

# Appendix 6:

## Human Resources and Administrative Services

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### Performance management and staff development

The Commission reviews staff performance annually through its Performance Management Scheme. The Scheme provides an opportunity to set goals and priorities in line with our Strategic Plan and to assess the level of individual performance and contribution to Unit outcomes. The Scheme also provides an opportunity to identify and address learning and development needs and to plan effectively for the acquisition of identified skill requirements.

A major learning and development focus for the year was the participation by 16 staff in a social leadership program by the Benevolent Society. This staff development program specifically targeted the first two of the Commission's strategic goals: leadership and empowerment.

The Commission supports additional professional development through its Studies Assistance Program and, across 2008-09, provided assistance to 11 staff in the form of study leave, examination leave and/or financial assistance.

The Commission provided opportunities for work experience and internships through placements in various units with 26 participating in these programs in 2008-09.

### Workplace diversity

During 2008-09, the Commission reviewed its Workplace Diversity Plan and supported a range of diversity events, including International Women's Day, NAIDOC Week, Harmony Day and National Families Week. In order to ensure that resources were used economically and opportunities to celebrate and acknowledge various events were undertaken with care, creativity and forward planning, the committee developed a Calendar of Events for 2009.

The Commission has also developed a draft Reasonable Adjustment policy to provide clear and proactive commitment to supporting people with a disability to enter and stay in the workforce.

### Reconciliation Action Plan

The Commission launched a new Reconciliation Action Plan (RAP) in December 2008.

The Commission's RAP built on the working draft, which was created in May 2007 to coincide with the 40<sup>th</sup> Anniversary of the 1967 Referendum. The RAP was developed with Reconciliation Australia.

One of the challenges for the Commission in developing its RAP was separating RAP activities from day-to-day work. Much of the Commission's work, especially the work of the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Social Justice and Native Title Units, is directly focused on reconciliation and protecting the human rights of Aboriginal and Torres Strait Islander people.

The RAP seeks to focus on *how* we do our business, rather than *what* we do. It therefore identifies ways that the Commission can do its core work to better promote reconciliation.

A significant achievement this financial year has been the review of the Commission's Aboriginal and Torres Strait Islander Employment Strategy. The new strategy will provide greater employment opportunities within the Commission and ensure staff retention and professional development. Under the strategy, the Commission has created both a new traineeship and a new cadetship to promote employment opportunities for Aboriginal and Torres Strait Islander peoples.

The RAP has also been the basis for a range of ongoing activities, including the commemoration of, and participation in, significant Indigenous events and Indigenous cultural awareness training for all staff.

The Commission's RAP is available online at: [www.humanrights.gov.au/about/rap.html](http://www.humanrights.gov.au/about/rap.html).

## Occupational health and safety

The Commission's commitment to staff health and wellbeing, on site and off site, continued with workplace assessments for the resolution of ergonomic issues, access to a software program which encourages staff to take regular breaks throughout the day, and access to preventative and informative health information sessions. The Commission offers support to staff through QUIT smoking programs, flu vaccinations and a Healthy Lifestyle Program.

The Commission provides staff with access to counselling services through its Employee Assistance Program. This is a free and confidential service for staff and their families to provide counselling on personal and work-related problems, if required. No systemic issues have been identified through this service.

The Occupational Health and Safety Committee reviews any Occupational Health and Safety issues promptly. A scheduled annual workplace inspection ensures that any issues are identified and followed up.

## Workplace relations and employment

The Commission's Certified Agreement expired in December 2008. A variation and extension to this Agreement was negotiated with staff and certified by the Australian Industrial Relations Commission on 5 January 2009 for a further three years. The new Agreement offers 18 weeks paid maternity leave, six weeks paid parental leave, and access to extended leave following maternity or parental leave.

To enable staff to maximise their work-life balance, without compromising service delivery, the Commission also introduced a new Workplace Flexibility Policy as

part of these negotiations. The Commission offers a range of flexible work options including part-time employment and flexible working hours.

