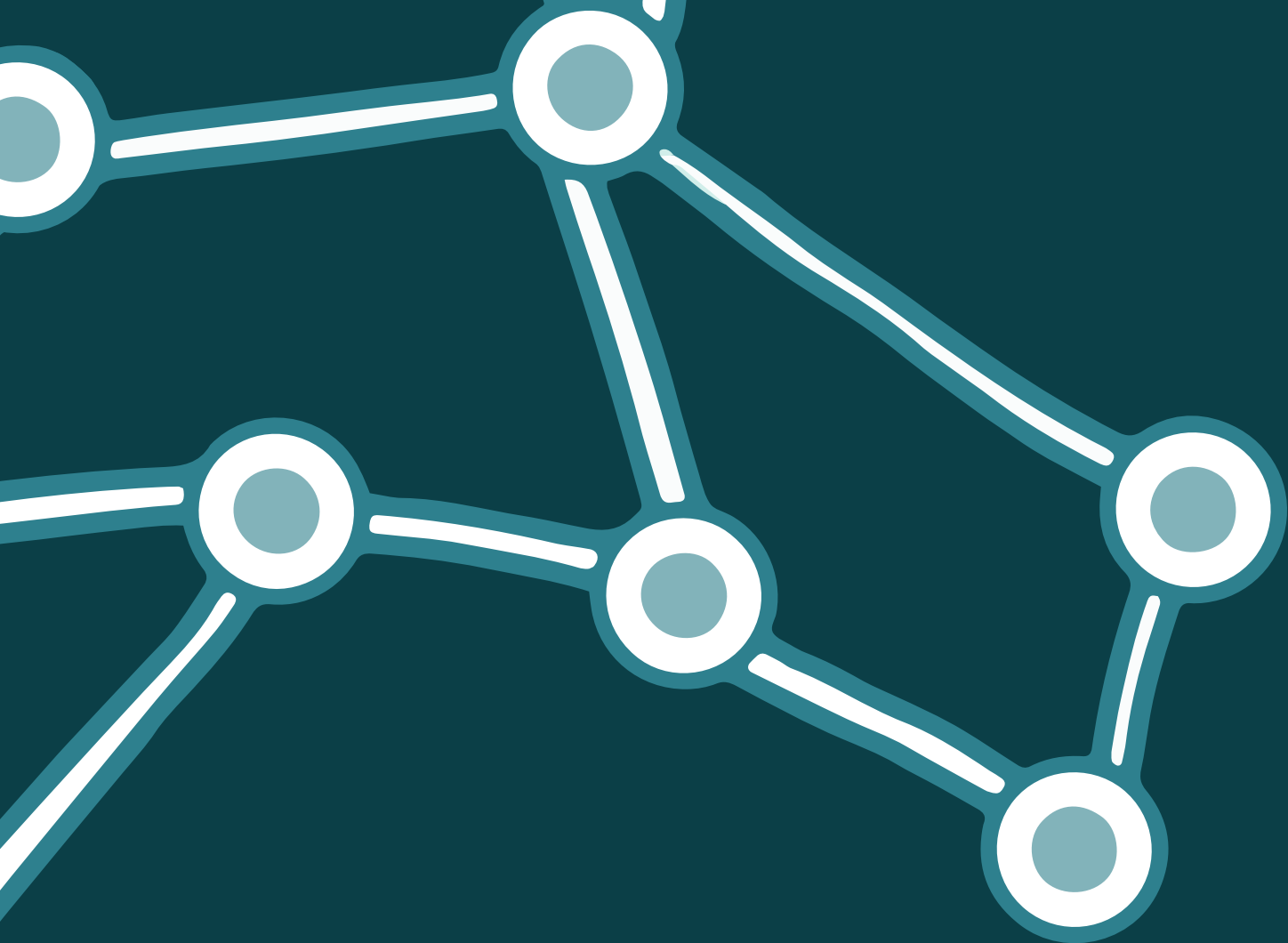




Anti-Racism Guide

A guide to fostering anti-racist workplaces in the NSW public sector



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The Office of the Public Service Commissioner acknowledges and recognises Aboriginal people as the Traditional Custodians of the lands where we work and live.

We celebrate the diversity of Aboriginal and Torres Strait Islander people and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present, and emerging. We also acknowledge our Aboriginal and Torres Strait Islander colleagues at work.

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Contents

Introduction	1
How this guide was informed	2
Purpose of this guide	2
How to use this guide	3
Content warning	3
Understanding racism, discrimination and other unlawful behaviour	4
Racism	4
Discrimination	4
Racial discrimination	4
Anti-Discrimination NSW complaint case studies	5
Special measures	6
Racial vilification	6
Bullying and harassment	6
Victimisation	6
Legal obligations to prevent workplace racism and obligations under work health and safety legislation	6
Forms of racism	7
What are the impacts of workplace racism and why do we need to be concerned?	10
Understanding anti-racism	11
What's the difference between non-racist and anti-racist?	11
How can the NSW public sector be anti-racist?	11
Individual action to prevent racism and discrimination	12
Becoming anti-racist	12
Educate yourself and understand your privilege	14
Being an ally	14
Have meaningful conversations	14
Know what to do if you experience or witness racism	16

Manager action to prevent racism and discrimination	20
Building a foundation for prevention	20
Facilitating conversations about racism in the workplace	20
Responding to reports of racism	21
Legal obligations to prevent workplace racism	22
Obligations on employers	22
Obligations on employees	22
Obligations under WHS legislation	23
Support services	24
Resources	25
Glossary	26
References	30

Introduction

Racism is unlawful and is not tolerated across our workplaces.

Government sector employees are required to uphold the government sector core values in the [Government Sector Employment Act 2013 \(GSE Act\)](#) and the [Code of Ethics and Conduct](#).

However, [People Matter Employee Survey \(PMES\)](#) shows racism does occur in the sector and that it disproportionately impacts Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse (CALD) employees.¹

The PMES results show that in 2023, 5% of public sector respondents reported experiencing racism in the past 12 months. 17% of Aboriginal and Torres Strait Islander respondents and 8.4% of CALD respondents reported experiencing some form of racism. This equates to more than 10,000 employees across the sector who say they have experienced racism in our workplaces.

According to PMES data, the source of racism includes fellow workers, customers, line managers, and senior managers. Under reporting is also a concern. The PMES results indicate employees are less likely to formally report racism, and that those who do report it are not satisfied with the outcome. Reasons given for not reporting include that it will not make a difference, will not be taken seriously, will have negative consequences, and will not remain confidential.

Chances are you or someone you know has had an experience of racism in the workplace. As a sector, we have a responsibility to act on this concerning data. We all have a role to play in eradicating racism in our workplaces and ensuring a safe and healthy working environment. This guide provides concrete steps that we all can take to identify, address, prevent, and ultimately eliminate racism.

The Office of the Public Service Commissioner (OPSC) is leading NSW public sector anti-racism interventions, which implements initiatives in the PSC's [Aboriginal Employment Strategy 2019-25](#) and the Closing the Gap priorities to identify and eliminate racism. The anti-racism interventions also support the PSC's work to support CALD employees

through [increasing cultural diversity in the NSW government sector senior executive cohort](#).

On 21 March 2024, the NSW Secretaries Board committed to take a stand against racism in public sector workplaces, calling on everyone to work towards an anti-racist sector. The Secretaries Board released an [Anti-Racism Leadership Statement](#) to set the tone from the top and make it clear that racial discrimination is not tolerated in the NSW public sector.

5%

of public sector respondents reported experiencing racism in the past 12 months

17%

of Aboriginal and Torres Strait Islander respondents reported that they experienced racism compared to 5% for whole-of-sector respondents

8.4%

of CALD respondents reported experiencing some form of racism compared to 5% of whole-of-sector respondents

How this guide was informed

The Public Service Commission (PSC) ran focus groups across the sector in late 2022 to understand first-hand experiences of racism and discrimination in NSW public sector workplaces. Aboriginal and CALD employees shared some distressing and disappointing stories about their experiences of racism, both interpersonal and systemic. These stories and lived experiences were consistent with the PMES results.

This Anti-Racism Guide (the guide) was also informed by Aboriginal community insights from the NSW Coalition of Aboriginal and Torres Strait Islander Peak Organisations (CAPO) Closing the Gap Community Engagement consultations held in 2022. The consultations highlighted the impacts of racism in service delivery by government organisations and recommended improvements to cultural competency, as well as action to address institutional racism and discrimination in mainstream service delivery.

Purpose of this guide

The guide is a resource to help employers and employees address racism and discrimination in the NSW public sector.



The guide provides practical information to:

- help employees identify the different types of workplace racism
- increase employees' knowledge and awareness of how to prevent, intervene, and stop instances of racism
- empower employees to be more confident in calling out racism when, and if, safe to do so
- raise awareness about how to make a report when an employee witnesses or experiences racism
- share the available support for employees who have witnessed or experienced racism
- highlight the responsibilities of the workplace and NSW public sector in protecting employees and clients from racism.

This guide also aims to:

- help employees understand what anti-racism is and how to embody anti-racist principles through understanding, empathy, and collective action
- empower leaders and managers to take steps to embed anti-racism in their day-to-day team operations.

How to use this guide

This guide provides practical tips and concrete steps to identify, address, prevent and ultimately eliminate racism. This guide is not designed as a rigid set of rules, but as a dynamic resource with a mix of information for continuous learning and reflection.

The guide contains the following sections:

- understanding racism, discrimination and unlawful behaviour
- understanding anti-racism
- individual action to prevent racism and discrimination
- manager action to prevent racism and discrimination
- legal obligations to prevent workplace racism
- support services.

Each section includes reflection and learning activities and/or practical tips to support employees to take steps towards building safe and inclusive work environments.

