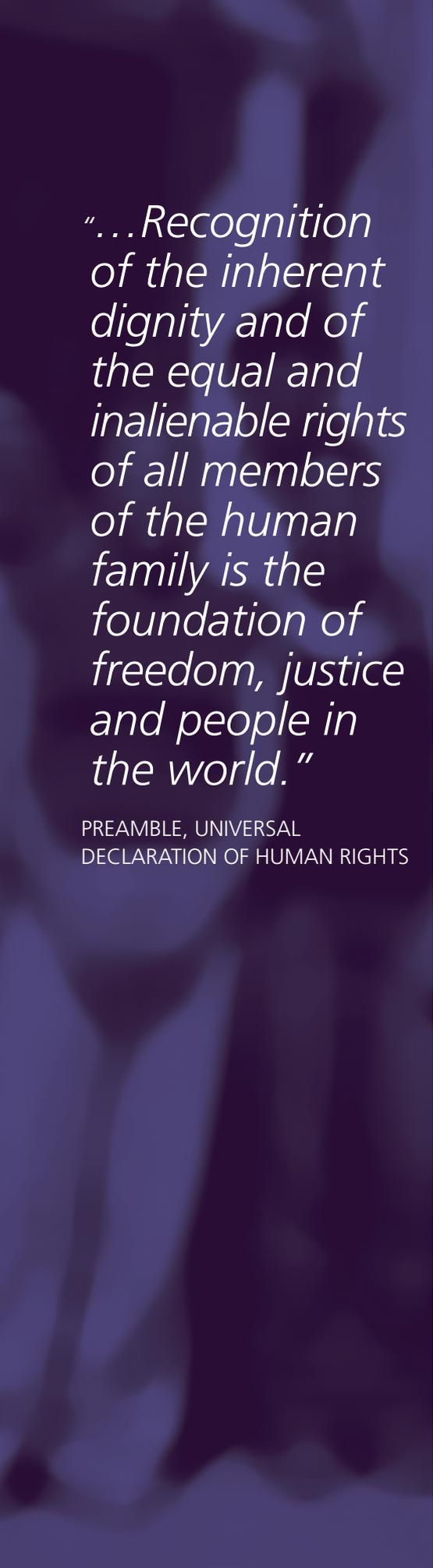




HUME CITY COUNCIL
**SOCIAL JUSTICE
AT WORK**
**A GUIDE FOR
ACTION**

www.hume.vic.gov.au





“...Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

PREAMBLE, UNIVERSAL
DECLARATION OF HUMAN RIGHTS

INTRODUCTION

“Social justice is about equality and fairness between human beings. It works on the universal principles that guide people in knowing what is right and what is wrong. This is also about keeping a balance between groups of people in a society or a community.

Social justice is an underlying principle for peaceful and prosperous coexistence within and among nations.

We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability.”¹

Hume City Council’s commitment to social justice and human rights is evident from the adoption of the Hume City Council Social Justice Charter (SJC) and the Hume Citizen’s Bill of Rights. Since its adoption in 2001, the SJC has put into action, tested and during this time been found to have maintained its relevance, influence and value as a guiding policy position for Hume City Council and the Hume community.

The SJC provides a framework for the organisation to ensure the rights of the Hume community are upheld. This framework not only meets the obligations of *The Charter of Human Rights and Responsibilities Act 2006 (Vic)* but strengthens Hume’s commitment to social justice by providing a policy platform from which Council can deliberatively work to address disadvantage.

This guide contains some practical information to assist Councillors and Council Officers to identify how they can implement social justice and human rights at work.

Local Government’s role is to “achieve the best outcomes for the local community”². From a social justice perspective, this means assisting people to address their problems and finding the resources they need to lead healthy and productive lives. Local Government’s open the doors of access and opportunity to everyone, ensuring those in greatest need are equally included.

Using human rights and social justice to frame an organisation’s work adds value in meaningful and sustainable ways, empowering communities to be resilient, healthy and ultimately, have powerful self-determination.

