic to define the specific difficulties they have.

With respect to age responses included comments such as...

“An employer would ask how old when there is no DOB on the resume. If you tell the employer they will discriminate - age is a killer.”

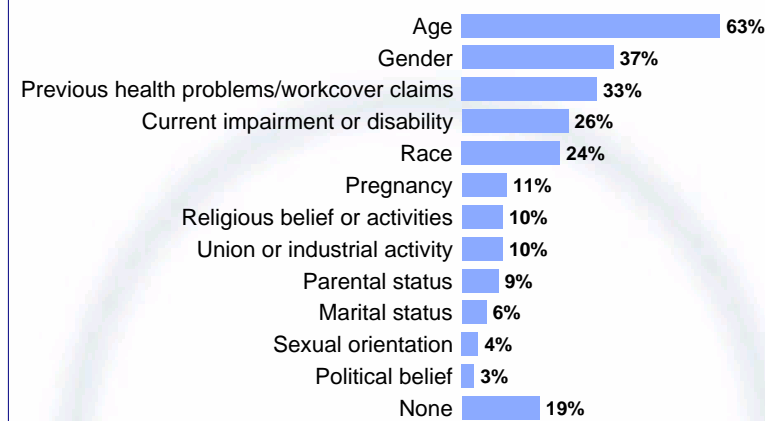
“Employers preferring a specific age to fit in with their team - but this is just the odd client because we have people out there working aged in their 70s. A lot of our work is physical labour and this is the reason.”

“There's a lot of employers I deal with who want to employ young kids and I cant advertise a specific age. This makes it very difficult when all these employers want to employ kids under 18.”

“Client asking for young candidates to fit into the current work culture.”

“Employer point of view, that after 45-50 year olds there is a stigma that gets attached to those age groups.”

Areas causing most compliance difficulties



Q. Thinking about the work you do in finding and placing staff, which, if any, of these areas would you say cause you most difficulty when it comes to compliance with the Act?

“Age is not a difficulty for us, it's more the clients that have difficulty with it. They find it difficult to realise they cannot discriminate against age or gender, the older employers, males in particular, are against employing older people.”

“Education - making the community believe that a 55 year old female returning to workforce has some value in that workplace.”

“Most clients have ideas of what people at certain ages can or can not do, they think that young people have more energy.”

“Not allowed to say how many years of experience, not allowed to advertise certain age group.”

“Pre-conception that older people are harder to train, more health problems.”

Areas causing most compliance difficulties cont...

Some specific comments about the gender issues are...

“They want a male for heavy lifting for example or a female for something else.”

“Clients request one or the other.”

“Some jobs more suited to either males or females. Clients like balance in their workplace.”

“Sometimes clients specify the gender they want to employ, e.g. female secretaries.”

“They like females in certain jobs. They think that females work faster.”

In terms of previous health problems or workcover claims, comments included...

“Again we get employers that ask for people who have no previous workcover claims but this is an issue I’m extremely strong on, so I won’t deal with them.”

“In a small town people talk and if someone puts in workcover claims or caused problems for a previous employer, they find it hard to gain employment.”

“From an employer point of view, they try to tell us to screen out anybody that has a health issue say for a lifting job in a factory. There is fear from employers view that a person will come in and exacerbate the health issue.”

“Employers don’t like people on Workcover.”

“Back problems not wanted!”

“I would feel necessary to disclose any previous health problems or work claims to best represent both parties and for disclosure.”

Comments relating to current impairment or disabilities included...

“I would feel we would have to disclose information to represent both parties concerning any physical or mental disability.”

“People don’t want employees with disability.”

“Some people are not actually capable of doing the job they have applied for.”

In terms of race, selected comments include...

“Certain races are specifically asked for or asked to be avoided.”

“Communication skills and to be able to perform the tasks required.”

“Companies do want particular races.”

“Generally, the only time that race becomes an issue, is when they are technically very good, but verbal and written English skills are not to the required standard.”

Areas causing most compliance difficulties cont...

On pregnancy...

“If someone is pregnant we find employers won’t shortlist them.”

“Employers cannot afford to keep them on because they will not be able to stick it out.”

“The nature of the job, coming into contact with dangerous chemicals in the science area.”

“We often find small businesses don’t want to employ people who are pregnant. The cost of re-employing and training is high.”

On marital status...

“Some clients can again stereotype if they employ a younger lady who might go off and start a family. They prefer to have people that are married as they are more stable.”

One comment only on sexual orientation...

