



**Community
Legal Centres
Queensland**

Using the *Human Rights Act* in your CLC

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About this Toolkit

The *Human Rights Act 2019* (Qld) ('HRA') commences on 1 January 2020. The Act includes several key mechanisms to protect and promote human rights, including placing an obligation on "public entities" to give proper consideration to human rights.

Given the nature and importance of the work undertaken by Community Legal Centres ('CLCs'), it would be best practice for CLCs to promote and ensure their own compliance with the HRA.

This Toolkit aims to provide practical guidance to CLCs to comply with:

- the *substantive* obligation under the Act to give proper consideration to human rights; and
- the *procedural* obligation under the Act to make decisions and act compatibly with human rights.¹

The first part of this Toolkit provides a brief introduction to the *Human Rights Act 2019*.

The second part of this Toolkit outlines the various ways in which CLCs should consider how to embed the HRA in their organisational policies, procedures and culture, as well as improve the services provided to, and outcomes sought, for clients.

The practical considerations outlined throughout this Toolkit seek to provide guidance for CLCs to review or develop relevant policies and procedures to ensure human rights are considered and reflected in all aspects of CLC operation and service delivery.

Specifically, this guide provides:

- Tools for how CLCs can comply with the HRA;
- Example policies and procedures to assist CLCs;
- Examples to guide the continued development of a human right culture;
- Mechanisms for continuous improvement.

¹ Ed Santow, *Access and equity: human rights in practice* (2016) Speech to SydWest Multicultural Services AGM <<https://www.humanrights.gov.au/about/news/speeches/access-and-equity-human-rights-practice>>.

Introduction to the *Human Rights Act 2019*

The HRA comes into effect on 1 January 2020. The main objects of the HRA include to build a culture that respects and promotes human rights in Queensland. The HRA seeks to achieve this by consolidating and establishing statutory protections for certain human rights under international law, including those drawn from the International Covenant on Civil and Political Rights (ICCPR), as well as the rights to health services and education drawn from the International Covenant on Economic, Social and Cultural Rights (ICESCR), and property rights drawn from the Universal Declaration of Human Rights (UDHR).

The Act promotes a ‘human rights dialogue’ model in Queensland which seeks to ensure that human rights are recognised and considered across the three arms of government – the legislature, the executive and the judiciary. The HRA seeks to promote a culture change in the way decisions are made by using a human rights-based approach. This approach is based on the PANEL Principles of Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality. The Australian Human Rights Commission recognises that a human rights Act promotes ‘what’ should be done, while a human rights-based approach recognises ‘how’ this will be done.²

The dialogue model is facilitated through the following key mechanisms:

1. Prior to the introduction into Parliament, all legislative proposals (Bills and subordinate legislation) must be assessed for their compatibility with the HRA through the tabling of a Statement of Compatibility (s 38). In exceptional circumstances, the Parliament may make an Override Declaration that the HRA does not apply to an Act or the provision of an Act (s 43).
2. All legislative proposals must be considered by the responsible portfolio committee for its compatibility with human rights (s 39).
3. Public entities must act compatibly with human rights and consider human rights in any decision-making process. The consequence of a failure to do so is unlawfulness (s 58).
4. So far as possible, courts and tribunals must interpret and apply legislation consistently with human rights and should consider relevant international, regional and comparative domestic jurisprudence in this process (s 48).
5. The Supreme Court has the power to declare that a law cannot be interpreted and applied compatibly with human rights and to issue a Declaration of Incompatibility. The relevant Minister must respond to such a Declaration within six months (s 53).

² Australian Human Rights Commission, *Human Rights Based Approaches* (2013) <<https://www.humanrights.gov.au/our-work/rights-and-freedoms/human-rights-based-approaches>>.

6. Affected individuals may make a human rights complaint for an alleged violation of human rights or a claim of unlawfulness under the Act, which may be added to another cause of action (s 59).
7. The Queensland Human Rights Commission has the responsibility for monitoring and reporting on the implementation and operation of the Act (s 61).

