



**Australian
Human Rights
Commission**

Strengthening human rights education in the Economics and Business curriculum

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Recommendations on *Draft Shape of the
Australian Curriculum: Economics and Business*
10 October 2012

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1 Introduction

The Australian Human Rights Commission welcomes the development of the national school curriculum. We believe that the development of the curriculum is a unique opportunity to ensure all young people in Australia have the opportunity to gain understanding and respect for human rights.

The Commission congratulates the Australian Curriculum, Assessment and Reporting Authority (ACARA) on the first steps taken to incorporate human rights into the *Draft Shape of the Australian Curriculum: Economics and Business* (draft shape paper).

In particular, it is with pleasure that the Commission notes references to concepts that align with human rights including ecological sustainability, corporate social responsibility, and ethical behaviour in decision-making.

It is, however, the Commission's view that the focus on human rights should be further strengthened and integrated into all stages of the Economics and Business curriculum.

Human rights are intrinsically linked to economic and business activity—whether it's through the economic policies and programs developed by governments, choices people make as consumers, the activities of business owners and operators, and the opportunities and experiences people have as employees.

2 Summary of recommendations

The Commission recommends that the draft shape paper further demonstrate how the curriculum will:

1. Incorporate the relationship between economic policies and programs and Australia's human rights obligations.

In particular, we recommend students develop an understanding of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which commit Australia to respecting and protecting economic, social and cultural rights for all including labour rights, social security rights, education rights and the right to an adequate standard of living.¹

Economics, social and cultural rights are also articulated in the Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Declaration on the Rights of Indigenous Peoples (UNDRIP), Convention on the Elimination of all forms of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD).

In accordance with these obligations, the Australian Government must prioritise "minimum core obligations"—minimum essential levels of each of the

rights. A State party would be viewed as failing to meet its obligations under the Covenant if, for example, a significant number of individuals were deprived of essential foodstuffs, essential primary health care, basic shelter and housing, or of the most basic forms of education.² Further, governments must not discriminate in their laws, policies or practices on the basis of gender, sexuality, culture, ethnicity, socio-economic status, environments or geographic location.³

The Commission also recommends that that the shape paper explain how the curriculum will examine Australia's obligations to act beyond its borders to respect, protect and fulfil human rights. These obligations extend to actions taken through Australian government aid; Australian based international companies; as well as intergovernmental organisations such as the World Bank and the International Monetary Fund (IMF).⁴

2. Incorporate the impacts of business activity on human rights

In particular, the Commission recommends that the curriculum explore the impact of business activity on:

- working conditions
- equality and non-discrimination in the workplace
- the environment and the community
- people's health, life and security
- housing and standards of living
- Indigenous peoples, land and culture
- human rights impacts throughout domestic, regional and international business supply chains.

3. Incorporate laws that require business to protect human rights

In particular, the Commission recommends the curriculum explore:

- laws prohibiting discrimination and harassment in the workplace and laws requiring employers to provide equal employment opportunities including the *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975*, and the *Age Discrimination Act 2004* as well as state and territory anti-discrimination legislation.
- laws regulating conditions of work. For example, occupational health and safety, terms and conditions of employment, minimum wages, collective bargaining, and prohibition of child labour and forced labour
- laws regarding Native Title. Such laws address economic, social and cultural rights including property rights, which are set out in various international human rights treaties or declarations including the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Rights of Indigenous Peoples.
- laws imposing liability on companies for certain acts which impact on human rights, such as bribery of foreign officials or complicity in gross human rights abuses such as war crimes, genocide or crimes against humanity even if they occur overseas.

4. Incorporate international human rights standards for business

At an international level there have been significant advances in examining and clarifying how businesses can respect international human rights standards. In particular, the Commission recommends the curriculum explore the [United Nations Guiding Principles on Business and Human Rights](#) — these principles provide a global standard for preventing and addressing the risk of adverse human impacts linked to business activity.⁵

As well as providing guidance on how businesses can meet their responsibility to respect human rights, the Guiding Principles direct governments as to the steps they should take in protecting against business-related human rights abuse. The principles are therefore likely to inform domestic legal and policy standards applicable to business in the future. They are an important focal point for business, government, and civil society as they work to strengthen their respective approaches to business and human rights.

