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By website: [Consultation hub | Best Practice Principles and Standards for Skilled Migration Assessing Authorities - Department of Employment and Workplace Relations \(dewr.gov.au\)](#)

Discussion Paper (September 2023) Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities

Dear Minister for Employment and Workplace Relations, the Hon Tony Burke MP

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We have over 1,300 member organisations, reaching more than 20% of the Australian labour market.

The review of the skills assessment process for workers seeking to enter the country is of great interest to DCA and our members, and we welcome the opportunity to comment on the Discussion Paper Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities shared on the Department of Employment and Workplace Relations website.

Our feedback is supportive of the 7 draft best practice principles and standards for Skilled Migration Assessing Authorities, particularly as they relate to building their capacity to remove unnecessary barriers for applicants, ensuring communications are clear and accessible and reducing bias and discrimination in the assessment process.

These best practice principles and standards will contribute towards the Government's vision for a dynamic and inclusive labour market in which everyone has the opportunity for secure, fairly paid work¹ through better targeted skilled migration.

DCA has produced a number of publications that are referred to below and/or relevant to the best practice principles and standards. These are referenced at the end of this submission.

Further comments are listed below:

A note on language

Australia has shown longstanding reluctance to focus on race;² preferring to use terms like ethnicity and culture,³ evident in the use of terms such as non-English-speaking background (NESB), culturally and linguistically diverse (CALD), 'multicultural' and 'harmony'. As discussed in DCA's *Racism at Work*⁴ guide, Australia's reluctance to focus on race means we often struggle to talk in an informed, thoughtful, and transformative way about race, and to identify and respond to racism.

Our research⁵ tells us that language such as 'culturally and linguistically diverse' (CALD) and 'multicultural' are no longer useful terms to describe the experiences of people who

experience cultural and racial marginalisation in Australia.

In our recent work, *Culturally and racially marginalised (CARM) women in leadership*, we have deliberately shifted away from these terms, offering the alternative language of ‘culturally and racially marginalised’ (CARM) in recognition of the significance of race and racism in people’s lives, and encourage the Department to consider language that more accurately reflects the present-day experiences of the communities impacted by skilled migration assessment processes.

DCA recommends that the Department consider using language that more accurately reflects the experiences of culturally and racially marginalised people in relevant publications and communications relating to skilled migration assessment.

A note on intersectionality

DCA recommends an intersectional approach when considering the development and implementation of best practice principles and standards. Intersectionality refers to how some people experience compounded discrimination due to multiple marginalising and interlinked characteristics.⁶ An intersectional lens on the lived experience of migrants applying for skilled migration will add significant value to the assessment process and assist authorities to process applications with a more comprehensive appreciation of the experience of applicants.

Principle 1: User-friendly and migrant-centric experience

We were pleased to see the first Principle focuses on clear, accessible, and user-friendly skills assessment processes, guidelines and communications. It also calls for a ‘migrant-centric’ experience. In our recent research reports⁷ DCA strongly advocated for the voice of lived experience and centering marginalised voices at all levels; acknowledging that culturally and racially marginalised people are uniquely qualified to speak about topics that affect them.

DCA supports the use of simple language, visual aids such as videos, infographics, storyboards, and cheat sheets. However, DCA recommends consideration of computer literacy and access to computer technology for applicants. DCA recommends conducting accessibility audits of all information and promotional communications.

DCA also suggests that assessment authorities consider visa category and racial/cultural background and how best to communicate with more vulnerable applicants to provide a migrant-centric experience.

DCA recommends that lived experience is prioritised in skills assessment processes and a diverse range of communication channels, user-friendly platforms and simple language is used throughout the process.

DCA recommends the conduct of accessibility audits for all information and promotional materials designed for applicants.

Principle 2: Reasonable and justified fee structures

DCA supports transparency in setting fees and inclusions and strategies that will reduce barriers for skilled migrants.

Principle 3: Evidence based occupational assessment standards

DCA supports the development of evidence-based standards that are fair and equitable and that reduce inconsistencies and risk of confusion for migrants.

Principle 4: Fair and equitable assessments

DCA supports measures that will minimise bias and discrimination in the assessment process. Offering flexible skills assessment processes including appropriate adjustments to support applicants with disabilities, refugees or victims of exploitative employment arrangements will mitigate the risks of discrimination and lead to more fair and equitable outcomes.

DCA's research points to the importance of building a high level of 'racial literacy' in assessment authorities: the ability to understand what racism is and how it operates in society so we can effectively address it.

Our research has found that newer migrants from racially marginalised groups are more likely to experience racism at work⁸. This can be due to systemic racism – policies, procedures, practices that directly or indirectly exclude or disadvantage people from racially marginalised groups, and/or that Australians are less accepting of migrants from certain countries such as African and Middle-eastern countries.

As mentioned earlier, an intersectional lens will also lead to more fair and equitable assessments for migrants with a number of identities.

DCA notes that migrants without formal university qualifications have a very different experience with the current skills assessment system than those with formal qualifications. Some will have valuable workplace experience which may be more difficult to assess and delays caused may act as an unfair barrier for these applicants. DCA's Inclusive Recruitment Guidelines⁹ advocate for offering alternative ways to showcase skills in order to achieve greater diversity of talent.

DCA's Inclusive Recruitment at Work¹⁰ project researched the Australian labour market to identify the overlooked and underleveraged talent, the organisational barriers preventing this talent from being recruited and the actions that can open recruitment opportunities for this talent. A product of this research is evidence-based guidance on how to effectively recruit a diversity of workers from underemployed, unemployed or discouraged job seekers. This guidance demonstrates how, by offering alternative ways to showcase skills - other than formal qualifications - a more diverse pool of talent might get through the initial hurdles of recruitment.

