

**Submission
No 7**

ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020

Organisation: Diversity Council Australia (DCA)

Date Received: 17 August 2020



DIVERSITY
COUNCIL
AUSTRALIA

Diversity Council Australia Ltd

Customs House, Level 3
31 Alfred Street, Sydney NSW 2000
Phone: (02) 9322 5197 • Fax: (02) 9255 8372
Email: admin@dca.org.au
ACN 006 898 406 • ABN 64 421 748 342

17 August 2020

Hon. Gabrielle Upton, MP
Chair
Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

By email: ReligiousFreedomsBill@parliament.nsw.gov.au

Inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

Dear Hon Ms Upton MP

Thank you for the opportunity to provide a submission to the Joint Select Committee on the *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*.

Diversity Council Australia is the only independent, not-for-profit workplace diversity and inclusion advisor to business in Australia. We have a wealth of experience providing advice to our members on the business benefits of diversity.

We raise three main concerns with this proposed legislation, in particular, noting that this legislation could hamper Australian organisational efforts to build inclusive workplace cultures. We also propose that the framework for balancing religion with other human rights set out in DCA's *Creating Inclusive Multi Faith Workplaces* guidelines provides a fairer and more appropriate framework than prioritising religion over other human rights.

Please feel free to contact myself or Cathy Brown, Director, Policy & Projects, [REDACTED] or [REDACTED], should you require any further information about this matter.

Yours sincerely

Lisa Annese
Chief Executive Officer

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I. ABOUT DIVERSITY COUNCIL AUSTRALIA

Who we are

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources and expert advice across all diversity dimensions to a community of member organisations.

DCA's Membership represents 15% of the Australian workforce

DCA's prestigious group of over 600 members is drawn from business and workplace diversity leaders and includes some of Australia's biggest employers. Our membership reaches approximately **15%** of the Australian labour market (two million Australians).

About our members

- Over 600 member organisations, including almost 40 ASX100 Listed companies.
- Our members are drawn from across the corporate, government and not-for-profit sectors and vary from small to large workforces in size.
- Our founding members include ANZ, AMP, BHP, Coles, IBM Australia, Myer, Rio Tinto and Westpac.

DCA's Members are listed on our website here: <https://www.dca.org.au/membership/current-dca-members>.

Our mission

In partnership with our members, our mission is to:

- Lead debate on diversity in the public arena;
- Develop and promote the latest diversity research, thinking and practice; and
- Deliver innovative diversity practice resources and services to enable our members to drive business improvement.

What we do

DCA, formerly known as the Council for Equal Opportunity in Employment Ltd, was established in 1985 as a joint initiative of the Australian Chamber of Commerce and Industry and the Business Council of Australia to demonstrate the business community's commitment to equal opportunity for women.

Our focus since then has expanded to cover all aspects of diversity in employment, reflecting changes in practice to embrace all areas of the diversity of human resources.

DCA is not government funded - its income is generated from membership fees, sponsorships and services to business/employers.

Our Research

DCA works in partnership with members to generate ground breaking evidence-based diversity and inclusion resources that enables Australian organisations to fully leverage the benefits of a diverse talent pool.

- **DCA resources are ahead of the curve.** They establish leading diversity thinking and practice, enabling Australian organisations to re-imagine and reconfigure the way they manage talent in today's dynamic operating environments.
- **DCA resources drive business improvement.** They are high impact, driving business improvement through providing evidence-based guidance on how to fully leverage the benefits of a diverse talent pool.
- **DCA resources are practice focused.** They respond to the information needs of industry leaders and the people they employ.
- **DCA resources speak to the Australian context.** DCA projects generate leading diversity thinking and practice that speaks to Australia's unique and distinctive institutional, cultural and legal frameworks.
- **DCA resources considers all diversity dimensions.** The full spectrum of diversity dimensions are investigated including age, caring responsibilities, cultural background and identity, disability, Aboriginal and/or Torres Strait Islander status, sexual orientation, gender identity, intersex status, and work organisation.



II. INTRODUCTION AND SUMMARY

This submission details Diversity Council Australia's (DCA) response to the proposed *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*.

Diversity Council Australia is the independent not-for-profit peak body leading diversity and inclusion in the workplace.

This submission draws on DCA research and our submissions to the federal government's recent inquiries into freedom of religion bills.

DCA's research has found that employees from non-Christian backgrounds experience workplace exclusion at significantly higher rates than their Christian and non-religious colleagues. This is important given that the Hon Mark Latham introduced this bill to address his particular concerns about discrimination against people of a Christian faith.

We raise three main concerns with this proposed legislation, in particular, noting that this legislation could hamper Australian organisational efforts to build inclusive workplace cultures.