The HRA places obligations on public entities to behave in accordance with the human rights listed under the Act. Public entities are defined at s 9 and when a function is that of a public nature is defined at s 10. While community legal centres have not been included as a core public entity in the Act, there may be some cases a centre could fall into the category of a functional public entity, when undertaking certain activities.

The HRA requires Queensland public entities to consider, interpret and act in accordance with human rights. Accordingly, the HRA has significant potential to address disadvantage and promote laws, policies and actions which respect human rights. As CLC's work with some of the most disadvantaged Queenslanders, it is vital that centres operate as if they were captured as a public entity, for their advice, casework, education and law reform activities.

As such, there are good reasons for CLCs to consider how the Human Rights Act applies to their own policies and practices – both to promote compliance with the Act, but also to promote best practice service delivery for clients and to improve the impact and effectiveness of CLCs.

Balancing human rights

The HRA references when a human right can be limited (s 13). This includes the nature and purpose of the limitation³ and whether there are 'less restrictive and reasonably available ways to achieve the purpose'.⁴ Importantly, s 13 requires a balancing approach between the importance of the purpose of the limitation⁵ and the importance of preserving the human right.⁶

This idea of balancing human rights is important when making decisions at your centre. In some cases, you may need to limit a human right for the purpose of making a decision, in the face of competing rights and interests.

³ *Human Rights Act 2019* (Qld) s 13(2)(b).

⁴ *Ibid* s 13(2)(d).

⁵ *Ibid* s 13(2)(e).

⁶ *Ibid* s 13(2)(f).

Benefits of adopting a human rights-based approach

Lessons from other jurisdictions with similar legislative models of human rights protection, including the United Kingdom, the Australian Capital Territory and Victoria, demonstrate that human rights laws have encouraged and enabled organisations and agencies to undertake organisational and cultural change to embed the principles of freedom, respect, equality and dignity in their work.

The positive and significant influence on the way that organisations undertake their functions is evident in at least three key areas:

- a) prompting early identification of potential human rights issues;
- b) influencing changes to policies and practices to promote greater consideration of human rights in service delivery and decision-making; and
- c) as an impetus for cultural change within organisations.

By embedding the principles of human rights within organisational structures, policies and practices, experience in other jurisdictions demonstrates that this leads to:

- more flexible and responsive service delivery that caters to individual needs and circumstances;
- enhanced decision-making by using a framework that helps decision-makers and others to achieve common sense and rights-respecting decisions and outcomes; and
- increased client satisfaction through more tailored and responsive service delivery.

Adherence to human rights is consistent with the ethos and practice of CLCs. Indeed, many CLCs already incorporate a strong focus on human rights as part of their organisational approach and work on behalf of clients. The introduction of the Act provides an important opportunity for CLCs to promote better and more human-focused services and policies. It will set an example for government, departments, agencies and other service providers, by using the HRA to embed a human rights culture in decision-making and service delivery.

Consideration for CLCs

Community Legal Centres (CLCs) have long been involved in work relating to human rights, however this work has not always explicitly used the language of 'human rights'.

We also acknowledge that many centres have already developed strategies that align with a human rights approach. For example, Queensland Advocacy Incorporated includes in their mission that they seek to 'promote, protect and defend...the fundamental needs and rights'.⁷ The Youth Advocacy Centre includes a philosophy of 'unconditional adherence to the UN Convention on the Rights of the Child', as well as referring to human rights in their vision and mission statements.⁸ Similarly, the vision of Caxton Legal Centre includes the ability for people to exercise their human rights.⁹

Many community legal centres in Queensland see clients who present with issues relating to human rights. If after a quick analysis you can determine that your centre already sufficiently reflects a human rights approach in strategy, policies and procedures, as well as a strong human rights culture, then there is no need to continue through the steps presented in this guide.

There are many CLCs who may not explicitly use the language of human rights, but who undertake human rights related work on a daily basis. The introduction of the HRA therefore provides a valuable opportunity for all CLCs to consider how the HRA can be used to strengthen internal policies, procedures and practices and, ultimately, to enhance service delivery and outcomes for all Queenslanders.

⁷ Queensland Advocacy Incorporated, *About QAI* <<https://qai.org.au/about-qai/>>.