1 United Nations

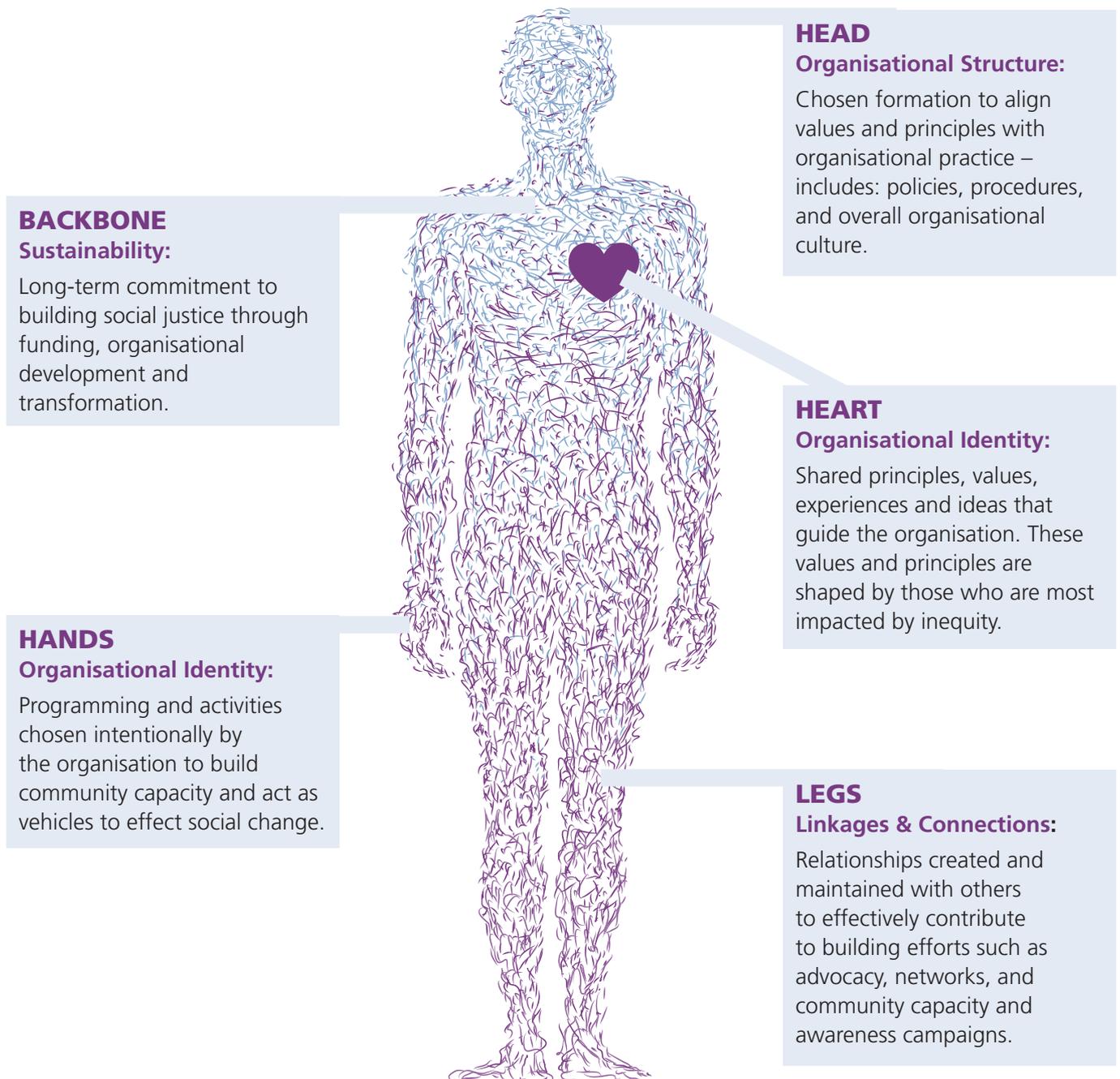
2 Local Government Act 2003

PUTTING PARTICIPATORY RIGHTS INTO ACTION

The Anatomy of a Social Justice Organisation framework developed by National Gender & Equity Campaign (a project of the Asian Americans/Pacific Islanders in Philanthropy Organisation) attempts to articulate the necessary elements that must be paid attention to in order to be an effective and sustainable social justice organisation.

From a holistic vantage point, social justice organisations possess assets in their ability to grow and sustain themselves financially and structurally, to nurture relationships and partnerships within and across communities, as well as, to incorporate their values and identity with their programming and strategies.

