



# Human Rights and You: eLearning Workbook

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- The Introduction to Human Rights in Disability Services project team and contributors

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## Contents

<b>Module 1: What are Human Rights</b>	
- and why they are important .....	5
<b>Module 2: Rights and Responsibilities</b>	
- getting the balance right .....	7
<b>Module 3: When rights go wrong</b>	
- and are not upheld .....	9
<b>Module 4: Asking for help</b>	
- where to look and who to talk to .....	11

## 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. 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 eLearning Program 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 supports your learning in the [Human Rights and You e-learning program](#).

You can access the eLearning videos for free on the NDS website or talk to your employer.

We hope the workbook will help you to remember some of the things you learn in the training. We encourage you to talk about the ideas in your teams, with your supervisor and with the people that you support.

Thank you for taking the time to learn about human rights.



## 1: What are Human Rights?

What are some examples of Human Rights?

Why do we need them?

Why 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 can you do to help them find out more about their rights?

## 1: What are Human Rights?

### 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

### 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

### Change in society

**Attitudes:** people with disability contribute to society

**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 – a personal reflection

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

## 2: Rights and Responsibilities

Rights must be **balanced** with responsibilities.

We all have a responsibility to:

- Respect and act within the law
- Respect other people and their human rights

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 support people and how you can 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 to make decisions

The NDIS Practice Standards and Quality Indicators remind us that choice and control is about participants having the right to freedom of expression, self-determination and decision making.

People with disability have the right to make decisions about their lives. To make decisions that you or others don't agree with, and the right to change their mind or get things wrong.

"Mum and Dad think because I have a disability that I can't do things that other people can do. It makes me disappointed"

- **Brooke's story**

### 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

## 2: Rights and Responsibilities

### Personal reflection: rights and risk

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



Respect:



Reflect:



Reflect:



Request:

#### Talk about it

Supporting rights and managing risks might involve conversations with different people.

Talk with your team about who might need to be involved in supporting rights.

Talk about the communication supports or approach that can best support the people you work with.

### My commitment – a personal reflection

I am committed to providing choice and control, the right to freedom of expression, self-determination and decision making for the participants I support, and I will:



### 3: When Rights go Wrong

#### Your rights – A reflection

Think of a time your rights were restricted. What did you do? How did it make you feel?

#### Restrictions and the People you Support

People with disability often experience restrictions on their rights. Severe restrictions of human rights are called violations or abuses. Abuse, neglect and exploitation are never OK.

“...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

#### Human rights restrictions and abuses can happen:

**Deliberately:** when people seek to harm or take advantage of others

**Accidentally:** when people 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

#### Some abuses are crimes and must be reported to the police.

Not reporting can have serious consequences for people with disability.

Different states and territories have different rules about responding to critical incidents, including abuse and violence. You must read, understand and follow your organisation’s policy and practice guidelines about responding to serious incidents.

Where a person is a participant of the NDIS, workers need to comply with the NDIS Code of Conduct, that includes responsibilities about reportable incidents. Registered NDIS providers must meet the NDIS Practice Standards which include responsibilities about complaints, behaviour support, and worker screening.

We all have a responsibility to prevent abuse happening and to support victims of abuse to get help they need.

### 3: When Rights go Wrong

#### Listen to Tim's Story

Tim's human rights were restricted. When a participant is restricted from going out into their community this is called 'environmental restraint'.

Environmental restraint is a restrictive practice. The NDIS defines a restrictive practice as any practice or intervention that has the effect of restricting the human rights or freedom of movement of a person with disability.

Under the National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 some restrictive practices are subject to regulation. These include the use of seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint for the purpose of addressing a behaviour of concern that can cause harm to the person or others. All uses of regulated restrictive practices must be reported to the Commission.

#### Reducing and eliminating restrictive practices

Tim's new supervisor was concerned about the restrictive practice. Everyone worked together to understand Tim, teach him skills to be safe in his community and to remove the restrictive practice.

A Behaviour Support Plan provides a way to improve peoples' Quality of Life, learn new skills and find ways to reduce the use of restrictive practices, just like in Tim's story.

#### 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? Can the 4 R's help?

- Gwen has her iPad taken away after she uses all her data
- Ravi's communication aid is deliberately hidden as a punishment
- Gordon, 46, goes to bed at 6pm everyday to make handovers simpler
- Michelle has mobility needs. She is left on the commode whilst others get ready.
- It's a cold night. 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 being restricted or abused and I will:

## 4: 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.

Think about what you can do to support people with disability to be more empowered in these areas:

- Learning about rights
- Supporting independence
- Communication Support

### Remember, you are not alone!

Supporting human rights of people with disability is the **right thing to do**. Some situations are trickier than others. First discuss problems with people themselves.

**Remember the 4 R's and REQUEST help when you need it.**

Help can come from:

- the person's family, support worker or friends
- a colleague or manager
- a disability advocate or agency
- NDIS Quality and Safeguards Commission, NDIA Commission, ombudsman and human rights office

### 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.
- It is important that you know your organisations complaints process and use it.
- If complaints is not being taken seriously, you can also lodge complaints with the NDIS Commission.
- 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.

## 4: Asking for Help

### Group Discussion

Talk as a group about why people might not speak up or make complaints.

What can you do to support people with disability to understand how to make a complaint? This might be to your organisation or to the NDIS Commission

“[services] need to let people know their rights and how to complain. ”

- **Speaking up about Safety participant**

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 not in accessible format or language

### Responding to Complaints

- Listen to the people you support.
- Let people know it is OK to speak up.
- Support people to speak up.
- Support people to 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.

### 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. I will:

## Find out more

Thank you for completing Human Rights and You.

We hope that you found it useful in understanding human rights and in your work supporting participants to have their human rights upheld.



Find out more about upholding human rights, preventing abuse and recognising restrictive practices in the [Zero Tolerance a collection of resources](#).

You can learn more about the rights of participants and the role of providers in the [NDIS Practice Standards and Quality Indicators | NDIS Quality and Safeguards Commission \(ndiscommission.gov.au\)](#).

Learn more about your role in upholding rights in the [NDIS Worker Orientation Module 'Quality, Safety and You'](#).