A STUDY OF HUMAN RIGHTS VIOLATIONS IN THE DEVOPING WORLD WITH A FOCUS ON THE WORKPLACE

[1] NAGLA HUSSEIN MOHAMMED OSMAN, [2] HALIMA HUSSEIN MOHAMED OSMAN

Human Right watch Department – Khartoum Sudan
Email: Can.dream20@gmail.com

Abstract - When it comes to human rights violation issues, the workplace is one of the places where it is more prevalent and more pronounced. While these issues could exist, it is not everyone who will come out or speak out against them. Employers at the workplace have the sole duty to ensure human rights of their workers is protected and that these workers are protected from any workplace discriminations or bullying. This paper will research on the extent of workplace human rights issues and the role employers can play to impact the workplace environment outcome.

Keywords - Types of Human Rights, Human rights campaign, Human Rights Day, Human Rights violation, Human Rights Declaration.

I. INTRODUCTION

Human rights are the basic fundamental freedoms to which humans are considered entitled to or the moral principles governing human interactions (James Nickel, 2013). Some of these rights include a right to live, freedom of expressions and liberty to equal treatment before the law via different government authorities. The rights represent entitlements that every human is born with in accordance with the UN human rights act. These rights are inherent or natural, meaning they are not earned as a medal on the basis of race, ethnicity, gender or creed, but everyone has a right to have rights. While these rights are protected by the law, they are however distinct and can be used as a standard for formulating laws governing human co-existence. Also, while some human rights can be violated in a show of impunity, there are some basic rights which are impossible or cannot be violated at all costs, they include the universal declaration of Human Rights, international covenant on Economics, international covenant on civil and political rights and international covenant on economics.

Human rights are not interpreted the same way all over the world. There are rights which are universal and punishable by law if violated, these types of human rights include the Freedom from torture, Right to a fair trial, Freedom of speech, Freedom of thought, Freedom from slavery, Right to life, conscience and religion, Freedom of movement and Rights debates. Human rights activists agree that sixty years later after the United Nations declared the Human Rights Act and even dedicated a Human Rights Day on 10th December of every year in honour of universal human rights, the Universal Declaration of Rights dream is still far from being actualized. Human rights violations are still prevalent in every part of the world today from every setting. It begins from the very basic social structure which the family as evidenced from some parents curtailing the freedom of their children to make their own decisions or to express themselves. Further up, violations of human rights in the society is evident in many sectors including the legal realm, healthcare setting, and judiciary, among other significant sectors. For this paper, I will look at human rights violation in the workplace and how to resolve this human rights issues.

II. HUMAN RIGHTS VIOLATIONS

A variety of human rights violations occur in the workplace including discrimination, sexual harassment, unequal treatment, racial discrimination, disabilities discrimination among many other issues which could direct violation of human rights. Every employer must ensure that every employee gets equal treatment from the time they start their contracts to the time it ends. This responsibility is required of each employee under the fair work Act (2009) which contains the laws which put together they make certain types of workplace behaviour be considered as being a violation of or against the law. Employers have a duty to prevent workplace discrimination and harassment. Federal laws on human rights protect people in the workplace from discrimination from race, sex, pregnancy, age, disability and sexual orientation.

Types of workplace human rights violations

Everyone has a right to work, and hence it is unlawful for anyone to be treated unequally at work on the basis of attributes that can't be changed such as sex, race or age. Under the human rights act, it's a violation of human rights for anyone to be discriminated upon under these guidelines. Treating a person less favorably can include work harassment or workplace bullying. The law is clear on its specifications on provisions relating to sexual harassment, racial hatred and discrimination based on disability. Harassment in the workplace includes behaviors like telling offensive jokes about racial groups, text messages, sending explicit or sexually suggestive emails displaying racially offensive

material or making derogatory comments about various people, e.g. people with disabilities. Asking intrusive questions about people's lives is equal to violating people's right to privacy. Also under the human rights act on workplace ethics, the ex-Discrimination Act 1984 prohibits people from sexual harassment from workmates or bosses, co-workers, commission agents and contract workers. Sexual harassment is broadly defined as any uncalled for sexual advances or conduct that the recipient would consider as offensive, humiliating or intimidating. Every employee has a right to peace of mind. The Racial Discrimination act of 1975 dictates that everyone has a right to equal treatment irrespective of race. This act prohibits racial discrimination in the workplace based on cultural background. Racial hatred is any form of behavior that portrays hatred, discrimination and insults to people in humiliating ways on racial grounds basis. Also, The Disability Discrimination act 1992 protects an employee from harassment at the work place based on their conditions. All workplace discrimination incidences no matter how small call for swift intervention by the responsible authorities to stop the breach of human rights which if reported are punishable by law.