Additional guidance

While major legal and policy frameworks are noted in this guide, we encourage people to use this guide in conjunction with agency specific policies, and to seek support from agency HR teams and other experts. Some of the terms in this guide may be unfamiliar. You can read the key legal and policy frameworks and glossary to learn more about the terms used in this guide.

Content warning

This guide explores historical contexts and experiences of racism and raises topics that may trigger trauma and negative responses for some readers.

It's important to move through this guide in a safe way, and we encourage you to reach out for support if this guide raises difficult, traumatic or negative emotions for you.

If you do not feel safe and comfortable, you can speak with a manager or your agency's HR team or contact your agency's Employee Assistance Program (EAP). You can also talk with a friend or family member or access one of the services listed in the support services section of this guide.

Understanding racism, discrimination and other unlawful behaviour

Racism

Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race.²

Racism is any attitude or behaviour that assumes someone is inferior because of their skin colour or race.³ It can occur at an individual level or at an institutional level. It is also accompanied by the power to discriminate against, oppress or limit the rights of others.⁴

Racism is commonly recognised as stereotypes, judgements, assumptions or slurs directed at groups that are racially marginalised. Racism is anything that upholds, contributes to or mirrors the unjust racialised hierarchies of society.

Discrimination

To most people, discrimination means any type of unfair treatment.⁵ Discrimination happens when you are treated less favourably than somebody else based on certain characteristics.⁶

Commonwealth and New South Wales laws prohibit discrimination on various grounds, including:

- disability
- sex (includes pregnancy and breastfeeding)
- race
- age
- marital or domestic status
- sexual orientation
- gender identity or transgender status
- carer's responsibilities.⁷

Discrimination is against the law in NSW if it happens at work, in education, within registered clubs, and where goods and services or accommodation are provided.⁸

Racial discrimination

Racial discrimination is when a person is treated unfairly, or less fairly than others, because of their race, colour, nationality, descent, or ethnic, ethno-religious or national origin.⁹

The [Racial Discrimination Act 1975](#) (Cth) (RDA) makes it unlawful to discriminate against a person because of [their] race, colour, descent, national origin or ethnic origin.¹⁰ The RDA protects people from racial discrimination in many areas of public life, including employment, education, getting or using services, renting or buying a house or unit, and accessing public places.¹¹ Similarly, the [Anti-Discrimination Act 1977](#) (NSW) makes it unlawful to discriminate on the ground of race in employment, education, providing goods and services, provision of accommodation and other situations.¹²

The RDA and *Anti-Discrimination Act* both apply in NSW and both apply to NSW public sector employers and employees.¹³ Unlawful racial discrimination can be direct or indirect.¹⁴ Indirect discrimination is when a rule or requirement that applies to everybody, unfairly disadvantages people who possess a characteristic protected by NSW law and is not reasonable in the circumstances. Intention or motive is irrelevant. An act can be unlawful racial discrimination even if discrimination is not intended or is not the dominant or substantial reason for an unlawful event.¹⁵

Anti-Discrimination NSW provides [complaint case studies](#) relating to experiences of racism and discrimination and formal resolution outcomes.

Anti-Discrimination NSW complaint case studies

Dismissed after complaint about racist comments - March 2017

Alice* worked as an Aboriginal Liaison Officer. She told her supervisor that she had been subjected to racist comments when a HR staff member said, “Aboriginal people get everything for free”. After making an internal complaint, Alice faced an increase in performance management and was eventually dismissed. Alice lodged a complaint with Anti-Discrimination NSW. By the time the conciliation conference was held, Alice had found another job. However, she requested that the organisation make a few changes to resolve her complaint. This included introducing Aboriginal cultural awareness training for staff; increasing training and temporary promotion opportunities for Aboriginal staff; and establishing Aboriginal identified positions. The company and its new HR officer agreed to these proposals.

**Name has been changed to protect the privacy of the individual*

Inappropriate remarks about ethnicity and religious identity - April 2022

Yousef* is Muslim and has a Palestinian background. He worked as a senior accountant in a human services organisation. Yousef’s colleagues would often make inappropriate remarks about his ethnicity and religious identity. They would:

- quiz him about his level of religious commitment
- make jokes about Islam and Muslims
- use derogatory terms to describe people of Middle Eastern background
- wave the Quran at him whilst mockingly shouting ‘assalamu alaikum’
- say that Islam promoted beheading
- refuse to touch items he had touched
- unfairly scrutinise his work.

Yousef stated that when he made an internal complaint about how he was being treated, he was victimised by his employer when his co-workers retaliated by making unwarranted and vexatious complaints about him.

Yousef then lodged a complaint of race discrimination and victimisation with Anti-Discrimination NSW. The matter was resolved at a conciliation conference when the parties agreed to a:

- written apology
- financial settlement
- commitment to continue to roll out comprehensive staff training on bullying and harassment
- change of work location for Yousef.

**Name has been changed to protect the privacy of the individual*

Special measures

Under the *Anti-Discrimination Act*, an organisation can apply for an exemption or certification to allow favouring certain groups of people to improve access to certain jobs, services and facilities. Examples in the public sector include Aboriginal identified roles.

Racial vilification

Racial vilification (or racial hatred) is “doing something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate”.¹⁶

Under the RDA, “offensive behaviour because of race, colour or national or ethnic origin is unlawful if done otherwise than in private”.¹⁷ The RDA provides certain limited exemptions for things said or done reasonably in good faith, including in making or publishing a fair and accurate report of any event or matter of public interest.¹⁸

An example of racial vilification or hatred is sharing racially offensive materials on social media sites or making racially abusive comments in a public place, such as a workplace, on transport, at a sporting event or other public place.¹⁹

The *Anti-Discrimination Act* makes it unlawful to, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons, because of their race, or their religious belief, affiliation or activity. It is not unlawful to make a fair report of a public act, or to do something in public reasonably and in good faith, for academic, artistic, scientific or research purposes or other purposes in the public interest.

Bullying and harassment

Racist behaviour can also take the form of bullying or harassment based on the grounds of race. Harassment is unlawful under anti-discrimination legislation and work, health and safety (WHS) legislation. It also contravenes the mandatory [Code of Ethics and Conduct](#) for government sector employees and the [Ethical Framework](#) for the government sector.

Victimisation

It is also unlawful to victimise an employee or other person who brings proceedings or gives evidence against a person or alleges there has been a contravention of anti-discrimination legislation.²⁰

Legal obligations to prevent workplace racism and obligations under work health and safety legislation

Legal obligations to prevent workplace racism place responsibilities on both employers and employees. Employers must take reasonable steps to prevent racial discrimination and unlawful racist acts. This may include implementing policies, procedures and training. Failure to do so can lead to serious consequences for the organisation and individuals involved.

Employees are obligated to comply with anti-discrimination laws and workplace codes of conduct, act ethically and uphold trust in the sector. Additionally, obligations under WHS legislation require employers to ensure the health and safety of workers, including managing psychosocial hazards in the workplace.

Resources from the Australian Human Rights Commission, Anti-Discrimination NSW, and SafeWork NSW provide guidance on meeting these legal obligations. Further information on the key legal and policy frameworks is available at page 22.



Forms of racism

Racism can take several forms and can happen anywhere to anyone. The most common forms of racism are:

Interpersonal racism

This type of racism occurs during interactions between individuals or groups of people, often in everyday settings.²¹ It can be in the form of making negative comments about a particular ethnic group in person or online; calling others racist names; and bullying, harassing, humiliating or intimidating others because of their race.²² “It may be expressed through off-hand jokes or comments.”²³



Examples of interpersonal racism experienced by NSW public sector employee focus group participants:

- Being told, “This is an English-speaking country. If you don’t like it, go home.”
- Being told, “I can’t remember your name; you guys all look the same.”
- Being asked, “Do you guys all have pink palms?”
- Feeling like you’re never part of the “in-group” and having to code switch to get along.
- Having staff show a meme depicting an Asian chef putting a live bat into a wok with the words, “It’s not Wuhan.”
- Being called cats and dogs.
- Being told my name is too long to pronounce and why can’t I have a shorter and easier name.
- Being told how disgusting it is that people from my culture eat with their hands.

Microaggressions are subtle and can sometimes come from a person’s unconscious bias.²⁵ This means they may be unaware that what they have said or done is a microaggression.²⁶ It can be difficult to respond to, as people who perpetuate microaggressions are unaware of what they have done and/or do not believe it is racist. However, it is still important to educate about the impact of these actions, regardless of the intent.



Examples of microaggressions experienced by NSW public sector employee focus group participants:

- Being stereotyped as a bad driver because I am a migrant.
- Being quizzed about my “interesting lunch.”
- Regularly being called the wrong name.
- Being told I’m exotic when people find out where I’m from.
- Being asked, “Where are you from?”
- Being told my English is great (numerous times) when English is my first language.
- Being told, “You don’t look like one of them,” meaning “How Aboriginal are you?”
- Being told, “It’s not personal, but...”

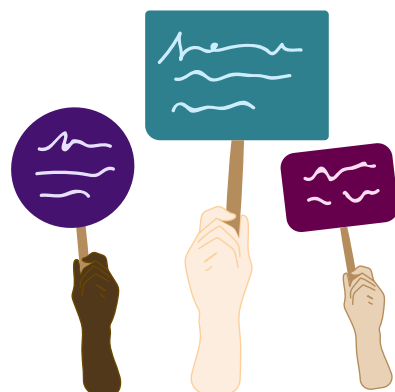


Activity

Reflect on the definition of microaggressions and the examples of microaggressions experienced by NSW public sector employees. Consider how these microaggressions might communicate exclusive, hostile or alienating messages to the person on the receiving end.

