

SPECIAL MEASURES IN NTPS RECRUITMENT AND SELECTION

FREQUENTLY ASKED QUESTIONS

<p>1. What is a Special Measure?</p>
<p>Special Measures is another name for affirmative action to promote equal employment opportunity (EEO) for groups who have not yet achieved employment equality. Special measures allow preference in recruitment for certain EEO groups, such as persons with disability, Aboriginal and Torres Strait Islanders (Aboriginal), or women in some work areas where equality in employment has not yet been achieved.</p>
<p>2. Why do we have Special Measures?</p>
<p>The NTPS values diversity and aims to be more representative of the Northern Territory population, and there is ample evidence that we can provide better service to the community by creating a more diverse and inclusive workforce. To achieve this we need special measures recruitment plans that give capable applicants from EEO groups a ‘foot in the door’ to employment.</p>
<p>3. When did the NTPS start Special Measures?</p>
<p>The <i>Public Sector Employment and Management Act</i> was amended by Government in 2012, to permit agencies to implement special measures plans, provided such plans were approved by the Commissioner for Public Employment (CPE). Since then most NTPS agencies, including the two largest, the Department of Health and the Department of Education, have implemented special measures recruitment plans to support increased workplace diversity and employment opportunity.</p>
<p>4. How do Special Measures Recruitment Plans Operate?</p>
<p>There are two main types of special measures plans used in NTPS selections:</p> <ol style="list-style-type: none"> 1. <u>Designated Positions</u> – The agency specifically designates a vacancy for a person from an EEO group and it must not be filled by any person from outside that group. Applicants must still meet the essential selection criteria and be suitable at level. This is the type of plan that will be most useful in creating opportunities for persons with disability, as specific jobs can be created with flexible criteria and reserved only for persons whose disability restricts their opportunity to otherwise obtain employment. 2. <u>Priority Consideration and Preference in Selection</u> – Plans under which applicants from the EEO target group will be considered first before all other applicants, and given preference in selection provided they meet all the essential selection criteria and are suitable at level.
<p>5. Do Special Measures Recruitment Plans apply across all NTPS agencies?</p>
<p>No. It is at the discretion of each agency to decide if they wish to implement a special measures plan, and what the terms of their plan will be – but most agencies do now have such plans for recruitment of Aboriginal persons, and the plans have achieved excellent results in recruiting skilled Aboriginal employees.</p>
<p>6. Can there be Exemptions from Special Measures?</p>
<p>Yes. All NTPS special measures plans allow application to the Commissioner for exemptions, which will be granted if it would be fair and reasonable to do so, for example, if the application of special measures in the circumstances would create an unduly harsh outcome for an existing long-term employee of outstanding merit or employees affected by a re-structure, or result in an imbalance in the workplace or the selection process.</p>
<p>7. Is Special Measures Recruitment contrary to the Merit Principle?</p>
<p>No. NTPS special measures plans (with the exception of persons with disability), require that selected applicants must meet all essential selection criteria and be suitable at the level of the position. This means the special measures are consistent with the merit principle, which requires selections to be based on suitability for a vacancy having regard to knowledge, skill, qualifications and experience and potential for development. Also EEO group applicants have the extra value of their diversity which adds to their merit for NTPS positions.</p>

8. Will Priority Preference mean most jobs end up going to Special Measures applicants?

No. In fact the percentage of Aboriginal applicants recruited is not large. For example, overall the NTPS currently (September 2018) has only 10.4% Aboriginal employees, with a target of 16% by 2020. This means that, even if the target is achieved (at which point Special Measures for Aboriginal applicants will cease) there would still be 84 jobs out of every 100 for non- Aboriginal applicants. It is also important to remember that selected Aboriginal special measures applicants must meet all essential selection criteria and be suitable at level, and jobs will not go to applicants who do not meet that standard.

9. Is evidence of eligibility required for applicants to be considered under Special Measures?

Yes. Applicants selected under a special measures recruitment plan must provide satisfactory proof of eligibility for the special measure. To meet the eligibility test Aboriginal applicants must provide, at the time of their application:

1. Certificate of Aboriginality from a recognised Aboriginal authority, (or other proof as approved by OCPE), and
2. Statutory Declaration stating that the applicant is Aboriginal, identifies as Aboriginal, and is accepted in the community in which they live as Aboriginal

Special measures applicants must provide the required evidence before being considered or selected under special measures. A template for the Statutory Declaration is available on the OCPE website.

It is vital to the integrity of special measures plans that the persons who receive the benefit meet the eligibility test, since special measures are intended to increase the diversity of the NTPS, as well as to assist persons who may have suffered inequality in opportunity due to their being known to be from the targeted EEO group.

10. Do the same conditions of employment apply to Special Measures employees?

Yes. Special measures employees (with the exception of persons with disability) must perform their duties in accordance with standard requirements and comply with the Code of Conduct, and are subject to the same probation conditions and have the same work entitlements as all employees. All that special measures does is ensure that EEO applicants who meet all essential criteria and are suitable at level can be given preference in recruitment. Once employed, special measures employees are no different than any others.

11. What are the Conditions the Commissioner requires for an approved NTPS Special Measures Plan?

The OCPE has set strict conditions for any Special Measures recruitment plans. These are that:

1. The intention to use a special measures plan must be clearly stated in the Job Description when advertising.
2. Successful applicants under special measures plans must meet all the essential selection criteria and be suitable at the level of the position.
3. Applicants selected under a plan must meet the eligibility test for special measures status.
4. If there is more than one applicant from the special measures group then the selection decision between those applicants is based on who is the most suitable.
5. A finding in a selection process that no special measures applicant is suitable must be approved by the OCPE.