

The Policy Framework for Substantive Equality

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Substantive Equality in Services

- addressing and preventing systemic discrimination

Foreword

Western Australia's diverse population is its strength as well as a challenge. The varying backgrounds, histories and traditions of Western Australians have contributed to the development of our political, economic and social fabric which embraces a commitment to a common set of values and goals. The challenge the State Government faces is to facilitate a good quality of life for Western Australians while ensuring that those who are vulnerable, due to a variety of circumstances, are assisted and supported to achieve a similar quality of life to their peers.

Substantive Equality aims to achieve equitable outcomes for all Western Australians, as far as possible. We know that policies and practices which appear neutral can unintentionally disadvantage some people by not catering for their needs. It is important then, that services are reviewed continuously to ensure they are fair and suitable for all. The *Policy Framework for Substantive Equality* is the guiding mechanism for organisations to achieve this.

In the current environment it is critical for all public money to be spent wisely to maximise the outcomes achieved. It is also important for public institutions to be open, transparent and accountable. Preparedness to be flexible, creative and innovative are essential ingredients of sound service planning and delivery. The longevity of a program or service alone can no longer be an indicator of its effectiveness and continuance. Instead, service providers need to gauge whether their services are meeting the needs of their clientele. This approach is particularly important in a diverse society where each public sector agency's clientele will comprise groups with a variety of differing needs.

The *Policy Framework* was broadened in 2013 to address all forms of systemic discrimination. Originally released in 2005 (when it specifically addressed systemic racism in the public sector), *the Policy Framework* remains an important step towards focusing Government departments' response to the different needs of our diverse society. Equally useful for private, non-government and community organisations, Substantive Equality provides a powerful framework for change away from a 'one size fits all' approach, enabling services, including those contracted out, to actively address gaps and barriers and meet the needs of their diverse clients.

It is a long-term, systematic approach to addressing the often unintentional systemic discrimination in the Western Australian public sector particular in the area of service delivery. Through this *Policy Framework* the Government expects to build on the progress to date in identifying and addressing barriers to participation and achieving substantive equality for all citizens.

This document sets out the context for the implementation of Substantive Equality. I commend the leadership taken thus far, and believe that the program will enable the public sector to achieve good outcomes for all clients it endeavours to serve. Your continuing involvement is vital to its success.



Allanah Lucas
Commissioner for Equal Opportunity

Vision

To create an inclusive and harmonious Western Australia, where all its members are treated equitably and fairly and are able to reach their full potential with dignity and respect.

To achieve this vision, the purpose is:

Purpose

To eliminate systemic discrimination in all its forms by raising consciousness of issues relating to discrimination by first understanding all its manifestations and then taking action to address the social and structural issues.

This will be achieved by:

- Forming strategic and community partnerships with representative bodies in relation to anti-discrimination;
- Increasing public awareness of issues which give rise to discrimination ;
- Empowering groups which are the targets of discrimination , through advocacy, public education and the provision of credible, and persuasive information;
- Strengthening the *Equal Opportunity Act 1984*;
- Addressing issues as they arise in the short term and developing and implementing longer term strategies to target specific structures and behaviours; and
- Encouraging and acknowledging positive initiatives in the prevention and elimination of discrimination and the promotion of harmonious relations in the community.

Systemic discrimination is discrimination that is embedded in the policies and practices of an organisation. Whilst this form of discrimination is often unintentional, the effect is to limit or restrict people, particularly from minority groups, from accessing all or some of the services of an organisation in a fair and non-discriminatory manner. This type of discrimination is often difficult to distinguish as it appears neutral but has a negative effect on people with a particular attribute or characteristic such as perceived impairment, race or gender.

The *Policy Framework* recognises that discrimination is rarely based on only one ground such as 'gender' or 'race'. Discrimination can be compounded by other characteristics such as, age, impairment or religious belief (or lack thereof).

Rationale

Acknowledging the Aboriginal and Torres Strait Islander Aboriginal Peoples as the First Australians, Western Australia's population is drawn from a variety of rich cultural, linguistic and historical traditions, making Western Australia one of the most diverse regions in the world.

This diversity is acknowledged in the *Equal Opportunity Act 1984* which makes it unlawful to discriminate on the grounds of race, impairment, sex, sexual orientation, age, marital status, pregnancy, breastfeeding, family responsibilities, family status, gender history, religious or political conviction in certain areas of public life including employment and the provision of goods, services and facilities.

Specifically the Act makes it unlawful to discriminate on the majority of these grounds in service delivery:

- By refusing to provide goods or services or to make facilities available;
- In the terms and conditions upon which those goods or services or facilities are made available; or
- In the manner in which those goods or services or facilities are provided or made available.

The *Equal Opportunity Act 1984* provides an effective legal framework for the Western Australian public sector, business and community organisations to meet their obligations in relation to unlawful discrimination. Application of the Act thus far has focused primarily on equal access to employment and diversity in the workforce. There has been an increased awareness of community diversity and significant progress has been made in the area of service delivery so that the needs of different groups, are appropriately addressed.

