



Horsham Rural City
Council urban rural balance

Council Policy

HUMAN RIGHTS

1. PURPOSE

Council has a responsibility to respect and meet various human rights expectations and must actively ensure that it avoids infringing the rights of its staff, stakeholders/ customers, volunteers and members of the community.

This policy details the Council's commitment to human rights and provides a clear understanding of the support provided by the organisation for human rights issues. Documentation of the Council's human rights commitments serves to promote good practice throughout the organisation and the community; protect the health, welfare, safety and dignity of staff; ensure compliance with legislation, regulation and community expectation; and may encourage interest in working with the organisation by prospective employees.

2. INTRODUCTION

The Council has numerous obligations, both moral and legal, in respect of human rights issues. These include specific human rights requirements under the Victorian Charter of Human Rights and Responsibilities, equal opportunity legislation, bullying and harassment requirements, the *Local Government Act 1989* and federal legislation. This policy also serves to recognise that, whilst compliance may be obligatory in some circumstances, the Council has a moral responsibility, determination and desire to act appropriately. For example, occupational health and safety obligations, whilst a legislative requirements, is also strongly supported by Council because it has a fundamental desire to protect the life and wellbeing of members of staff.

This policy documents and embeds the Council's corporate responsibility to respect human rights in all operations.

It also outlines Council's commitment:

- to respond to relevant stakeholder expectations
- to identify policy gaps and initiate a process that alerts the organisation to new areas of human rights risk
- to building increased trust with external stakeholders and to start to understand and address their concerns
- to fostering the development of in-house learning, management capacity and leadership on human rights issues, and
- to demonstrate good corporate practice.

As a guiding principle, Council has a responsibility to respect all human rights, not just a select few, and this policy reflects that objective. Operationally, while Council needs to be alert to all potential human rights risks, in practice, some rights will be more relevant than others in particular areas and circumstances and may at times be the focus of heightened corporate attention. However, situations may change, so broader periodic assessments are necessary to ensure that no significant issue is overlooked. In addition, Council also needs to take into account the important principle of international human rights law that human rights are interdependent and indivisible, and that it cannot choose to ignore negative impacts on some human rights, while respecting others.

3. SCOPE

This policy commits the Council to a range of actions which have impact on the Council itself, all staff, volunteers, any other persons interacting with the organisation and the entire community.

4. DEFINITIONS

Human rights

This term refers to standards of treatment to which all people are entitled. It is both a moral concept and a legal concept, with a range of applications.

5. PRINCIPLES

In documenting its commitment to human rights, this policy reflects the ten principles of the United Nation's Global Compact, which are:

Human rights

- Businesses should support and respect the protection of internationally proclaimed human rights
- Make sure that they are not complicit in human rights abuses.

Labour

- Businesses should uphold freedom of association and the effective recognition of the right to collective bargaining;
- The elimination of all forms of forced and compulsory labour;
- The effective abolition of child labour; and
- The elimination of discrimination in respect of employment and occupation.

Environment

- Businesses should support a precautionary approach to environmental challenges
- Undertake initiatives to promote greater environmental responsibility
- Encourage the development and diffusion of environmentally friendly technologies.

Anti-corruption

- Businesses should work against corruption in all its forms, including extortion and bribery.

The policy also reflects the legal requirements of the Victorian Charter of Human Rights, giving legal protection to the following 20 fundamental human rights. These rights are fully explained on the Victorian Equal Opportunity and Human Rights Commission website.

1. Your right to recognition and equality before the law
2. Your right to life
3. Your right to protection from torture and cruel, inhuman or degrading treatment
4. Your right to freedom from forced work
5. Your right to freedom of movement
6. Your right to privacy and reputation
7. Your right to freedom of thought, conscience, religion and belief
8. Your right to freedom of expression
9. Your right to peaceful assembly and freedom of association
10. Your right to protection of families and children
11. Your right to taking part in public life
12. Cultural rights
13. Property rights
14. Your right to liberty and security of person
15. Your right to humane treatment when deprived of liberty
16. Rights of children in the criminal process
17. Your right to a fair hearing
18. Rights in criminal proceedings
19. Right not to be tried or punished more than once
20. Retrospective criminal laws

5.1 Authority and Responsibility

Council plays a key role in ensuring that respect for human rights is observed throughout the organisation. Through policy, the Council Plan and other documents, Council is able to demonstrate its commitment at the highest level to proper respect for, and consideration of, the human rights of its community and the individuals comprising that community. Council is also obliged to comply with legal and legislative requirements which dictate that human rights must be considered when decisions are made.

Executive Management, in conjunction with the Organisational Development Department, has overall responsibility for ensuring compliance with the human rights obligations and undertakings of the Council, whether inherent but unspecified or undocumented; specifically created or referred to in this policy; or imposed by legislation, regulation or community expectation.

Staff will ensure that they exercise the duties and responsibilities assigned to them, whether inherent in their position or as directed from time-to-time, with respect and consideration for human rights values, policy and obligations of the Council. Staff will actively interact with each other, stakeholders, customers and the community, and undertake all duties and responsibilities, giving respect and consideration to the human rights of others.

5.2 Commitments

Council makes the following human rights commitments:

To embed the responsibility to respect human rights through all business functions

The Council will express this commitment by developing a human rights policy, which is the first step in showing that the organisation understands its universal responsibility to respect human rights. This policy provides the basis for publicly affirming organisational human rights values and embedding responsibilities into Council operations and the way it does business.

