

PUBLIC SECTOR COMMISSIONER'S CIRCULAR

Enquiries To: Diana MacTiernan, Manager Community Education Equal Opportunity Commission, 9216 3900	Number: 2015-01 Issued Date: 01 February 2015 Last Review Date: N/A Next Review Date: 1 February 2018
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Supersedes: Public Sector Commissioner's Circular 2009-23

TITLE: SUBSTANTIVE EQUALITY - IMPLEMENTATION OF THE POLICY FRAMEWORK (ADDRESSING SYSTEMIC DISCRIMINATION IN SERVICE DELIVERY)

POLICY

The requirement to implement [The Policy Framework for Substantive Equality](#) (the Policy Framework) first introduced in 2004 remains in place for those departments listed in the attached schedule. The scope of the Policy Framework is to **address all forms of systemic discrimination in service delivery**, as per the grounds of the *Equal Opportunity Act 1984*.

In implementing the Policy Framework there should be:

- mechanisms specified to achieve the Policy Framework's objectives (reflected in operational strategic and departmental plans or specific implementation plans)
- identification of areas of high relevance with a particular focus on services which have a substantial effect on discrimination or equality of opportunity
- processes to assess new policy and major initiatives for their impact on disadvantaged groups
- mechanisms to address systemic discrimination reported in the Annual Report
- scrutiny of tenderers for community services to ensure they address the issue of substantive equality.

While this requirement does not apply to any public sector entity other than those stipulated in the attached schedule, all are encouraged to be aware of the intent and substance of the Policy Framework and may wish to participate because they deliver essential public services, or influence the way in which they are delivered.

BACKGROUND

The Government of Western Australia is committed to identifying and eliminating institutional barriers wherever they exist. Substantive equality builds upon the Government's approach towards equality of opportunity for all Western Australian.

Substantive equality recognises that while some systems and processes may outwardly appear as non-discriminatory, they may not in fact be fully responsive to the

needs and aspirations of different people and groups, and as a result can unintentionally create further inequalities.

The objective of the Policy Framework is therefore to achieve substantive equality in the Western Australian public sector by:

- eliminating systemic forms of discrimination in the provision of public sector services, and
- promoting awareness of the different needs of client groups.

Current Status

Some support to public sector entities in implementing the Policy Framework is provided by the Equal Opportunity Commission (EOC) through general education forums, workshops and online resources. The Commissioner for Equal Opportunity through the function of section 80 of the *Equal Opportunity Act 1984* may also consult directly with departments on specific issues that have been brought to her/his attention. Nevertheless the CEOs of those agencies to which this circular applies remain responsible for the implementation of the Policy Framework.

Resources

To assist CEOs there is a range of tools available on the Equal Opportunity Commission website at: <http://www.eoc.wa.gov.au/substantive-equality/resources>

The tools include the following:

- Implementation Guide
- Substantive equality fact sheet
- New and revised policies, services and major initiatives guide
- Tools for undertaking a needs and impact assessment
- Case studies and other resources

Over the next three years the EOC will also assist in providing case studies and networking opportunities for Framework agencies.

Contact the Equal Opportunity Commission for further information.

Further information in relation to the requirement for tenderers for community services (including the Request for Tender template) can be found at the Department of Finance website at <http://www.finance.wa.gov.au/cms/content.aspx?id=12652>.

M C Wauchope
PUBLIC SECTOR COMMISSIONER

Other relevant Public Sector Commissioner's Circulars:
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n/a

ATTACHMENT TO PUBLIC SECTOR COMMISSIONER'S CIRCULAR 2009/23

SCHEDULE OF DEPARTMENTS

1. Aboriginal Affairs
2. Agriculture and Food
3. Attorney General
4. Child Protection and Family Support
5. Commerce
6. Corrective Services
7. Culture and the Arts
8. Disability Services Commission
9. Education
10. Environment Regulation
11. Finance
12. Fire and Emergency Services
13. Fisheries
14. Health
15. Housing
16. Lands
17. Local Government and Communities
18. Mines and Petroleum
19. Parks and Wildlife
20. Planning
21. Police Service (Western Australia Police)
22. Premier and Cabinet
23. Public Sector Commission
24. Racing, Gaming and Liquor
25. Regional Development
26. Sport and Recreation
27. State Development
28. Transport
29. Training and Workforce Development
30. Treasury
31. Water