



**RECRUITMENT AND CONSULTING
SERVICES ASSOCIATION
AUSTRALIA & NEW ZEALAND**

Submission in response to
Australian Law Reform Commission - Age Barriers to Work Inquiry

Submission of
The Recruitment and Consulting Services Association (RCSA)

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Introduction to RCSA

The Recruitment and Consulting Services Association Australia & New Zealand (RCSA) is the leading industry and professional body for the recruitment and the human resources services sector in Australia and New Zealand. It represents over 4,400 Corporate and Individual members.

RCSA members provide permanent full time, permanent part time, casual and on-hire workers to a range of businesses across almost all industries throughout Australia and New Zealand. On-hire workers are often referred to as 'labour hire workers', 'agency workers', 'temporary employees' and a range of other titles. The term on-hire has been incorporated into Modern Awards and will be used for the purpose of clarity.

Members of RCSA provide advice, information, support and guidance in relation to recruitment and employment matters to employers and workers from small and medium sized businesses to multinationals.

The RCSA membership is focused on ensuring the most positive outcomes for business, workers and workplace relations across Australia. The RCSA sets the benchmark for industry standards through representation, education, research and business advisory support so Members may concentrate on their core business. All RCSA Member organisations and Accredited Professionals agree to abide by the ACCC authorised RCSA Code for Professional Conduct.

RCSA members work first hand with the Fair Work Act and Modern Awards on a day to day basis. Their knowledge, understanding, interpretation and support of the aims of the Act are evident in dealings that they have with their clients and employees on a day to day basis.

RCSA Code for Professional Conduct

The RCSA has a Code for Professional Conduct which is authorised by the ACCC. In conjunction with the RCSA Constitution and By Laws, the Code sets the standards for relationships between Members, best practice with clients and candidates, and general good order with respect to business management, including compliance. Acceptance of, and adherence to, the Code is a pre-requisite of Membership. The Code is supported by a comprehensive resource and education program and the process is overseen by the Professional Practice Council, appointed by the RCSA Board. The Ethics Registrar manages the complaint process and procedures with the support of a volunteer Ethics panel mentored by RCSA's Professional Practice barrister.

RCSA's objective is to promote the utilisation of the Code to achieve self-regulation of the on-hire worker services sector, wherever possible and effective, rather than see the introduction of additional legislative regulation.

Introduction

The Recruitment and Consulting Services Association (RCSA) is pleased to respond to proposals identified within the Australian Law Reform Commission's Age Barriers to Work discussion paper. ALRC met with RCSA as part of its consultations for this paper.

Within its draft paper ALRC identifies four proposals within Section 2, Recruitment and Employment Law which are most relevant to the RCSA and the recruitment industry. It is in response to these proposals the RCSA provides this submission.

Proposal 2-1

The Fair Work Ombudsman should undertake a national recruitment industry campaign to educate and assess the compliance of recruitment agencies with workplace laws, specifically with respect to practices affecting mature age job seekers and workers.

RCSA supports this proposal.

RCSA believes this proposal should look within the scope of workplace laws relating to mature aged workers, anti-discrimination, WHS and privacy and confidentiality.

Members of the RCSA are already signatories to a "Statement of Commitment" to abide by the Code for Professional Conduct which provides undertakings for members in regards to a high standard of ethics, probity and professional conduct.

The Code recognises that ethical behaviour is not simply compliance with legal requirements; it extends to honesty, equity, integrity and social responsibility in all dealings. It is behaviour that holds up to disclosure and to public scrutiny.

Principle four of the Code for Professional Conduct specifically requires members to comply with all legal, statutory and Government requirements while principle two requires members to act honestly in all dealings.

The association regularly coordinates education and training programs in areas such as workplace laws, anti-discrimination and recruitment practices. As well, members are required to undertake training on the Code as part of renewing their membership.

The RCSA would be pleased to work with the Fair Work Ombudsman on this proposal. In progressing this proposal RCSA proposes a survey of members to gather information about workplace practices of members in working with mature aged candidates. We believe this will provide an important snapshot.

Proposal 2–2

In 2013, the Recruitment and Consulting Services Association of Australia and New Zealand is conducting a review of its Code for Professional Conduct. The review should consider ways in which the Code can emphasise:

- (a) the importance of client diversity, including mature age job seekers;***
- (b) constructive engagement with mature age job seekers; and***
- (c) obligations under age-related anti-discrimination and industrial relations legislation.***

RCSA supports this proposal and will actively consider ways in which the Code may further emphasise diversity, engagement with mature aged workers and responsibilities within its upcoming review of the Code for Professional Conduct.

Members of the RCSA are signatories to a “Statement of Commitment” to abide by the Code for Professional Conduct which provides undertakings for members in regards to a high standard of ethics, probity and professional conduct.

Principle four of the Code specifically requires members to comply with all legal, statutory and Government regulations. The RCSA Ethics and Dispute Resolution Process provides a robust framework in which to identify breaches of the Code and member obligations.

In 2013, RCSA will undertake broad consultations with members, industry and stakeholders as part of its review of the Code for Professional Conduct. These consultations will provide important insights to inform this review.

In 2014, RCSA will submit the Code for Professional Conduct for reauthorisation by the ACCC for a further period of five years.

Proposal 2–3

In order to assist recruitment agencies and consultants to engage constructively with, and recruit, mature age job seekers, the Australian Human Resources Institute and the Recruitment and Consulting Services Association of Australia and New Zealand should:

- (a) develop and provide regular, consistent and targeted education and training for recruitment consultants; and***
- (b) develop a range of guidance material.***

RCSA supports this proposal.

RCSA has in place a Memorandum of Understanding with AHRI that provides the basis for close cooperation between the two organisations. This MoU provides the basis for coordinated education and training programs.

RCSA has also coordinated a number of education and training programs for members focusing on diversity and diverse workplace practices, working with mature aged workers and working with disabled workers. A series of templates and resources have also been prepared to support this training and the education programs. RCSA intends to refresh these education programs and resources during 2013 within the scope of its Participation Forum.

RCSA plans to rollout a Participation Forum during 2013. The Participation Forum will form the platform from which members and the industry will engage Government, recruiters, employers and candidates with the aim of increasing participation in the workforce for all Australians.

The Forum will be a member focused forum of the RCSA. Participation will be open to all Corporate and Individual members of the RCSA who will sign onto a Diversity Charter, developed to directly reflect the core principles within the RCSA Code for Professional Conduct.

Increased participation and the retention of staff have been identified as two cornerstone strategies in meeting the skills and labour shortages being realised in sectors across Australia.

The Participation Forum will provide a vehicle through which to provide insightful and targeted education and resources to recruitment consultants and employers.

Proposal 2–4

The Australian Human Resources Institute and the Recruitment and Consulting Services Association of Australia and New Zealand should promote and recognise best practice in the recruitment of mature age workers, for example through their annual workplace awards.

RCSA supports this proposal.

RCSA presents an annual industry awards program which recognises excellence and best practice within the recruitment industry. The 2013 awards will be presented at an industry Gala Ball on May 30, 2013 in Sydney.

RCSA will actively consider the inclusion of a Workforce Participation Award within the awards program to provide public recognition of best practice from the recruitment industry in supporting workforce participation and diversity within the workforce, including mature aged workers.