In this submission, we also outline DCA's research which shows the benefits of inclusion to Australian organisations and highlight our concerns that this Bill would be damaging to attempts to create inclusive workplace cultures which would have a negative impact on business needs.

Finally, we propose that the framework for balancing religion with other human rights set out in DCA's [Creating Inclusive Multi Faith Workplaces](#) guidelines provides a fairer and more appropriate framework than prioritising religion over other human rights.

KEY CONCERNS WITH THE LEGISLATION

1. DCA supports protection from discrimination on the basis of religion, or no religion, but this legislation does not appropriately balance this protection with other human rights.

We strongly believe that people shouldn't be discriminated against because of their religion, or no religion, and workplaces should be creating multi-faith inclusive environments.

However, prioritising religion above other human rights does not appropriately balance the need to protect others from discrimination, harassment and vilification (e.g., on the grounds of their gender identity, race, disability etc.) because of another person's religious belief.

2. The Bill gives protection to vilification and harassment that might otherwise be illegal

The proposed legislation would give licence to a wide range of potentially harmful and offensive statements to be made by people 'motivated by a religious belief'. Allowing such comments would not enhance social cohesion in NSW, or in workplaces.

3. The proposed Bill could stop Australian businesses fostering inclusive cultures, which would be damaging to business

This Bill would be damaging to attempts to create inclusive workplace cultures by not allowing policies that included reasonable employee conduct rules on religious expression outside of work hours. This would impair organisational efforts to create inclusive workplaces, and also give rise to complicated legal implications for workplaces.

Australian organisations are aware of the importance of creating diverse and inclusive workplaces and there is a strong and growing business case that inclusion fuels performance and wellbeing as DCA's research, outlined in this submission, shows.

DCA'S RESEARCH

Inclusion is good for business

DCA's [research](#) has shown that if you work in an inclusive organisation you are:

- 5 times more likely to innovate
- 3 times more likely to work extra hard
- 3 times more likely to be highly effective than workers in non-inclusive organisations
- 3 times more likely to provide excellent customer/client service.

Inclusive workplaces reduce harassment and discrimination

Our [research](#) also shows that organisational cultures that are inclusive also lower the risks of workplace harassment and discrimination. Specifically, our research found that people who work in inclusive teams are seven times less likely to experience harassment or discrimination.

Workplaces that are less inclusive, therefore, experience more harassment and discrimination.

- ***DCA is concerned that this legislation would impair efforts to create diverse and inclusive organisations, which could lead to more harassment and discrimination.***

Inclusive language is critical to building an inclusive workplace

DCA's [Words At Work](#) research shows that language is a powerful tool for building inclusion and exclusion at work. It can be used to create a sense of being valued, respected and one of the team or of being under-valued, disrespected, and an 'outsider'.

- ***DCA is concerned that by permitting behaviour 'motivated by a religious belief' that would otherwise be unlawful this legislation would allow non-inclusive***

language to be used in workplaces which would be damaging to inclusive cultures.

LGBTIQ+ Inclusive Cultures Drive Team Performance

DCA's [Out at Work](#) research also revealed that there is a positive business case for creating workplace cultures that value, welcome and include LGBTIQ+ people.

Our research found that employees in organisations which were highly LGBTIQ+ inclusive are at least twice as likely as employees in non-inclusive cultures to achieve, innovate, and provide excellent customer/service.

- ***DCA is concerned that this legislation could give licence to a wide range of potentially harmful and offensive statements about LGBTIQ+ people, that would be tolerated if they were 'motivated by a religious belief'. This would be damaging to organisational efforts to create LGBTIQ+ inclusion.***

Creating Inclusive Multi-Faith Workplaces

At DCA, we are interested in seeing religious and multi-faith inclusion, especially in workplaces.

Religious inclusion is a higher bar than legal compliance, it's about ensuring that an individual's right to have a religious belief or no religious belief is respected.

- ***DCA developed a [guide](#) for Australian workplaces about how to deal with a range of common faith-related queries, and to provide workplaces with principles to help balance issues where conflicting rights might intersect.***

Our guide also sets out a framework for balancing religion with other human rights. We believe that this provides a fairer and more appropriate framework than prioritising religion over other human rights.