Salary progression within classification levels is subject to performance assessment. Salary ranges are reflected in Table 42. The Commission has five non-SES staff covered by Australian Workplace Agreements and two on section 24(1) Determinations. There is one SES employee on an Australian Workplace Agreement and one covered by a section 24(1) Determination.

In order to manage its resources more effectively, and achieve the goals set in the Strategic Plan, the Commission reviewed its staffing structure in 2009 to provide a coordinated human rights policy agenda.

## Consultancy services

The Commission uses consultants where there is a need to access skills, expertise or independence that is not available within the organisation.

During 2008-09, six new consultancy arrangements were entered into, involving total actual expenditure, including GST, of \$305 008. There were three active part-performed consultancy contracts from prior years. As the prior year contracts were fully expensed and accrued in the year of commitment, payments made in the current reporting period did not give rise to any new expenditure. Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website: [www.tenders.gov.au](http://www.tenders.gov.au).

<b>Consultant name</b>	<b>Description</b>	<b>Contract price</b>	<b>Selection process*</b>	<b>Justification**</b>
Aust Institute of Aboriginal & Torres Strait Islander Studies	Research and community consultations relating to Indigenous freedom of belief and spirituality.	\$33 000	Select	B & C
Myriad Consultants	Research and community consultations to explore issues and barriers to integration and settlement of African Australians within the Australian community.	\$185 408	Select	C
The University of Queensland	Research and community consultations on issues relating to freedom of artistic and cultural expression.	\$31 600	Select	B & C

<b>Table 41: Consultancy services</b> (continued)				
<b>Consultant name</b>	<b>Description</b>	<b>Contract price</b>	<b>Selection process*</b>	<b>Justification**</b>
Simply Qual	Case study evaluation, for the Adult English as a Second Language project. Involving coordination, analysis and reporting.	\$22 000	Direct source	B & C
Curtin University of Technology	Research project – Impact of the economic downturn on employment of women.	\$11 000	Direct source	B & C
INCA Consulting	Stakeholder study for the Community Partnerships evaluation project. Involving development of interview tools and primary data gathering and analysis.	\$22 000	Direct source	B & C
<b>Total</b>		<b>\$305 008</b>		

\* Explanation of selection process terms drawn from the Commonwealth Procurement Guidelines (December 2008):

*Select Tender:* A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders. This procurement process may only be used under certain defined circumstances.

*Direct Sourcing:* A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought.

\*\* Justification for decision to use consultancy:

- A – skills currently unavailable within the agency
- B – need for specialised or professional skills
- C – need for independent research or assessment.

The Commission’s purchasing procedures adhere to the Procurement Policy Framework incorporating the Commonwealth Procurement Guidelines and Finance circulars issued by the Department of Finance and Deregulation. The procedures address a range of procurement situations, allowing managers flexibility when making procurement decisions, while complying with the Commonwealth’s core procurement principle of value for money. There were no contracts exempt from publishing through AusTender in 2008-09.

## Ecologically sustainable development and environmental performance

Human rights principles are fundamentally embedded within the principles of ecologically sustainable development. However, the Commission’s activities do not explicitly contribute to ecologically sustainable development, nor impact directly on the environment, other than through the consumption of resources required to maintain its business operations.

The Commission uses energy saving methods in its operations and endeavours to make the best use of resources. Purchase and/or leasing of 'Energy Star' rated office machines and equipment with 'power save' features is encouraged, and preference is given to environmentally sound products when purchasing office supplies.

The Commission has implemented a number of environmentally friendly initiatives to reduce environmental impact. Waste paper, cardboard, printer cartridges and other materials are recycled, subject to the availability of appropriate recycling schemes. The Commission also uses new generation low mercury triphosphor fluorescent tubes.

During 2008-09, the Commission participated in the Earth Hour initiative which was held on 28 March 2009.