Microaggressions

Microaggressions are casual expressions that perpetuate racist stereotypes and ideas. Many microaggressions are not necessarily visible to everyone. People who directly experience racism (or other forms of discrimination) are typically much more aware of them. It is important to remember that “micro” in microaggression does not mean that these acts cannot have a severe impact. Microaggressions have a cumulative effect and can cause considerable psychological distress.²⁴



Bias (conscious and unconscious)

Bias can be a favourable or unfavourable attitude formed by impressions based on someone's characteristics including skin colour, name or ancestry.²⁷ Bias can be conscious (or explicit) and unconscious (or implicit).²⁸

Everyone holds unconscious beliefs about various social and identity groups. These biases stem from the tendency to organise social worlds by categorising²⁹ and from conditioning information we receive from media, education, other people and institutions. Unconscious bias is much more common than conscious prejudice and often incompatible with one's conscious values.³⁰



Examples of bias experienced by NSW public sector employee focus group participants:

- Having customers refuse to talk to me because of my accent, wanting to raise a complaint, and saying I'm a scammer.
- Hearing a colleague list people who are underperformers and naming people of colour, and then when asked who the good ones are, they name everyone else from a European/Australian background.
- Feeling like we have to work harder to get credibility and trust.
- Being made to feel like I don't fit and my cultural values don't align, and being overlooked for leadership roles.
- Being made to feel that because I'm Aboriginal, people need to make sure I'm at work or in the office.
- Knowing that people's unconscious bias and stereotypes can impact my career.



Case study - Bias

An example of conscious racism might be where an employee refuses to have lunch with a colleague who is a person of colour because of a distain or dislike for people of colour.

An example of unconscious racism might be an employee who tends to sit away from people of colour because they feel intimidated or unsure but has not noticed this tendency.

Unconscious behaviours are pervasive and become normalised in racist cultures. They are also harmful because they can be harder to challenge and reflect on. In fact, when people deny these unconscious biases and behaviours, they are likely to continue racist behaviour and uphold racist systems.



Activity

Reflect on a time when you may have witnessed or experienced unconscious bias in your own behaviour or in the behaviour of others.

Consider how unconscious biases may have influenced your decisions or actions in the past.

Think about situations where you may have felt uncomfortable or unsure around individuals from racially and culturally diverse groups and reflect on the underlying reasons for those feelings.

Evaluate your own openness to feedback on unconscious biases and assumptions. Have you been receptive to feedback in the past, or have you been defensive or dismissive?

One of the best ways we can challenge our own unconscious behaviours is by ensuring the perspectives of marginalised people, who may notice these unconscious behaviours, are present in decision making, and remaining open to feedback on our unconscious assumptions and behaviours.

How do you seek the perspectives of marginalised peoples?

Systemic racism (or Institutional racism)

Systemic racism is when the laws, policies and practices of a particular society, organisation or institution work together to produce a discriminatory outcome for certain groups of people.³¹

Understanding racism in Australia requires acknowledging our colonial past and immigration policies that favoured white people. Colonisation introduced identifiers like “white” and policies such as the White Australia Policy, which favoured white immigrants. In NSW, laws like the *Aboriginal Protection Act 1909* and institutions like the Aborigines Protection Board perpetuated discrimination against Aboriginal people. Despite legislative changes, the legacy of racism persists, impacting Aboriginal people and culturally diverse communities today.

Even if racist laws, policies and practices are no longer in place, their legacy can continue to reinforce inequalities. This means systemic racism can continue, even without the former laws, policies and practices.³²

Some examples of systemic racism in a workplace include:

- **leadership culture and practices:** promoting activities that alienate culturally and racially diverse employees and lead to exclusion
- **language and communication:** using unfamiliar or exclusive language in meetings and hindering participation for culturally and racially diverse speakers
- **representation in conferences and events:** lack of diversity among speakers reinforces exclusion and limits diverse perspectives
- **recruitment and hiring practices:** barriers for qualified candidates that are culturally and racially diverse highlight biases and unequal opportunities
- **policies and procedures:** laws, regulations or practices that disproportionately harm certain racial or ethnic groups
- **underrepresentation in leadership roles:** limited access to leadership positions reinforces power imbalances and excludes culturally and racially diverse groups
- **career progression:** certain roles and opportunities are disproportionately filled or provided to specific racial or ethnic groups, perpetuating disparities in advancement.



Activity

Reflect on your own experiences and observations relating to systemic racism in the workplace. Have you witnessed any of the examples of systemic racism mentioned in your workplace? How have these instances impacted you or your colleagues? What personal biases or blind spots might you need to address to contribute to a more equitable workplace?

Racism is about impact, not (only) intent

Racism is not just about deliberate actions driven by hate or superiority. It can also occur unintentionally, without awareness. Even well-meaning individuals or organisations can perpetuate racism. What matters most is the impact – whether it diminishes or harms others. While it can be hard to hear this, the situation can be greatly helped by acknowledging the negative impact and changing the policy, practice, or behaviour.

Remember, racism can be intentional or unintentional, but the impact is always real.



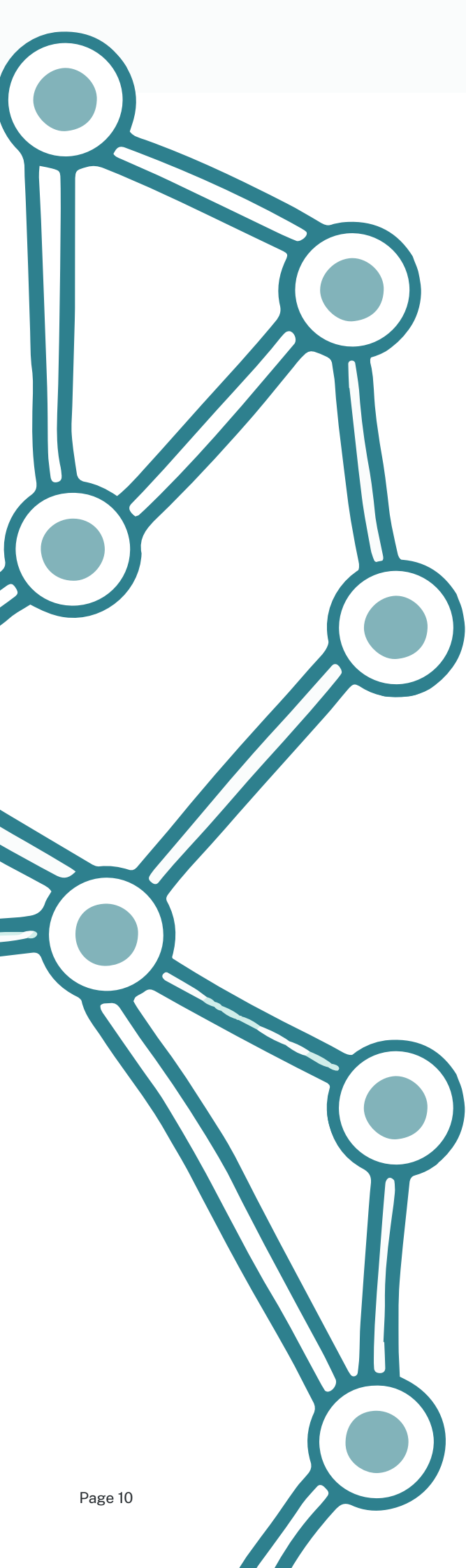
Activity

Look at the list below and mentally check which ones you believe are acts of racism:

- Asking a person of colour “Where are you really from?”
- Not offering an interpreter when English is a second language.
- Prioritising Western knowledge over lived experiences and cultural expertise.
- Leaving people from culturally and racially diverse backgrounds out of important conversations and decision-making.
- Refusing to hire qualified people for senior positions based on their cultural background.
- Making comments masked as intended “jokes”.

Myth busting

Did you know all of the above are acts of racism? As you know, racism takes many forms and in our day to day lives, we maybe be unintentionally engaging in racist behaviour without any ill intent.



What are the impacts of workplace racism and why do we need to be concerned?

Workplace racism and microaggressions are more than just hurtful words or uncomfortable interactions. They have significant repercussions for individuals, teams, agencies and the public sector as a whole.

Workplace racism has far-reaching impacts, including:

- **negative workplace culture:** workplace racism impedes career advancement for marginalised groups, damages organisational reputation, reduces productivity, and hinders diversity efforts
- **racism causes psychological and physical harm,** violating work health and safety regulations and posing psychosocial hazards
- **health risks:** racism to global health disparities, leading to chronic stress and adverse health outcomes, especially among culturally and racially diverse groups. The Mayi Kuwayu national study of Aboriginal and Torres Strait Islander Wellbeing found that everyday discrimination could be contributing to up to half of the burden of psychological distress among Indigenous Australians.³³
- **compromised service delivery:** racism creates a hostile environment, hindering effective customer service and posing barriers for marginalised groups in accessing services. Insights from the CAPO Closing the Gap Community Engagement report³⁴ highlight the barriers Aboriginal people face due to racism when accessing services
- **reputational risks:** allowing racism to persist can damage the reputation of organisations and the NSW public sector among employees, customers and the public
- **legal consequences:** organisations failing to address racism may face legal action and fines, as racial discrimination is against NSW and Commonwealth laws
- **financial costs:** racism leads to employee turnover, increasing recruitment and training costs, and may result in fines and compensation payouts
- **decreased productivity:** racism and microaggressions in the workplace can lead to employee disengagement and decreased productivity.

Understanding anti-racism

Anti-racism is a proactive approach that seeks to eliminate racism in all its forms. It involves actively working to challenge and address discriminatory practices, policies and systems that perpetuate racial inequalities.

Anti-racism recognises that racism goes beyond individual acts of prejudice and encompasses structural and systemic factors that disadvantage racial minorities. The primary goal of anti-racism is to promote racial equity and justice by addressing and eradicating racial discrimination and bias at all levels of society.

