



RELIGIOUS DISCRIMINATION BILL 2019 AND EMPLOYMENT

Australians will lose discrimination protections at work to accommodate the religious beliefs of people who wish to discriminate against them. Large private employers, and professional bodies, will find it harder to enforce standards which make their organisations and professions inclusive and safe places for everyone. Employees in faith-based organisations have little protection if their beliefs differ from those of their employer.

WHAT DOES THE RELIGIOUS DISCRIMINATION BILL 2019 DO?

The Government has released its second draft Religious Discrimination Bill which aims to protect people of faith and without faith from discrimination in certain areas of public life, such as employment, education and the provision of goods and services.

But the Bill *takes away* rights from people currently protected under anti-discrimination laws, introduces unworkable rules for employers and professional bodies, and gives employees in faith-based organisations with different or no religious beliefs little protection.

MAKING DISCRIMINATORY STATEMENTS LAWFUL

The Religious Discrimination Bill takes away existing anti-discrimination protections, including on the grounds of race, religion, sex,

marital status, disability, sexual orientation, gender identity or intersex status.

Employees may not be protected under existing anti-discrimination laws where a boss or another colleague makes offensive, uninformed or damaging statements based on religious beliefs.

For example, the proposed laws may protect a boss or colleague who says to other employees at work:

- 'menstruating women are unclean'
- 'homosexuality is a sin'
- 'prayer can cure your disability'
- 'every child should have a mother and a father who are married'
- 'God made only men and women'
- 'people who don't believe in Jesus can't get into heaven'.

Statements which are malicious, likely to harass, threaten, seriously intimidate or vilify, or which encourage serious offences, will not be protected. But where the line will be drawn between statements that are allowed and those which are not is unclear.

NO CONSEQUENCES FOR CONDUCT

Private sector employers with revenues of at least \$50 million, and bodies conferring professional qualifications, will find it harder to enforce standards that make their organisations and professions inclusive and safe places for everyone.

Large private sector employers will be unable to respond reasonably to an employee who makes offensive, uninformed or damaging statements based on religious beliefs outside



work contexts, unless they can prove it is necessary to avoid *'unjustifiable financial hardship'* to the organisation.

Bodies that confer professional qualifications necessary to practice medicine, law and other jobs, will also be unable to deal reasonably with members who make such statements outside work contexts, unless they can prove their requirements are *'essential'* to the profession, trade or occupation.

The seniority or public profile of the employee cannot inform the response of either these employers or bodies. Neither can harm caused by the statement to employees, clients or customers, the reputation or mission of the organisation, or public trust in the profession.

Statements which conflict with an employee or professional's role could be left unchallenged, even though there is no protection for statements which are malicious, likely to harass, threaten, seriously intimidate or vilify, or which encourage serious offences.

Meanwhile, statements made by non-believers, public sector workers or by people of faith working in smaller organisations outside of work will not be given the same protection.

FAITH-BASED EMPLOYERS

Many faith-based organisations, such as schools, hospitals, charities and aged care providers, will maintain the ability to discriminate against employees with different or no beliefs, including by firing them.

There are no adequate protections for these employees. For example, where:

- their beliefs have little relevance to their role

- their role is government-funded, or
- the organisation is large and/or a major employer in the area.

THERE'S A BETTER WAY FORWARD

Discriminatory statements have no place in Australian workplaces. It shouldn't matter whether these statements are motivated by religion or not.

All Australians should be able to express themselves outside work, irrespective of their religious beliefs. Any limits placed on employers and professional bodies should be workable, fair and balanced, not only privileging the views of some people in elite professions or large private workplaces.

Faith-based organisations that receive public funds should play by the same rules, unless special rules can be justified.

WHAT YOU CAN DO

Write to your local MP voicing your concerns on the Religious Discrimination Bill 2019 [here](#).

Stay up to date with our campaign and learn more about the Religious Discrimination Bill [here](#).

Make a submission by 31 January 2020 to the Attorney-General's [consultation](#) on the second draft Religious Discrimination Bill. Send your submission to FoRConsultation@ag.gov.au.

Have you been discriminated against at work based on the religious views of your organisation or someone else?

Write to us and tell us your story [here](#).