ANATOMY OF A SOCIAL JUSTICE ORGANISATION: A Holistic Framework for Development ³



³ 2009, Asian Americans/Pacific Islanders in Philanthropy, Building Organizational Capacity for Social Justice: Framework, Approach and Tools, www.aapip.org

SOCIAL JUSTICE BEHAVIOURS⁴

The following are examples of the types of behaviours and philosophies that an organisation committed to social justice will display.

THE ORGANISATION...

- Advocates for changes to social, political, economic and legal structures that impact on human rights
- Develops robust policy and responsive services to improve social justice outcomes
- Supports Councillors and Council Officers to be examples of social justice in action
- Partners with other organisations to achieve social justice outcomes for the organisation and the community
- Is committed to building the social justice capacity of other organisations through collaboration and shared resources
- Seeks opportunities to recognise and celebrate the strengths of the community
- Requires applicants for employment and volunteer positions to articulate their understanding of, and commitment to social justice principles
- States in publications, submissions, job adverts and promotional materials that they are a social justice organisation
- Actively supports staff through flexible workplace entitlements (eg family violence leave entitlements and support, provision of prayer room etc)

THE WORK WITH COMMUNITY...

- Increases access, builds knowledge and offers opportunities to participate fully in society, make informed choices and have greater autonomy
- Ensures people are included in the development and provision of services that affect them
- Is accountable and responsive to the community
- Shares power, knowledge and expertise to build the capacity of communities to advocate for themselves and others

THE LEADERSHIP TEAM...

- Lead the organisation to challenge the systems and structures that limit human rights
- Work in ways that are democratic and committed to empowering the organisation
- Establish and apply respectful working relationships and environments
- Facilitate decision-making that is transparent and inclusive
- Support staff to develop social justice values and awareness

THE STAFF...

- Are inclusive and respectful of people of all ages, backgrounds, religions, abilities and sexual orientations
- Are collaborative, innovative and facilitate open and effective communication
- Carefully considers how human rights and social justice applies to daily work
- Encourage each another to challenge views or behaviours that do not promote social justice or impede human rights
- Ensure professional conduct is ethical and holds up to public scrutiny

ORGANISATIONAL DEVELOPMENT CONTINUUM⁵

AWARENESS	INTENTIONAL	STRATEGIC	SUSTAINABLE
<p>Organisation is open and willing to discuss new frameworks, gain new knowledge and skills; willing to engage the organisation and the community in social change.</p>	<p>Organisation is conscious of its strengths and limitations; makes intentional decisions to address limitations by revising strategy, shifting work methodologies and structure in order to achieve long term social change goals.</p>	<p>Organisation connects theory and values with their practice; measures its social change practices and impact; sees their role within the larger social justice framework; articulates their model to address root causes; and develops key strategic responses and partners to advance planning processes.</p>	<p>Organisation is effective, sustainable and accountable for its actions; continuously builds its base and develops partnerships & networks with a shared purpose to increase the reach of influence; creates cultural and social change within the community and is able to articulate its strength as a social justice organisation.</p>

4 Adapted from Women's Health West, Tool Kit for Working in a Feminist Organisation, 2013

5 www.aapip.org. op cit

APPLYING HUMAN RIGHTS TO DECISION MAKING⁶

The Charter of Human Rights and Responsibilities Act 2006 (Vic) (Victorian Charter) sets out 20 rights adapted from the human rights in the International Covenant on Civil and Political Rights. The rights include ‘freedoms’ that reflect the traditional approach to civil liberty; ‘substantive rights’ that reflect human autonomy and dignity; and ‘procedural rights’ that apply to judicial and legal processes.

These rights provide a framework to guide decision-making, to manage risks and ensure the business of government is carried out in a balanced, transparent and accountable way. They can also help improve services because they ask you, as an employee of a public authority, to think about the impact your decisions may have on other people.