Parallel to the UN system, the International Labour Organization has adopted numerous [conventions](#) on the rights of workers.

5. Incorporate the business case for respecting human rights; and the policies and practices used by business to protect and respect rights.

Ever-increasing numbers of Australian companies recognise that respecting human rights is good business. It is about managing business risks and creating new business opportunities. There is real value for a company that embeds human rights considerations into its core business practices. And there are real costs for a company that does not take human rights into account.

In particular, the Commission recommends the curriculum explore how businesses can:

- assess their human rights impacts
- develop human rights policies and codes of practice
- undertake human rights monitoring and reporting
- enhance human rights protections in business activity and show corporate leadership – a wide variety of voluntary initiatives and guidelines aimed at improving business human rights performance have been developed by individual companies, industry bodies, NGOs, inter-governmental bodies and multi-stakeholder groups.

6. Include relevant human rights case studies as elaborations in the curriculum when it is developed.

The Commission recommends including case studies that enable students to explore the relationship between economics, business and human rights. This could include case studies of government policies and programs as well as business activity. A useful resource for case studies regarding business activity is the [Business and Human Rights Resource Centre](#), an independent non-profit organisation, which has an International Advisory Network of over 70 experts chaired by Mary Robinson, former UN High Commissioner for Human Rights.

Besides these recommendations, the Commission has also made some minor suggestions to ensure that the shape paper is articulated in ways that support human rights.

Throughout this submission, the Commission has identified specific changes and suggestions in *italics*; any suggested words to be removed have been struck through, and the paragraph references have been included.

3 Rationale

The Commission welcomes many components of the rationale in the draft shape paper, in particular the focus on sustainability, corporate social responsibility, and ethical decision making. However, we believe that the rationale should be further developed to ensure that the curriculum:

- is relevant to all students without discrimination
- explores the relationship between economic policies and programs and Australia's human rights obligations
- explores the relationship between business activity and human rights
- further enhances the social and environmental goals of economic and business participation.

We have specific suggestions for the following sections:

Paragraph 2: The Commission acknowledges the efforts of ACARA to expand the definition of economics so that it is inclusive of men and women (since the Initial Advice Paper). However, we still have concerns with the current definition. The opening quote by Alfred Marshall is not appropriate given that it excludes women with the reference to 'mankind' only. Whilst the following sentence — 'economics is all about making things better for ordinary men and women' — refers to women, it does so in the context of treating women as subjects of an economy, not as equal and active participants. To avoid discrimination, the Commission recommends replacing the current definition with a definition that is gender neutral or inclusive of diverse genders.

Paragraph 3: The Commission suggests that the definition of the study of business be further developed to reflect the global context in which business activity now occurs. Currently this paragraph focuses on business activity which occurs in 'our society' and the effects of business on 'all Australians'. However, many Australian businesses operate on a global scale and have national, regional and international impacts.

Furthermore, we recommend that this paragraph more clearly define the functions, goals and impacts of business, including human rights impacts. Currently this paragraph alludes to the 'affects' of business; however there is no explanation of what that means.

Paragraph 6: Given this paragraph focuses on enabling students to tackle social challenges, the Commission recommends removing 'economic growth'—economic

growth is one possible process (a means to an end) rather than a social challenge. The Commission also suggests including human rights. For example:

- Economics and Business education enables students to understand *corporate social responsibility* and develop skills to contribute to finding possible solutions to the challenges of our society, such as improving living standards, wellbeing and quality of life, *promoting and protecting human rights*, ~~balancing economic growth~~ and ecological sustainability. ~~and improving corporate social responsibility.~~

Paragraph 7: The Commission suggests further enhancing the social and environmental goals of economic and business participation in this paragraph. For example:

- Students studying the Economics and Business curriculum will develop this skill set and therefore develop the capacity to contribute to a prosperous, *sustainable and equitable* society.

