

ACT Human Rights Commission

A Rights Based Approach to the Disability Support Work Place

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Human Rights in Australia

- ACT
First jurisdiction
Amendments January 2009
- Victoria
2006 / 2008, positive stories
- Nationally
Similar to ACT and Victoria



Rights under ACT Act (in brief)

- Recognition and equality before the law
- Protection from Torture and cruel, inhuman or degrading treatment etc
- Protection of family and children
- Privacy and reputation
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Peaceful assembly and freedom of association
- Freedom of expression
- Taking part in public life
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Rights of minorities



ACT Disability & Community Services Commissioner

- Complaints
- Systemic improvements
- Community Engagement
- Also: Human Rights and Discrimination Commissioner and
- Children and Young People Commissioner



Complaints

Impartial Third Party:

- Gather information
- Try to resolve issues
- Importance of long term relationship

Your organisation's complaints policy:

- Do you know it?
- Have you supported anyone to use it?

Why don't people complain?

- Fear of retribution
- Too hard



Why complain?

What complaints can achieve:

- At least you know what's happening
- Improvement at individual level
- Improvement at systemic level



History

- 1980's - Deinstitutionalisation
- Rights in institutions: is that possible?
- Definition:
'A place in which you get to make no choices for yourself'. 1
- Choice is fundamental in a rights based framework
- Do you, or have you, worked in an institution?

1 Asylums, Erving Goffman, Penguin, 1994



A Day in the Life



Rights under the ACT Legislation

ACT Human Rights Act 2004

- Civil and Political Rights
- Recognition and equality before the law
- Right to life (applies from the time of birth)
- Protection from Torture and cruel, inhuman or degrading treatment etc
- Protection of the family and children



Rights under the ACT Legislation

- Privacy and reputation
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Peaceful assembly and freedom of association
- Freedom of expression



Rights under the ACT Legislation

- Taking part in public life
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Children in the criminal process
- Fair trial
- Rights in criminal proceedings
- Compensation for wrongful conviction



Rights under the ACT Legislation

- Right not to be tried or punished more than once
- Retrospective criminal laws
- Freedom from forced work
- Rights of minorities
- Human rights may be limited (explain)



Public Authorities

Definition of public authority

Must act consistently with human rights

Action through the Supreme Court



Rights Based Dilemma

Case Study 1

Young man requires the use of a wheel chair for mobility. He is gay and would like to attend gay venues when he is supported to go out.



Case Study 2

You are asked to take a person you support to a religious service and you are uncomfortable doing this as you have a strong religious faith and are of a different faith.



Case Study 3

- You are asked to take a person you support to a brothel as part of their individual plan. This is part of their behaviour management plan. You are opposed in principle to the use of sex workers.



Case Study 4

- A woman with an intellectual disability whom you support is in a relationship with a man with whom she works. He also has an intellectual disability. She tells you that she has invited him to come and have dinner and stay the night. They are both their own guardians.



Close

- Unique opportunity
- Greater effect than anyone else
- Improvement in the quality of life for the people you support
- Benefit to the people, yourselves and society.