“Some clients will not deal with or employ homosexuals.”

On parental status a typical comment was...

“Impacting on the mothers work performance - attendance and flexibility of hours.”

On union or industrial activity...

“We just need to ensure that the candidate wouldn’t incite problems on the work site.”

“Some customers will only take on Union members. Others don’t want them, as they could be trouble.”

“Some firms we just know are Labor firms, so you wouldn’t send them a Liberal.”

And finally, on religious beliefs...

“Eastern religions – within the current climate, people are trying to be tolerant on a politically correct basis rather than anything deeper – a bit superficial.”

Activities causing compliance difficulties

We asked respondents to identify the specific activities they are involved in and to indicate which of these areas they find specific compliance difficulties. In the chart we show the proportion involved in each activity and the proportion of those who experience problems in that area.

Two areas stand out as particularly problematic – taking briefs from clients and making recommendations to employers on candidate suitability. In each case about one third of those who are involved in these activities reported compliance difficulties.

Those who reported difficulties were asked to describe them.

In the case of taking briefs from clients, most of the difficulties revolved around the clients' lack of understanding of the Act. For example...

“Their lack of knowledge, understanding and sometimes commitment to the principles in the Act.”

“Clients discriminate in their requests for staff.”

“They generally specify certain things that don't comply with the Act.”

“When we take a brief we need to be mindful of the client's request and the impact that has on discrimination – and trying to steer them away from that discriminatory path.”

Activities causing compliance difficulties

	Proportion involved in this activity	Proportion of those involved who have difficulties
Interviewing potential candidates	97%	9%
Making recommendations to employers on candidates' suitability	94%	31%
Taking briefs from clients	90%	33%
Preparing or commissioning job advertisements in the press	81%	16%
Placing job ads on the 'net	77%	13%
Placing contract staff with other businesses	60%	18%
Executive search, selecting and approaching candidates without advertising	54%	2%
Employing and hiring out staff to other businesses	43%	2%

Q. Thinking about your business as a whole, which of the following activities are you involved in? And, in which of these particular areas do you find compliance most difficult?

In the area of making recommendations on candidates suitability, comments again centered on the clients' shortcomings. For example...

“If I meet a candidate that falls outside the discriminatory boundaries my client has set, I will still probably refer the candidate for interview and again to try and educate the employer as to why I am referring this candidate and why I think they are a strong contender.”

“People don't want to employ people with disabilities or young people with no experience.”

Activities causing compliance difficulties cont...

Sizeable minorities also found difficulties with **placing ads in the press or on the Internet**. Explanatory comments here included...

“It just comes back striking a balance between what an employer wants (even if its discriminatory) and wording in the paper so as not to discriminate.”

“If an employer is looking for a specific person when we advertise we have to be careful with wording. Some positions are very male dominated – say a labourer – or some positions are suited to school leavers but you can’t say you want 16 year olds to apply for the job.”

“Constraints of being able to say sensible things about the experience requirements to make it easier for people to understand whether they qualify or not. Instead of getting 20 people who have got 3 years experience you get 50 people, some of whom haven’t got 3 years experience and when they miss out they don’t understand why and lot of them assume they have been discriminated against.”

The key point here is the frustration of not being able to include very basic requirements (such as level of experience) in the ad.



The effort taken to comply

Most (76%) claim that they 'always make every effort to comply with the Act'. About one quarter, however, say that they occasionally or in a handful of cases often have to make compromises.

We asked those who do make compromises to tell us, in the strictest confidence, what types of compromises they might make.

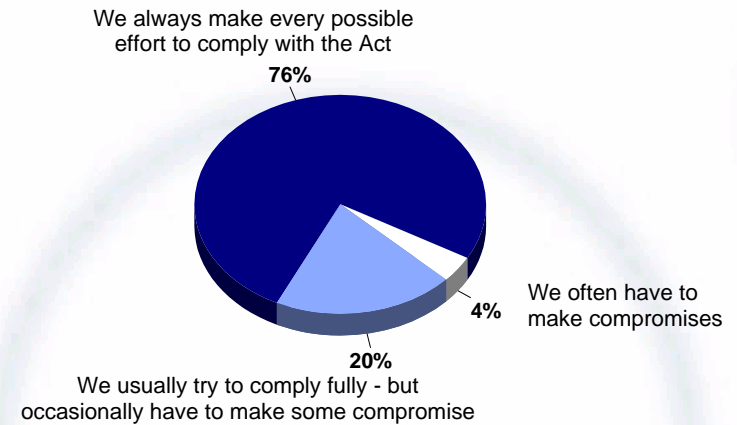
Once again the clients are often seen as the bugbears. For example...