The Western Australian Government embarked on this program of reform to ensure that services are not only accessible but also responsive to the needs and aspirations of all Western Australians. **This represents a more comprehensive view of equal opportunity based on substantive equality** and recognition that it is no longer sufficient to provide equal access to services but also ensure these services adequately meet the needs of different people and groups of people.

This document outlines the *Policy Framework* for achieving substantive equality in service provision. It presents a process of continuous improvement through which organisations can progress towards achieving substantive equality and meeting their obligations under the *Equal Opportunity Act 1984*.

Formal equality

Prescribes equal treatment of all people regardless of circumstances, on the understanding that all have the same rights and entitlements. Its underlying logic is that by extending equal rights to all, inequality has been eliminated. Sameness of treatment is equated with fairness of treatment. Formal equality does not take into account the accumulated disadvantage of generations of discrimination or the disadvantage faced by groups by a system that fails to recognise different needs

Substantive equality

Involves achieving equitable outcomes as well as equal opportunity. It takes into account the effects of past discrimination. It recognises that rights, entitlements, opportunities and access are not equally distributed throughout society. Substantive equality recognises that equal or the same application of rules to unequal groups can have unequal results.

Where service delivery agencies cater to the dominant, majority group, then people who are different may miss out on essential services. Hence, it is necessary to treat people differently because people have different needs.

The Policy Framework for Substantive Equality

Objective

The objective of the *Policy Framework* is to achieve substantive equality by:

- Eliminating systemic discrimination in the provision of public sector services;; and
- Promoting sensitivity to the different needs of client groups

To achieve this public sector agencies will:

- Assess how policies, programs and practices affect different client groups
- Monitor the implementation of policies and programs and make sure they meet the diverse needs of the people of Western Australia
- Ensure that staff are equipped with the knowledge and skills to address issues of systemic discrimination
- Recognise and appraise organisational progress towards achieving substantive equality

Public sector agencies will be responsible for ensuring that the *Policy Framework* is integral to service delivery. In most cases, agencies will be able to use and build on existing structures and arrangements, such as Strategic Plans, Equal Opportunity Plans, Access and Equity Strategies and Diversity Improvement Plans, and integrate these measures to achieve the objectives of the Policy.

Benefits

The benefits of the *Policy Framework* include:

- A public sector that reflects and is responsive to the differentiated needs of a diverse community
- Increased client confidence and satisfaction with the delivery of public services
- Compliance with the objects of the *Equal Opportunity Act 1984* in relation to the provision of services
- A public sector with the competence to meet the needs of individuals and communities
- Improved efficiencies through more targeted services

The process of continuous improvement

The *Policy Framework* relates to a process of continuous improvement towards achieving substantive equality and addressing systemic discrimination. This means that, over time, each public sector agency will work to continuously develop and maintain substantive equality in three distinct but interrelated areas of:

- Policy and planning
- Service delivery
- Employment (recruitment and retention) and training

In adopting and implementing this Policy Framework, public sector agencies will progress through five levels:

1. Commitment to implementing the Policy Framework for Substantive Equality
2. Identifying clients and their needs
3. Setting objectives/ targets and developing strategies to address needs
4. Monitoring strategies
5. Review and evaluation



These form the generic framework through which individual agencies can inform and measure improvements in service delivery. Recognising the range of services the public sector provides and the varying levels of experience agencies have in meeting Equal Opportunity objectives, the *Policy Framework* incorporates the flexibility required to enable agencies to address substantive equality issues strategically and systematically, commensurate with each agency's own unique situation.

The key drivers of change

The four key drivers constitute a complementary set of elements required to implement the *Policy Framework* and assist agencies to work through the process of continuous improvement. The drivers are the necessary elements for achieving long-term organisational change and underpin the process of continuous improvement.

Needs assessment

The main aim of needs assessment is to assist agencies to understand the impact of policies and service delivery practices on minority groups, identify their needs and set objectives to meet the needs and address barriers in service delivery to these groups.

Monitoring

Monitoring involves the continuous process of measuring whether services respond to different needs and are achieving the substantive equality objectives negotiated at the agency level.

Organisational performance appraisal

Ongoing performance appraisal provides an opportunity for feedback and support on individual and organisational performance in relation to departmental equality objectives.

Learning and development

A coherent and coordinated approach to learning and development ensures that public sector employees are equipped with the skills and knowledge to apply the requirements of the *Policy Framework*.

Level 1

Commitment to implementing the Policy Framework for Substantive Equality

Outcomes

The agency has:

A corporate and executive policy on the *Policy Framework*

A clear strategy for implementing the *Policy Framework*

A clear communication strategy for informing and educating designated staff about the *Policy Framework*

A governance and operational structure for supporting the implementation of the *Policy Framework*

Resources and clear lines of responsibility for implementing the *Policy Framework*

Key drivers

Needs assessment

- Commit to consulting with different client groups to identify delivery
- Commit to undertaking an assessment of policies and procedures that impact on service delivery with possible discriminatory outcomes. Assessment to be based on the needs of groups particularly when establishing or revising policies and programs
- Delegate responsibility and resources for undertaking impact assessment and consultation with different minority groups