## Audit committee

Consistent with the Australian Stock Exchange principles of good corporate governance and the requirements of the *Financial Management and Accountability Act 1997* (Cth), the Commission maintains an audit committee. The audit committee advises the President on compliance with external reporting requirements and the effectiveness and efficiency of internal control and risk management mechanisms. The audit committee met four times during the reporting period.

## Fraud control

The Commission has undertaken a Fraud Risk Assessment, developed a Fraud Control Plan and has procedures and processes in place to assist in fraud prevention, detection, investigation and reporting in line with the Commonwealth Fraud Control Guidelines. The Fraud Control Plan is made available electronically to all Commission staff.

## Advertising and market research

During the reporting period, Market Focus International was contracted to undertake a national telephone survey of sexual harassment. Total payments of \$62 700 (including GST) were made to the supplier for this purpose.

The Commission paid \$60 279 (including GST) on non campaign advertising (recruitment and rights awareness promotion) during the reporting period.

## Staffing

The Commission's average staffing level for the year was 116 staff, with a turnover of 9 percent for ongoing staff. As a result of the Certified Agreement process, the Commission broadbanded classifications APS 1-2 and APS 3-4. An overview of the Commission's staffing profile, as at 30 June 2009, is summarised in the table below. The number of part-time staff excludes casual staff.

**Table 42: Commission staffing profile (as at 30 June 2009)**

<b>Classification</b>	<b>Male</b>	<b>Female</b>	<b>Full time</b>	<b>Part time</b>	<b>Total ongoing</b>	<b>Total non-ongoing</b>	<b>Total</b>
Statutory Office Holder	2	2	4			4	4
SES Band 2		1		1	1		1
SES Band 1		1	1		1		1
EL 2 (\$91 641 – \$110 114)	10	10	16	4	19	1	20
EL 1 (\$79 457 – \$87 133)	6	22	20	8	20	8	28
APS 6 (\$63 522 – \$71 196)	10	23	27	6	28	5	33
APS 5 (\$57 385 – \$61 980)	2	5	6	1	5	2	7
APS 3/4 (\$46 162 – \$55 863)	4	26	21	9	24	6	30
APS 1/2 (\$35 811 – \$44 944)	1	0	0	1	1	0	1
<b>Total</b>	<b>35</b>	<b>90</b>	<b>95</b>	<b>30</b>	<b>99</b>	<b>26</b>	<b>125</b>

## Commonwealth Disability Strategy

The Commission, along with all other Commonwealth agencies, reports annually against the Commonwealth Disability Strategy (CDS) performance framework. The Commission's employer role is now dealt with through the State of the Service report which is compiled by the Australian Public Service Commission. Full details on the CDS can be found on the Department of Families, Housing, Community Services and Indigenous Affairs website at: [www.fahcsia.gov.au/sa/disability/pubs/policy/documents/cds/guide/p1.htm](http://www.fahcsia.gov.au/sa/disability/pubs/policy/documents/cds/guide/p1.htm).

Through the CDS, the government seeks to ensure its policies, programs and services are as accessible to people with disabilities as they are to all other Australians. This, of course, is integral to the work of the Commission and evident in the work we do. The CDS identifies four core roles that may be relevant to the agency. The Commission's primary roles are that of policy adviser, service provider and employer. Full details on the policies and services highlighted in the CDS reporting, below, are contained within the relevant chapters of this Annual Report.

The Commission is committed to implementing best practice in relation to the provision and improvement of access to its services for people with disabilities. Examples of best practice include our Complaint Handling processes, online access to our services, website and education material, and consultations with disability groups.

## Performance Reporting June 2009

Further details on programs and policies outlined against the performance indicators can be found in the relevant section of the Annual Report.

## Policy Adviser Role

The Commission's disability rights programs are planned by reference to the Commission's jurisdiction under the Disability Discrimination Act and the Australian Human Rights Commission Act and include consultations with disability groups and partnerships with disability organisations.

