Human Rights and You: an introduction to human rights for disability support workers

Human Rights and You eLearning workbook

Acknowledgements

National Disability Services would like to acknowledge the funding from the Victorian Government and Western Australian Disability Services Commission which allowed the *Human Rights and You* resources to be developed.

We would also like to express our gratitude for the time and expertise given by the following individuals and organisations to inform and develop *Human Rights and You*:

* Victorian Advocacy League for Individuals with Disability (VALID)
* NDS Learn and Develop
* Members of the Zero Tolerance Victorian Project Reference Group
* The actors and crew at Beyond Edge
* The Disability Advocacy Resource Unit (DARU)
* The *Introduction to Human Rights in Disability Services*  project team and contributors

Disclaimer

The information provided in this guide is intended for general use only. It is not a definitive guide to the law and best practice, does not constitute formal advice, and does not take into consideration the particular circumstances and needs of your organisation.

Every effort has been made to ensure the accuracy and completeness of this document at the date of publication. NDS cannot be held responsible and extends no warranties as to the suitability of the information in this document for any particular purpose and for actions taken by third parties.

All stories used throughout this tool are fictional and are for educational purposes only.

Copyright

This publication is copyright. All intellectual property rights vests in NDS. No part of it may be reproduced without prior permission. Material which is reproduced from this publication must include an acknowledgement of the source. Prior permission should be sought from NDS. © National Disability Services 2017

Contents

Module 1: What are Human Rights - and why do we need them?

Module 2: Rights and Responsibilities – getting the balance right

Module 3: When rights go wrong – and what to do

Module 4: Asking for help – where to look and who to talk to

Introduction

Human rights matter. They are there to make things safe and fair for all people. They help us all to live the lives we want to live, whoever we are.

Unfortunately not everyone understands what human rights are, or what having human rights means. Some people don’t get to enjoy their human rights. Some people have their rights limited. Some people’s human rights are abused. This includes people with disability.

We have developed *Human Rights and You* for people who work in the disability sector. It will help you get a better idea about what human rights are and why they are important. Most importantly it will help you to understand how you can work in a way which supports the human rights of people with disability.

About this workbook

This workbook has been written to use with the *Human Rights and You* e-learning program. There is no right or wrong way to use this workbook. It will help you to remember some of the things you learn in the training and to talk about the ideas in your teams, with your supervisor and with people that you support. There is one double-page for each of the four modules. At the back you can find links to other useful information about human rights.

1. What are Human Rights

**Questions**

What are some examples of Human Rights?

Why do we need them?

What do we have to protect our human rights?

Personal reflection

Think about your human rights. Which rights are important to you? Why?

Think about the people you support

Do they know about their human rights? What actions could you do to help them find out more about their rights?

Different types of rights

There are different types of rights for different parts of people’s lives:

1. RESPECT FOR THE INDIVIDUAL

* Freedom: to make choices and express opinions
* Respect: be treated respectfully as individuals
* Equality: be treated fairly
* Dignity: be treated with dignity and respect for personal privacy

1. INCLUSION IN THE COMMUNITY

* Health: to live healthily and get health care if needed
* Independence: living how we want in the community
* Education: to learn alongside everyone else
* Work: to work in a job we choose and earn a wage

1. CHANGE IN SOCIETY

* Attitudes: people with disability can contribute to society the same as anyone else
* Culture/Beliefs: expressing our identity how we choose
* Political Life: we all have a right to vote and have a say
* Access: we can all use public spaces, travel and information

Talk about it!

Kate talks about a taxi driver who refuses to take her because of her wheelchair. This is discrimination. Can you think of other examples where people with disability might experience discrimination?

My commitment

I am committed to upholding the rights of people I support in my work and I will:

[Includes space for worker to write down actions]

Signature:

Supervisor signature:

Date:

1. Rights and Responsibilities

Rights must be **balanced** with responsibilities. We have all have a responsibility to:

* respect and act within the law
* respect other people and their human rights

Personal Reflection

Do you balance rights and responsibilities in your own life? How? Why? Is it easy? Write some ideas down to share later.

Decisions, Decisions, Decisions!

