RELIGIOUS DISCRIMINATION BILL 2019 – IN FOCUS:

WOMEN

Women's access to healthcare will be put at risk, and all women will lose discrimination protections, to accommodate the religious beliefs of people who want to discriminate against them.

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 threatens access to healthcare and *takes away* existing sex, gender identity, marital status, pregnancy and breastfeeding discrimination protections, leaving women at greater risk of discrimination in employment, education and the provision of goods and services.

COMPROMISING ACCESS TO HEALTHCARE FOR ALL WOMEN

Doctors, nurses, midwives, pharmacists and psychologists will be given greater protection to refuse treatment on religious grounds where they object to treatment such as contraception, abortion, fertility services or other treatments they consider 'sinful'.

Health sector employers and professional bodies that impose policies and standards requiring doctors, nurses, midwives, pharmacists or psychologists to treat people based on need, and to refer women to alternative providers if they object to providing the treatment themselves, may find them under challenge.

State and territory laws already protect conscientious objections in abortion settings, but these laws will go further to cover a much wider range of health services and settings.

MAKING DISCRIMINATORY STATEMENTS LAWFUL

The Religious Discrimination Bill takes away existing anti-discrimination protections for all women, including single mothers, pregnant women, divorcees, de factos, and same-sex attracted and/or trans women.

Employees, students, patients and others who access goods and services may not be protected under existing anti-discrimination laws where someone makes offensive or uninformed statements about women based on their religious beliefs.

For example, the proposed laws may protect a teacher, boss, support worker or shop-owner who might say that:

- women must submit to her husband or learn to stay silent[1]
- men are the protectors and maintainers of women because they are stronger[2]

[1] Ephesians 5: 22-23; I Timothy 2: 11-12.

[2] Quran 4:34.

- a child born out of wedlock is the product of sin
- same-sex attracted and/or trans women need spiritual healing.

Statements which are malicious, or which are 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.

CASE STUDIES

Scenario 1: A Catholic GP in a public hospital refuses to prescribe the morning after pill or refer a woman to someone who will. Under the Religious Discrimination Bill, the doctor could challenge an employment policy or professional standard requiring that they refer a woman to another doctor.

Scenario 2: A boss says to a junior female employee he believes that women are commanded to defer to their husbands and stay silent. Under the Bill, the woman's sex discrimination protections could be taken away to accommodate her boss' religious statement.

Scenario 3: A GP refuses to provider referrals to an IVF specialist for a woman with difficulty conceiving. Under the Bill, it may be religious discrimination for an employer or health professional body to require the GP to do so.

Scenario 4: An Anglican doctor refuses to provide a referral to a specialist gender affirming endocrinologist for a trans woman. Under the Bill, the doctor could challenge an employment policy requiring that he do so, while the employer could also face a separate discrimination complaint from the trans patient.

Scenario 5: A medical specialist refuses to disclose to their patient the existence of new or available stem cell-based treatments for cancer. This Bill will undermine access to information from doctors you can trust, both now and in the future.

THERE'S A BETTER WAY FORWARD

Access to healthcare should not be compromised to privilege personal religious views. The Bill allows health professionals to deny or delay treatment to women even when it adversely impacts their health.

Discriminatory statements about women have no place in the workplace, schools or the provision of services. It shouldn't matter whether these statements are motivated by religious beliefs or not. You can provide discrimination protections for people of faith without removing existing anti-discrimination protections for others.

WHAT YOU CAN DO

Write to your MP voicing your concerns on the Religious Discrimination Bill 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 refused healthcare because of the religious views of your health professional? Have you been exposed to sexist views in the workplace justified by religious beliefs?

Tell us your story here.