Federal Anti-Discrimination Exemptions in Non-Government Education

1. Due to exemptions in federal discrimination laws, members working in religious educational institutions are at risk of experiencing, and do experience discrimination, at work because of personal attributes including their marital or relationship status; pregnancy or undergoing IVF; breastfeeding; family and carer's responsibilities; and gender identity and sexual orientation. The fear of such discrimination also represents a psychosocial hazard for employees.

2. This is further exacerbated by the Fair Work Act and some state-based legislation giving employers in faith-based education the capacity to discriminate against members because of other personal attributes including race; age; disability and political opinion.

3. The Australian Law Reform Commission (ALRC) released its final report, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws* (Report) in December 2023, tabled in Parliament in March 2024.

   The IEU made submissions and now wishes to state its position in light of the ALRC Recommendations.

   The IEU resolves as follows:

4. The IEU is committed to ensuring that both its members and its employees are provided with a workplace which is free from discrimination, and which promotes and protects the right to equality.

   This object should be the subject of amendments to discrimination legislation and workplace legislation at the federal, state and territory level, in order to:

   (a) protect employees from discrimination and properly give effect to Australia's international undertakings in respect of human rights;

   (b) consolidate existing federal legislation to provide that protection from discrimination should be part of a single, broad-based, federal, human rights regimen;

   (c) include a positive duty to eliminate discrimination; that is, it should impose a requirement that organisations must be proactive about the elimination of discrimination and take steps to prevent it occurring;

   (d) remove the exemptions for religious educational institutions to discriminate;

(e) noting paragraph (d) above and the IEU's position that all employment should be based on merit, if legislation must contain exemptions allowing religious educational institutions to discriminate in employment that it is only limited to:

- at the time of engagement giving preference to a person of the same religion of the religious educational institution; or
- during employment, in respect of appointment to a position where it is an inherent requirement of the position to hold the religious belief of the religious educational institution; and

(f) otherwise supports the adoption of Recommendations of the ALRC Report.

Policy Status:	Endorsed
Version:	Version 2
Date:	27 August 2025
Approval Authority:	Federal Council