"We screen candidates according to clients wishes."

"If a client has a certain view it's very hard to alter them."

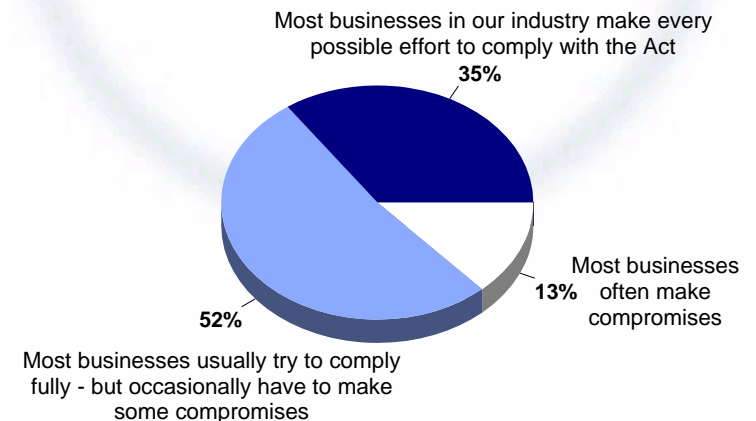
Whilst most see themselves as making every effort to comply – views on the industry as a whole are less generous. As illustrated in the second chart, only 35% believe that most businesses make every possible effort to comply with the Act.

Effort taken to comply



Q. To what extent would you say that your business tries to comply with the Equal Opportunities Act?

Extent the industry is seen to comply



Q. To what extent would you say that, in general, businesses in your industry try to comply with the Equal Opportunities Act?

Attitudes to compliance issues

Respondents were asked the extent to which they agreed or disagreed with a range of issues on compliance.

The chart opposite looks at those generating clear majority agreement. As illustrated, few would argue with the notion that...

“We can’t afford to take chances because the penalties associated with non-compliance can be very high.”

and that...

“The Act is easy to comply with - it just needs common sense.”

However, there is all clear sense that ‘off the record’ conversations can be a problem. Close to 80% agree that...

“Whilst the written brief from clients usually comply with the Act, what they tell us verbally often doesn’t.”

About two thirds agree that...

“Our clients often make requests that do not comply with the Act.”

High agreement

	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
We can't afford to take chances because the penalties associated with non-compliance can be very high	60%	11%	19%	7%	3%
The Act is easy to comply with - it just needs common sense	50%	36%	3%	9%	3%
Whilst the written brief from clients usually comply with the Act, what they tell us verbally often doesn't	37%	41%	7%	6%	9%
Our clients often make requests that do not comply with the Act	36%	29%	7%	13%	16%
We follow the equal opportunities Act to the letter	31%	33%	17%	16%	3%
Because of the Act we can't always be truthful in explaining to candidates why they are unsuitable	30%	33%	11%	4%	21%

...and a similar proportion (64%) agree that they...

“...follow the Equal Opportunities Act to the letter.”

...that said, about a fifth disagree that this is the case.

Further, the majority seem to admit to having to make compromises. Some 63% agree that...

“Because of the Act we can’t always be truthful in explaining to candidates why they are unsuitable.”

Attitudes to compliance issues cont...

The chart opposite looks at these statements where agreement is less clear cut – or where there are high levels of disagreement.

Whilst close to 60% agree that they...

“...wouldn't deal with clients who we know discriminate.”

...a sizeable 28% disagree that this is the case.

There is also polarisation on...

“Because of restrictions on what we can and can't say in advertising, we end up disappointing a lot of job applicants.”

...although more agree (56%), than disagree (37%).

As we have seen already, there is some belief that 'the rest of the industry' isn't as honorable as themselves. Close to half concur with...

“ We feel that we sometimes lose business to competitors who take less notice of the Act than we do.”

Earlier we saw that 76% said that 'they always make every possible effort to comply with the Act'. Responses to the next statement suggest that this figure may be overstated. Some 33% agree that...

“ We sometimes rule out candidates on the basis of age and sex or other factors even though we know we shouldn't.”