Paragraphs 9: The Commission supports the curriculum exploring the economic and business relationships between Australia and the Asia region. We especially welcome the focus on developing cross cultural understandings (paragraph 9). However, we recommend that these paragraphs be extended to include fostering an understanding of the multilateral governance frameworks that influence this relationship. This should include reference to international human rights and environmental laws and their application to economic and business activities in these regions, especially to the human rights and environmental treaties and conventions to which Australia is a party.

Paragraph 12: The Commission welcomes the acknowledgement of young people as active participants in the economy; however, we suggest further emphasising the social goals of participation beyond economic wellbeing. For example,

- If young people are to actively participate in economic and business activities, contribute to the development of a prosperous, sustainable and equitable Australian ~~economy~~ *society* and secure their own financial wellbeing *and contribute to the wellbeing of others*, then they must develop knowledge, understandings and skills related to Economics and Business education.

4 Aims

The Commission generally supports the curriculum aims, in particular the reference to students developing an understanding of their 'rights and responsibilities' as participants in the economy and in business (Aim II). However, we believe that aims could be enhanced to ensure students:

- develop a critical perspective of economic policies and programs and their social and environmental impacts, including human rights impacts
- develop an understanding of multilateral governance frameworks, including human rights laws and standards and how they apply to economic and business activity.

These could be included as additional aims or incorporated into the current aims.

The Commission also makes some minor suggestions to enhance the following aims:

Aim I: develop an understanding of the allocation of resources in determining the creation and distribution of wealth and how this is related to the wellbeing of individuals, ~~and the economy,~~ *the community and the environment.*

Aim II: actively and ethically participate in the economy and understand their roles, rights and responsibilities as *citizens who are consumers, producers, business owners or operators, employers, savers, investors, and employees workers, and citizens.*

Aim III: develop and apply consumer and financial knowledge, understandings, skills and values to make informed and effective decisions that enable them to make the most of opportunities, meet their goals and secure their financial wellbeing, while also contributing to the prosperity of the Australian economy *and an inclusive society.*

Aim V: develop an understanding of the contemporary and likely future nature of work and business environments, appreciating the role of research and innovation in creating prosperous *and sustainable* futures.

Aim VI: develop a critical perspective of the nature of economics and business decision-making in creating a prosperous, sustainable and equitable Australian ~~economy~~ *society.*

5 Scope

The four key ideas that define the scope of the curriculum include some human rights elements, however, these are not strongly articulated and there seems to be a significant disconnect between the key ideas and the curriculum aims and rationale. The Commission recommends that the four key ideas be more consistent with the aims and rationale, particularly in relation to the issues of sustainability, rights and responsibilities, ethical behaviour, and intercultural understanding. The human rights content in the curriculum scope could also be enhanced as follows:

Resource allocation and making choices

The Commission recommends expanding this key idea to enable critical analysis of how different economic systems and policies might have different economic, social and environmental outcomes—including outcomes for human rights. Currently this idea seems to assume one economic model—the free market—rather than providing students with an opportunity to reflect on a range of approaches.

Consumer and Financial Literacy

The Commission recommends expanding this key idea to enable students to understand their economic and social rights, for example the right to social security and the right to an adequate standard of living, in accordance with articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights.⁶

Furthermore, the Commission suggests that the goals of this idea reflect the overall aim of wellbeing rather than the narrow focus on financial wellbeing. For example:

- 'to improve individual and community ~~financial~~-wellbeing'
- 'awareness of future options and the overall ~~economic~~-wellbeing of society'

The Commission also recommends that consumer and financial literacy be offered outside of the Economics and Business curriculum to ensure all students have the opportunity to develop knowledge and skills in making informed financial decisions.

Enterprising behaviours and capabilities

The Commission recommends expanding this key idea to include 'ethical behaviour' in order to have consistency with the curriculum aims, rationale and general capabilities. We appreciate that the four key ideas are underpinned by 'ethical decision-making', however given the focus of this idea is about behaviour it seems logical to include it here as well.