⁸ Youth Advocacy Centre, *Annual Report 2017-2018* <https://www.yac.net.au/wp-content/uploads/2018/12/YAC0025-Annual-Report-2018_FINAL.pdf>; Youth Advocacy Centre, *Governance* <<https://www.yac.net.au/governance/>>.

⁹ Caxton Legal Centre Inc, *About Caxton Legal Centre* <<https://caxton.org.au/about-caxton-legal-centre/>>.

Organisational Strategy

- Analyse strategies, missions, values and forward planning to consider any gaps
- Human rights baseline/impact assessment
- Incorporate human rights into annual reports, newsletter, communications and business planning.

Policies and procedures

- Policy gap analysis
- Review document such as Codes of Conduct, Eligibility Criteria through a human rights lens
- Consider whether existing complaints mechanisms are reflective of human rights

Building a human rights culture

- Review staff performance reviews, position descriptions, volunteer guidelines and recruitment strategies
- Consider existing internal and external communication strategies to ensure a human rights approach is embedded

Measuring impact & continuous improvement

- Reporting on performance e.g. annual report
- Using complaints to continually improve
- Indicators of success

Source: Adapted from the United Nations Human Rights, Office of the High Commissioner, *Business Leader Initiative on Human Rights: A guide for integrating human rights into Business Management* (n.d.) < <https://www.ohchr.org/Documents/Publications/GuideHRBusinessen.pdf> >.

Organisational Strategy

A good starting point for CLCs could be to use the rights and obligations enshrined in the HRA to undertake a strategic review of what you are already doing with regards to human rights. This could include looking at your strategic plan, mission or values statements to see if they are appropriately reflecting human rights.

A rights-based approach is not just about looking at what you currently have, but also considering what you will be doing in the future.¹⁰ Research suggests this can also assist services to highlight risks or future opportunities for activities, leading to more efficient and effective outcomes for your centre.¹¹

Consider

- Review your organisation's mission and values statement to consider the inclusion of more explicit human rights language
- Use the rights enshrined in the HRA to consider whether there are any major gaps in your strategic direction and priorities
- Within priorities already developed for your strategic direction, consider whether any key human rights concepts can be integrated into the operation of your centre
- For specialist CLCs and CLCs with a focus on particular client groups, such as people with disability, consider including specific reference to relevant human rights enshrined in the HRA and/or rights contained within relevant UN treaties such as the UN Convention on the Rights of People with Disability
- When developing/reviewing your strategic plan, consider using human rights principles to determine priority focus areas or specific law reform and policy development initiatives – this could involve, for example, the participation of specific client groups to help determine priorities and approach
- Include more explicit references to human rights in other key organisational documents, such as annual reports, business plans, newsletters, social media and other communications

¹⁰ Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) <https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf> 11.

¹¹ Ibid 8, 11.

Case study:

The introduction of the Charter of Human Rights and Responsibilities in Victoria led one CLC to include activities relating to the Victorian Charter as one of the centre's key priority areas.

