

Respect at Work and Other Matters Amendment Bill 2024

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Submission: Respect at Work and Other Matters Amendment Bill 2024

To: Community Safety and Legal Affairs Committee

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1 July 2024

Dear Committee Secretary,

We write to express our profound concerns and objections to the proposed ***Respect at Work and Other Matters Amendment Bill 2024***. We believe this Bill poses significant threats to the fundamental rights of religious institutions to operate in accordance with their beliefs. Below, we outline our key objections to the main provisions of the Bill, including the importance of maintaining workplaces that uphold religious theological positions and values.

Introduction - Religious Values in Workplaces

Religious institutions play a crucial role in our community by providing spiritual guidance, education, and care while acting as major employers. These institutions must maintain environments that reflect their theological positions and values, which is fundamental to their ability to practice and propagate their faith. Central to this discussion is the necessity for religious institutions to freely express their teachings on sex, sexuality, and gender—topics that often stand at odds with more broadly accepted contemporary views.

It is essential that religious institutions have the freedom to uphold and articulate these views without fear of prosecution or litigation. This foundational principle allows these

institutions to foster a sense of community and continuity, integral to the exercise of religious freedoms as protected under international law. Without such protections, religious institutions face significant challenges in maintaining the integrity of their teachings and practices in the face of potential legal threats.

1. Impact on Religious Schools and Institutions

Objection: The Bill imposes a positive duty on religious schools and institutions to eliminate discrimination and harassment, which includes expanding the grounds of discrimination. This change would severely restrict the ability of these institutions to maintain their religious convictions in teaching, hiring, and community activities.

Argument: The imposition of this duty, coupled with the broadening of discrimination definitions, places religious schools and institutions in an untenable position. They are expected to enforce policies that could fundamentally contradict their religious doctrines, particularly on matters related to marriage, gender, and sexuality. The expectation for immediate compliance without considering religious tenets creates a direct conflict with the practice of religious beliefs, potentially forcing these institutions to act against their principles under the threat of legal penalties.

2. Redefinition of Sexual Orientation and Gender Identity

Objection: The Bill introduces an overly broad and inclusive definition of 'sexual orientation' and 'gender identity,' which extends beyond personal identity to encompass behaviours and expressions. This extension is poised to challenge the religious teachings of numerous faiths represented in Queensland.

Argument: By forcing religious schools and institutions to accept and affirm sexual orientations and gender identities that conflict with their religious beliefs, the Bill infringes upon their right to religious freedom. The definitions are so extensive that they leave little room for these institutions to teach and operate according to their faith-based interpretations of human sexuality and identity. This could lead to significant legal

challenges, as religious doctrines on these topics are integral to the ethos of many faith-based organisations.

3. Low-threshold Vilification Provisions

Objection: The introduction of unprecedented low-threshold vilification provisions threatens to severely curtail freedom of speech, particularly regarding religious discourse on sensitive topics such as sexual orientation and gender identity.

Argument: The Bill sets a dangerous precedent by allowing the classification of traditional religious teachings as forms of vilification. Without clear exemptions for religious expressions made in good faith, individuals and organisations risk prosecution for merely articulating their beliefs. This could have a chilling effect on religious discourse in public forums, including social media, where sharing religious viewpoints could inadvertently lead to legal repercussions. Such restrictions are not only detrimental to free speech but also to the vibrant discourse necessary for a pluralistic society.

4. Compliance with International Human Rights Standards

Objection: The Bill does not adequately align with the International Covenant on Civil and Political Rights (ICCPR), particularly concerning the freedoms of expression and religion.

Argument: The ICCPR mandates that any restriction on fundamental rights must be necessary and proportionate. The Bill's provisions, however, are neither sufficiently precise nor narrowly tailored, leading to potential overreach and misapplication. This lack of clarity could result in arbitrary enforcement and unjust restrictions on religious freedoms. It is crucial that any legislative changes respect international human rights standards to ensure that freedoms are not unduly compromised.

Conclusion

The Respect at Work and Other Matters Amendment Bill 2024, while aiming to address issues of discrimination, does so at a significant cost to religious freedom and expression. The implications of this Bill, if enacted as drafted, would place oppressive restrictions on religious schools and institutions, potentially forcing them to violate their conscience and religious teachings, a situation that is intolerable to us.

In summary, we recommend:

- A. The Bill must recognise and protect the right to respectful debate and disagreement, privately and publicly, concerning all protected attributes in the Anti-Discrimination Act.
- B. All citizens must have the right to disagree, in good faith, with any topic involving a protected attribute, including sex, sexuality, gender, and sexual orientation without fear of prosecution.
- C. The imposition of a new 'positive duty' on employers, to take measures to eliminate discrimination, would have far reaching consequences on religious schools and institutions, employers, and individuals who hold genuine religious views. This overly burdensome requirement must not become law.
- D. The Queensland Government should commit to the establishment of a Religious Freedom Act that provides religious institutions, and individuals who hold religious views, with inalienable rights of belief, and expression of belief, of their religion. The right to practice and express religious faith is a fundamental human right.

Thank you for considering our submission. We would appreciate the opportunity to appear at the Inquiry for the Respect at Work and Other Matters Amendment Bill 2024 on Friday 12 July 2024.

Yours Sincerely,


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