Work and business environments

The curriculum aims state that students will understand their 'rights and responsibilities' as participants in the economy (Aim II). This is fundamental to 'work and business environments' but is not currently reflected in this key idea.

The Commission recommends integrating rights and responsibilities directly into this key idea. Students need to be aware of their rights as employees, especially regarding fair working conditions and discrimination and harassment in the workplace. This could be integrated as follows:

- To maximise opportunities for healthy, productive and rewarding futures, an understanding of the contemporary and likely future nature of work is needed. *Students need to be aware of their rights as employees, especially regarding fair working conditions and discrimination and harassment in the workplace.*

Furthermore students need to understand their responsibilities as potential business owners, operators or employers. Students need to be aware of legal and regulatory constraints that aim to protect human rights *as well as* the role of business in promoting corporate social responsibility and fostering respect for human rights. Understanding the business case for human rights is crucial to succeeding in the contemporary workplace.

The Commission also suggests that intercultural understanding be integrated into this key idea. For example:

- The development of the skills, attitudes, ~~and~~ knowledge, *and intercultural understanding* that individuals need to effectively manage their life, learning and work roles in the 21st century is vital.

6 How is the Economics and Business Curriculum organised?

Economics and Business Knowledge and Understandings

The Commission generally supports this section of the shape paper. In particular, we welcome the references to developing knowledge and understandings of sustainable development and the relationship between economics and social justice.

The Commission recommends that this section also include knowledge and understanding of key economic and business concepts from Aboriginal and Torres Strait Islander Peoples' perspectives, through longstanding traditions and contemporary practices. This is included in the rationale, however, it is not further developed in the shape paper (except in the cross curriculum priorities). We also recommend that this be integrated into the curriculum structure (F-12) so it's clear where students will engage with this content.

To further enhance the human rights content of this section, the Commission also makes minor suggestions for the following paragraphs:

- c) Key elements of how economies and businesses operate, the role of consumers, producers, *business owners and operators*, governments, and *multilateral organisations* in decision-making, the interdependence of, and interactions between, the various sectors of the economy.
- d) ~~The effect of~~ Key economic and business decisions related to sustainable development, *human rights*, social justice, and equity in local, national, regional and global contexts.
- h) The importance and role of enterprising *and ethical* behaviours, along with dynamic entrepreneurship and innovation, in the *sustainable* development and prosperity of an economy.
- g) Aspects of business management and decision-making, such as business planning, marketing, operations and finance, *and corporate social responsibility*.
- h) How the changing nature of work affects the interests of employers, employees, unions and work-related groups; the role of government in affecting the world of work; and employment *conditions and opportunities*.

7 Economic and Business Skills

The Commission generally supports this section of the shape paper. In particular we welcome the focus on enabling students to evaluate the consequences of economic, social and environmental decisions, innovations, policies and practices (paragraph d – Collective decision making). However we recommend moving this section of the paragraph to paragraph b (Inquiry and research) as it seems to fit better with that skill set. For example:

- This involves, for example, identifying and clarifying contemporary economic and business issues from a variety of sources, including media; selecting and organising economic and business information and preparing analytical reports; planning and conducting investigations in order to research economic or business issues. *Students evaluate economic, social and environmental*

consequences of proposed decisions, innovations, policies and practices in local, national, regional and global contexts.

We also recommend integrating human rights into paragraph e (Communication, reflection and response). For example:

- This involves...communicating the intended and unintended consequences of economic and business decisions, particularly in the context of economic viability, social equity and justice, *human rights*, and environmental sustainability.