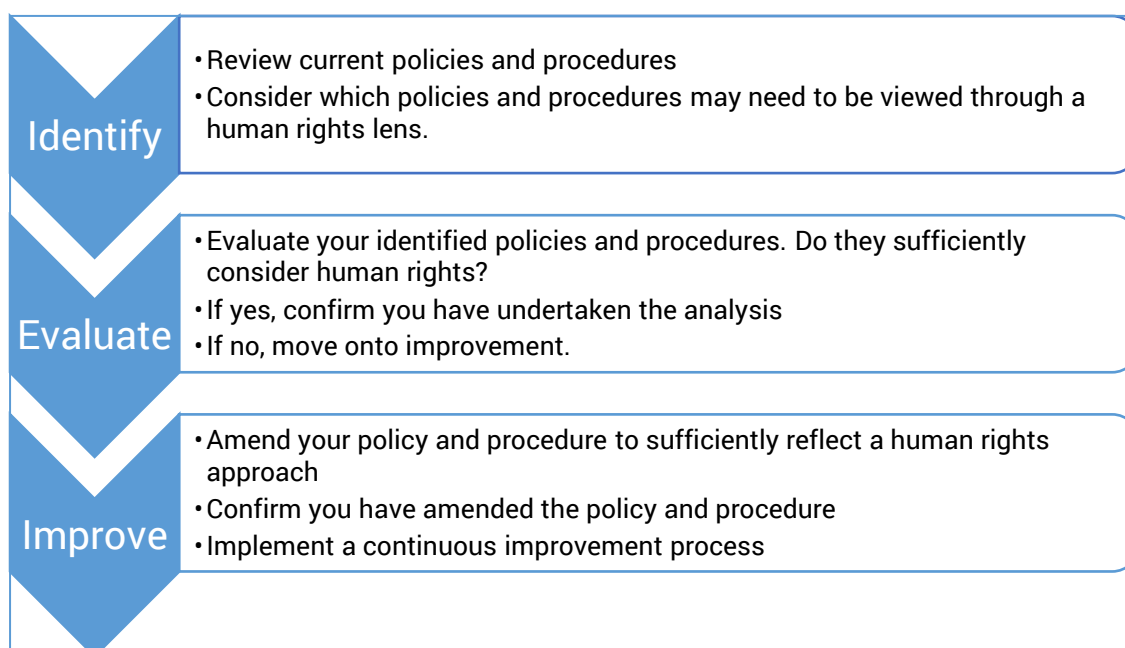
This was based on the new opportunities presented by the Victorian Charter to progress the human rights of vulnerable and marginalised groups through case work, policy and law reform work, and community legal education.

Policies and procedures

Another important way to embed a human rights culture into organisational practice is to incorporate key human rights principles and concepts into internal policies and procedures. Where appropriate, organisational policies and procedures could include brief information about the human rights enshrined under the HRA that are particularly relevant to each policy and how those rights were considered in the development and/or review of the organisation's policies.

It is important to note that a review of your policies is unlikely to require you to do extensive work. Many of the policies and guidelines already adopted by CLCs are likely, in large part, to be consistent with human rights principles. Research suggests that in the first year of the Victorian Human Rights Charter being in effect, many organisations underwent a review of their policies to ensure they were Charter compliant. These organisations found this to be a simple, easy and practical way to embed human rights into their service operations.¹²

A policy gap analysis is a useful tool that could be used to assess whether changes need to be made to the wording of policies and procedures, to be more reflective of human rights, for example:



Source: Adapted from Riskcom, *Legislation and Policy Gap Analysis* < <https://riskcom.com.au/legislation-policy-gap-analysis/>>.

¹² Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) < https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf> 21.

Once you have undertaken your gap analysis and identified which policies and procedures you think need a greater focus on human rights, the next step is to review those policies to decide if they need to be amended to better reflect a human rights based approach. Research conducted by the Victorian Council of Social Services found that many organisations used a review of policy and procedures as a good starting point to implementation of The Charter of Human Rights and Responsibilities ('the Charter').¹³

While it is likely that many of your policies and procedures have already been developed through a human rights lens, the introduction of the HRA provides an imperative to undertake a review of policies and procedures, explicitly using a human rights lens.¹⁴ For example, your code of conduct, eligibility criteria or cultural safety plans may allude to human rights concepts, yet not necessarily use human rights language. As identified above, the use of more explicit human rights language is an important way to embed a human rights culture in your centre, as well as promote compliance with the HRA when CLCs may be undertaking functions of a public nature.

To assist CLC's with the process, Community Legal Centres Queensland has undertaken a review of accreditation documentation and have found the following policies may be relevant for human rights review. Please note, this is not an exhaustive list and it is recommended that you first undertake a centre specific gap analysis, to identify discrete policies relevant for your organisation that may require updating:

- Access and equity policies
- Privacy and confidentiality
- Code of conduct
- Cultural competency and diversity policies
- Complaints process and handling
- Eligibility criteria and client safety
- Human rights policy

Looking to the future, it's also important that any decisions you make or new policies you develop, are done through a human rights lens, noting that you may have to balance competing human rights.

¹³ Victorian Council of Social Services, *Using the Charter in Policy and Practice – Ways in which community sector organisations are responding to the Victorian Charter of Human Rights and Responsibilities* (July 2008)

<https://www.parliament.vic.gov.au/images/stories/committees/sarc/charter_review/submissions/262_Using_the_Charter_in_Policy_and_Practice.pdf>.