RIGHTS	DESCRIPTION
Right to recognition and equality before the law Section 8	Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.
Right to life Section 9	Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life.
Right to protection from torture and cruel, inhuman or degrading treatment Section 10	People must not be tortured. People must also not be treated or punished in a cruel, inhuman or degrading way. This includes protection from treatment that humiliates a person. People must not be subjected to medical treatment or experiments without their full and informed consent.
Freedom from forced work Section 11	A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.
Freedom of movement Section 12	People can stay in or leave Victoria whenever they want to so long as they are here lawfully. They can move around freely within Victoria and choose where they live.
Right to privacy and reputation Section 13	Everyone has the right to keep their lives private. A person’s family, home or personal information cannot be interfered with, unless the law allows it.
Freedom of thought, conscience, religion and belief Section 14	People have the freedom to think and believe what they want, for example, to follow a religion. They can do this in public or private, as part of a group or alone.
Freedom of expression Section 15	People are free to say what they think and want to say. They have the right to seek, receive and share information and ideas. In general, this right can be limited to respect the rights and reputation of other people, or for the protection of public safety and public order.
Freedom of association and peaceful assembly Section 16	People have the right to join groups or unions and to meet peacefully for a purpose.
Right to protection of families and children Section 17	Families are entitled to protection. Children have the same rights as adults with added protection according to their best interests. Children have the right to have a say about matters that affect them.

⁶ Victorian Equal Opportunity and Human Rights Commission (VEOHRC) www.humanrightscommission.vic.gov.au

RIGHTS	DESCRIPTION
Right to take part in public life Section 18	Every person has the right to take part in public life, such as the right to vote or run for public office.
Cultural rights Section 19	People have different family, language, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages. Aboriginal persons hold distinct cultural rights.
Property rights Section 20	People are protected from having their property taken, unless the law says it can be taken.
Right to liberty and security of person Section 21	Everyone has the right to freedom and safety. The right to liberty includes the right to not be arrested or detained except in accordance with the law. The right to security means that reasonable steps must be taken to ensure the physical safety of people who are in danger of physical harm. This aspect of the right is not limited to situations where a person is detained. It can include protection from environmental threats, violence, and other harm.
Right to humane treatment when deprived of liberty Section 22	People have the right to be treated with humanity if they are detained.
Rights of children in the criminal process Section 23	A child charged with committing a crime or who has been detained without charge must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way that is appropriate for their age.
Right to a fair hearing Section 24	A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.
Rights in criminal proceedings Section 25	<p>There are a number of minimum guarantees that people have when they have been charged with a criminal offence, including the right:</p> <ul style="list-style-type: none"> • to be told the charges against them in a language they understand • to an interpreter if needed • to have time and the facilities (such as a computer) to prepare their own case or to talk to a lawyer • to have their trial heard without too much delay • to be told about Legal Aid if they don't have a lawyer <p>People are presumed innocent until proven guilty; they do not have to testify against themselves or confess guilt unless they choose to do so.</p>
Right not to be tried or punished more than once Section 26	A person will only go to court and be tried once for a crime. This means if the person is found guilty they will only be punished once. If they are found to be innocent they will not be punished.
Rights in relation to retrospective criminal laws Section 27	A person has the right not to be prosecuted or punished for things that were not criminal offences at the time they were committed.

HUMAN RIGHTS ASSESSMENT TIPS

Under the Victorian Charter local Councils have a legal obligation to act compatibly with human rights in the way they go about their work and deliver services.

In practice, this means that local Councils must:

- Give proper consideration to human rights when making decisions
- Ensure that actions, policies and services are compatible with human rights
- Interpret and apply local laws consistently with human rights
- Ensure that people who work on their behalf do so in a way that respects human rights

In undertaking the day-to-day work of local government, there will be times when the human rights set out in the Charter may need to be limited.

For example, Council may seek to restrict the use of the local swimming pool to women only on a particular evening, outside of ordinary operating hours. This is in order to address the inequalities in access to swimming facilities for local Muslim women. Council decides that the restriction is a reasonable limitation on the right for men to access the facilities free from discrimination.

HUMAN RIGHTS ASSESSMENT TIPS: FROM POLICY TO PRACTICE

The following Human Rights Assessment Tips help Councilors and Council Officers to reflect, plan and have more clarity about ways to become a more effective and sustainable organisation where human rights and social justice is concerned.