To respond to stakeholder expectations about human rights

Compliance with this policy will ensure that Council decision-making properly considers human rights issues and impacts so that stakeholder expectations of fair and appropriate decision-making processes and outcomes by the Council are met.

Council will ensure appropriate compliance with all regulated expectations and obligations, including compliance with the requirements of the Victorian Charter of Human Rights & Responsibilities, the *Local Government Act 1989*, the *Victorian Equal Opportunity Act*, various federal Acts (Human Rights Commission, Disability, Age Discrimination, Racial Discrimination, Sex Discrimination), etc.

To identify gaps and new areas of risk

Council will endeavour to avoid causing or contributing to adverse human rights impacts through its activities. It will ensure that existing and future Council and Administrative policies are developed and reviewed with appropriate consideration for human rights. For example, environmental policies can focus solely on technical solutions to perceived technical problems and miss the potential impact on the rights of communities and people. Policies will meet legislated obligations and requirements but also be aligned with universal human rights values and expectations.

Council will reflect the human rights policy in operational policies and procedures

Lack of coherence is a common risk; areas where discrepancies may arise include procurement and lobbying. If the human rights policy is not effectively disseminated, reflected in other policies and procedures, and embedded in management across all functions, human rights messages and associated discussions will become confused and inconsistent.

To build trust with stakeholders and address their concerns

Adopting a human rights policy implies a commitment by Council to an appropriate human rights approach, through engagement with stakeholders, having appropriate transparency, and a human rights focus. Wherever possible, the organisation will engage with relevant stakeholders to build trust, in respect for the human right of people to be consulted with but also in order to better understand expectations and to continually enhance Council's overall human rights approach.

To initiate in-house human rights learning, management capacity and leadership

This policy is developed not only to promote overall awareness of Council's human rights position but also to enhance the understanding and knowledge of internal personnel.

The policy will be used to:

- Raise awareness and understanding of the Council's human rights direction across all groups, departments, sections and units
- Build leadership commitment around human rights so that there is support for resources to be assigned to policy implementation; and
- Generate in-house managerial capacity, insights for future priorities and enthusiasm for human rights compliance.

This policy also provides management and staff with a public and stated position by the Council with which to guide discussions, proposals and initiatives about human rights.

The policy serves to justify future direction taken by officers and staff on behalf of Council.

To demonstrate good business practice

Respect for human rights is an increasingly important focus of public and community debate and discussion. This policy serves to demonstrate Council's connectedness to the interests and concerns of its community and the changing world in which people live and business is undertaken. This connectedness will lead to improved and more productive relationships between Council and the community and therefore lead to more efficient and effective decision-making by the organisation. An organisation demonstrating keen awareness and understanding of the community and the issues which are important to it may also be attractive to prospective employees and be helpful in terms of attracting future staff.

5.3 Points to consider in the implementation of this human rights policy

Assessing impacts

- Undertaking an assessment of human rights impacts at the earliest stages of a project or decision with the potential to negatively impact human rights, for new matters, and on an ongoing basis, as human rights risks may change over time. Some operating contexts, such as conflict-affected areas, will require additional attention. As part of its human rights approach, Council will need to consult potentially affected groups and other stakeholders in a meaningful way.

Integrating human rights throughout the Council

- Integrating and acting on the findings of an assessment.
- Engaging in ongoing stakeholder consultation to build relationships across the Council and with external groups.
- Reviewing training to include human rights criteria, as appropriate, and identifying target groups that may need additional learning support.
- Embedding human rights into management systems, including responsibilities in job descriptions and performance appraisals, as appropriate.
- Integrating human rights into Council's internal and external communications, e.g. internet and intranet systems, to ensure relevant stakeholders understand the policy and implications of not adhering to it or failing to act on impact assessment findings.

Communicating on how impacts are addressed

- Communicating on commitments, targets and performance through Council's Annual report
- The communication should provide information that is sufficient to evaluate the adequacy of Council's response to the particular human rights impact.

Remediation

- If Council finds that it has caused or contributed to negative human rights impacts, it is expected that it will actively engage in remediation.
- Council should provide for and/or co-operate in the remediation of such impacts through appropriate mechanisms. This may include meetings with individuals, groups or the community; the publication of promotional material; information sessions; the appointment of a mediator; an apology or clarification; payment of fines or penalties, etc.

6. COMMUNICATION

Internet, Intranet, Newsletter, Annual Report

7. RESPONSIBILITY

Policy Owner: Organisational Development Manager

8. SUPPORTING DOCUMENTS

Document	Location
Victorian Charter of Human Rights & Responsibilities	Internet
<i>Local Government Act 1989</i>	Internet
<i>Equal Opportunity Act (Victoria)</i>	Internet
<i>Human Rights Commission Act (Cwlth)</i>	Internet
<i>Disability Discrimination Act (Cwlth)</i>	Internet
<i>Age Discrimination Act (Cwlth)</i>	Internet
<i>Racial Discrimination Act (Cwlth)</i>	Internet
<i>Sex Discrimination Act (Cwlth)</i>	Internet
HRCC Equal Opportunity Policy & Procedure	Intranet
HRCC Bullying, Aggression & Occupational Violence Policy & Procedure	Intranet
HRCC Disability Access Action Plan	Internet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment
01	15 June 2015	Council	New policy