DCA also recommends building capacity in some aspects of inclusive recruitment for assessment authorities to improve their understanding of underlying structural barriers for some migrants.

DCA recommends a focus on building a high level of racial literacy and understanding of inclusive recruitment in assessment authorities to ensure fair and equitable assessments.

DCA recommends that assessment authorities adopt an intersectional lens when considering applications to better understand the migrant experience.

Principle 5: Timely and efficient skills assessment delivery

DCA supports measures to reduce duplication and minimise unnecessary delays and bottlenecks.

Principle 6: Meaningful employment outcomes are enabled

DCA supports the provision of post-assessment assistance to ensure that applicants obtain meaningful employment. DCA research has shown that the employment journey for many racially marginalised workers can be punctuated with bias in hiring practices as well as

recognition and reward.

DCA's guidelines on inclusive recruitment¹¹ assist organisations with their hiring processes and practices to value diversity, be bias free and enable a diversity of talent to be sourced, assessed, selected and appointed.

In terms of career progression, managers and leaders can consciously or unconsciously 'lock in' racism by stereotyping racially marginalised workers for example, or by recognizing and rewarding Western centric leadership styles.

Follow up assistance should monitor the employment journey from recruitment through to retention and progression in employment in order to meaningfully measure employment outcomes.

DCA recommends that post-assessment assistance consider the whole employment journey and the applicant's experience of racism in all its forms, both overt and subtle.

Principle 7: Integrity and transparency in operations

DCA supports standards that require authorities to provide government with quality data on caseloads, trends, outcomes, to improve government policy solutions to better meet the needs of migrants and employers.

Conclusion and recommendations

The consideration of systemic barriers for migrants applying for skills assessments is critical to ensure fairness and equity for all applications.¹²

DCA's research identifies a number of systemic barriers that allow racism to persist in Australia. These include a lack of racial literacy and an understanding of underlying structural barriers within institutions, ignoring the expertise of those with lived experience, Australia's silence on the current state of racism, silencing discussions of racism in favour of multiculturalism rhetoric, and a failure to call out racism when it occurs.¹³

It is important for government to acknowledge systemic racism that directly or indirectly discriminates, excludes, or disadvantages people from racially marginalised groups.

We have included (in confidence) copies of our recent research, *Racism at Work*, *Inclusive Recruitment at Work* and *Culturally and Racially Marginalised Women in Leadership: A framework for (intersectional) organisational action* for your reference alongside this submission (reports not to be published).

In summary, our recommendations are:

- 1. DCA recommends that the Department consider using language that more accurately reflects the experiences of culturally and racially marginalised people in relevant publications and communications relating to skilled migration assessment.**
- 2. DCA recommends that lived experience is prioritised in skills assessment processes and a diverse range of communication channels, user-friendly platforms and simple language is used throughout the process.**
- 3. DCA recommends the conduct of accessibility audits for all information and promotional materials designed for applicants.**
- 4. DCA supports transparency in setting fees and inclusions and strategies that will reduce barriers for skilled migrants.**
- 5. DCA supports the development of evidence-based standards that are fair and**

- equitable and that reduce inconsistencies and risk of confusion for migrants.
6. DCA recommends a focus on building a high level of racial literacy and understanding of inclusive recruitment in assessment authorities to ensure fair and equitable assessments.
 7. DCA recommends that assessment authorities adopt an intersectional lens when considering applications to better understand the migrant experience.
 8. DCA supports measures to reduce duplication and minimise unnecessary delays and bottlenecks.
 9. DCA recommends that post-assessment assistance consider the whole employment journey and the applicant's experience of racism in all its forms, both overt and subtle.
 10. DCA supports standards that require authorities to provide government with quality data on caseloads, trends, outcomes, to improve government policy solutions to better meet the needs of migrants and employers.

Please feel free to contact myself or Jacqueline Braw, Senior Advocacy and Government Relations Manager on Jacqueline@dca.org.au, should you require any further information about this matter.

Yours sincerely



Lisa Annese
Chief Executive Office

¹ Commonwealth of Australia *Working Future. The Australian Government's White Paper on Jobs and Opportunities*. September 2023.

² Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.

³ P Mousaferiadis, "Beyond CALD: what lies behind the labels." Diversity Atlas, 13 July 2020, <https://www.diversityatlas.io/beyondcald-2/>.

⁴ Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.

⁵ Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022;

Diversity Council Australia (V. Mapedzahama, F. Laffernis, A. Barhoum, and J. O'Leary). *Culturally and Racially Marginalised Women in Leadership: A framework for (intersectional) organisational action*, Diversity Council Australia, 2023.

⁶ Diversity Council Australia (V. Mapedzahama, F. Laffernis, A. Barhoum, and J. O'Leary). *Culturally and Racially Marginalised Women in Leadership: A framework for (intersectional) organisational action*, Diversity Council Australia, 2023.

⁷ Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.

⁸ Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.

⁹ Diversity Council Australia *Inclusive Recruitment Tools*, Sydney, Diversity Council Australia, 2022.

¹⁰ Diversity Council Australia *Inclusive Recruitment at Work*, Sydney, Diversity Council Australia, 2022.

¹¹ Diversity Council Australia *Inclusive Recruitment Tools*, Sydney, Diversity Council Australia, 2022.

¹² Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022;

Diversity Council Australia (V. Mapedzahama, F. Laffernis, A. Barhoum, and J. O'Leary). *Culturally and Racially Marginalised Women in Leadership: A framework for (intersectional) organisational action*, Diversity Council Australia, 2023.

¹³ Diversity Council Australia (Anderson, P., Mapedzahama, V., Kaabel, A. and O'Leary, J.) *Racism at Work: How Organisations Can Stand Up To and End Workplace Racism*, Sydney, Diversity Council Australia, 2022.