¹⁴ Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) <https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf> 6.

Access and equity policies (including eligibility):

It may be helpful for your CLC to review your access and equity policies in light of the HRA, to give more explicit consideration to the relevant human rights that are involved in making decisions about whether legal assistance is provided to clients, as well as how your CLC promotes access to legal assistance for particular client groups.

Making decisions about whether an individual will be provided with legal assistance in many circumstances will raise a consideration of the right to equality and non-discrimination. This includes circumstances where your CLC may prioritise certain client groups over others, including the provision of outreach services to ensure that particular groups are able to access assistance.

In these circumstances, consideration should be given to what rights are raised and how those rights may be promoted or limited in different circumstances. Ideally, your CLCs policies should include specific reference to the HRA and how relevant rights are considered in various circumstances.

Consider

- Does your CLCs eligibility criteria explain how human rights are considered and may be justifiably limited in some circumstances? For example, does your centre prioritise certain clients over others and, if so, is the rationale for doing so explained clearly?
- Do your policies cater for the needs and circumstances of particular clients who face barriers to accessing services? For example, do they explain the positive steps that may be required to give effect to the right of equality or the right to a fair trial for particular groups (such as interpreter services or targeted outreach services)?
- Treating everyone the same often raises issues regarding the right to equality and non-discrimination. Do you CLC's policies explain how, and on what basis, decisions are made to deny legal assistance to some clients?

Example

Western CLC used the policy gap analysis tool to review their current suite of policies. As a result of this process, they were concerned that their access and equity policy did not have a sufficient reflection of human rights. They wanted to be clear to their clients that decisions made by the centre are made with consideration of their human rights. As a result, they inserted the following statement into their access and equity policy and communicated the change to their staff through their internal newsletter:

'At the core of this policy is respect for human rights. The Queensland Human Rights Act 2019 protects 23 human rights and requires public entities to consider human rights when making decisions and working with clients. Western CLC adopts a human rights approach in working with clients, to ensure all clients are treated with respect, equality and dignity.'

They were also concerned that their eligibility criteria did not explicitly refer to a human rights consideration, and so inserted a final question in their eligibility criteria which stated:

'Have you sufficiently considered the client's human rights in making your decision?'

The purpose of this was to make sure all staff were considering human rights in their decision making, but also to show the consideration had been made if they received a complaint from the client.

Privacy and confidentiality policies:

While how personal information of clients is used by CLCs is largely covered by existing privacy laws as well as legal professional standards, the right to privacy under the HRA encompasses broader notions of privacy, home and correspondence.

Consider

Reviewing your current privacy/confidentiality policies to include specific reference to the right to privacy contained in the HRA and how it applies to your policy

Example

Central City CLC has undertaken a gap analysis of their policies and have determined that their privacy and confidentiality policy does not sufficiently reflect the human rights approach. While there is currently an explicit statement about privacy and confidentiality, it does not go further to address why this is an important human right. After doing some research, they have inserted the following statement into their policy:

'A commitment to upholding clients rights to privacy and confidentiality is explicit in the organisations service principles. Central City CLC provides information to clients when they come into the service, that is appropriate to their age, communication needs and cultural

background. This may include the translation of documents into other languages to ensure culturally competent service delivery, as required under the Human Rights Act'.¹⁵

Central City CLC also wanted to be clear about how they collect, retain and use any data received from clients. They inserted the following wording into their privacy policy:

'Information from or about our clients or service partners will be handled and used appropriately in accordance with relevant privacy law and other local laws, including the Human Rights Act'.

'In gathering and keeping any personal client data for any purposes, Central City CLC handles, manages and uses this data appropriately and in accordance with local laws, including the Human Rights Act'.¹⁶

Code of conduct:

All CLCs should have a code of conduct outlining the expected conduct of staff and volunteers, and the rights of clients. Any existing code of conduct policy could be reviewed to consider the inclusion of a commitment to give proper consideration to the rights enshrined in the HRA when making decisions and acting on behalf of clients.