HUMAN RIGHTS ASSESSMENT TOOL⁷

You could be making decisions that impact on	These rights could be promoted or limited by what you do	EXAMPLE: use this space to record examples of how your group or organisation gives consideration to human rights
Public Safety	<ul style="list-style-type: none"> • Right to life • Right to liberty and security of person, which includes personal safety • Right to freedom of movement 	
Accessibility for people with disabilities	<ul style="list-style-type: none"> • Right to equality • Right to freedom of movement 	
Property use, restrictions and laws (including use and management of motor vehicles and animals)	<ul style="list-style-type: none"> • Right not to be deprived of property other than in accordance with the law • Property rights • Right to privacy and reputation • Cultural rights • Right to freedom of movement 	
Recreation opportunities and safety for children and young people	<ul style="list-style-type: none"> • Right to the protection of families and children • Right to take part in public life 	
The needs of cultural or religious groups, including the distinct cultural rights of Aboriginal people	<ul style="list-style-type: none"> • Right to equality • Freedom of thought, conscience, religion and belief • Cultural rights 	
Community consultation	<ul style="list-style-type: none"> • Right to take part in public life • Right to freedom of expression, including access to information • Right to privacy 	
Specific members of the community (eg: single parent families, faith groups, bike users, same sex attracted and gender diverse)	<ul style="list-style-type: none"> • Protection of families and children and best interests of the child • Equality (for example age, disability, race, sexual orientation) • Freedom of thought, conscience, religion and belief (for example right to practice religion or be part of a community) • Cultural rights (for example enjoy culture and identity, maintain kinship ties) 	
Programs for children and young people cared for by guardians, informal carers, in out-of-home care, those with a disability, or parents or carers with a disability	<ul style="list-style-type: none"> • Right to life • Protection from torture and cruel, inhuman or degrading treatment • Right to liberty and security of person • Protection of families and children 	

⁷ Victorian Equal Opportunity and Human Rights Commission (VEOHRC) www.humanrightscommission.vic.gov.au

HUMAN RIGHTS ASSESSMENT TOOL (continued)

You could be making decisions that impact on	These rights could be promoted or limited by what you do	EXAMPLE: use this space to record examples of how your group or organisation gives consideration to human rights
Information held on a public register	<ul style="list-style-type: none"> • Right to privacy and reputation 	
Membership of a group or association, for example, trade unions	<ul style="list-style-type: none"> • Peaceful assembly and freedom of association 	
Family violence	<ul style="list-style-type: none"> • Protection of families and children • Right to privacy and reputation 	
Ability of someone to participate in Council meetings or elections and to participate in democratic process	<ul style="list-style-type: none"> • Entitlement to participate in public life 	
Communication in languages other than English, including through the provision of written information	<ul style="list-style-type: none"> • Cultural rights 	
Collection, storage, use or publication of personal information (how it is accessed, used or disclosed) and sharing of personal/client information across or within agencies	<ul style="list-style-type: none"> • Right to privacy and reputation • Right to life • Right to freedom of expression, including access to information 	
Regulation of planning or land use that may make it difficult to use or establish places of religious worship	<ul style="list-style-type: none"> • Freedom of thought, conscience, religion and belief • Right to equality • Cultural rights 	
Authority to employ or direct people to perform work in a vital industry or during a state of emergency	<ul style="list-style-type: none"> • Freedom from forced work 	
Court proceedings	<ul style="list-style-type: none"> • Right to a fair hearing • Right to privacy and reputation 	
Surveillance of people, land or properties	<ul style="list-style-type: none"> • Protection of privacy and reputation • Right to life • Right to liberty and security of person, which includes personal safety • Right to freedom of movement 	

RESOURCES

Amnesty International

www.amnesty.org.au

Attorney General's Department

www.ag.gov.au

Australian Human Rights Centre

www.ahrcentre.org

Australian Human Rights Commission

www.humanrights.gov.au

Diversity Council of Australia

www.dca.org.au

Freedom, Social Justice and Growth Australia

www.fsg.org.au

Human Rights Law Centre

www.hrlc.org.au

United Nations

www.un.org/en/documents/udhr

Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

www.humanrightscommission.vic.gov.au

Victorian Law Act

www.legislation.vic.gov.au

HumeLink

Hume City Council's
multilingual telephone information service.
General enquiries: Telephone 9205 2200

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For other languages...	9679 9824



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