



Public Sector Commission
Equal Opportunity Commission
Office of Equal Employment Opportunity
Department of Indigenous Affairs
Office of Multicultural Interests
Unions WA

THE POLICY FRAMEWORK FOR

Substantive Equality

“If you want to treat me equally, you may have to be prepared to treat me differently.”

**Substantive Equality Unit
Equal Opportunity Commission**

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Yvonne Henderson, Commissioner
Equal Opportunity Commission

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 a state government faces is to facilitate a good quality of life for West 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.

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.

Substantive Equality aims to achieve equitable outcomes for all Western Australians, as far as possible. Substantive Equality aims to harness the good work already undertaken by the public sector to respond to the different needs of individuals and communities to achieve better outcomes. We know that policies and practices which appear neutral can unintentionally disadvantage minority groups by not catering for their needs. It is important then, that services are reviewed continuously to ensure that they are fair and suitable for all.

Western Australia has a proud history as a leader in Substantive Equality across the Public Sector. The *Policy Framework for Substantive Equality* is an important step toward ensuring that all Government departments respond to the different needs of our diverse society. Substantive Equality provides a powerful framework for change away from a 'one size fits all' approach, enabling all public services, including those contracted out, to actively address gaps and barriers and meet the needs of their diverse clients.

Through Substantive Equality the Equal Opportunity Commission will assist the public sector to review priority programs that are likely to impact significantly on the everyday lives of Western Australia's people.

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.

A handwritten signature in black ink, appearing to read 'Yvonne Henderson', written over a horizontal line.

YVONNE HENDERSON
COMMISSIONER
EQUAL OPPORTUNITY COMMISSION

BACKGROUND

In November 2001, as part of the State Government's election commitment to address issues of racism in the community, the then Premier of Western Australia established the Anti-Racism Steering Committee. The Committee, comprising representatives from community groups, professional bodies and the public sector, was established to oversee the development of an Anti-Racism Strategy. The Vision of the Anti-Racism Strategy is:

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 of the Anti-Racism Strategy is:

Purpose

To eliminate racism in all its forms by raising consciousness of issues relating to racism by first understanding racism in 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 other bodies in relation to anti-racism;
- Increasing public awareness of racism;
- Empowering groups which are the targets of racism, 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 elimination of racism and the promotion of harmonious relations in the community.

The need to develop an Anti-Racism Strategy is an acknowledgement by the Western Australian Government that there are systemic barriers which restrict the participation of many Western Australians in our society.

Systemic racial discrimination is racism that is embedded in the policies and practices of an organisation. Whilst this form of racism 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 racism 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 race.

The Public Sector Substantive Equality Program is one component of the Anti-Racism Strategy. It is a long-term, systematic approach to addressing systemic racism and discrimination in the Western Australian public sector particularly in the area of service delivery. Through this *Policy Framework for Substantive Equality*, (*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.

The *Policy Framework* recognises that discrimination is rarely based on one ground such as ‘race’. In this regard, systemic racism can be compounded by other characteristics such as gender, age, disability or religious belief (or lack thereof).

RATIONALE

Acknowledging the Indigenous 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 ground of race 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 ground of race 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* provides an effective legal framework for the Western Australian public sector to meet its obligations in relation to unlawful discrimination. Application of the Act in the public sector thus far has focused primarily on equal access to public services and diversity in the workforce. While the Western Australian public sector has demonstrated an increased awareness of its diversity and has made significant progress in the workforce to reflect this diversity, further progress needs to be made in the area of service delivery so that the needs of different groups, such as Indigenous and ethnic groups, are appropriately addressed.

The Western Australian Government has embarked on a 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

“We need to be honest about the realities of our society and what they mean for individual aspiration and achievement. Second and third generation Australians are finding barriers still exist which prevent their equal participation in the political, social and economic spheres of Australian life.”

– Hon Premier and Minister for Citizenship and Multicultural Interests Dr Geoff Gallop at the Walter Murdoch Lecture, 17 September 2003.

of equal opportunity based on substantive equality and a recognition that it is no longer sufficient to provide equal access to services but also ensure that these services adequately meet the needs of different people and groups of people.

In keeping with the spirit and intent of the Equal Opportunity Act, the *Western Australian Charter of Multiculturalism* affirms the need to focus service delivery on achieving substantive equality. It is premised on differentiated citizenship which recognizes that Western Australians are diverse, hence have different needs and the right to have those needs addressed. While recognizing the initiative within some public sector agencies to achieve this end, this generally represents a conceptual shift in the way that the public sector plans and delivers services.

