Independent Education Union of Australia

Speaks on...

21 March 2024

Report into special discrimination privileges for schools long overdue
Federal government must not delay election commitment

All workers, including every IEU member, are entitled to work free from discrimination.

Our community expects that employers can't lawfully discriminate due to an employee's sex, sexual orientation, marital status or pregnancy. Yet special privileges for faith-based schools continues to allow treatment that would be prohibited in all other areas of society.

The Australian Law Reform Commission's (ALRC) recommendations to the federal government to reform such employer exemptions is an essential step to modernise these antiquated laws.

While the IEU is working through all details of the extensive ALRC report and the federal government's response, it appears the proposals would broadly meet the government's longstanding election commitment to protect both students and school staff from discrimination.

The recommendation that schools retain a limited right to preference new staff appointments based on faith requires careful examination to ensure such rights are not misused. Any ability to preference staff on factors other than merit can potentially provide for unfair treatment; however, we note that the report recommends much clearer and narrower parameters for preferencing compared to the excessive and disproportionate exemptions currently afforded to employers.

The government plans to seek bipartisan support for the reforms; however, it's critical that these long-promised changes are delivered as soon as possible and without further delay.

Our school staff and students have already waited long enough. The government will be held to account on their clear election commitment.

Discrimination is happening right now in school workplaces

IEU members have for years been campaigning for commonsense protections. Teachers, school leaders, and school support staff have shared their heartbreaking stories of discrimination they endured due to their sexual orientation, fertility treatment, relationship status or pregnancy.

A new graduate teacher terminated by her Christian College when she told the school she was pregnant but unmarried. An experienced Catholic school teacher investigated and forced to resign for undertaking IVF treatment in breach of the school's 'statement of principles'. A secondary teacher terminated by their Islamic school after the school community revealed they were in a same-sex relationship. These are just a few of the many stories bravely shared by IEU members.

Such treatment would be unlawful in every other industry. It has no place in today's workplace.

Schools and communities of faith can continue to prosper without the need to discriminate.