

# Human Rights Policy and Procedure

## Policy Statement

MANAWISE Care is committed to creating and maintaining an environment that promotes and protects the human rights of all staff and clients.

We consider the human rights and obligations of all our services users, staff and stakeholders when developing our strategic plan and planning and implementing our day-to-day service delivery.

## Scope

This Policy and Procedure applies to MANAWISE Care as a whole.

## HSQF Related Standards

- Human Services Quality Standards Indicator 1.1
- Human Services Quality Standards Indicator 2.1
- Human Services Quality Standards Indicator 4.1
- Human Services Quality Standards Indicator 6.5

## Related Legislation

<b>Common</b>	<ul style="list-style-type: none"> <li>• <i>Human Rights Act (Qld) 2019</i></li> </ul>
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## Definitions

<b>Human Rights</b>	The basic rights and freedoms that belong to every person, as enshrined in the <i>Human Rights Act 2019 (Qld)</i> . These include civil, political, economic, social, and cultural rights such as the right to life, privacy, equality, education, freedom of expression, and protection from torture and degrading treatment.
<b>Discrimination</b>	Any unjust or prejudicial treatment of an individual or group based on personal characteristics such as race, age, sex, disability, religion, sexuality, gender identity, or other protected attributes under the <i>Anti-Discrimination Act 1991 (Qld)</i> .
<b>Harassment</b>	Unwelcome conduct that offends, humiliates, or intimidates an individual, and that a reasonable person would consider offensive. This can include verbal, physical, visual, or online behaviours.
<b>Bullying</b>	Repeated and unreasonable behaviour directed at an individual or group that creates a risk to health and safety. This includes verbal abuse, social exclusion, psychological intimidation, or undermining performance.

<b>Equal Opportunity</b>	The principle that all individuals should be treated fairly and equitably and have the same access to opportunities, free from discrimination or bias.
<b>Dignity</b>	Respecting the inherent value and worth of each individual. This includes treating people with compassion, fairness, and without judgment.
<b>Cultural Safety</b>	An environment that is safe for people from all cultural backgrounds, particularly Aboriginal and Torres Strait Islander peoples, where there is no challenge or denial of identity, and cultural needs are recognised and met with respect
<b>Reasonable Adjustment</b>	A change made to a service, role, environment, or practice to enable a person with a disability or particular need (e.g., cultural or religious) to participate equally and safely. Adjustments must be reasonable and not impose unjustifiable hardship.
<b>Vulnerable Person</b>	An individual who, due to age, disability, mental health condition, or life circumstances, may be at greater risk of abuse, neglect, exploitation, or violations of their rights. This includes children and young people in out-of-home care
<b>Freedom of Expression</b>	The right of every individual to express their thoughts, opinions, and beliefs in a respectful and lawful manner, provided it does not cause harm to others or infringe on their rights.
<b>Informed Consent</b>	Voluntary agreement to a process, service, or intervention made with full understanding of the relevant facts, benefits, risks, and alternatives. In the case of children or individuals with impaired decision-making capacity, consent must be obtained from the appropriate guardian or legal representative
<b>Right to Privacy</b>	The right of all individuals to have their personal, medical, cultural, and other sensitive information kept confidential and protected from unauthorised access or disclosure
<b>Coercion</b>	The practice of persuading or forcing someone to act against their will through threats, pressure, intimidation, or manipulation.
<b>Advocacy</b>	Actions taken to support or represent an individual's rights, preferences, and interests, particularly where they may face barriers to self-representation. This may be through informal support or formal advocacy services
<b>Natural Justice (Procedural Fairness)</b>	The right to a fair process in decision-making, including the right to be heard, the right to an unbiased decision-maker, and the right to a transparent, logical, and evidence-informed outcome.
<b>Rights-Based Approach</b>	A model of care and decision-making that ensures human rights are central to all actions, policies, and supports. This approach values empowerment, participation, non-discrimination, accountability, and transparency.
<b>Mandatory Reporting</b>	A legal obligation placed on certain professionals to report known or suspected instances of harm, abuse, or neglect—particularly involving children or vulnerable persons—to relevant authorities (e.g., Child Safety Services, Police) in line with state legislation.

## Principles

The principles that support our commitment to human rights replicate those in the *Queensland Human Rights Act 2019*.

MANAWISE Care acknowledges that First Nations people hold distinct cultural rights, and they must not be denied the right to enjoy, maintain, control, protect and develop their identify and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings, and cultural expressions.

## Procedure

### Training and supervision

- All staff are trained and supported to understand and uphold the human rights of others
- One on one supervision is made available to staff who require additional support
- Undertaking work in a way that does not respect a person's human rights requires disciplinary action.

### Reasonable limits on human rights

- The *Human Rights Act 2019* acknowledges that human rights are not absolute and may be subject under the law to reasonable limits that can be justified
- Limitations on rights must have a clear legal basis and they must be reasonable and demonstrably justified in the circumstances
- A right may be limited or balanced with other rights to ensure that in protecting one human right we do not impinge on others
- When it comes to decision making, the rights of one person may need to be balanced against the rights of others or the broader community
- If you have to restrict somebody's rights the restriction is no greater than is needed to achieve your goal
- Any limits applied must be demonstrably justifiable in a free and democratic society based on human dignity, equality, and freedom and take relevant factors into account
- It is preferable that any justifiable or reasonable restriction of rights is documented prior to the restriction being applied, through as assessment that must involve the client and other relevant parties (e.g. Allied Health Professional; Public Guardian)
- Only the Chief Executive Officer can approve a restriction to a human right
- Any restriction of a human right that has not had prior assessment and approval must be immediately reported to the Chief Executive Officer.

### Client and staff complaints

- Our clients have the right to make a complaint if they feel their human rights have been breached
- As per the *Act (2019)*, clients must first lodge a complaint with us, by following our Feedback, Complaints and Appeals Policy and Procedure. Clients can then raise their complaint with the Human Rights Commissioner if 45 days have elapsed and the person has either not received a response to the complaint, or has received a response the client considers to be inadequate

- Clients that wish to lodge a complaint may need support from an advocate. Please refer to our Advocacy Policy and Procedure for more information on how you can support a client to access an advocate.
- MANAWISE Care supports the human rights of our staff, and their right to complain if they feel their human rights have been breached
- Staff can do this by first following our Employee Grievances Policy and Procedure

## Human Rights Commission

- All complaints to the Human Rights Commissioner must be made in writing, and must include the complainant's name and address, all details of the alleged contravention to the complainant's human rights
- Complaints to the Commissioner need to be made within one year of the alleged contravention, or it may be rejected
- MANAWISE Care must comply with any requests from the Human Rights Commissioner where a complaint has been raised, including meeting any required timeframes or attending conciliation conferences.

## Related Policies and Procedures

- Staff Induction, Training, Supervision and Support
- Client Rights and Responsibilities

## Supporting Documents

Client Feedback, Complaints and Appeals Policy and Procedure

<b>Policy/Procedure/Form Name</b>	<b>Human Rights Policy and Procedure</b>	<b>Date Ratified</b>	06/06/2025
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