Another consideration is whether you need to balance different or competing human rights or limit a client's human rights in a particular situation. While your code of conduct should reflect a human rights approach, it would also be prudent to mention that a limitation may need to be applied in certain circumstances.

Consider

Reviewing your CLC's code of conduct policy to include specific reference to the HRA and the obligations to staff and volunteers to give proper consideration to relevant human rights in their actions.

Example

Outer City CLC used the policy gap analysis tool to review their current Code of Conduct. While they felt their code overtly referred to human rights and ensuring those rights were upheld, the management committee decided that it was not explicit enough and would like the wording to be changed.

¹⁵ Adapted from the Department of Health, *Implementation Guidelines for non-Government community services* (2010) <<https://www1.health.gov.au/internet/publications/publishing.nsf/Content/mental-pubs-i-nongov-toc~mental-pubs-i-nongov-st1#18>>.

¹⁶ Ibid.

Outer City CLC inserts the following statements into their code of conduct:

'Outer City CLC recognises and respects the human rights of all people and seeks to ensure that individual human rights are not breached for staff or clients.'

We respect each individual's human rights and do not discriminate on the basis of race, colour, religion, creed, sex, age, social status, family origin, physical or mental disability or sexual orientation. Nor will we commit other violations of human rights'.¹⁷

Regional CLC have also followed this same process and have decided they need to reflect community respect for human rights in their Code of Conduct, so inserted the following statement:

'We seek through our actions to uphold human rights, ensuring that our community legal centre is well respected in the community'.¹⁸

They also inserted an opening statement to their CLC, to place human rights front and centre of everything they do:

'Regional CLC recognises and respects the human rights of all people and seeks to ensure that individual human rights are not breached for staff or clients. We also recognise that at times, competing human rights need to be balanced to ensure the best outcome for staff or clients.'

Diversity, inclusion and cultural competency policies

The operation of the HRA may have relevance for CLC policies relating to diversity and inclusion. Rights such as freedom of religion, freedom of expression, equality and non-discrimination and cultural rights for Aboriginal and Torres Strait Islander people may all be particularly relevant to various activities and services of CLCs. Consideration should be given to how these rights protected in the HRA may be relevant to organisational policies relating to cultural competency, diversity and inclusion.

¹⁷ Adapted from Fujitsu, *Code of Conduct* (2019) <<https://www.fujitsu.com/global/about/philosophy/codeofconduct/#item1>>.

¹⁸ Adapted from Fujitsu, *Code of Conduct* (2019) <<https://www.fujitsu.com/global/about/philosophy/codeofconduct/#item1>>.

¹⁸ *Human Rights Act 2019* (Qld) ss 27-28.

Consider

- How is cultural diversity considered and applied in various activities of the CLC including service delivery and decision-making?
- What staff training and other education programs are undertaken to promote consideration of cultural diversity and inclusion?
- How does the HRA apply to your CLC's policies regarding staff recruitment and workplace policies?

Example:

After undertaking their policy gap analysis, Southern CLC were concerned that their diversity policy was not explicit enough about human rights. They proposed the following addition to their diversity policy:

'Consistent with the mission and ethos of Southern CLC, relevant policies, procedures and practices will promote a culture in which all staff and clients of Southern CLC:

- a) Understand, value and have informed respect for cultural diversity in all interactions;*
- b) Are sensitive to the needs of clients and staff whose first language is not English, including Aboriginal and Torres Strait Islander peoples;*
- c) Give individuals the right to adhere to the cultural opinions, express ideas and opinions, while respecting the rights of others, without fear of discrimination, harassment or bullying;*
- d) To the extent reasonably practicable, Southern CLC will endeavour to make provisions for the cultural rights of clients and staff.¹⁹*

Southern CLC made human rights and cultural competency a standing agenda item at team meetings, to facilitate open discussion and build a human rights-based culture at the centre.

Complaints process and handling:

The right to a fair hearing protected in the HRA is likely to have particular relevance for the ways in which CLCs handle complaints received from clients. Before an individual can make

¹⁹ Adapted from the Australian Catholic University, *Cultural Diversity Policy* (2019) <https://policies.acu.edu.au/learning_and_teaching/cultural_diversity_policy>.

a complaint under the HRA to the Queensland Human Rights Commission, an individual must make an internal complaint to the public entity.