Lower agreement

	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
We wouldn't deal with clients who we know discriminate	37%	20%	14%	17%	11%
Because of restrictions on what we can and can't say in advertising, we end up disappointing a lot of job applicants	30%	26%	7%	16%	21%
We feel that we sometimes lose business to competitors who take less notice of the Act than we do	19%	30%	17%	11%	23%
We sometimes rule out candidates on the basis of age and sex or other factors even though we know we shouldn't	10%	23%	7%	19%	41%
The Act has made our relationship with clients more difficult	7%	21%	14%	23%	34%
We have to find ways around the Act or we wouldn't be able to conduct our business	10%	13%	4%	21%	51%
The Act isn't clear - it's hard to say whether you are complying or not	6%	11%	20%	31%	31%

The majority disagree with the last three statements...

“The Act has made our relationship with clients more difficult.”

“We have to find ways around the Act or we wouldn't be able to conduct our business.”

“The Act isn't clear – it's hard to say whether you are complying or not.”

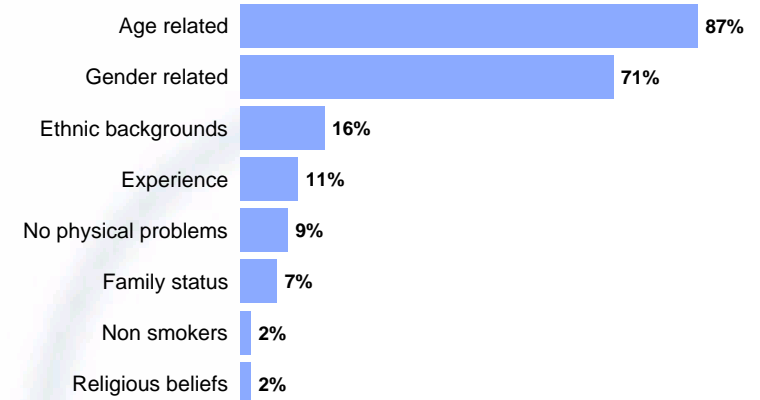
What sorts of requests do clients make?

As discussed previously, some 75% agreed that their clients often make requests that do not comply with the Act. We asked respondents to describe some of these requests. As illustrated in the summary chart opposite, age and gender predominate.

Most, 93% of those who receive requests like these say that they usually explain to the client that these requests do not comply with the Act. Other steps they take include...

- Make it clear to them about the Act (18%)
- Explain and educate (18%)
- Try and talk them around (13%)
- Endeavour to put best candidate forward (11%)
- Recommend people outside their preference (11%)

Types of requests made by clients



Q. You said that you agree that your clients often make requests that don't comply with the Act. What sorts of requests would they be?

Base = Agree clients make requests (45)

Best Practice

A number of questions were asked about 'Best Practice' in complying with the Act. Firstly, we asked...

"Thinking about your firm overall, are there any particular things you do, or policies you have which you feel represent 'Best Practice' in the area of equal opportunity."

As illustrated opposite, close to six out of ten believe that there are things of this nature done by their firms. The second chart summarises the things that are done.

Whilst some answers are fairly general, ('we comply well') some refer to specifics such as written policies...

"We have a procedures manual that has a list of our policies."

...or training seminars...

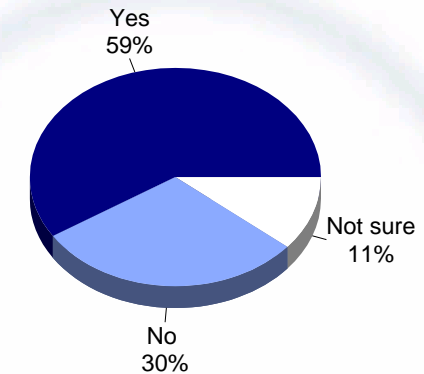
"We conduct training seminars on a regular basis."

Others, specifically referred to their own employment practices...

"We often employ staff with disabilities."

Is anything done which represents 'Best Practice'?

Thinking about your firm overall, are there any particular things you do, or policies you have which you feel represent 'Best Practice' in the area of equal opportunity?



What is done which represents 'Best Practice'?



Q. What sort of things would these be?

Base = Do things which represent best practice (41)

What could be done better

We asked...

"Are there any particular things you believe that your firm should be doing to better comply with equal opportunity requirements?"

Only 14% (10 individuals) believe there are things they should be doing. These include...

"Put together a fact sheet about compliance to equal opportunities for clients."

"Making sure that the staff and client is happy."