III. WHO EXPERIENCES EXCLUSION ON THE BASIS OF THEIR FAITH?

Much of the commentary around religious freedom in Australia suggests that it is Australian Christians who experience high levels of exclusion or discrimination on the basis of their faith.¹ Many of the most vocal supporters of these proposed laws have been people from Christian faiths,² and the second reading speech goes so far as to say:

*...the fastest growing form of discrimination in our society is against people of religious faith, especially Christians.*³

Yet DCA's 2019-20 Inclusion@Work Index strongly challenges the idea that it is people of Christian faith who experience the most exclusion or discrimination on the basis of their religion.⁴

DCA's research found that employees from non-Christian backgrounds experience exclusion at significantly higher rates than their Christian and non-religious colleagues.



Employees from non-Christian backgrounds were roughly 30% more likely to be ignored at work, miss out on work opportunities, or be left out of a work social gathering, 40% more likely to have had incorrect assumptions made about their abilities, almost 60% more likely to have felt excluded, and about 50% more likely to have experienced any form of harassment or discrimination than their Christian, or non-religious colleagues.

These findings are echoed in the annual Monash Scanlon Foundation Social Cohesion survey.⁵ Aggregated data over the past six surveys of this study shows that people of non-Christian faiths, reported experiences of discrimination two to three times higher than those of Christian faiths:

The aggregated data for the last six national surveys (2013-2018) indicates a pattern of differentiation when responses are analysed by religion... Reported experience of discrimination ranges from 13% Anglican and 14% Catholic, to 22% Buddhist, 36% Hindu and 39% Muslim.⁶

Research shows that the people most likely to experience harassment and discrimination on the basis of their faith are people of non-Christian faiths.



IV. DCA'S RESPONSE TO THE PROPOSED LEGISLATION

DCA supports protection from discrimination on the basis of religion, or no religion, but this legislation does not appropriately balance this protection with other human rights

DCA recognises that current NSW anti-discrimination protections for people of faith or no faith are inadequate, and we support the introduction of protections against discrimination because of someone's religious belief.

However, under section 3, this proposed legislation goes much further by prioritising 'freedom of religion' above all other rights and freedoms when applying NSW's anti-discrimination laws.

Balancing freedom of religion with other rights is a complex issue. *The International Covenant on Civil and Political Rights* recognises this, in article 18 which states that the:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

By asking that decision makers must give "fundamental regard" to any limitations on religious belief or activity, this legislation would give precedence to religion above other human rights, which is not proportionate, or practical in a workplace setting.

Australian organisations are already experienced in dealing with situations where someone's religious beliefs or practices, challenge another person's belief or identity. We propose that the framework for balancing religion with other human rights set out in DCA's *Creating Inclusive Multi Faith Workplaces* guidelines provides a fairer and more appropriate framework than prioritising religion over other human rights

We strongly believe that people shouldn't be discriminated against because of their religion, or no religion, and workplaces should be creating multi-faith inclusive environments.

However, prioritising religion above other human rights does not appropriately balance the need to protect others from discrimination, harassment and vilification (e.g., on the grounds of their gender identity, race, disability etc.) because of another person's religious belief.

The Bill gives protection to vilification and harassment that might otherwise be illegal

Under this legislation any activity 'motivated by a religious belief' that is not an imprisonable crime would be protected. This could include breaches of civil obligations including anti-discrimination and vilification protections.

Given that religious freedom would be prioritised when considering competing breaches of human rights, this could mean that behaviour that would otherwise be protected under anti-discrimination law in NSW would be permitted.

For example:

- Biblical quotes have been used to justify racial segregation.⁷ This could mean that someone could use these protections to make racially offensive comments that would otherwise be prohibited under the NSW Anti-Discrimination Act.
- There are passages in religious texts,⁸ that are derogatory towards people with disability. A person could make deeply harmful and disparaging comments about people with disability, and claim to be simply quoting a religious text to validate their comments which would not be acceptable under other circumstances.
- Studies show that messages equating homosexuality with sin are harmful to lesbian, gay and bisexual people, and can cause mental health consequences, great emotional distress, and feelings that were associated with anxiety, panic disorders, depression, and suicidality.⁹ Someone making such comments could claim that they are motivated by a religious belief, whether or not they were, as long as the comments could be shown to be in line with religious beliefs.

The proposed legislation would give licence to a wide range of potentially harmful and offensive statements to be made by people 'motivated by a religious belief'.

Allowing such comments would not enhance social cohesion in NSW, or in workplaces.

The proposed Bill could stop Australian businesses fostering inclusive cultures, which would be damaging to business

DCA believes that this proposed legislation could have a negative impact on business by hindering efforts to create inclusive workplace cultures.

Under this Bill, if an employee engages in conduct, motivated by a religious belief, that *'occurs at a time other than when the employee is performing work and at a place other than the employer's place of work'* that hurts others – whether they be colleagues, customers or anyone else – employers could only take action if the activity led to or was a direct criticism or attack on the employer, or led to direct material and financial detriment to the employer (not including the loss of sponsorships).