* People with disability have the right to make decisions about their lives
* People might make decisions that you or others don’t agree with
* People have the right to change their mind or get things wrong

Talk about it

* How does your team support the people to make decisions? What makes this hard? What makes it easier? How is it different for different people?

The four R’s

The four R’s can help you solve problems and respect rights

**Respect:** treat all people with dignity and respect

**Reflect:** reflect on how you are supporting people and looks for ways to continually improve

**Recognise:** recognise the issues that might have a negative impact on the people you support

**Request:** ask for help when you don’t know what to do

Rights and Risk

* people have a right to take risks and try new things
* taking risks is part of everyday life – it’s how we learn
* being safe does not mean ‘avoiding risk’ – it means ‘managing risk’
* ‘Duty of Care’ involves supporting people to balance risks and rights

Personal reflection: rights and risk

Think of someone you are supporting to try something new. How could you use the 4 R’s to balance rights and manage any risks?

Talk about it

Managing risk and rights might involve conversations with different people. Talk with your team about who might need to be involved in supporting rights.

QUOTE: “Mum and Dad think because I have a disability that I can’t do things that other people can do. It makes me disappointed” *Human Rights and You* participant

My commitment

I am committed to supporting people to manage their rights and responsibilities and I will:

[Includes space for worker to write down actions]

Signature:

Supervisor signature:

Date:

1. When rights go wrong

* Not everyone gets to enjoy their full human rights
* People with disability often experience restrictions on their rights
* **Restricting** rights means limiting or controlling a person’s rights
* We all experience times when our are rights are limited
* Being safe is one reason used for restricting rights

Group discussion

* Traffic speed limits are one way our rights are limited for safety reasons. Think of other times your rights are restricted by other people. How does it make you feel?

QUOTE: “your whole life is controlled and hurried. ‘Eat breakfast now. Leave the house now. Shower now.’ There aren’t choices about anything and there should be” Speaking up about Safety participant.

Restrictive Practices

Restrictive practices are ways of supporting people which can limit their rights and freedom. They should only be used if a person is a danger to themselves or to other people such as other people with disability, family or staff. There are rules about how and when restrictive practices can be used. Rules are different in each state but everyone agrees they should only be used as a last resort.

Types of restrictive practices include

* **Seclusion:** where a person is left alone or isolated from other people
* **Chemical restraint:** where medication is used to sedate someone to stop them from going anywhere
* **Mechanical restraint:** where a device like a seatbelt or vest is used to limit a person’s movement
* **Physical restraint:** where movements are restricted e.g. through being physically held
* **Environmental Seclusion:** when a person is denied access to rooms, cupboards or possessions
* **Power Control:** when a person is told to stay in a specific place or position
* **Consequence Control:** when someone has activities or items taken away to make them ‘behave’

Abuse, neglect and violence

* Severe restrictions of human rights are called violations or abuses.
* Some abuses are crimes and must be reported to the police. Not reporting can have serious consequences for people with disability.
* Abuse and neglect is never OK. We all have a responsibility to prevent abuse happening and to support victims of abuse to get help they need.

Human rights abuses can happen:

* Deliberately: when people seek to harm or take advantage of others
* Accidentally: when staff don’t understand the impact of their actions or realise their actions are abuse
* Systemically: when staff are not trained, supervised or given enough time or resources to do their job properly

For more information on abuse and neglect of people with disability, use the NDS Zero Tolerance training resources: <https://www.nds.org.au/resources/zero-tolerance>

Group discussion

Talk as a group about each of these scenarios. Could they happen? What would you do if you saw or found out about them? Do the 4 R’s help?

* Gwen has her iPad taken away after she uses her data watching music videos
* Ravi’s communication aid is deliberately hidden as a punishment
* Gordon is 46 but goes to bed at 6pm everyday to make shift handovers simpler
* Michelle has mobility needs and is left on commode whilst others get ready.
* It’s a cold night but Quan is told to stay out in the garden until he ‘calms down’

My commitment

I am committed to supporting people if their rights are restricted or abused and will:

[Space for workers to write their commitment]

Signature:

Supervisor signature:

Date:

1. Asking for help

Know your rights!

