August 2019

Religious Discrimination Bill – Exposure Draft

Your Submission

Life Without Barriers is one of Australia’s largest not-for-profit organisations, providing care and support to more than 23,000 vulnerable and marginalized people. Our purpose is to partner with people to change lives for the better. To do this, we work in partnership with the community, Elders, Government, non-government organisations, research institutions and the private sector to improve outcomes for those we support. We employ over 7000 people across Australian and we actively strive to create an inclusive culture. Given who we are, what we do and what we believe in, we have a strong interest in the proposed legislative amendments based on our experience in providing care and support to vulnerable children, adults, families, people with disability and the CALD community.

As an organisation, we are concerned that the proposed legislation may exceed its intended effect and instead discriminate against these people and provide further barriers to assist them in being able to change their lives for the better. We are concerned about the types of messages that it sends to the people about who they are, their worth, their class structure and reinforcement of inferiority and oppression, something that has progressively improved over the past decade. For instance, the Bill introduces provisions that will enable health professionals to refuse to provide services to people based on religious grounds, which could significantly impact access to health care for vulnerable people, based on their sexuality, gender identity, disability and/or ethnicity. We are concerned that parts of the Bill differ from standard anti-discrimination legislation and would override existing state and territory protections through allowing statements of belief to override existing protections for other attributes (section 41).

While other legislative acts prohibit direct discrimination of a person on the basis of their gender identity, sexuality, disability or ethnicity, it appears that the proposed Bill will allow people to make hurtful or egregious statements about an individual, on the basis of religious grounds, which would limit our ability to take any action through our Code of Conduct and set a standard for the type of conduct that we expect from our employees.

The proposed Bill would limit our ability to maintain an inclusive workplace culture, in that it would be unlawful for an employer to restrict or prevent an employee from making a statement of belief outside work hours, effectively disabling an Code of Conduct.

Our concerns about these provisions also include the possibility that they could give licence to a wide range of harmful and offensive statements and separate religious people out from non-religious. Broader organisational impacts might also include an increased need to investigate workplace grievances, reporting of Work Health & Safety incidents and an increased likelihood of workers compensation claims. For clients, we might see a negative impact on the health and wellbeing outcomes of clients and pressure to find willing service delivery partners for our clients.

At Life Without Barriers, we do not agree that the proposed packages of legislative reforms on religious freedom are required by the Australian people, and as such, this should cease to progress to parliament.