

POLICY

Human Rights Policy



1 Purpose

The purpose of this policy is to:

- commit Hindmarsh Shire Council to the *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- assist all areas of Council to meet human rights obligations;
- improve our services, actions, decision-making processes and governance frameworks; and
- maintain customer service levels in accordance with legislative requirements.

2 Scope

This policy applies to all Councillors, employees, projects, services and policies of Hindmarsh Shire Council.

3 Definitions

Council means Hindmarsh Shire Council

Human Rights refers to the human rights outlined in Part 2 of the *Human Rights Charter 2006*

4 United Nation's Global Compact principles

This Policy seeks to uphold the ten principles of the United Nation's Global Compact.

4.1 Human rights

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

4.2 Labour

- Businesses should uphold the 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 labor; and
- The elimination of discrimination in respect of employment and occupation.

4.3 Environment

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

4.4 Anti-corruption

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

5 Victorian Charter of Human Rights

This policy also seeks to uphold the human rights outlined in the Victorian Charter of Human Rights:

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. Your rights in criminal proceedings
19. Your right not to be tried or punished more than once
20. Your right to retrospective criminal laws

6 Equal opportunity

Hindmarsh Shire Council is committed to creating a working environment that values and utilises the contribution of its employees from diverse backgrounds and experiences.

Equal opportunity is about giving and getting a fair go. Equal opportunity does not assume that everyone is the same. Equal opportunity aims to remove the obstacles created when decisions about people are made according to stereotypes and unfair assumptions rather than actual merit and observed behaviour.

7 Authority and responsibility

7.1 Council

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.

7.2 Executive management team

Executive management have overall responsibility for ensuring compliance with human rights obligations.

7.3 Managers and supervisors

It is the responsibility of managers and supervisors to create a working environment where:

- there is tolerance of difference;
- the ability to access opportunities is based on merit;
- inappropriate attitudes or behaviours are confronted.

7.4 Staff responsibility

Staff are responsible for exercising their 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. All staff are responsible for:

- Encouraging compliance with the Charter;
- Supporting each other to act compatibly with the Charter; and
- Respecting and promoting human rights.

7.4.1 Service delivery officers

- Must be aware of any changes to policies and procedures in their work area.
- When making decisions and/or exercising discretion it should be done so in accordance with the Charter.
- Are to raise with their Manager any potential limitations on human rights that they believe are unreasonable.

7.4.2 Policy officers

- Must consider relevant human rights when developing policy. This should include undertaking a human rights impact assessment for new policies and considering whether any proposed limitations on rights are reasonable.

- Review existing policies and procedures for Charter compatibility, particularly if overarching legislation or regulations are amended to be compatible with the Charter.

8 Commitments

Council makes the following commitments to giving effect to Victorian's human rights.

- To embed the responsibility to respect human rights through all Council functions
- To respond to stakeholder expectations about human rights
- To identify gaps and new areas of risk
- Council will reflect the human rights policy in operational policies and procedures
- To build trust with stakeholders and address their concerns
- To initiate in house human rights learning
- To demonstrate good business practice

9 Implementation

9.1 Assessing human rights impacts

Council will undertake an assessment of human rights impacts at the earliest stages of a project or decision that has the potential to negatively impact human rights. As part of the assessment, Council will need to consult potentially affected stakeholders in a meaningful way.

9.2 Integrating human rights throughout the Council

- Council will act on any outcomes or findings where an assessment of human rights impacts is made
- Council will engage in ongoing stakeholder consultation to build relationships across the Council and with external groups
- Council will review training to include human rights criteria, as appropriate, and identifying target groups that may need additional learning support.
- Council will include human rights responsibilities into job descriptions and performance appraisals, as appropriate.
- Council will integrate human rights into Council's internal and external communications, eg, internet and intranet systems, to ensure relevant stakeholders understand the policy and implications of not adhering to it or failing to act on an assessment of human rights.

9.3 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.

9.4 Remediation

- If Council finds it has infringed human rights, it is an expectation of this policy 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.

10 Communication

This policy will be communicated via Council's website, Intranet, Newsletter and Annual Report. This policy will be included in staff inductions.

11 References

| Related documents | Legislation |
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| Hindmarsh Shire Council Bullying, Harassment and Discrimination Policy | <p>Victorian <i>Victorian Charter of Human Rights and Responsibilities 2006</i> <i>Local Government Act 2020</i> <i>Equal Opportunity Act 2010</i> <i>Information Privacy Act 2000</i> <i>Occupational Health and Safety Act 2004</i></p> <p>Commonwealth <i>Human Rights and Equal Opportunity Commission Act 1986</i> <i>Disability Discrimination Act 1992</i></p> |
| Hindmarsh Shire Council Community Engagement Policy | |
| Hindmarsh Shire Council Employee Code of Conduct | |
| Hindmarsh Shire Council Occupational Health and Safety Policy | |
| Hindmarsh Shire Council Privacy Policy | |
| Hindmarsh Shire Council Public Transparency Policy | |
| Hindmarsh Shire Council Recruitment Procedure | |
| Hindmarsh Shire Council Sexual Harassment Policy | |

12 Document Control

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