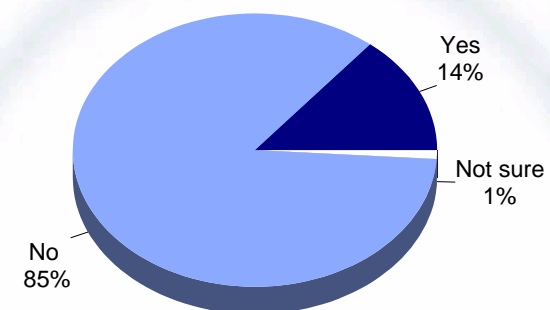
"Learn more about it."

"More direct with employers."

"Providing testing to gauge the knowledge of our consultants. Industry as a whole to have this happen."

Are there any things the company should be doing to better comply?

Are there any particular things you believe that your firm should be doing to better comply with equal opportunity requirements?



Awareness of 'leaders' in compliance with equal opportunity

We also put the following question...

"Are you aware of any particular business in your industry who you feel are leaders in the area of equal opportunity compliance?"

Some 17% claim that they are aware of such businesses and were then asked the sorts of things these companies are doing.

Responses included...

"They know what is involved in the legislation."

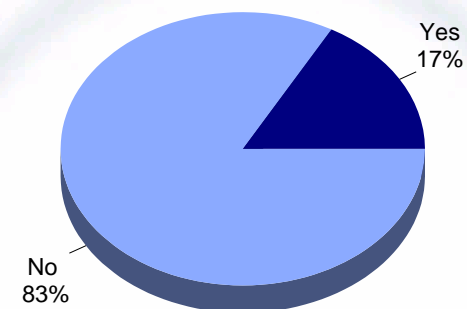
"The way they advertise."

"They encourage the disabled to apply."

"They have documentation and regular briefing sessions."

Awareness of 'leaders' in equal opportunity compliance

Are you aware of any particular business in your industry who you feel on leaders in the area of equal opportunity compliance?



The Results in Detail

Section 3 : Communication and Training

Communication and Training issues

We looked at five specific issues in this area.

As illustrated in the chart the vast majority agree that...

“We try to ensure that all of our staff dealing with recruitment are familiar with the Act.”

...and most (79%) agree that they...

“Have a written policy on Equal Opportunity which guides our work practices.”

Almost all also agree that they...

“Try to inform or educate the businesses we deal with about the Act and its implications.”

However, there is also a very clear perception that the Commission could be doing more. A high 93% concur with...

“The Equal Opportunity Commission needs to do more to educate business and the community about the Act.”

...and most also believe that...

“The Commission needs to consult more with our industry when framing laws like those covered by the Act.”

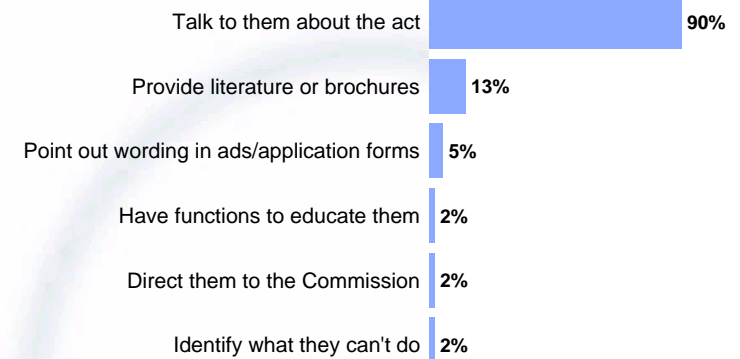
Communication and training issues

	Agree strongly	Agree	Neutral	Disagree	Disagree strongly
We try to ensure that all of our staff dealing with recruitment are familiar with the Act	67%	17%	10%	1%	4%
The Equal Opportunity Commission needs to do more to educate business and the community about the Act	66%	27%	3%	4%	0%
We have a written policy on Equal Opportunity which guides our work practices	63%	16%	10%	4%	7%
We try to inform or educate the businesses we deal with about the Act and its implications	56%	30%	3%	9%	3%
The Commission needs to consult more with our industry when framing laws like those covered by the Act	44%	33%	13%	6%	3%

Communication and Training issues cont...

As discussed previously, around nine out of ten agree that they try to inform or educate the businesses they deal with about the Act. Most (90%) do this by simply talking to them – but a minority (13%) claim to provide their clients with brochures or literature.

What is done to educate clients



Q. You said earlier that you agree that you try to inform or educate the businesses you deal with about the Act. What sort of things do you do?