“You don’t need to be free of racism to be an anti-racist. Anti-racism is the commitment to fight racism wherever you find it, including in yourself. And it’s the only way forward.” Ijeoma Oluo³⁵

What’s the difference between non-racist and anti-racist?

Being non-racist is defined as a **statement and stance of neutrality**³⁶. Being **anti-racist** is a positive term that describes people who are **actively** [working] to understand, explain, and solve racial inequity and injustice.

Anti-racism challenges us to look deeper at the attitudes we hold. We all have bias, often unconscious, that impacts how we view and interact with others who might be different from us. The systems we work in can reinforce these views and create an unequal playing field. Being an anti-racist public sector means we look hard at the rules of the game and how they are applied to make sure we give people an equitable chance.³⁷

Examples of non-racist and anti-racist

Non-racist	Anti-racist
Ignoring or remaining silent when witnessing racial biases, microaggressions or discriminatory behaviour in the workplace e.g., not speaking up when hearing racial slurs or jokes or witnessing discriminatory treatment.	Intervening, challenging and advocating for change to dismantle racial biases and discriminatory behaviour e.g., participating in diversity training, advocating for policies that promote equality, speaking out against racist behaviour or practices, supporting affected colleagues and reporting incidents.
Being indifferent to racial disparities or injustices e.g., not engaging in discussions or initiatives aimed at addressing racial inequalities because they do not directly affect you.	Taking proactive steps to address racial disparities and injustices, both within and outside of the workplace e.g., participating in diversity events, supporting racial justice, and educating oneself and others about racism and its impacts.

“In a racist society, it is not enough to be non-racist, we must be anti-racist.” Angela Y. Davis³⁸

How can the NSW public sector be anti-racist?

There are many ways the NSW public sector can be anti-racist. This guide will walk you through some of the interventions that can be put in place to make the workplace safe for everyone.

Through understanding, compassion and collective action to break down the barriers of racism we can foster a society where everyone can thrive.

Individual action to prevent racism and discrimination

There is no place for racist behaviour, abuse, bullying or harassment in NSW public sector workplaces. We have a shared responsibility to ensure all staff feel supported and respected.

This journey begins with individual action, and this guide equips you with the tools and knowledge to make a meaningful difference.

Read [section 1](#) of this guide to gain an in-depth understanding of racism and to read real-life examples of racism experienced in the NSW public sector.

It is not always easy to intervene or respond to racism safely, and there is no one size fits all approach. This section of the guide will get you started on your learning journey.

This section will provide you with the necessary knowledge to:

- reflect on your own level of knowledge of racism and bias
- reflect on the stage you are at on your anti-racism journey
- understand privilege and how to use it to be a good ally
- have meaningful conversations
- know what to do if you experience or witness racism
- respond when you say or do something racist.

Becoming anti-racist

Reflect on your level of knowledge of racism and bias

The first section of this guide explained the different [forms of racism](#) and you should be equipped to identify these behaviours and experiences in your workplace. However, being anti-racist goes one step further and involves understanding your own biases.



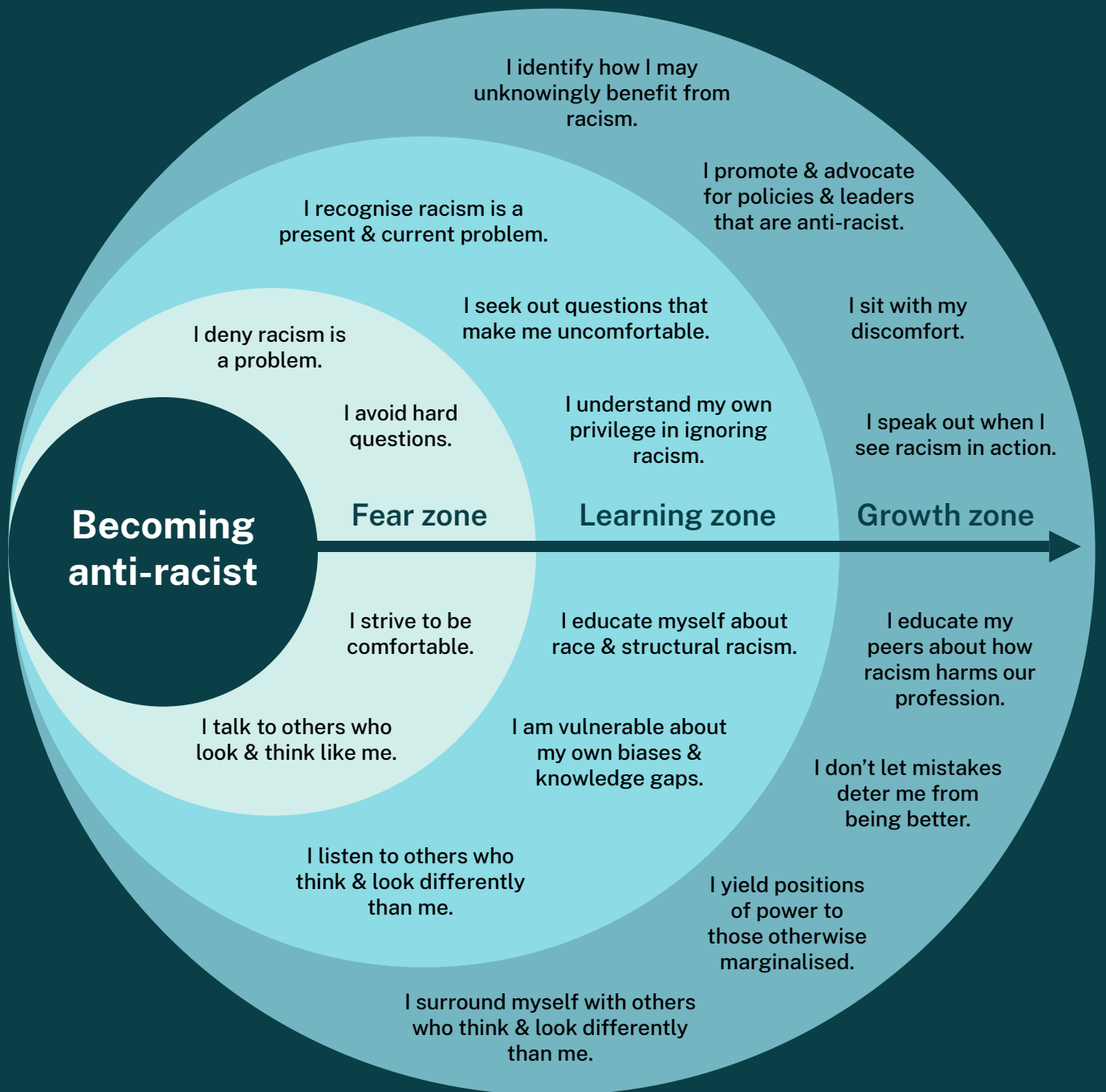
Activity

Consider and reflect on the following infographic which shows the stages of becoming anti-racist.

- What zone do you think you currently sit in?
- What privilege do you benefit from?
- How comfortable are you speaking out or intervening in racism?
- Do you educate yourself about race and structural racism?

Use the questions above and infographic to reflect on the stage you are at on your anti-racism journey. You can come back to this activity at any time.





Source: <https://internalmedicine.wustl.edu/becoming-anti-racist/>

Educate yourself and understand your privilege

The Australian Human Rights Commission defines privilege as “an advantage or protection that is only (or only notably) available to some people, or groups of people.”

Acknowledging privilege is about recognising that the systems and institutions of our society are designed from the perspectives of people from certain groups, and not others. Privilege can stem from various aspects of identity, including race, sex, ability, socioeconomic status, and others.³⁹

An important part of being anti-racist is having a thorough understanding of the ways in which racism works in society and developing the tools to dismantle it.⁴⁰

It is important that we recognise what privilege/s we have, so we can use that privilege to be strong allies for people who are marginalised. Allies can leverage their advantages to help dismantle barriers and advocate for others.

For example, a person with privilege can use their platform to speak out against racism and work to challenge racist systems. In the same way people with able-bodied, gender, age or geographical privilege can harness their privilege to elevate the voices of others.



Activity

How can you leverage your privileges and understanding of racism to actively contribute to dismantling racist systems and advocating for marginalised communities?



Being an ally



An ally is someone who actively recognises and addresses racial inequality and commits to taking action against it.

Being an ally is not about charity or generosity – it is about being aware of inequality, calling it out, and standing shoulder to shoulder with those who are working for equity and justice.⁴¹

Allyship is an action, not a label. It involves proactive learning, unlearning and accountability. In the workplace, being an ally is an integral part of promoting equality, diversity, and inclusion. It is not just about believing in equality or empathising with marginalised groups, it is about willingness to act and to work within your sphere of influence to push for change.

Examples of allyship:

- If you hear of a job opportunity that you know an Aboriginal or CALD colleague would be a great fit for, mention their name and share the job opportunity with them.
- Amplify the voices of underrepresented colleagues by acknowledging and crediting their ideas in meetings and discussions.
- Ensure diverse representation in decision-making processes and committees.

Have meaningful conversations



Talking about racism can be difficult, uncomfortable and even scary. However, engaging in conversations that respectfully challenge perceptions and support marginalised voices can ultimately create change.

Having a conversation with someone with different views is a key action allies can take to prevent and respond to racism.⁴² Aboriginal and Torres Strait Islander and CALD employees should not be expected to educate everyone about the negative impacts of racism and why racism is unacceptable.⁴³ We know from the PMES results that many Aboriginal and Torres Strait Islander and CALD employees are already dealing with racism and its impacts. It would be unfair to place the burden of having to educate the sector entirely on their shoulders.