### Performance indicator 1

***New or revised policy/program assesses impact on the lives of people with disabilities prior to decision***

*Performance measure*

- Percentage of new or revised policy/program proposals that document that the impact of the proposal was considered prior to the decision-making stage.

*Current level of performance 2008-09*

- Commission public Inquiries and exemption applications specifically seek the views of people with a disability.
- During the development phase of new projects, national peak disability groups and selected regional groups are consulted about their views. In the Disability Rights Unit, compliance is 100 percent.

- All submissions to Inquiries are taken in a range of formats, including verbal/audio (transcribed by the Commission), email and handwritten letters.
- All new initiatives are made publicly available through the Commission's website, and key disability organisations are informed of developments through the Commission's email lists.
- Through the use of the Commission's website and e-based networks, the Commission provides extensive information about new and revised policies and programs, and seeks feedback on their effect at any stage.

*Performance examples*

- Ongoing inspection of immigration detention facilities, and commentary regarding asylum-seekers and refugees, has a strong focus on:
  - the availability and quality of mental health services
  - the connection between declining mental health, immigration detention and restrictive visa conditions.
- Each of the five sections of the *African Australians: a report on human rights and social inclusion issues* discussion paper (one of the projects under the Community Partnerships for Human Rights program) included a question that asked: whether a person's experiences were different based on disability; what was the effect; and if examples could be provided.
- The Sex Discrimination Commissioner raised the need for representation of women with disability on the National Council to Reduce Violence against Women and Children with the Minister for the Status of Women.
- The Sex Discrimination Commissioner highlighted the high incidence of violence against women with disability and the need for appropriate service responses.
- The Disability Discrimination Unit and the Social Justice Unit undertook a joint research project that will assess the impacts of hearing impairment and deafness in Indigenous communities. The research contract has been advertised and a tender has been selected. It is anticipated that the research project will be completed during 2009-10.
- In August 2008, the Social Justice Commissioner released a report entitled: *Preventing crime and promoting rights for Indigenous young people with cognitive disabilities and mental health issues*. This report provides an investigation of early intervention and diversionary practices, aimed at preventing offending behaviour in Indigenous young people with a cognitive disabilities and/or mental health problems. It examines services that are available for these young people, identifies systemic service delivery gaps and points to promising interventions that have the capacity to prevent offending behaviour.

*Goals and actions for 2009-10*

- Promote implementation of the Disability Convention, including promotion of: effective review of laws, policies and programs; awareness of the Convention; and development of NGO strategies to use the Convention.
- Promote adoption and implementation of Disability Discrimination Act Disability Standards.



- Follow up issues for, and the experiences of, people with disabilities that are raised in the national consultation for the *African Australians: a report on human rights and social inclusion issues*, and incorporate them into the final report. The aim of the final report is to suggest solutions to issues that have been raised and inform future policy, program and service design, as well as public debate and education.
- In relevant policy documents and reports, the Sex Discrimination Commissioner will continue to raise the specific issues for women with disability.
- Revise the Commission's Disability Action Plan to include strategies that ensure Commission activities involve assessment of impact on people with a disability.
- In relevant policy documents and reports, the Social Justice Commissioner will continue to raise the specific issues for Aboriginal and Torres Strait Islander people with disability.

## Performance indicator 2

### ***People with disabilities are included in consultation about new or revised policy/program proposals***

#### *Performance measure*

- Percentage of consultations about new or revised policy/program proposals that are developed in consultation with people with disabilities.

#### *Current level of performance 2008-09*

- Consultation with people with disabilities and their representative organisations occurs at a number of levels, through:
  - direct contact with representative organisations at a national and state/territory level
  - invitation to respond to new and revised policy/programs in writing, through the Commission's website, e-based networks or by phone
  - public forums, conferences and public meetings.
- New initiatives are made publicly available through the Commission's webpage and disability organisations, and individuals are informed of developments through the Commission's listserve.
- Wherever possible, public consultation events occur in accessible venues, with hearing augmentation and sign language interpreters available.