Base = Agree that they educate clients (60)

Training

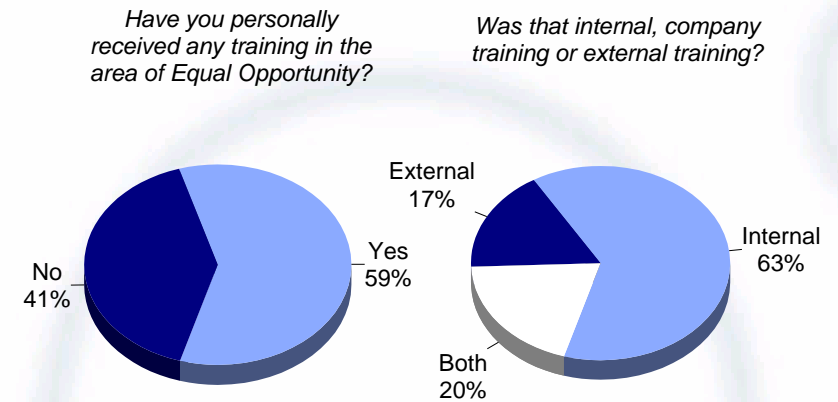
As illustrated opposite, just 59% have received some training on equal opportunity issues – usually conducted internally.

Those who received external training (15 individuals) were trained by...

- The Equal Opportunity Commission (5 respondents)
- VECCI (3)
- A university (6)
- Education Department (1)
- RCSA (1)
- Union (1)
- Department of Justice (1)

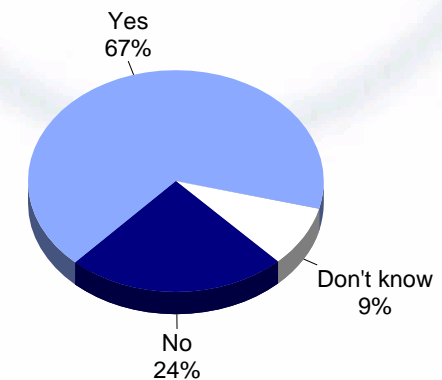
We also asked whether new consultants are given training on Equal Opportunity issues. As illustrated opposite, about two thirds say that they have.

Have the respondents been trained?



Training for new consultants

When your company appoints new consultants are they given training on Equal Opportunity issues?



Training cont...

Finally, on training, we asked...

"What particular information or training, if any, do you think you or your staff require in relation to the Act? What aspects would you like to know more about?"

Four out of ten felt that no training was needed, but there appears to be some demand for training on areas such as...

- Guidelines
- Updated or changed regulations
- How to deal with employers who discriminate

...and so forth.

What training is required?



Q. What particular information or training, if any, do you think you or your staff require in relation to the Act? What aspects would you like to know more about?

Codes of Practice

Six out of ten claim to be aware of an existing Code of Practice relating to Equal Opportunity. Seven of the 22 individuals aware, said that the **RCSA** was the provider. Others referred to...

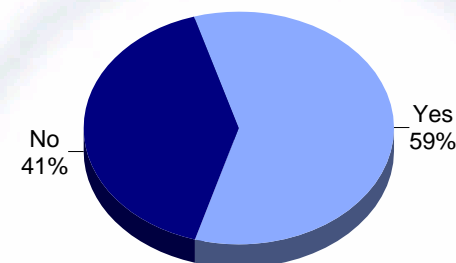
- Government (3)
- Their own company (2)
- The EOC (1)
- The Australian Human Resources Institute (1)

Most of those who are not aware of a Code of Practice believe that one should be available and most of these (54%) believe that the Code should be provided by a professional body such as RCSA or VECCHI.

Some 22% believe that the EOC should administer the Code.

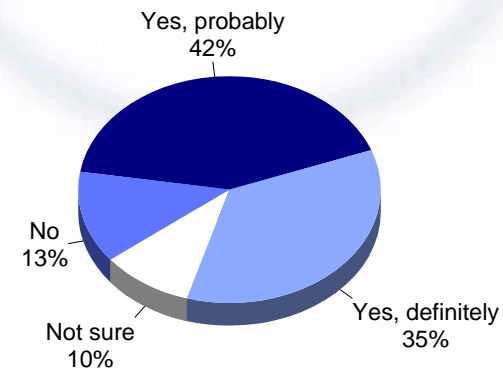
Awareness of Codes of Practice

Are you aware of any official Codes of Practice or Standards relating to Equal Opportunity practices within your industry?



Need for a Code of Practice

Do you believe that a Code of Practice would be valuable?



Base = Not aware of an existing code (48)

The Questionnaire