When having a respectful conversation about racism, it is important to have empathy and to be relatable, clear and open.

The following table contains the characteristics to adopt when having powerful conversations including being empathetic, relatable, assertive, and humble, why it's important to keep in mind and examples.

Characteristics	Why is this important	Example
Be empathetic	Understanding intentions and being empathetic can be helpful in meeting people where they are and helping them to understand what harm they may have caused. This does not mean that their intention outweighs the impact of their behaviour, but intention is useful for understanding the context for their actions and what they can do differently in future. Empathy for someone's intentions can also support them to be less defensive.	If someone is complaining about refugees, do not just bombard them with statistics about global refugee numbers and quotas. Instead, you could share some positive impacts of migration. You could ask them what they would do if they were in a dangerous or hopeless situation, what they would do to keep their family safe, and where they would go if they were in that situation.
Be relatable	For some people, conversations about racism may be unfamiliar. Explaining how racism is like something they can relate more to (either by lived experience or just something they know more about) can help them understand better.	Talking about why touching a black person's hair might make them feel uncomfortable could be more easily understood by someone who has experienced having their pregnant belly touched by co-workers or strangers and having their personal space and consent violated.
Be clear	Communicate directly, honestly and respectfully. We sometimes like to talk around difficult issues. Talking about the root of the issue is important. Do not avoid the issue and its impact.	You could say: "I think that comment makes some assumptions based on their cultural background. Let's try to challenge ourselves to unlearn some of these racist ideas. We can do it together." Instead of: "I wouldn't say that next time, as some people are a bit sensitive."
Be open	Being humble and speaking from a place that recognises you are also learning can lower people's defences. Referencing your own experience of learning a similar lesson or making a similar mistake can make people more receptive to learning.	You could say: "I used to say/do/ think that until I learnt..."

Know what to do if you experience or witness racism

Experiencing and witnessing racism can be hurtful and can bring up trauma and negative emotions. Every incident will be different, but these are some general tips to help you respond in the moment.

If you experience racism

Remove yourself from the situation

Sometimes, the safest thing to do is to remove yourself from the situation.⁴⁴ If you experience a racist incident and feel unsafe, you can:

- physically remove yourself by walking away and finding a safe place
- if the incident is over the phone, you could put the call on hold or end the call
- if the incident is online or via email, do not respond immediately and seek guidance from a trusted colleague or manager.

Remember, it is not your responsibility to speak out or educate others.⁴⁶

Seek help from bystanders

Look around you for bystanders, such as colleagues or a manager, and let them know you need help or ask them to intervene.

Challenge racist comments

If you feel safe and comfortable to do so, you may want to challenge racist comments or actions. While you have no responsibility to educate someone, challenging these comments can be a way for people to learn about the negative impact they're having.

- Example questions to challenge racist comments: "Why did you say that?" or "What makes you feel that way?"⁴⁷

Set clear boundaries

Another way to challenge racist comments or behaviours is to set clear boundaries around what you find unacceptable. Remember to only take this approach if you feel emotionally and physically safe to do so.

- Express disapproval by saying, "I don't agree with that."
- Identify the behaviour by clearly pointing out

what is happening by saying "That comment implies that people are lazy and it's offensive and untrue."

- Set limits with statements such as, "Don't make racist jokes in my presence."⁴⁸

There is no such thing as a perfect response to racism. Take the time to recover and employ strategies for taking care of yourself.⁴⁹ You may also consider taking the following actions after experiencing a racist incident.

Seek support

If you feel comfortable, speak to your manager, your colleagues, HR representative, or contact your agency's EAP to seek support and process the incident. You may also prefer to speak to family or friends about the incident. There are several [support services](#) listed in the resource section of this guide that may also be helpful.

Document the incident

Keep a record of what happened, as this documentation can be vital if you need to pursue a formal complaint. Documentation can include details of the incident, any actions taken, witnesses, and responses received.

Consider making a complaint

You may consider making an informal or formal complaint. If you feel comfortable, you can try to resolve the matter informally yourself. You can do this by making it clear to the person who has engaged in the harmful behaviour that their behaviour is unwelcome and asking them to stop. You can provide it to the individual in a format suitable to you (verbal or written).

If you do not feel comfortable trying to resolve the matter informally, or if informal efforts fail, or if the situation is severe, follow your agency's formal complaint procedures. Documenting the incident, including dates, times, witnesses, and actions taken, is important.

Use complaints processes

To support and encourage employees to come forward, a range of informal and formal reporting pathways should be provided. This includes providing options for advice, self-management, informal resolution or management, formal internal complaints, and formal external complaints.

If you are unfamiliar with your agency's complaints process, you should contact your agency's HR team.

If you witness racism

Intervening or speaking up sends the message that racism is unacceptable and is positive in combating racism in our workplaces. It can send a message of support for the targeted person and may also make the person responsible re-think their behaviour.⁵⁰

We acknowledge it can be daunting to speak up, but if you do not speak up, who will? There is no right or perfect response to racism. However, studies show that having any response (either in the moment or later) can reduce the trauma associated with racism.⁵¹

Prioritise safety

When deciding to intervene, assess the situation and always prioritise your own safety and the safety of those being targeted.⁵² It may not always feel safe to directly confront the person responsible. Consider what actions you can take based on each situation. Remember, you should only act if you feel it is safe and doing so will not put the person being targeted at risk.⁵³

Distract

Take an indirect approach to de-escalate the situation by ignoring the person who is harassing and engage directly with the person who is being targeted. Do not talk about or refer to the harassment that is happening. Instead, talk about something completely unrelated⁵⁴ e.g., asking them if they want to go for a break or what they did on the weekend.

Seek assistance

Speak to someone near you who also notices what is happening and might be able to intervene or assist you with intervening. You can also find someone in a position of authority, like a supervisor or manager, and ask them for help.⁵⁵

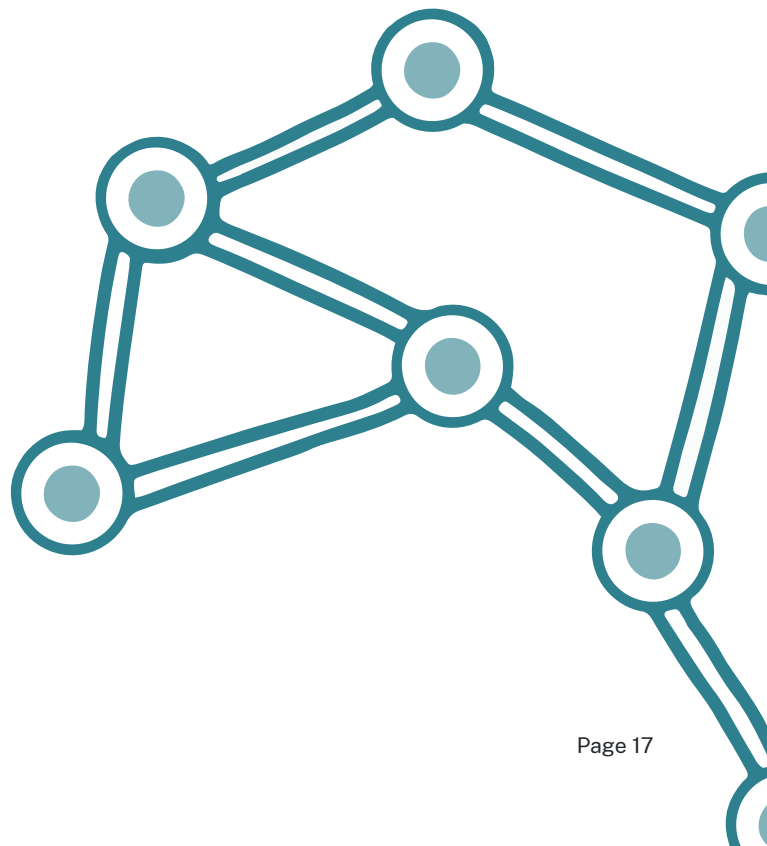
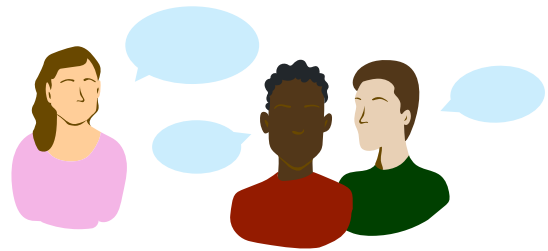
Directly intervene

After assessing the situation, including everyone's safety, speaking up about racism and being direct can help. You might choose a direct response if you can answer yes to all these questions:

- Are you physically safe?
- Is the person being harassed physically safe?
- Does it seem unlikely that the situation will escalate?
- Can you tell if the person being harassed wants someone to speak up?

Stay calm and assertive, as this can be more effective than emotional responses. Consider taking a deep breath or saying something like, "Hmm, let's pause for a second" to buy time. You may also consider ways that you can empower the person who is experiencing racism. For example, you can:

- hand the conversation back to them and ensure their voice is heard
- ask what they need to feel safe again.



The following table provides some practical phrases and ideas that you can use to help you respond appropriately when responding to racism.