Workplace bullying Under the Fair Work Amendment Act 2013, every worker has a right not to be bullied. The act defines workplace bullying as any action or behavior towards a work which creates health risks or safety of the people working in the organization. While bullying may not be unlawful in many states, the action may precipitate or be the start of other detrimental actions which may lead to active violation of human rights. It's however imperative to identify negative feedback from bosses or managers on work performance as being different from workplace bullying. If it's legitimate or genuine, it's not bullying.

2.1 Demographic data

A report on instances of human rights violations in the workplace reported to authorities in a firm in 2013 prompted for a commission to be established to look into the issues affecting the workers and what the company was doing to remediate the breach of human worker human rights and the issues accompanying. In the compiled report, more than 60% of complaints were workplace bullying and discrimination based on race, sex and disability. A new approach had to be taken, in the new approach, employers had to actively participate in the activities of the company and any instances of workplace discrimination or abuse had to go through their offices for speedy resolution.

Table 4: Complaints received in 2015-16

Racial discriminations	3500	30%
Sexual harassments	3500	30%
Discrimination based on disability	4,000	40%

Table 6: Outcomes of finalized complaints after employer intervention

	2013-14	13-15	16-17
Terminated/declined	34%	47%	68%
recon ciliated	34%	56%	70%
Withdrawn*	24%	58%	80%
Discontinued**	45%	60%	72%

III. DISCUSSION AND ANALYSIS OF RESULTS

From the data above, research shows that employers have an obligation to resolve the workplace issues involving human rights violations. It shows the duty that employers have to take in ensuring workplace issues are resolved. The reduction of reported cases shows that employers have the central role in ensuring that all human rights in the workplace are observed. This is true in that, in case a company is taken to court for gross misconduct or violation of human rights, it's the employer who will face the law. Employers need to be aware of their expected responsibilities in ensuring the working environment is a favorable one and to ensure every worker is protected from racial discrimination, sexual harassment and physical abuse. Research shows that when employers are involved in the working conditions of employees and listen to their issues record higher output and lesser instances of conflicts. From the results analysis, we can conclude that employers have the following duties in ensuring resolution of human rights issues at the workplace

1. Responsible for stopping and addressing discrimination.
2. Advise employees on their right to file a complaint when they feel their rights have been violated.
3. Apply internal policies and procedures in solving human right issues.

4. Apply human rights principles during an investigation of allegations.
5. Make due considerations during the internal settling of complaints.
6. Apply consideration when requesting an employee to sign a release.
7. Deal with formal human rights complaints and applications.
8. Deal with any discrimination claims presented before a court or administrative tribunals.

RECOMMENDATIONS

So, what can employers do to solve human rights issues in the workplace effectively?
Employers need to develop and enact targeted practices aimed at addressing inappropriate workplace conduct to deal with any arising complaints effectively.

Also, the employers need to be proactive in dealing with the issues affecting the employees. They need to stay on the lookout for signs and indicators of underlying issues and handle them before they turn out to something worse. They should be able to identify signs and interpret them accordingly. E.g. a sudden rise in a number of ladies quitting their jobs in succession could indicate an underlying issue such as sexual harassment. Employers need to be one step ahead of the conflict; they need to realize that just because no complaints are being launched does not mean there are no issues.

CONCLUSION

From the research, the workplace presents the perfect place for various human rights violation. This is because not everyone may be able to stand up for himself or herself for fear of losing their jobs especially if the rights are violated by superiors at work. The research offers a guideline to how this can be solved and how mechanisms can be put in place to ensure even the minority are taken care of. With new complaints centers set to receive worker complaints, employers need to be cautious about the issues happening in the workplace, or they risk facing the law.

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