

What is substantive equality?

- addressing and preventing systemic discrimination in service delivery



What is substantive equality?

Substantive equality means achieving equitable outcomes as well as equal opportunity, and the need to sometimes treat people differently to achieve equal results.

It takes into account the effects of past discrimination, and recognises that rights, entitlements, opportunities and access are not equally distributed throughout society.

It is achieved by addressing and preventing systemic discrimination by adjusting policies, procedures and practices to meet the specific needs of certain groups in the community.

Equal rules for unequal groups can have unequal results

What is systemic discrimination?

Systemic discrimination can be described as patterns of behaviour, policies or practices that are part of the structures of an organisation, and which create or perpetuate disadvantage for persons of the marginalised groups(s). It is not the actions of an individual and is often unintentional.

When policy, procedure or practice caters to the majority group it can exclude marginalised and minority groups.

Look to see how institutional structures, routine practices and work place cultures can all combine to produce inequality

Service and substantive equality

Everyone has the right to services that meet their needs. Under the *Equal Opportunity Act 1984*, it is unlawful to discriminate, directly, indirectly or systemically, when providing goods, services or facilities on a range of grounds including Sex, Breastfeeding, Marital Status, Pregnancy, Gender History, Sexual Orientation, Race, Political or Religious Conviction, Impairment and Age.

The WA Public Sector is working to eliminate systemic discrimination and create a community where equality exists for everyone, through the Policy Framework for Substantive Equality. The first of its kind in Australia, this Framework means departments must review their services to meet the diverse needs of the WA community.

The Public Sector Commissioner's Circular (2009-23) outlines how departments are accountable for this by:

- Reviewing barriers in existing services
- Reviewing new policies and major initiatives before they are rolled out
- Researching existing policies, practices and clientele to plan services accordingly
- Consulting with relevant client groups including Aboriginal and minority groups about their service issues and needs.
- Ensuring contractors show how they meet substantive equality objectives.

Substantive Equality in Action

Disability

The Disability Services Commission has a partnership with the Ethnic Disability Advocacy Centre which ensures Disability Service Standards reflect the needs of Aboriginal and Ethnic minority groups.

Health

A review of a health promotion program has shown early involvement with Aboriginal groups makes the program relevant and clear.

BreastScreen WA's mobile cancer screening visits more than 100 remote and regional towns of WA every two years. As a result participation rates have increased.

Housing

Reforms are taking place across the departments including suitable correspondence for people whose first language is not English.

Licensing

Assessment of WA driver licence requirements identified a number of barriers preventing certain groups from obtaining a licence. Fair and practical alternatives are being considered.

Police

Ethnic descriptors which encourage racial stereotypes for people of interest are being minimised in media reporting.

Disclaimer

The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

November 2014

What can the Equal Opportunity Commission do?

The Equal Opportunity Commission continues to assist agencies and organisations who have a responsibility to implement substantive equality, through the provision of education and resources. It is also examining ways in which it can effectively raise with departments systemic discrimination issues which are brought to its attention.

How can I support substantive equality in my role?

Everyone who delivers public sector services has a role to play. The aim is to make Substantive Equality a central part of the way we provide public services. For example:

- **If your job involves drawing up policies or delivering services**, one of the first questions you should ask is how these policies and services could impact on people from different groups e.g. Aboriginal, ethnic minority groups and people with disabilities.
- **If you work at reception, or as an administrative officer**, you should try to make sure that everyone receives information about the services your office provides. You should advise your manager if a client has specific language or service needs.
- **If your job involves communications**, you need to ensure any published information is in language and formats accessible to Aboriginal and ethnic minority groups.
- **If you are a manager**, you will also be responsible for making sure your staff, individually and as members of teams, know what they have to do to act on Substantive Equality.
- **If you are a senior officer or a member of corporate executive**, you have additional responsibilities – to make sure your department meets its legal obligation to tackle systemic discrimination. You will also have to make sure that your agencies or organisations commitment to Substantive Equality is put into practice through an implementation plan.

Education and training

The Commission can also provide education and training. Further information can be made by contacting (08) 9216 3900 or by emailing training@eoc.wa.gov.au

By telephone

General enquiries	08 9216 3900
Training courses	08 9216 3927
Facsimile	08 9216 3960
Country callers	1800 198 149
TTY	08 9216 3936



The EOC uses the services of accredited and confidential interpreters where needed. An interpreter can be arranged by calling the Translating and Interpreting Service (TIS for migrant languages) on 131450 and ask to be put through to the EOC on 9316 3900 or presenting the Interpreter Card 1 For Kimberley region Aboriginal language needs provided by the Kimberley Interpreting Service (KIS) contact the EOC on 9216 3900

Email: eoc@eoc.wa.gov.au

Website: www.eoc.wa.gov.au

By visiting our office

Level 2 Westralia Square
141 St Georges Terrace
Perth WA 6000

By post

PO Box 7370
Cloisters Square
Perth WA 6000