Be prepared	<p>Have a few key questions to ask if someone makes a racist comment, such as:</p> <ul style="list-style-type: none"> • “Why do you say that?” • “What makes you think that?” • “Why do you think that’s relevant?”
Focus on the issue not the person	<p>Try not to personalise or get defensive. Instead, stay calm and stick to discussing the issue. Imagine there is no malice and someone you really respected made the comment. How would you respond?</p>
Paraphrase and seek clarification	<ul style="list-style-type: none"> • “So (paraphrased words) is what you’re saying?” • “Does this mean...?”
Challenge the stereotype and offer an alternative perspective	<ul style="list-style-type: none"> • “Actually, in my experience...” • “Another way to look at it is...”
Appeal to values and principles	<p>“I know you’re a fair-minded person. I’m just trying to understand where you’re coming from when you say something like that.”</p>
Share your learning or process	<p>“I noticed that you (comment/behaviour). I used to do/say that too, but then I learnt...”</p>
Promote empathy	<p>“How would you feel if someone said that about your sister/family member/ close friend?”</p>
Set limits and draw boundaries	<p>Choose your battles. Ultimately you cannot control another person’s behaviour, however, you can set personal boundaries using phrases like:</p> <ul style="list-style-type: none"> • “Please don’t tell racist jokes in my presence.” • “Please don’t use that language around me.” • “I find it offensive when you...” • “If you continue to I’ll leave/make a report...”
Seek support	<p>If you are not sure how to respond to a situation, you can seek advice from respected colleagues, peers, and support services like HR teams or the EAP.</p> <p>Talk it through and evaluate your options, taking into account any privacy considerations.</p>

Following a racist incident

You may also consider taking the following actions after witnessing a racist incident.

Check in

After the incident is over, check in with the person being targeted. You can help reduce the trauma by speaking to them after an incident even if you can't act in the moment. For example, you can say:

- Can I sit with you?
- Did you want to go for a walk or grab a coffee?
- What do you need?⁵⁸

Take time to reflect

After witnessing a racist incident, you may find it helpful to reflect on what happened. You could ask yourself:

- How did it turn out for all concerned?
- If I had to do it all over again, what would I do differently?
- Am I ok? Who do I feel comfortable debriefing with (e.g., friend, manager, EAP)?

You may also wish to think about the situation and consider the structures and practices that contributed to this racism or discrimination occurring. Ask yourself:

- What processes need to be changed?
- Whose voices do we include?
- Do expectations or workloads need adjustment?
- Is more training needed in this area?

Document

It can be helpful for the targeted person to have a record of the incident.⁵⁹ You may wish to keep notes of the incident including location, day and time, names of who was involved if you know or descriptions, any other witnesses, and details of what occurred and exactly what was said.

What to do if you say or do something racist

Challenging racism is not just about challenging other people on their behaviour. It also means acknowledging when you have contributed to racism and taking on feedback to learn and change your behaviour. Being receptive to being challenged creates an environment where people can challenge racism.

It is important to take full responsibility for your actions or words. Apologise for the cause (your action or words), not the effect. For example, saying

“I’m sorry I did (action)” instead of saying “I’m sorry you felt offended.” You can also commit to improving and investing the time to learn why your actions or words are a problem and learn to do things differently in the future.

Tips for responding when you say or do something racist

- If someone else has called you on it, listen and make sure they feel heard
- Reflect and seek to understand what you have said or done. Think about where it came from and what bias may have shown up
- Do not force the person into drawn out conversations or try and persuade them about your intent
- Acknowledge the incident
- Sincerely apologise – remember impact and intent
- Understand that this may be a potential breach of the code of conduct, so action may be taken.

Principles to remember

Do

- ✓ **Make the other person feel heard and follow their lead in the conversation**
- ✓ **Offer a genuine apology that acknowledges the impact and harm your comment caused**
- ✓ **Keep striving to be better. Take time to educate yourself. It requires grace, humility, and commitment.**

Don't

- ✗ Give too much weight to your character. You can still be a good, well-intentioned person who said something offensive
- ✗ Make the conversation about you. Instead, express gratitude for your colleague's trust and belief that you're capable of evolving
- ✗ Overdo your apology by laying on your privileged guilt. Your apology should be sincere.⁶⁰

Further learning on microaggressions: Harvard Business Review – [You've been called out for a microaggression. What Do You Do?](#)

Manager action to prevent racism and discrimination

Managers have a responsibility to prevent racism and discrimination, and to deal seriously and sensitively with any reports or complaints.

Building a foundation for prevention

Managers have a key role in preventing racism. Some practical things they can do include:

- having regular discussions about racism and setting expectations of workplace conduct
- leading by example and making sure their teams understand safe and respectful workplace behaviour
- ensuring their teams are aware of the process for reporting racism
- encouraging employees to report racism
- taking racism disclosures seriously and ensuring transparent and timely resolution processes
- having open discussions about the workplace environment
- being accountable and be open to learning.

Facilitating conversations about racism in the workplace

Discussions are a simple, powerful way to challenge people's biases and change their outlook on racism and discrimination.⁶¹ Organisations tend not to discuss race until there has been an incident. However, taking a more proactive approach helps to foster an inclusive culture and demonstrates a commitment to tackling racism when it occurs and preventing it in the future.⁶² Facilitating discussions around race can improve productivity, staff morale, and retention.⁶³

As a manager, you may wish to facilitate a discussion on race and racism:

- to proactively combat racism
- to set behavioural and ethical standards for the team or organisation
- after a racist incident has occurred in the team or organisation
- when a new policy, procedure or guideline has come into effect
- if race or racism is in the news (e.g., a racist attack) and is impacting employees.

Before holding a discussion, reflect on your own privileges and biases.⁶⁴ You can do this by doing some of the activities mentioned earlier in this section.

Below are some of the things you may need to consider when facilitating a discussion about race and racism.

Have clear goals

Establish clear goals for discussions. Consider the outcomes you and your team may want to achieve and what a constructive discussion looks like. For example, an outcome could be learning from each other's experiences, reflecting on biases, or identifying actions to prevent racism.

Creating a respectful space

Foster a safe environment where diverse perspectives can be shared openly. This could include setting rules around respectful behaviours and confidential information. You can also acknowledge the potential discomfort everyone may feel, including yourself, and emphasise the learning opportunities.⁶⁵



Use active listening

Make a conscious effort to actively listen to whoever is speaking. Active listening consists of non-verbal cues, such as nodding and other body-language cues, and verbal cues, such as reflecting on the speaker's words or paraphrasing their comments back to them.⁶⁶ It is also important you avoid judgement and let the speaker finish before commenting.

Be willing to make mistakes

Being accountable and open to learning. Be kind to yourself and others through this learning journey. We will all slip up, but it is how we respond to those mistakes that is far more important.⁶⁷

Meaningfully engage people

If you are inviting an Aboriginal or Torres Strait Islander person or CALD person to join, ensure they are given the opportunity to participate in a meaningful way.

Be comfortable with being uncomfortable

To discuss issues surrounding racism, you need to become comfortable with being uncomfortable. This involves dealing with your own fears and working through your beliefs carefully. You play an important part in creating a secure environment where everyone feels comfortable to share their story.⁶⁸

Follow up

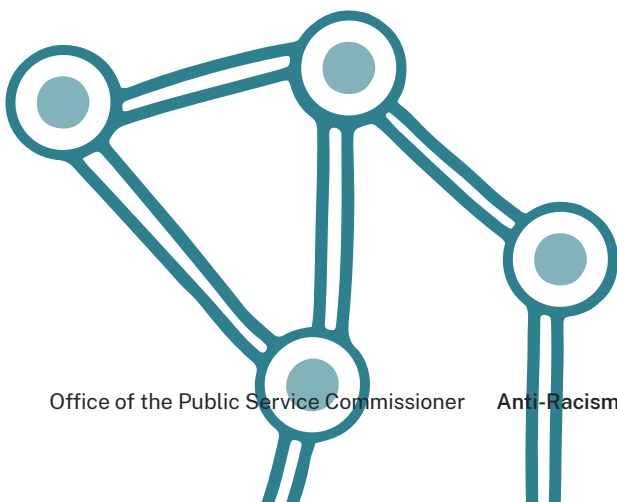
Consider what support you and people in your team may need and discuss it with them in your team meetings and individual catch-ups.

Responding to reports of racism

Managers are often the first people to receive reports of racism. Your initial response can also set the tone for how the report will be managed and enhance the reporter's confidence in the process for responding to disclosures.

There are some things to keep in mind when employees report racism:

- **acknowledgement and care:** Listen attentively and with empathy to the reported experience. Do not attempt to justify or minimise the impact of the experience. Thank the individual for raising the concern and emphasise the agency's commitment to addressing racism
- **confidentiality and reporting options:** Explain the available reporting pathways, confidentiality considerations, and potential resolution options. Clearly outline any limitations to confidentiality and your responsibilities to report or escalate the complaint
- **support and wellbeing:** Offer practical support through EAP services, specialist racism support resources, or time off, prioritising the safety and well-being of the person who was targeted throughout the process
- **understanding the harm caused:** Try to support the person or people involved in causing the harm to gain an understanding of what was harmful and why. You can use some of the conversation tools above for this. This relies on those who have caused harm being receptive and open to changing their behaviour. If they are not willing to do this, it might not be possible to keep them in an environment where they may continue to cause harm to others
- **make a confidential record of the complaint:** Employers must ensure the report is considered in line with procedural fairness requirements and applicable policies and procedures
- **follow up on and action any commitments:** Employers must ensure they follow up on any actions and report back to the employee. Prioritise the health and well-being of the employee throughout the process by making sure they are safe to travel home following the report, and regularly check in with them to make sure they are ok.



Legal obligations to prevent workplace racism

Obligations on employers

Employers have legal responsibilities to take all reasonable steps to prevent racism in the workplace.

Taking reasonable steps to prevent racial discrimination and unlawful racism

Under Commonwealth and NSW discrimination legislation, employers can be held liable for an act of unlawful racial discrimination or other unlawful racist act by their employees, unless they did not authorise the act (expressly or impliedly), or the employer took all reasonable steps to prevent the employee from doing the act.⁶⁹

Taking all reasonable steps will vary from agency to agency depending on a range of factors concerning the organisation, its workplace, its culture, and the type of work undertaken.⁷⁰ Reasonable steps may include putting in place policies and procedures to create a discrimination-free environment and to deal with allegations of discrimination and harassment by employees or customers, and training staff in these policies and procedures.⁷¹

Failing to take reasonable steps to prevent unlawful racial discrimination and other unlawful racist acts can have serious consequences for all levels of the organisation (including individuals, teams, work groups, the agency), for perpetrators, as well as customers or clients and the broader community.