8 Economics and Business F-12

The Commission recommends that the relationship between economics, business and human rights be further integrated into the F-12 descriptions at appropriate stages. In particular, we recommend indicating the stages at which students will:

- develop an understanding of the relationship between economic policies and programs and Australia's human rights obligations, especially regarding the:
 - Universal Declaration of Human Rights
 - International Covenant on Economic, Social and Cultural Rights
 - Convention on the Rights of the Child
 - Convention on the Elimination of All Forms of Discrimination Against Women
 - Declaration of the Rights of Indigenous Peoples.
 - Convention on the Elimination of all forms of Racial Discrimination
 - Convention on the Rights of Persons with Disabilities
- develop an understanding of the types of impacts that businesses can have on human rights
- develop an understanding of domestic and international laws that require businesses to comply with human rights standards
- develop an understanding of international human rights guidelines for business
- develop an understanding of the business case for respecting human rights
- develop an understanding of, and skills in generating business policies and practices that respect human rights including:
 - human rights impact assessments
 - human rights policies and codes of practice
 - human rights monitoring and reporting.

The Commission further recommends that the F-12 descriptions demonstrate how students will develop an understanding of economics and business concepts from Aboriginal and Torres Strait Islander perspectives; and intercultural understanding relevant to economics and business.

We also have some concern with the transitions between the early years towards Year 4 and Years 5 to 6. Paragraph 28 states that from the early years towards Year 4 students will begin to 'become aware of economic and business perspectives'. However, it's not clear how this will actually occur. We recommend explaining in further detail how students will be exposed to 'simple economic and business

concepts' (as stated in paragraph 29) and how students who have not developed this awareness will be assisted to transition to the Years 5 to 6 curriculum.

9 General capabilities

The Commission largely supports the general capabilities and makes the following targeted suggestion to enhance the human rights content:

Paragraph 67 (Ethical behaviour)

The Commission recommends integrating human rights. For example:

- Students will have opportunities to investigate local, national, regional and global issues, and evaluate their findings against criteria such as economic viability, equity, corporate and social responsibility, *human rights and responsibilities*, and environmental sustainability.

10 Cross-curriculum priorities

The Commission generally supports the cross-curriculum priorities and makes the following targeted suggestions to enhance the human rights content:

Paragraphs 71 and 72 (Aboriginal and Torres Strait Islander histories and cultures)

The Commission recommends incorporating additional content on the relationship between economic development, business activity and the rights of Aboriginal and Torres Strait Islander Peoples.

Paragraph 76 (Sustainability)

The Commission recommends referring to the importance of a sustainable *present*, as well as a sustainable future. For example:

- The Sustainability priority allows young people to develop an appreciation of the need for more sustainable patterns of living and to build capacities for thinking, valuing, designing and taking action that will create a more sustainable *present and future*.

11 Further details

Further information regarding business and human rights in particular is available on the Commission's website at

http://www.humanrights.gov.au/education/business_and_human_rights/index.html

If ACARA would value more detailed suggestions on how human rights could be incorporated into the next stages of the Economics and Business curriculum drafting, or would like to discuss any details in this submission further then please contact Dr. Annie Pettitt, Principal Adviser, Community Engagement and Human Rights Education, annie.pettitt@humanrights.gov.au or Ph: (02) 9284 9806.

¹ *International Covenant on Economic, Social and Cultural Rights*, 1966, at <http://www2.ohchr.org/english/law/cescr.htm> (viewed Oct 2012).

² Committee on Economic, Social and Cultural Rights, *General Comment 3 - The nature of States parties obligations*, UN Doc E/1991/23(1990), para 10, at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument) (viewed Oct 2012).

³ Economic and Social Council, *General Comment 20 - Non-discrimination in economic, social and cultural rights*, UN Doc E/C.12/GC/20 (2009), para 2 at <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20.doc> (viewed Oct 2012).

⁴ *International Covenant on Economic, Social and Cultural Rights*, General Comment 3, The nature of States parties obligations 1990, paras 13, 14 at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument) (viewed Oct 2012).

⁵ United Nations Office of the High Commissioner, *Business and Human Rights*, 2011, viewed Sept 2012 at <http://www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx>

⁶ *International Covenant on Economic, Social and Cultural Rights*, 1966, at <http://www2.ohchr.org/english/law/cescr.htm> (viewed Oct 2012).