

HUMAN RIGHTS POLICY

This policy applies to all staff, directors, volunteers, clients and members of MDNSW.

MDNSW vision: Every person with a neuromuscular condition is able to live the life they choose.

Purpose

People with disability have the same human rights as everyone and the NDIS expects service providers to be informed and uphold these rights at all times.

Responsibilities

MDNSW staff, management and directors have a responsibility to follow the standards outlined in this policy and participate in training about rights, as required.

Staff are required to complete the NDIS Worker Orientation Modules available here: <https://training.ndiscommission.gov.au/>

Management are additionally required to ensure that staff receive training when needed and that any instances of a breach of rights is recorded and dealt with appropriately.

MDNSW promotes a strong culture of respect for the diversity, culture, values and beliefs of our clients and their families.

Human Rights

MDNSW recognises that all people with disability (including children, young people and adults) have legal and human rights and that those rights should be respected at all times.

MDNSW aims to ensure that each person receives supports or services that promotes and respects their legal and human rights and enables them to exercise choice and control like everyone else in the community – as outlined in the *United Nations Convention on the Rights of Persons with Disabilities*.

The UN convention's general principals include:

- Respect for everyone's inherent dignity
- Freedom to make their own choices, and independence
- Non-discrimination (treating everyone fairly)
- Respect for differences and accepting people with disabilities as part of human diversity
- Equal opportunity
- Accessibility (having access to transportation, places and information, and not being refused access because you have a disability)

- Equality between men and women (having the same opportunities whether you are a girl or a boy)
- Respect for the evolving capacity of children with disabilities and their right to preserve their identity (being respected for your abilities and proud of who you are)

NDIS participants' rights

Under the NDIS, all participants receiving MDNSW supports and services have the right to supports that:

- promote, uphold and respect individual rights to freedom of expression, self-determination and decision-making
- respect their culture, diversity, values and beliefs
- respect and protect their dignity and right to privacy
- are free from violence, abuse, neglect, exploitation or discrimination
- provide support, if needed, to make informed choices, exercise control and maximise independence relating to the supports provided.

The **NDIS Code of Conduct** for workers outlines these rights which apply to all workers and service providers delivering NDIS supports or services, including employees, contractors and volunteers.

MDNSW staff and volunteers are provided with a copy of the Code in the induction process and it is also available on the NDIS Commission website here:

<https://www.ndiscommission.gov.au/document/811>

Policy in practice

- MDNSW will ensure that each client's legal and human rights are understood and incorporated into everyday practice by providing staff with information and training on rights.
- Communications with each client about their supports are responsive to their individual needs and provided in the language, mode of communication and terms that they are most likely to understand. Interpreters are used, depending on the language needs of the client or family.
- MDNSW and staff respect the culture, diversity, values and beliefs of all clients and their family members.
- MDNSW respects the dignity and right to privacy of all clients – see our Privacy Dignity and Confidentiality Policy.
- Clients are supported to make informed choices, exercise control and maximise their independence relating to the supports provided – see our Service Access Policy.
- Clients' right to autonomy and sexual expression is respected.

- MDNSW respects the client’s right to the dignity of risk in decision-making and are supported to make informed choices about the benefits and risks of the options under consideration. See our Duty of Care and Dignity of Risk Policy.
- Each client has sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review and exit. See also our Service Access Policy.
- Each client’s right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present. See our Advocacy Policy for more information.
- MDNSW has processes in place to prevent violence, abuse, neglect, exploitation or discrimination of clients and their families. This includes position descriptions, worker screening, and recruitment policy, working with children checks and staff supervision. If an incident occurs, there is a reporting system in place. See Incident Management System, Client Risk Policy, Safe Home Visiting Policy and Positive Strategies for working with Vulnerable People.
- Each client or family member has the freedom to give positive and negative feedback about all aspects of their supports and services and to expect to see improvements as a result. Each person also has the right to independent advice and support to provide feedback or make a complaint when needed. See our Complaints Feedback and Resolution policy and Advocacy policy.

Legislative framework

This Human Rights policy is not a replacement for any Act or Regulation. The criminal law and legislation still apply to all staff. If any conflict arises between this policy and the provisions of any Act or Regulation, the latter provisions will prevail.

The following legislation and conventions are relevant to this policy:

Age Discrimination Act 2004 (Commonwealth)

Anti-Discrimination Act 1977 (NSW)

Australian Human Rights Commission Act 1986 (Commonwealth)

Carers (Recognition) Act 2010 (NSW)

Children and Young Persons (Care and Protection) Act 1998

Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)

Crimes Act 1900 (NSW)

Disability Discrimination Act 1992 (Commonwealth)

Disability Inclusion Act 2014 (NSW)

Disability Services Act (National Standards for Disability Services) Determination 2014

Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)

Guardianship Act 1987 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

National Disability Insurance Scheme Act 2013 (Commonwealth)

Privacy Act 1988 (Commonwealth)

Privacy and Personal Information Protection Act 1998 (NSW)

Public Health Act 1991 (NSW)

United Nations Convention on the Rights of Persons with Disabilities 2007

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

More information on rights and organisations that support rights for people with disability

UN Convention on the Rights of Persons with Disabilities

www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

Australian Human Rights Commission, About Disability Rights

<https://www.humanrights.gov.au/our-work/disability-rights/about-disability-rights>

NDIS Commission, 1800 035 544, www.ndiscommission.gov.au

Australian Centre for Disability Law <https://disabilitylaw.org.au/>

People with Disability Australia <https://pwd.org.au/>

Australian Federation of Disability Organisations <https://www.afdo.org.au/>

Updated policy approved by MDNSW Board: February 2019

This policy is due for review: February 2020