Learning and development

- Commit to developing a program of learning and development for designated staff on the *Policy Framework*, substantive equality and systemic discrimination
- Delegate responsibility and resources for learning and development of designated staff

Organisational performance appraisal

- Commit to including substantive equality into appraisal systems
- Delegate responsibility and resources for performance appraisal

Monitoring

- Commit a range of strategies to identify different minority group classifications as clients
- Commit to developing monitoring systems to inform organisational and service level progress on the *Policy Framework*

Level 2

Identifying clients and their needs

Outcomes

The agency has:

Effective consultation practices with minority groups as standard procedure

A clear understanding of the range of differences within and between certain groups e.g Aboriginal and ethnic groups

A clear understanding of service needs and barriers to service provision for client groups

Assessed policies that impact on service delivery to identify unmet need and adverse impact on different groups

Increased awareness and understanding of the needs of different minority groups amongst designated staff

Key drivers

Needs assessment

- Identify current and potential client population by relevant groups to reveal any gaps in service delivery and/or whether there are absences of these groups as clients.
- Ensure that partnerships or contracted services are able to identify the different needs of minority groups
- Consult with different minority groups regarding the Policy, service needs and barriers
- Identify and assess policies, practices and procedures that impact on service delivery to ascertain if they adversely impact on different minority groups and that may contribute to systemic discrimination

Learning and development

- Identify potential learning and development needs of designated staff
- Identify where there is a need for research
- Communicate and consult on the Policy with designated staff

Organisational performance appraisal

- Ensure designated staff understand the need, and have the ability, to identify different clients and their needs

Monitoring

- Collect and use feedback from consultations with different groups to inform the planning of the monitoring process
- Identify data sources to establish targets

Level 3

Setting objectives and developing strategies to meet needs

Outcomes

The agency has:

Objectives for service delivery based on needs assessment and consultation

Action plans with specific targets to meet objectives

Implemented action plans

Key drivers

Needs assessment

- Define and prioritise targets and objectives that are specific, measurable, realistic and timetabled
- Designate resources to achieve targets
- Develop actions for policies, practices or procedures that have been assessed as having an adverse impact on different minority groups
- Take steps to reach different minority groups who are underrepresented in service provision including support for positive action where appropriate

Learning and development

- Provide staff delivering services with development opportunities to identify and respond appropriately to client need
- Develop a program of learning and development for designated staff that is linked to Performance Appraisal

Organisational performance appraisal

- Ensure that staff training, learning and development on achieving substantive equality is formally linked to performance appraisal
- Develop strategies to ensure that impact assessments are standard procedure for managing service delivery

Monitoring

- Use demographic data and information collected through consultations to inform and guide the development of strategies
- Identify information and monitoring systems for assessing progress against targets for specific initiatives
- Ensure provision for the ongoing consultation with minority groups

Level 4

Monitoring strategies

Outcomes

The agency has:

Information and monitoring systems that assess and measure progress in achieving targets

An organisational framework for reporting against progress towards achieving targets

Key drivers

Needs assessment

- Consult with different minority groups to refine and monitor action plans in relation to service needs

Learning and development

- Use information from consultations to identify any further learning and development needs

Organisational performance appraisal

- Build achievement towards substantive equality objectives into job descriptions and performance indicators and ensure these are subject to a standard appraisal process

Monitoring

- Develop monitoring systems to measure performance against set targets and report on progress through appropriate channels which feed back into action plans and targets
- Monitor the effectiveness of consultations with different minority groups on influencing policy formulation and service delivery
- Ensure that monitoring systems integrate policy and planning, employment (including recruitment and retention) and service delivery
- Monitor the allocation of resources to assess the impact on different minority groups

Level 5

Review and evaluation

Outcomes

The agency has:

A process for reviewing action/implementation plans, evaluating achievement and setting new targets

On the basis of evaluation, identify any further priorities for change and starting a new cycle of innovation

Key drivers

Needs assessment

- Report how a policy, service or function impacts on different groups
- Review and revise objectives in consultation with different minority groups
- Consult with different minority groups to identify any further changes in need and feed back into policies and procedures

Learning and development

- Evaluate the outcomes of learning and development initiatives in relation to achieving substantive equality
- Develop opportunities to transfer learning to other areas of practice

Organisational performance appraisal

- Review performance appraisal systems in relation to their capacity to appraise progress towards achieving substantive equality
- Consult with staff in relation to their experiences of implementing the Policy and feed back into the review process

Monitoring

- Evaluate monitoring systems in relation to their capacity to measure progress towards set targets
- Build on and support networks with other agencies to share experiences, examples of good practice and disseminate information

Implementing the Policy Framework for Substantive Equality

The Equal Opportunity Commission provides limited support to organisations adopting and implementing the Policy.

The following companion publications will be produced to assist public sector agencies to implement the *Policy Framework for Substantive Equality*.

Understanding the Policy Framework for Substantive Equality - explains the key concepts underpinning the Policy. It is intended as a resource to assist in educating staff, community and key stakeholders about the intention and benefits of the *Policy Framework*.

For further information on the Public Sector Substantive Equality Program and the *Policy Framework for Substantive Equality* contact the Commission.

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

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 6850



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 I 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

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