#### *Performance examples*

- As part of the materials supporting the National Human Rights Consultation, the Commission prepared specific materials about human rights issues of concern to people with disability. The Commission ensured that all of the workshops held, to encourage participation in the National Human Rights Consultation, were accessible to people with disability. The Commission ensured that Auslan interpreters were available as necessary.

- As part of the national consultations for *African Australians: a report on human rights and social inclusion issues*, a specific consultation session was held with Action on Disabilities in Ethnic Communities, a community-based organisation in Melbourne. (Interested stakeholders were given the opportunity to request a consultation session with the project consultant). Issues and experiences of people with disabilities were raised in several sessions by services providers, advocates, carers and friends of people with disabilities.
- The Sex Discrimination Commissioner held a workshop, on protecting human rights in Australia, for the women's sector in Canberra, in order to support their involvement in the National Human Rights Consultation. The workshop was accessible for women with disabilities, who were specifically invited to attend.
- The Sex Discrimination Commissioner co-hosted an employer forum about preventing and managing sexual harassment in the workplace. The forum was accessible for participants with a disability.
- The Sex Discrimination Commissioner met with the Victorian Women with Disabilities Network to seek their input into the Commission's work on gender based violence.
- Since December 2008, the Social Justice Commissioner has headed a Steering Committee that is undertaking consultations on the formation of a new national Aboriginal and Torres Strait Islander representative body. All consultation materials were produced in accessible formats for people with disabilities, and provision was made for people with disabilities to access national workshops and focus group forums. The discussions that ensued identified the need for a national representative body to reflect the diversity within Aboriginal and Torres Strait Islander communities, including Indigenous people with disabilities and the issues they face.

*Goals and actions for 2009-10*

- The Sex Discrimination Commissioner will endeavour to ensure that women with disability do not experience barriers to participating in any consultation or policy development processes held by the Commission.

**Performance indicator 3**

***Public announcements of new, revised or proposed policy/program initiatives are available in accessible formats for people with disabilities in a timely manner***

*Performance measure*

- Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats.
- Time taken in providing announcements in accessible formats.

*Current level of performance 2008-09*

- All information about new Commission initiatives is available on a W3C/WAI compliant website, simultaneously with public release.
- 100 percent of announcements and information material is available in accessible electronic format.
- 100 percent of material produced is also available in standard print, large print, audio and Braille on request.
- Time taken to produce in other than electronic format varies according to the size of the document, but generally within seven days.

*Performance examples*

- Development of a Human Rights E-Network in accessible format to WCAG 1 Level A compliance. The aim of the E-Network is to establish an electronic forum and clearing house to communicate across sectors: the community; government; service provision; non-government/advocacy; academic; and other relevant sectors with an interest in racism, cultural and religious diversity and the promotion of human rights.
- The E-Network is undergoing accessibility user testing with people with different disabilities (such as vision impairment, hearing impairment and cognitive disability).
- The Commission ensured that all materials produced to support the National Human Rights Consultation were accessible to people with a disability.
- The Commission funded the production of specific materials for people with an intellectual disability.
- The Commission resourced the development of a plain English publication about the Human Rights consultation, aimed at people with an intellectual disability

*Goals and actions 2009-10*

- Accessibility issues will be continually addressed throughout the maintenance and implementation of the E-Network site.

*Performance examples*

- Development of an adult English as a second language curriculum resource with DVD components, captioned for hearing impaired learners, and audio scripts in accessible word documents.
- The *African Australians: a report on human rights and social inclusion issues* discussion paper, and all translated summaries of it, were accessible online from the Commission website, as Word documents and as PDF documents.

## Provider Role

Further details about the Commission's complaint handling function, with a full description of its services and relevant statistics can be found in Chapter 4.

