

All workers should be protected from discrimination, says ACTU

The ACTU welcomes the Australian Law Reform Commission's recommendation to protect students, teachers and other workers at religious educational institutions from discrimination.

The report on religious educational institutions and anti-discrimination laws was delivered to the Attorney-General in December after the government's commitment to amending the Sex Discrimination Act 1984 and other federal anti-discrimination laws, including the Fair Work Act 2009.

The report recommends removing exemptions in the Sex Discrimination Act, which permit religious schools to legally discriminate based on sexual orientation, gender identity, and marital or pregnancy status, and aligning the Fair Work Act to be consistent with these changes.

The ALRC was tasked with delivering recommendations for an anti-discriminatory framework for religious educational institutions to ensure students and staff are not discriminated against, whilst also allowing these institutions to build a community of faith by giving preference, in good faith, to persons of the same religion as the educational institution in the selection of staff. Importantly, the ALRC recommended that such preferencing should only be allowed where it is reasonably necessary to, and proportionate to the aim of, building or maintaining a community of faith, and where it would not be unlawful under the Sex Discrimination Act.

Today's report follows a consultation process with religious institutions, unions, legal experts, the education sector, and other organisations, with the aim of recommending legislative reforms that safeguard rights and freedoms in international agreements Australia is a signatory to, including the International Covenant on Civil and Political Rights.

Quotes attributable to ACTU Assistant Secretary Liam O'Brien:

"Every worker should have the right to a safe, inclusive, and respectful work environment free from discrimination on any grounds, including that of their religion.

"Unions welcome the ALRC's report and call for an end to the exemption that permits religious educational institutions to discriminate against workers based on their sexuality, gender, and relationship or pregnancy status.

"Unions believe that these reforms are necessary and should happen as a matter of urgency. All working people should be protected from discrimination, whether that is based on their gender, sexuality, religion, or any other attributes. People should be employed on their merit and all forms of discrimination are unacceptable.

"Unions welcome further discussion with the government about the design of the recommendation's provisions as well as future religious discrimination laws."

ENDS

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