CLCs should already have processes and procedures established for receiving and handling complaints from disaffected clients. This should include ensuring that complaints processes are available and accessible, as well as handled in a way that promotes independence, accountability and transparency. In particular, your complaints process should align with the 45-day timeframe set out in the HRA

Consider

- Is information about the complaints process available and accessible? How is information about the opportunity to bring a complaint made known? For example, is information about the complaints process made known to clients before they receive legal advice or assistance? If so, how?
- Is the complaints process accessible for all groups, such as people with disability and culturally and linguistically diverse communities? For example, a requirement that complaints must be made in writing may raise concerns with the ability for all people to access and use the complaints process on an equal basis.
- How are complaints against the CLC handled? Are they handled in a way that promotes independence and transparency?
- Does your CLC's current complaints process align with the 45-day timeframe in the HRA?

Example

Coastal CLC commenced a review of their complaints policies, considering the new HRA. Their current complaint policy states this centre has a 60-day response period; however, the HRA requires complaints to be handled within a 45-day timeframe.

After consultation with the management committee, Coastal CLC decided to bring their overall complaints policy in line with the HRA and have all complaints dealt with in the 45-day timeframe. They implemented this in the Centre, by communicating the change to the key staff who handle complaints, discussed the change in team meetings and readjusted workflow to ensure the complaints staff could investigate and decide on complaints within this shorter time period.

Human Rights Policy

In addition, centres could consider whether a specific “Human Rights Policy” could be developed for their organisation. This include, for example, a high-level statement of support for the rights protected under the Human Rights Act and commitment to incorporating relevant rights into organisational policies and procedures and practices.

Building a human rights culture

In addition to reviewing organisational policies and procedures, there are several important ways that promoting human rights compliance and building a human rights culture can be incorporated into the work of CLCs. Some practical ways to achieve this include:

Position descriptions, performance reviews and guides for staff, board members and volunteers

To assist with ensuring your work environment is one that respects and promotes human rights, embedding a human rights approach into human resource documents is important. Incorporating a human rights approach into management systems and frameworks, as well as position descriptions and performance appraisals is an important step. It is also important to ensure that internal grievance or complaints processes for staff have a human rights element embedded into it.

Staff training and education

Other options are integrating human rights into staff training, regularly communicating best practice human rights information with staff or incorporating a human rights approach into inductions processes. Brochures or posters about human rights could also be displayed in the office to promote awareness raising and staff discussion of how their work relates to human rights.

Staff meetings

Other practical options could include making human rights a standing agenda item for team meetings, which is an effective way to normalise consideration of human rights into day to day consideration and discussion.

Staff training

It will be important for your board, staff and volunteers to receive appropriate training on the Act, as well as the complaints process, how the Act could be used as an advocacy tool for clients and how to incorporate a human rights approach into day-to-day work.

Centres could review any existing training they undertake, to ensure human rights are included. Alternatively, you could source external training, such as from Community Legal Centres Queensland on the Act as it relates to your centre. In particular, staff who are regularly client facing should be prioritised for training.

Communications plan

Communications is another important mechanism by which your centre can embed a human rights culture, both internally and with external stakeholders. One way in which the human rights message could be communicating is through a risk avoidance lens i.e. preventing breaches of human rights. Another is showing that the human rights framework is useful for staff and volunteers, so they can do their job better. Internal communications could include a communications strategy, where external could include the provision of human rights information in external newsletters and on the organisation's website. The purpose of communicating about your human rights approaches, is to help embed a culture of human rights in the wider community and facilitate discussion about human rights.

Community legal education

Human rights education could form part of the community legal education (CLE) functions of your centre. In 2020, Community Legal Centres Queensland will be developing human rights CLE material. This will include a 'train the trainer' package for CLCs, as well as a CLE package for delivery to the community sector.

Case Study:

A number of public entities in Victoria developed 'Client Rights and Responsibilities' brochures, which informs clients of their human rights relating to the services offered by each agency, as well as the obligation for public entities to give proper consideration to human rights and available complaints processes.

