

Human Rights Policy

1. Purpose

Inala Community House (ICH) is committed to upholding the human and legal rights of all persons within ICH. This is in accordance with the *Human Rights Act 2019 (Qld)*.

2. Scope

This policy applies to all employees, Board members, volunteers, students, trainees and contractors. For the purposes of this policy, these persons shall be referred to as workers.

This policy also applies to clients and other people engaged with ICH.

4. Policy

The *Human Rights Act 2019 (Qld)* seeks to recognise the inherent dignity and worth of all human beings. It seeks to protect and promote human rights by binding all public entities. ICH is classed as a functional public entity when it delivers services to the public on behalf of the State or another public entity.

The Act recognises 23 human rights including:

- Recognition and equality before the law
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Peaceful assembly and freedom of association
- Taking part in public life
- Property rights
- Privacy and reputation
- Protection of families and children
- Cultural rights – generally
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Fair hearing
- Rights in criminal proceedings
- Children in the criminal process
- Right not be tried or punished more than once
- Retrospective criminal laws
- Right to education
- Right to health services

4.1 Decision Making

ICH will seek to give proper consideration and act in a manner that is compatible with human rights. Proper consideration involves identifying human rights which may be affected by a decision and considering any impact upon those rights.

A decision is compatible with human rights if it does not limit human rights or it limits it only to the extent that is reasonable and demonstrably justifiable in accordance with s13 of the Act.

Decision making should follow the following process:

1. Consider which rights are relevant to the situation
2. Consider what is the impact of the decision upon those rights.
 - i. Will the decision limit or restrict any of the human rights? If not, the decision is likely to be compatible with human rights
3. If it will restrict any of the rights, consider whether it is reasonable and justifiable by considering:
 - i. Whether it is lawful – whether there is a legal authority or framework which permits the limitation of a human right
 - ii. The purpose - what is the aim of the limitation, does it achieve a legitimate purpose
 - iii. If it is rational – whether the decision proposed effectively achieves the purpose
 - iv. If it is necessary – whether this is the least restrictive way to achieve the purpose
 - v. If it is fair and balanced – whether the benefits outweigh the harm caused by the limitation

If the answer is yes to these questions, it is likely that the decision will be compatible with human rights.

If the decision appears incompatible, it will need to be modified and reassessed for compatibility.

Where a human right has been limited but it has been deemed to be compatible, justification for the decision and the process used to consider human rights needs to be documented.

4.2 Reporting

All persons should report any concerns regarding any matter which may limit or restrict human rights to the Service Manager or to Human Resources. The above process will be used to determine whether the matter is compatible with human rights.

4.3 Complaints

All persons have the right to make a complaint where they feel that human rights have been breached or limited. Complaints should be made in accordance with the ICH *Feedback and Complaints Policy* (and any service specific requirements) or the ICH *Grievance Policy*. All complaints are treated seriously and will be responded to appropriately.

Persons also have the right to make a complaint to the Queensland Human Rights Commission where ICH has not provided an adequate response within 45 business days.

4.4 Responsibilities

The Board and CEO will:

- Ensure ICH is committed to upholding the human rights of all people

Service Managers will:

- Ensure that services are delivered in a manner that upholds the human rights of all people
- Where decisions are made, consider if these affect any human rights
- Have policies and procedures which embed human rights
- Provide information about human rights to workers through team meetings, training or providing relevant resources

Workers will:

- Uphold the human rights of all people
- Report situations which may impact upon the human rights of another person

5. Review

This policy shall be reviewed every 3 years or after a complaint is received which relates to human rights.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6. Related Documents

Policies

ICH Service User Support Policy
ICH Feedback and Complaints Policy
ICH Grievance Policy
ICH Commitment to Community Policy

Other Documents

ICH Client Service Charter

References

Human Rights Act 2019 (Qld)