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

Formal equality	Substantive equality
<p>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.</p>	<p>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.</p> <p>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.</p>

THE POLICY FRAMEWORK FOR SUBSTANTIVE EQUALITY

OBJECTIVE

The objective of *The Policy Framework for Substantive Equality* is to achieve substantive equality in the Western Australian public sector by:

- *Eliminating systemic racial 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 Indigenous people and ethnic minorities
- 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 racism
- 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 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 for Substantive Equality* 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

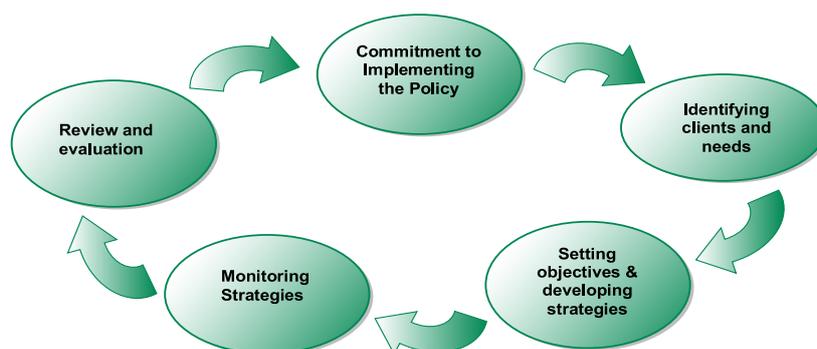
THE PROCESS OF CONTINUOUS IMPROVEMENT

The *Policy Framework* relates to a process of continuous improvement towards achieving substantive equality and addressing systemic racism. 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, public sector agencies will progress through five sequenced stages of achievement:

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 framework incorporates the flexibility required to enable agencies to address equal opportunity 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 Indigenous and ethnic 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

KEY DRIVERS

COMMITMENT TO IMPLEMENTING THE POLICY FRAMEWORK FOR SUBSTANTIVE EQUALITY

OUTCOMES

The agency has:

Annually negotiated with the Commissioner for Equal Opportunity the scope of implementation for each year

A corporate and executive policy on the Policy Framework

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

An organisational structure for supporting the implementation of the Policy Framework

Resources and clear lines of responsibility for implementing the Policy Framework

Needs Assessment

- Commit to consulting with different Indigenous and ethnic groups to identify the different needs and barriers to service delivery
- Commit to undertaking an assessment of policies and procedures that impact on service delivery for possible discriminatory outcomes based on the needs of different Indigenous and ethnic groups
- Delegate responsibility and resources for undertaking needs assessment and consultation with different Indigenous and ethnic groups

Learning and Development

- Commit to developing a program of learning and development for designated staff on the Policy
- 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 Indigenous and ethnic categories and/ or classifications
- Commit to developing monitoring systems to inform progress on the Policy Framework

LEVEL 2

IDENTIFYING CLIENTS AND THEIR NEEDS

OUTCOMES

The agency has:

- Effective consultation practices for Indigenous and ethnic groups as standard procedure
- A clear understanding of the range of differences within and between Indigenous and ethnic groups
- A clear understanding of service needs and barriers to service provision for Indigenous and ethnic groups
- Assessed policies that impact on service delivery to identify unmet need and any adverse impact on different Indigenous and ethnic groups
- Increased awareness and understanding of the needs of different Indigenous and ethnic groups amongst designated staff

KEY DRIVERS

Needs Assessment

- Identify current and potential client population by Indigenous and ethnic groups to reveal any gaps in service delivery and/ or whether there are absences of Indigenous and ethnic groups
- Ensure that partnerships or contracted services are able to identify the different needs of Indigenous and ethnic groups
- Consult with different Indigenous and ethnic 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 Indigenous and ethnic groups and that may contribute to systemic racial 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 Indigenous and ethnic 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 Indigenous and ethnic groups
- Take steps to reach different Indigenous and ethnic 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 needs and 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 Indigenous and ethnic 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 Indigenous and ethnic 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 Indigenous and ethnic 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 Indigenous and ethnic groups

LEVEL 5

KEY DRIVERS

Needs Assessment

- Report how a policy, service or function impacts on different Indigenous and ethnic groups
- Review and revise objectives in consultation with different Indigenous and ethnic groups
- Consult with different Indigenous and ethnic groups to identify any 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

OUTCOMES

The agency has:

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

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



IMPLEMENTING THE POLICY FRAMEWORK FOR SUBSTANTIVE EQUALITY

The Substantive Equality Unit, located at the Equal Opportunity Commission provides support to organisations adopting and implementing the Policy.

The Unit will also monitor the progress of public sector agencies against the objectives of the policy.

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

Implementing the Policy Framework for Substantive Equality- is a guide to assist agencies by providing some essential tools to implement the *Policy Framework*.

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*.

Reporting on the Policy Framework for Substantive Equality- outlines the role and responsibilities of public sector agencies for reporting against the objectives of the Policy to the Commissioner for Equal Opportunity and the structures in place to assist agencies to meet the requirements of the Policy and the *Equal Opportunity Act 1984*.

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

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