Case Study:

The Eastern Community Legal Centre in Victoria established the "Aussies Rules are Human Rights" project to engage young people in education about human rights. Activities undertaken as part of the project included information stands at school events and community festivals, programs in primary and secondary schools and dance programs and performances.

Case Study:

Using human rights principles, one Victorian public entity developed the 'CORE' framework to embed human rights within the organisation. CORE represented Collaborative and knowledge sharing, Outcomes, Respect and diversity and Empowerment. This framework was used to create an expectation of all staff to uphold human rights in their everyday work.

Measuring impact and continuous improvement

At the outset of embedding a human rights culture in your organisation, it's important to include an approach that measures impact and seeks to use feedback for continuous improvement.²⁰

This may be in the form of a performance indicator²¹ to measure the focus on human rights or incorporating a reflection on human rights activities in the centre's annual report. A key consideration here is what are the key indicators for a successful incorporation of a human rights culture in your organisation?

Complaints, which could be viewed negatively, could also be used to ensure continuous improvement. For example, what risks or issues did the complaint highlight with regards to how the service interacted with the complainant? How could that be addressed for future interactions and what has the centre learned about their processes or procedures?

The Intermediate outcomes identified for clients in Community Legal Centres Queensland's theory of change may be of use, in identifying potential client outcomes you could seek to measure, with regards to human rights. These may include:

- Client has more knowledge of their rights and responsibilities
- Client has their matter properly heard and adjudicated
- Client has confidence in their legal representation
- Client knows what they can do to get help or knows what to do next time²²

Options for discussion during file review or individual staff catch ups could include questions, such as:

- Are you thinking about human rights when seeing clients?
- Are you considering whether human rights may be relevant for your client?
- Are you comfortable raising a human rights issue with clients?

²⁰ Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) < https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf > 20.

²¹ Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) < https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf > 31.

²² Community Legal Impact, *Theory of Change* (2018) < <http://www.communitylegalimpact.org/theory-of-change.html> >.

Measuring impact will assist centres to both continually improve their human rights approach, as well as consciously and explicitly using the human rights approach in everything they do.²³ It also shows how the centre's human rights culture is changing over time. To do this, it's important that a baseline dataset is established so centres know where they are today and can compare this with future reports.

Case Study:

One Victorian CLC built key aspects of the Victorian Charter of Human Rights into their existing client database. This required frontline legal staff when completing new legal enquiry forms to identify whether a public entity was involved and record what human rights may be relevant. Embedding consideration of human rights in this way led to a number of benefits, including:

- promoting the early identification of human rights issues;
- using the language of human rights to support clients; and
- building a human rights culture within the CLC by increasing the understanding and recognition of human rights among staff.

²³ This can be referred to as 'human rights programming'. Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the Human Rights based approach in community organisations* (2008) <
https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf> 11.

Further resources

Human Rights Law Centre, *Human Rights Case Summaries* (2019) <
<https://www.hrlc.org.au/human-rights-case-summaries>>

Queensland Human Rights Commission, *Human rights law* (2019) <
<https://www.qhrc.qld.gov.au/your-rights/human-rights-law>>

Queensland Human Rights Commission, *Resources* (2019) <
<https://www.qhrc.qld.gov.au/resources>>

Queensland Human Rights Commission, *What is a public entity?* (2019) <
<https://www.qhrc.qld.gov.au/your-rights/human-rights-law/what-is-a-public-entity>>

Victorian Council of Social Service, *Using the Charter in Policy and Practice – Ways in which community sector organisations are responding to The Victorian Charter of Human Rights and Responsibilities* (July 2008) <
https://www.parliament.vic.gov.au/images/stories/committees/sarc/charter_review/submissions/262_Using_the_Charter_in_Policy_and_Practice.pdf>

Victorian Equal Opportunity and Human Rights Commission, *From Principle to Practice: Implementing the human rights based approach in community organisations* (2008) <
https://acfid.asn.au/sites/site.acfid/files/resource_document/From-Principle-to-Practice-Implementing-the-Human-Rights-Based-Approach-in-Community.pdf>