

# Why we're still concerned about the Religious Discrimination Bill

Every Victorian should be able to practise their faith free from discrimination and vilification. While we support strong anti-discrimination protections to prevent people being discriminated against because of their religious beliefs, we're concerned that the second exposure draft of the federal Religious Discrimination Bill risks entrenching discrimination against groups already vulnerable to persecution and marginalisation.

Here are our eight key concerns with the latest draft.

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## **The Bill still privileges religious expression over discrimination protections**

The Bill still doesn't strike a fair balance between the right to religious expression and the right to be free from discrimination. By privileging religious expression over anti-discrimination protections, the Bill could expose some members of the community – particularly LGBTIQ people and women – to unfair discrimination.

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## **The Bill still prevents large employers from creating safe and inclusive workplaces**

The Bill limits large employers' ability to impose a 'code of conduct' on employees' religious expression outside of work hours – even where the employee's views conflict with the employer's values and mission. In some instances, an employee's 'statements of belief' could cause real harm to other employees, customers, members of the public or the employer's reputation.

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## **The Bill restricts qualifying bodies from setting conduct rules for their member practitioners**

Under the Bill, qualifying bodies such as medical boards or legal admission boards would not be able to set rules preventing someone from their profession from expressing public statements based on their religious views outside of the profession, unless they can show that compliance with the rule is an essential requirement of the profession. These kinds of comments could harm members of the community and bring the profession into disrepute.



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**The Bill prevents employers from making compliance with their values an inherent requirement of the job**

Under the Bill, employers would not be able to make compliance with certain conduct rules an inherent requirement of the job if compliance would conflict with an employee's religious beliefs or expression. Like Key Concern 2, this will limit employers' ability to manage the conduct of their employees to create a safe and inclusive workplace.

Also, employers and health professional bodies would not be able to make rules that ensure the provision of safe, inclusive and quality health services an inherent requirement of the job, if it would prevent a health practitioner from conscientiously objecting to providing a health service because of their religious belief or activity.

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**The Bill makes it easier for medical practitioners to conscientiously object to providing certain health services**

Under the Bill, some people may not be able to access safe and inclusive health services. The Bill includes broad exceptions for conscientious objections without appropriate safeguards – practitioners who object to providing particular services because of their religious beliefs are not required to give patients information, disclose their objection or make effective referrals to other services, potentially putting people's health at risk.

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**The Bill would allow corporations to make complaints about religious discrimination**

Giving discrimination protections to corporations is a departure from traditional anti-discrimination law. Under the Bill, if a corporation is associated with an individual who expresses their religious belief, the corporation is protected from any discrimination against it that might result from the individual's religious expression.

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**The Bill authorises more discrimination by religious bodies**

The Bill expands the range of circumstances where religious bodies – including both charities and public benevolent institutions – can legally discriminate against people based on their religious belief or activity and makes it easier for bodies to show their conduct is in accordance with particular religious beliefs or practices. It will also not be discriminatory if the religious body engages in conduct that gives preference to persons of the same religion as the religious bodies

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**The Bill expands the number of religious bodies that can discriminate**

The Bill has expanded the exceptions available to religious hospitals, aged-care facilities and certain accommodation providers to discriminate against people with different or no beliefs. Religious camps and conference sites can discriminate against people from different religions – or no religion – as long as they have a policy about who they offer accommodation to.