The Australian Human Rights Commission provides useful guidance on how employers can meet their legal obligations under anti-discrimination legislation – <https://humanrights.gov.au/education/employers>

Anti-Discrimination NSW provides information on rights and responsibilities as an employer on how anti-discrimination law applies to you – antidiscrimination.nsw.gov.au/anti-discrimination-nsw/organisations-and-community-groups/your-rights-and-responsibilities-as-an-employer

Obligations on employees

Employers should ensure that all employees are made aware that racist behaviour in the workplace (unlawful racial discrimination, racial vilification, bullying and harassment on the ground of race) is unlawful, and that legal action can be taken under anti-discrimination and/or WHS legislation against those who engage in this conduct.

All employees should also be made aware of applicable code of conduct requirements. NSW government sector employees are required by law to comply with the [Code of Ethics and Conduct](#) for NSW government employees (the Code).⁷² Employees must act lawfully and comply with other relevant legislation applicable to their work, and with any supplementary codes and policies issued by their employing agency.

Employees are required to behave in ways that are ethical, lawful, and build trust in the sector. This means actions that demonstrate our core public sector values of **Integrity, Trust, Service** and **Accountability**. Considering people equally without prejudice or favour and upholding the law are guiding principles for implementation of the *Government Sector Employment Act's* [Ethical Framework](#) for the government sector.

These obligations set high standards of behaviour for individual public servants, with the ultimate purpose of maintaining public confidence in the integrity of the NSW government sector.

It is helpful to consider legal responsibilities and Code obligations in terms of relationships and behaviours:

- relationship with the public
- workplace relationships
- personal behaviour.

Obligations under WHS legislation

Work Health and Safety Act 2011 (NSW) (WHS Act)

Persons carrying on a business undertaking (PCBU) (such as a NSW government agency) have a primary duty of care under the WHS Act to ensure, so far as reasonably practicable, the health and safety of workers while at work, and to ensure others are not put at risk from work carried out as part of the conduct of that business or undertaking.⁷³ This requires that they eliminate or minimise risks to health and safety, so far as is reasonably practicable.⁷⁴ What is reasonably practicable depends on weighing up all relevant matters.⁷⁵

Officers of a PCBU (such as agency executives and senior leaders) must exercise due diligence to ensure the PCBU complies with its duties under the WHS Act.⁷⁶

Workers must take reasonable care for their own health and safety, take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and must comply with any reasonable instruction given by a PCBU to comply with the WHS Act.⁷⁷

Work Health and Safety Regulations 2017 (NSW) (WHS Regulation)

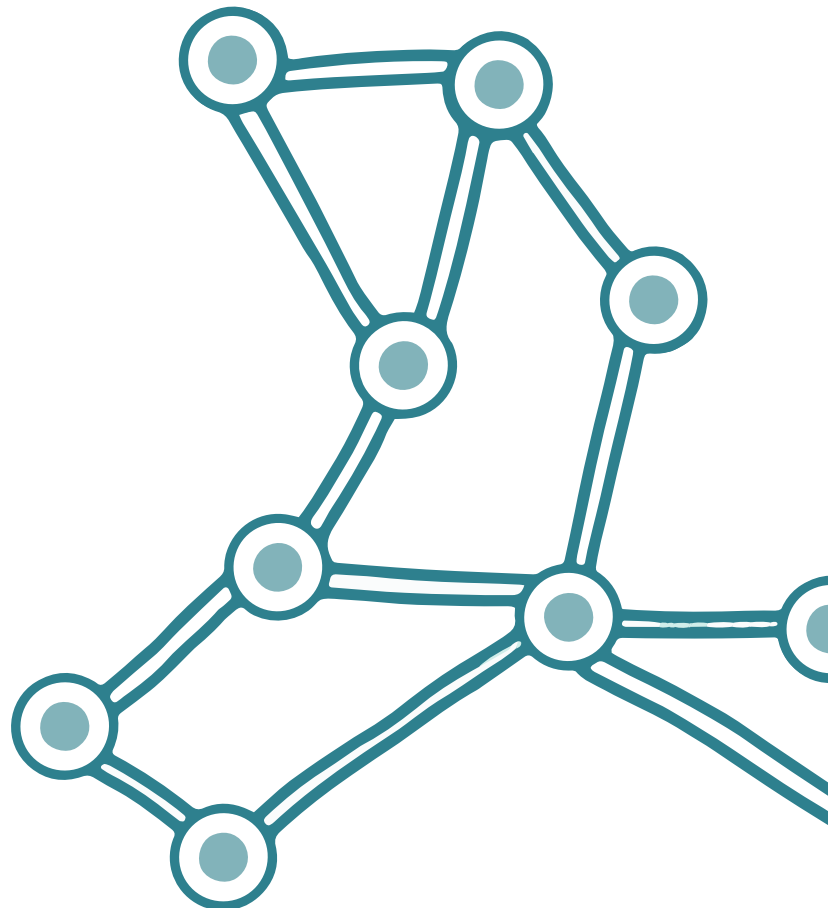
The WHS Regulations set out detailed requirements to support the duties in the WHS Act. The WHS Regulations include requirements concerning psychosocial hazards, including hazards that arise from or relate to the design or management of work, a work environment, or workplace interactions or behaviours, that may cause psychological harm.

Under the WHS Regulations, a PCBU must manage psychosocial risks (risks arising from a psychosocial hazard) in accordance with specific requirements.⁷⁸ To manage psychosocial risks, a duty holder must:

- identify reasonably foreseeable hazards that could give rise to psychosocial risks
- eliminate risks, so far as is reasonably practicable
- if it is not reasonably practicable to eliminate the risks – minimise the risks so far as is reasonably practicable⁷⁹
- maintain implemented control measures so they remain effective, and
- review, and if necessary revise, control measures so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health and safety.

SafeWork NSW provides information for employers who are primarily responsible for duty of care and legal obligations under work health and safety laws – <https://www.safework.nsw.gov.au/legal-obligations/employer-business-obligations>.

SafeWork NSW has also issued a Code of Practice for managing psychosocial hazards at work.⁸⁰



Support services

This guide may be distressing or raise issues of concern for some people. Information on support services and other resources are provided below. Please reach out to your support network and/or contact the following support services if needed.

Aboriginal Lifeline 13YARN

13 92 76

(available 24 hours, 7days)

Crisis support line run by and for Aboriginal and Torres Strait Islander people.

Beyond Blue

1300 22 4636

(available 24 hours, 7days)

Social and emotional wellbeing support resources for Aboriginal and Torres Strait Islander people.

Gayaa Dhuwi (Proud Spirit) Australia

02 6189 0621

National Aboriginal and Torres Strait Islander wellbeing and mental health care support services.

Lifeline

13 11 14

(available 24 hours, 7days)

National charity supporting people experiencing emotional distress with access to 24 hours crisis support.

NSW Mental Health Line

1800 011 511

(available 24 hours, 7days)

Links people with NSW Health mental health services.

Manager Assistance Program (MAP)

Contact your agency MAP provider

Confidential telephone advisory service for managers dealing with difficult or complex people related matters.

Workplace Employee Assistance Program (EAP)

Contact your agency EAP provider

Short-term confidential counselling and advice service for staff and their immediate families.

Anti-Discrimination NSW

1800 670 812

(9am –4pm, Monday to Friday)

Answers questions and provides general advice if you think you have been discriminated against and can help the parties resolve a complaint.

Australian Human Rights Commission

1300 656 419

(10am –4pm, Monday to Friday)

Investigates and conciliates complaints about discrimination and breaches of human rights.

Resources

Australian Human Rights Commission

- [Let's talk race: A guide on how to conduct conversations about racism \(2019\)](#)

Amnesty International Australia

- [Six ways to call out racism and bigotry when you see it](#)

Australian Human Rights Commission

- [Bystander action](#)

Office of the Public Service Commissioner

- [Belonging and Inclusion Strategy](#)
- [Behaving Ethically – A guide for NSW government sector employee](#)
- [NSW Code of Ethics and Conduct](#)

Australian Human Rights Commission

- [What is Racism?](#)

Diversity Arts Australia and The British Council

- [Creative Equity Toolkit](#)

Diversity Council Australia

- [Racism At Work](#)
- [The Case for Action](#)

Glossary

Ally:

Someone who uses their privilege to support a group that lacks that privilege and that they are not part of.⁸¹ For example, in a racialised context, a white person who actively works to eliminate racism. It is important to note, allies are not saviours⁸². They use their privilege to address the needs and amplify the voices of marginalised communities.⁸³

Allyship:

Allyship refers to an ongoing practice of transferring the benefits of your privilege to those who lack it. It involves proactive learning, unlearning and accountability. It is most impactful when enacted with genuine and meaningful relationships with the community.

Anti-racism:

A proactive approach that seeks to eliminate racism in all its forms. It involves actively working to challenge and dismantle discriminatory practices, policies, and systems that perpetuate racial inequalities. Being anti-racist is a positive term that describes people who are actively working to understand, explain, and solve racial inequality and injustice.

