



## **Opening Statement**

Christine Cooper, Acting Federal Secretary of the Independent Education Union of Australia, and with me, John Spriggs Senior Industrial Officer of the Queensland and Northern Territory Branch of the IEUA

The Independent Education Union of Australia (**IEU**) represents members in non-government education in all states and territories throughout Australia. The union's coverage spans early childhood education, schools and colleges, non-government educational institutions and post-secondary education.

At the time this submission was prepared the IEU had 74612 members. The IEU is the only union with coverage of principals, educational leaders and teachers in non-government schools and maintains a density in excess of 55% in respect of these members.

There are a wide range of faith based schools within the sector, including those in which no religious instruction is provided to students and in which a majority of teaching staff are not of the particular religion.

In considering legislation which is aimed at providing freedom of religion and religious expression yet privileges the rights of religious institutions as employers over the human rights of their employees, the parliamentarians conducting this inquiry should consider whether the bill is necessary in the context of the contemporary experience of working in faith-based schools

The considerable majority of employers in faith-based schools in Australia do not need and never utilise provisions in legislation enabling them to discriminate against their employees.

The submission before you outlines data from the IEU Victoria Tasmania survey of members experience of discrimination and tolerance of diversity in their workplace. Attachment 6 outlines the results of that survey Attachment 7 contains an extensive list of examples of members contrasting examples – with members' consent

The Bill will do nothing however to prevent those employers in faith based schools who do utilise provisions from continuing to discriminate against their

employees. It is anticipated that this capacity will continue to be extended , where it does not already exist, to include the capacity to discriminate on the basis of religious belief or not holding a religious belief.

IEU members receive warnings, lose salary and/or positions of leadership, are suspended from their employment and are dismissed solely for reasons directly associated with and attributable to their sex, sexual orientation, gender identity, marital or relationship status and/or pregnancy.

Attached to this submission and marked as 'Attachment 1' is a list of examples of matters relevant to these attributes and others (as provided to the federal office of the IEU by its branches in all states) referred to the IEU by members in the last two years and since the first exposure draft of the Religious Discrimination Bills was released for public comment. Attachment 2 is from the years prior.

The members described in these examples consented to their use in this submission provided that their name and school were withheld. In most cases they have found employment at another non-government school in the same state.

To date there seems to be much discussion about the rights of organisations – of schools and of employing authorities to discriminate on grounds of religious doctrine, yet little focus has been placed on how to support and protect the human rights of individuals or on the impact of fear of reprisal has on job security and the physical and mental well being of employees.

These working realities must be considered when discussing the legislation

Human rights belong to all people equally. We note that this is outlined within Object 3(2) of the Bill. However, we have grave concerns that the provisions of the Bill do not satisfy this Object.

Those working in non-government schools in Australia are already denied the protection from discrimination that people working in every other industry possess and have a right to expect.

They can be discriminated against based on their possession of every protected attribute: race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, political opinion, national extraction or social origin.

Schools and the religious organisations that run schools need meet only a very low bar to exercise this power to discriminate. The nature of the exclusions that

they enjoy from discrimination legislation mean that they can simply hold that a person's conduct at or away from work violates a scriptural canon; or they discriminate by merely asserting that it is necessary to avoid injury to the sensitivities of members of the school's religion.

Now the *Religious Discrimination Bill 2021* proposes to add religion and religious freedoms to the list of attributes that are protected by federal legislation. Yet again though that protection will not be given to people working in non-government schools.

In a school where not one teaching employee is a member of the religion running the school (because, for example, the teachings of that religion reject higher education in the humanities such as Education) religious freedom will not be extended to employees.

In a school where only a minority of students and parents are members of the religion operating the school, religious freedom will not be extended to employees.

In a school where a person's job does not involve providing education to students or any contact with students, religious freedom will not be extended to that person.

Should this Bill become law however not only will it fail to protect people who work in non-government schools, it will potentially, also wholly unnecessarily extinguish what little protection they do enjoy in some states as a result of rights conferred by state legislation.

This proposed legislation, in again preferencing the rights in employment of institutions over the human rights of employees, looks backwards. It fails to take into account either the contemporary reality of working life in faith-based schools or the broader Australian community's attitudes and expectations.

On behalf of our members ,the IEU urges the Committee to reject the Bills.