* Some people don’t know about their human rights
* Knowing our rights reduces the risk of others restricting or abusing them
* It means we know what we are entitled to and what to ask for

**Knowing our rights means we are empowered.** Write down some things that you can do to support people with disability to be more empowered:

* Learning about rights
* Supporting independence
* Communication Support

Speaking Up and Making Complaints

* Speaking up when we are not happy about something is another way we can use our human rights to be empowered.
* All disability service providers must have easy to use complaints systems.
* Part of your job is to make sure people understand their right to speak up, know how to speak up, and feel supported speaking up.

Responding to Complaints

* Listen to the people you support
* Let people know it is OK to speak up
* Support people to speak up and provide feedback, positive and negative
* Take complaints seriously and do something about it.
* Know your complaints process and follow it
* Provide support to people to find an advocate

People might not speak up and make complaints if they…

* don’t know their rights or what they mean
* are worried about what might happen if they complain
* they don’t want to seem ungrateful or cause a problem
* they think complaints aren’t followed up and it won’t help; or
* when complaint systems are in not accessible format or language

QUOTE: *“*[services] *need to let people know their rights and how to complain. If clients complain services shouldn’t threaten them or punish them*.” *Speaking up about Safety* participant

Group Discussion

Talk as a group about why people might not speak up or make complaints. What can you do as a team to encourage people to speak up, reach out and get help?

Remember, you are not alone!

Supporting human rights of people with disability is the right thing to do but some situations are trickier than others. First discuss problems with people themselves, but remember the 4 R’s and REQUEST help when you need it.

Help can come from:

* the person’s family, carer or friends
* a colleague or manager
* a disability advocate or agency
* your local disability complaints, ombudsman or human rights office

**My commitment**

I am committed to supporting people to get help about their rights, and asking others when I need help to support people’s rights and I will:

[Includes space for worker to write down actions]

Signature:

Supervisor signature:

Date:

Thank you for using *Human Rights and You.*

We hope that you find it useful in supporting people with disability with their human rights. If you’d like to know more about human rights, here are some other useful resources and people who can help:

|  |  |
| --- | --- |
| Resources | Links |
| NDS *An Introduction to Human Rights in Disability Services* training: NDS developed detailed human rights training for organisations in NSW, Tasmania or Victoria. This free 100 minute online course includes a supervisor guide and case studies. | <https://www.carecareers.com.au/page/human-rights-course> |
| UN Convention on the Rights of Persons with Disability | For more about the UN Convention:   * <http://www.un.org/disabilities/convention/conventionfull.shtml> * [Watch a video](https://youtu.be/PgQnLXazdSg) of self advocates talking about the UNCRPD * Watch the Human Rights and You animation on human rights (link) |
| The Australian Human Rights Commission was established to support the human rights of all Australians.  The Commission uses the Commonwealth Disability Discrimination Act (1992) to support the rights of people with disability. | Find out more about the commission:   * <https://www.humanrights.gov.au/our-work/disability-rights> * Watch 20 short films about human rights and disability here: <http://www.humanrights.gov.au/twentystories/> |
| Zero Tolerance is NDS’s comprehensive free training for providers on preventing and responding to abuse and neglect. | Access the range of Zero Tolerance tools and resources here:   * <https://www.nds.org.au/resources/zero-tolerance> |
| Victorian Office of Professional Practice. The Office of the *Senior Practitioner – Disability* has a range of practical resources for disability service providers on reducing restraint | <http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/our-groups/office-of-professional-practice/practice-resources-opp/practice-resources-disability> |

Disability complaints and human rights offices in Australia

|  |  |
| --- | --- |
| Jurisdiction | **Office** |
| ACT | ACT Human Rights Commission |
| Northern Territory | Health and Community Services Complaints Commission |
| NSW | Ombudsman NSW – Community and Disability Services |
| QLD | Complaints and Review Area - Department of Communities, Child Safety and Disability Services |
| South Australia | Health and Community Services Complaints Commissioner |
| Tasmania | Department of Health and Human Services |
| Victoria | Disability Services Commissioner |
| Victoria | Victorian Equal Opportunity and Human Rights Commission (VEOHRC) |
| Western Australia | Health and Disability Services Complaints Office (HADSCO) |
| National | Commonwealth Ombudsman |
| National | Complaints Resolution and Referral Service (Job Access) |

**Find out more**