Bias:

A favourable or unfavourable attitude formed by impressions based on someone's characteristics, including skin colour, surname or ancestry. Bias can be conscious (or explicit) or unconscious (implicit) and can lead to unfair outcomes for some.⁸⁴ Bias does not necessarily amount to racism. However, it can when coupled with the power to discriminate against or limit the rights of others.⁸⁵

Bullying:

Bullying is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless.⁸⁶

CALD: A note on the term:

For our consultations, we used the term "CALD". For consistency with these consultations, the term "CALD" is used in this guide. However, we note that cultural diversity is not a monolith, and we centre lived experience in planning and building the guide. CALD refers to cultural, linguistic and ethno-religious diversity. The consultations were open to employees who self-identify as CALD. However, the term can be complicated, lack clarity and is sometimes used as a "catch all" for different experiences. We recognise the recent conversations on inclusive language, including research published on culturally and racially marginalised (CARM) women by Diversity Council Australia.⁸⁷

Code switching:

Refers to the practice of adjusting and adapting, consciously or unconsciously, your speech, appearance, behaviour or expressions to fit into the dominant culture⁸⁸ and make others more comfortable.⁸⁹ For example, trying to minimise your accent when speaking or changing your natural hair to comply with the dominant culture.⁹⁰

Discrimination:

To most people, discrimination means any type of unfair treatment.⁹¹ However, discrimination happens when you are treated less favourably than somebody else based on certain characteristics.⁹² "In NSW, unlawful discrimination is when you are treated less favourably than somebody else because of your:

- disability (includes diseases and illnesses)
- sex (includes pregnancy and breastfeeding)
- race
- age
- marital or domestic status
- sexual orientation
- gender identity or transgender status
- carer's responsibilities".⁹³

Discrimination is against the law in NSW if it happens:

- at work
- in education
- where goods and services are provided
- where accommodation is provided
- within registered clubs.

Carers discrimination is only against the law at work.

Ethnicity:

A social construct that divides people into smaller groups based on characteristics like group membership, values, language, and behavioural patterns.⁹⁴

Harassment:

Harmful behaviour that is based on a person's characteristics such as age, disability, race, or sex.⁹⁵ It is "behaviour that:

- you do not want
- offends, humiliates or intimidates you, or
- creates a hostile environment".⁹⁶

It can be any form of behaviour (depending on the circumstances) including putting material on public display, offensive jokes, or isolating a person or group.⁹⁷

In NSW, it is against the law to harass you because of your:

- sex
- pregnancy (including breastfeeding)
- race (including colour, nationality, descent, ethnic or ethno-religious background)
- age
- marital or domestic status
- homosexuality (actual or perceived)
- disability (actual or perceived, past, present, or future)
- transgender status (actual or perceived)
- carer's responsibilities (actual or presumed).⁹⁸

Interpersonal racism:

Racism that occurs in interactions between individuals or groups of people, often in everyday settings (sometimes called everyday racism).⁹⁹ This can be in the form of abuse, harassment, humiliation, or exclusion. It can also be expressed through off-hand jokes or comments.¹⁰⁰

Interpersonal racism does not always target a specific person and may not even be intended to cause any offence or harm. However, a lack of intent does not reduce the negative impacts of racism.¹⁰¹

Marginalised:

People or group of people who are treated as if they are insignificant or lesser than the dominant group in society.¹⁰² Social structures and the legal system often disempower and isolate these groups of people e.g., people experiencing homelessness.

Microaggression:

A form of racism that is so casual and normalised that it often goes unnoticed. It can be a comment, gesture, question, or even a compliment that perpetuates racist ideas and systems. Microaggressions can be intentional or unintentional. Though they are often subtle, it's important to note the impact they can have on a person when they accumulate.¹⁰³

Non-racist:

Being non-racist is defined as a statement and stance of neutrality¹⁰⁴. Being anti-racist is a positive term that describes people who are actively working to understand, explain, and solve racial inequity and injustice.¹⁰⁵

People with lived experience of racism:

Refers to Aboriginal and Torres Strait Islander people and CALD people who have direct, first-hand experiences of interpersonal and systemic racism and who have been negatively racialised.

Persons carrying on a business undertaking:

A person conducting a business or undertaking (PCBU) is a broad term used throughout work health and safety legislation to describe all forms of modern working arrangements, which we commonly refer to as businesses. A person who performs work for a PCBU is considered a worker.¹⁰⁶

Person of colour:

A person whose skin pigmentation is other than and especially darker than what is considered characteristic of people typically defined as white. A person who is of a race other than white or who is of mixed race.¹⁰⁷

Power:

In the context of racism, power refers to the ability of individuals or groups who hold social, economic, and political influence to perpetuate and enforce discriminatory practices based on race. This concept is often associated with institutional or systemic racism, where power structures and institutions contribute to the marginalisation and unequal treatment of certain racial groups.

Power dynamics in racism involve the unequal distribution of resources, opportunities, and decision-making authority, enabling those in positions of power to reinforce and perpetuate discriminatory attitudes and practices.

Prejudice:

An unfair feeling or opinion of a specific group of people formed without enough knowledge or facts.¹⁰⁸ In the context of racism, this can be a dislike for a person or group because of race, sex, religion, or other characteristics.¹⁰⁹

Privilege:

A societal advantage, often unearned, that is only available to certain people or groups.¹¹⁰ Someone can have privilege due to a range of characteristics, including skin colour, race, sex, ability, socioeconomic status and others.¹¹¹ This privilege may go unrecognised by those who hold it.¹¹² However, the absence of privilege can make life harder than it should be and can, in some instances, lead to oppression.¹¹³

Being part of a privileged group does not mean someone has not had a difficult life or that their success is undeserved. It means that the characteristic (skin colour, race, sex, ability etc) has not been the cause of your hardship or suffering and it hasn't impeded your success.¹¹⁴

Race:

The *Anti-Discrimination Act 1977* (NSW) defines race to include colour, nationality, descent and ethnic, ethno-religious or national origin. The *Commonwealth Racial Discrimination Act 1975* (RDA) does not define race, but instead refers to race discrimination as distinction, exclusion, restriction or preference based on race, colour descent, or national or ethnic origin.

A social construct that emerged in 16th–17th century Europe,¹¹⁵ race is the concept that humans can be categorised based on certain physical characteristics, like skin colour.¹¹⁶ It is used to support the idea that some groups of people are superior, and others are inferior.¹¹⁷ This idea is not rooted in any kind of biological difference.¹¹⁸

Geneticists find there is far more variation within categories of races than between them. This makes sense considering how broad categories of race are. For example, “Asian” encompasses hundreds of different cultures. Another example is “Black” as a racial category, which includes not only people of African descent, but also First Nations people in Australia and Melanesia. These are social categories, not biological relationships.¹¹⁹

The Australian Human Rights Commission says, “This does not mean race, as a concept, is no longer relevant. This is because of ideas of race (and ideas that are racist) were foundational to the development of many of today’s laws, cultures, and societies...”.¹²⁰

Racial discrimination:

When someone treats you differently because of your race, skin colour, or where you were born. For instance, not getting a job or not being allowed into shops or restaurants. Like racial prejudice, this is different to racism as a system, which is institutional.¹²¹

Racial Discrimination Act 1975 (RDA) is a Commonwealth law that makes it unlawful to discriminate against a person because of [their] race, colour, descent, national origin or ethnic origin".¹²² The RDA protects people from racial discrimination in many areas of public life, including employment, education, receiving access to or using services, renting or buying a house or unit or other accommodation, and accessing public places and facilities.¹²³

Racial prejudice:

A negative attitude towards members of a race (often what people are referring to when using the word "racism" in interpersonal interactions). This is different to racism as a system, which is not only interpersonal but institutional.¹²⁴

Racial vilification:

A public act that is likely to offend, insult, humiliate, or intimidate¹²⁵ the targeted people or group, and is carried out because of the race, colour, or national or ethnic origin¹²⁶ of the targeted people or group. For example, players, spectators, coaches or officials making racist comments at a sporting event.¹²⁷ Racial vilification is also known as racial hatred and is unlawful under the RDA.

Prejudice:

An unfair feeling or opinion of a specific group of people formed without enough knowledge or facts.¹⁰⁸ In the context of racism, this can be a dislike for a person or group because of race, sex, religion, or other characteristics.¹⁰⁹

Racism:

Prejudice, discrimination, harassment or hatred directed at someone because of their race, colour, national or ethnic origin.¹²⁸ Racism includes all the laws, policies, ideologies and barriers that prevent people from experiencing justice, dignity, and equity because of their racial identity.¹²⁹ Racism as a system is broader than racial prejudice and racial discrimination which deal more with individual interactions.¹³⁰

Systemic racism:

When the laws, policies, and practices of a particular society, organisation, or institution work together to produce a discriminatory outcome for certain groups of people.¹³¹ Even if racist laws, policies, and practices are no longer in place, their legacy can continue to reinforce inequalities. This means systemic racism can continue to happen even without the former laws, policies, and practices.¹³²

Traditional Custodians:

Aboriginal and Torres Strait Islander people are the traditional custodians of the land and have been living on the Australian continent for millennia. Aboriginal and Torres Strait Islander Australia is made up of many different and distinct groups, each with their own culture, customs, language, and laws.

Trauma-informed approach:

Acknowledges the impact of racism and works to centre the voice and experiences of the targets of racial discrimination.¹³³ A trauma-informed approach consists of five principles – safety, trustworthiness, choice, collaboration, and empowerment.¹³⁴

A trauma-informed approach recognises the impact, signs and responses to trauma, and actively seeks to resist re-traumatisation through organisational policies and environments.¹³⁵

Victimisation:

Being treated badly or unfairly because they have made a complaint about discrimination, sexual harassment or racial and religious vilification, it is believed they intend to make a complaint, or they've helped someone else to make a complaint. The legal definition of victimisation is when someone "subjects or threatens to subject the other person to any detriment."¹³⁶

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Anti-Racism Guide

A guide to fostering anti-racist workplaces in the NSW public sector

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