### Performance indicator 1

#### ***Complaints information service provides information about complaint handling service to people with disabilities***

##### *Performance measure*

- Complaints information service accessible to people with disabilities.
- Number of calls/emails/visits to complaints information service related to disability issues.
- Number of groups that attended complaint handling information session, or were visited by the CHS during regional and interstate visits, included disability advocacy and disability legal services.

##### *Current level of performance 2008-09*

- The Commission's complaints information is available in electronic and alternative formats. Email facility and accessible online complaint form for the lodgement of complaints is available. Telephone and TTY facilities are available, with a national 1300 number at local call cost.
- All complaint handling brochures and publications are available on the Commission's website, in accessible electronic format and are available in alternative formats on request. Information about the complaints process and legislation is available in plain English format on the Commission's website. The website is updated regularly.
- Six percent of phone/email/written enquiries to the CHS are related to disability issues.
- A complaints information referral list is updated regularly to ensure callers with disabilities can be referred to appropriate advocacy groups and other appropriate services.

##### *Goals and actions 2009-10*

- Targeted community education and liaison with disability groups and advocacy organisations in all states, in particular regional areas.
- Liaise with Indigenous and disability networks in each state to ensure the CHS is responsive to their needs.
- Liaise with networks working with young and mature/older people with disabilities in order to ensure the CHS is responsive to their needs.

## **Performance indicator 2**

### ***Complaint handling service accessible to people with disabilities***

#### *Performance measure*

- Number of complaints received under the Disability Discrimination Act.
- Number of complaints lodged by people with disabilities under all legislation administered by the Commission.
- Number of complainants who identify the need for specific assistance on intake form.
- Complaints received about accessibility of service.

#### *Current level of performance 2008-09*

- 980 complaints were received under the Disability Discrimination Act during 2008-09.
- Complaints were received under all Acts administered by the Commission from people identifying themselves as having a disability. 71 percent of responses to a survey question on demographics indicated the complainant had a disability.
- 226 requests for assistance were recorded including, requests for assistance with language interpreters and sign language interpreters, provision of information in an alternative format, TTY and assistance with writing.
- There were no formal complaints received regarding accessibility of the Commission's complaint handling service or premises. Performance measure = 100 percent.
- The Commission's premises are accessible. Premises used for remote and regional conciliation conferences are accessible. Performance measure = 100 percent.
- The CHS Access Committee reviews access to the CHS service by the community, including a specific focus on people with disabilities.

#### *Goals and actions 2009-10*

- Maintain flexible approach to service delivery.

## **Performance indicator 3**

### ***Staff training and development, includes training related to people with disabilities***

#### *Performance measure*

- Percentage of training programs that include information regarding people with disabilities and relevance to complaint handling processes.

## Annual Report 2008-09

### *Current level of performance 2008-09*

- CHS investigation and conciliation training courses include specific training on accommodating people with disabilities in the complaint handling investigation and conciliation processes. Performance measure = 100 percent.
- Ad hoc CHS training sessions specifically address relevance to people with disabilities who use complaint handling services. Performance measure = 100 percent.
- CHS Complaint Handling Manual advises staff to consider reasonable accommodation for people with disabilities is provided during the investigation and conciliation process, such as provision of Auslan interpreters, use of TTY, use of alternative formats for information. Performance measure = 100 percent.

### *Goals and actions 2009-10*

- Provide specific client service training to all CHS staff, focussing on the needs of clients with disabilities.

## **Performance indicator 4**

### ***Complaint mechanism in place to address concerns raised about service and addresses requirements of people with disabilities***

#### *Performance measure*

- Established complaint/grievance mechanism in operation. Detailed in Charter of Service which is provided to all parties to a complaint and available on the Commission website. Provided in alternative format on request.

### *Current level of performance 2008-09*

- Charter of Service addresses roles and responsibilities of the Commission and parties.
- One complaint about the accessibility of the CHS was received under the Charter.