Determining what is outside the time and place of employment would be difficult

It will be difficult for organisation to determine what is outside the time and place of employment – for example, would this include an employee making negative comments about homosexuality to another employee if those comments were made during a lunch a lunch break off-site by an employee who claims to be motivated by a religious belief?

The Fair Work Commission has previously recognised that conduct that occurs outside of work which is likely to cause serious damage to the relationship between the employer and employee, damages the employer's interests, or is incompatible with the employee's duty as an employee can result in grounds for dismissal.¹⁰

This has included for example, workplace events that are offsite and outside regular hours of employment, as well the use of social media outside of work (e.g., the posting of derogatory, offensive and discriminatory statements or comments about other employees on Facebook can be a valid reason for termination of employment, even where they have been made on a home computer, out of work hours).¹¹

It would impair organisational efforts to implement diversity and inclusion policies

To address these sorts of issues, many employers have Codes of Conduct that clearly sets out expectations for employee behaviour, diversity and inclusion policies, and underpins a positive and inclusive organisational culture.

However, this legislation would make it difficult for government and non-government employers and licencing bodies to implement such policies if they included reasonable employee conduct rules on religious expression outside of work hours.

As illustrated above, there are established precedents as to the sort of behaviour that occurs away from a place of work that can impact on a workplace.

Australian organisations are aware of the importance of creating diverse and inclusive workplaces and there is a strong and growing business case that inclusion fuels performance and wellbeing.¹² This legislation would be damaging to attempts to create inclusive workplace cultures by not allowing policies that included reasonable employee conduct rules on religious expression outside of work hours. This would impair organisational efforts to create inclusive workplaces, and also give rise to complicated legal implications for workplaces.

V. DCA'S RESEARCH

Below we outline DCA's research which shows the benefits of inclusion to Australian organisations and highlight our concerns that this Bill would be damaging to attempts to create inclusive workplace cultures which would have a negative impact on business needs.

We also propose that the framework for balancing religion with other human rights set out in DCA's *Creating Inclusive Multi Faith Workplaces* guidelines provides a fairer and more appropriate framework than prioritising religion over other human rights.

What is inclusion?

DCA defines **Inclusion** as getting the mix of people in an organisation to work together to improve performance and wellbeing.



Inclusion in a workplace is achieved when a diversity of people (e.g., ages, cultural backgrounds, genders, perspectives) feel that they are:

- **RESPECTED** for who they are and able to be themselves;
- **CONNECTED** to their colleagues and feel they belong;
- **CONTRIBUTING** their perspectives and talents to the workplace; and
- **PROGRESSING** in their career at work (i.e. have equal access to opportunities and resources).

DCA INCLUSION@WORK Index

Research shows that inclusion at work is good for business



5 times more likely to innovate



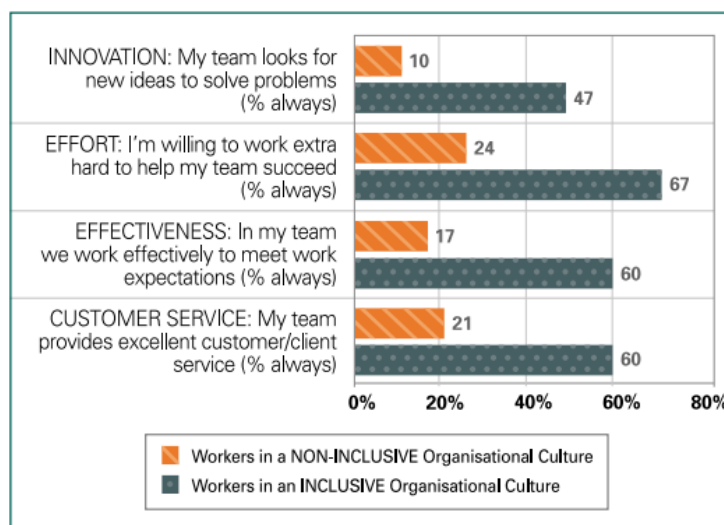
3 times more likely to work extra hard



3 times more likely to be highly effective than workers in non-inclusive organisations³



3 times more likely to provide excellent customer/client service



DCA's *Inclusion @Work Index* has shown that if you work in an inclusive organisation you are:

- 5 times more likely to innovate
- 3 times more likely to work extra hard
- 3 times more likely to be highly effective than workers in non-inclusive organisations
- 3 times more likely to provide excellent customer/client service.¹³

Inclusive workplaces reduce harassment and discrimination

DCA's research has also shown that that **harassment and discrimination are twice as likely to be experienced by people from minority groups** – for example:

- Aboriginal and/or Torres Strait Islander workers were twice as likely as non-Indigenous workers to have experienced discrimination and/or harassment in the past year (48% compared to 24%), and to have felt excluded in the past year (42% versus 21%).
- Workers with disability were twice as likely as workers without disability to have experienced discrimination and/or harassment, and to have felt excluded in the past year.
- 44% of LGBTIQ+ workers had personally experienced discrimination and/or harassment the past 12 months compared to 25% of non-LGBTIQ+ workers.¹⁴

Our research also shows that **organisational cultures that are inclusive also lower the risks of workplace harassment and discrimination**. Specifically, our research found that people who work in inclusive teams are seven times less likely to experience harassment or discrimination.¹⁵

DCA is concerned that this legislation would impair efforts to create diverse and inclusive organisations, which could lead to more harassment and discrimination.

Inclusion@Work minimises harassment and discrimination

If you work in an inclusive team, you are:



Almost 7 times less likely than workers in non-inclusive teams to have personally experienced **harassment** and/or **discrimination** in the past year

Inclusive language is critical to building an inclusive workplace

DCA's *Words At Work* research shows that language is a powerful tool for building inclusion and exclusion at work.¹⁶ It can be used to create a sense of being valued, respected and one of the team or of being under-valued, disrespected, and an 'outsider'.

Inclusive language enables a diversity of people (e.g., different ages, cultures, genders) to feel valued and respected and able to contribute their talents to drive organisational performance.

Research also demonstrates that inclusive cultures are high performing cultures – they deliver greater performance and productivity. How we speak to and about each other influences how we treat each other, and this builds our workplace cultures.

Studies show that:

- Non-inclusive language contributes to and continues stereotyping.
- Non-inclusive language harms people who witness it as well as the intended targets.
- When used in job interviews, non-inclusive language results in applicants from excluded groups finding the position less attractive, and experiencing less motivation and identification with the position than those who are exposed to inclusive language.
- Non-inclusive comments in the workplace can have an insidious effect on individuals from the excluded groups, impeding their advancement at work by presenting them as incompetent and not suitable for leadership roles.
- Frequent non-inclusive experiences at work have just as harmful effects as more intense but less frequent experiences (e.g., sexual coercion and harassment).
- Non-inclusive jokes can lead to tolerance of hostile feelings and discrimination against people from excluded groups.¹⁷

DCA is concerned that by permitting behaviour 'motivated by a religious belief' that would otherwise be unlawful, this legislation would allow non-inclusive language to be used in workplaces which would be damaging to inclusive cultures.

LGBTIQ+ Inclusive Cultures Drive Team Performance

DCA's *Out at Work* research also revealed that there is a positive business case for creating workplace cultures that value, welcome and include LGBTIQ+ people.¹⁸

Our research found that employees in organisations which were highly LGBTIQ+ inclusive are at least twice as likely as employees in non-inclusive cultures to achieve, innovate, and provide excellent customer/service.



Being Out at Work Drives Performance

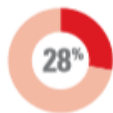
LGBTIQ+ employees who are out to everyone at work are:



50% more likely to **innovate** than workers who are not out to everyone



35% more likely to **work highly effectively** in their team



28% more likely to **provide excellent customer/client service**



LGBTIQ+ Inclusive Cultures Drive Performance

Employees in organisations which are highly LGBTIQ+ inclusive³ are at least **twice as likely** as employees in non-inclusive cultures to **achieve, innovate, and provide excellent customer/service**.



DCA is concerned that this legislation could give licence to a wide range of potentially harmful and offensive statements about LGBTIQ+ people, that would be tolerated if they were 'motivated by a religious belief'. This would be damaging to organisational efforts to create LGBTIQ+ inclusion.

Creating Inclusive Multi-Faith Workplaces

At DCA, we are interested in seeing **religious and multi-faith inclusion**, especially in workplaces.

Religious and multi-faith inclusion is a higher bar than legal compliance, it's about ensuring that an individual's right to have a religious belief or no religious belief is respected.

DCA developed a guide for Australian workplaces about how to deal with a range of common faith-related queries, and to provide workplaces with principles to help balance issues where conflicting rights might intersect.

Our guide sets out a framework for balancing religion with other human rights. We believe that this provides a fairer and more appropriate framework than prioritising religion over other human rights.

The Business Case for Multi-Faith Diverse and Inclusive Workplaces

In multi-faith contemporary Australia, customers, clients and employees are increasingly expecting products, services, and workplaces to be inclusive of faith-related perspectives.¹⁹

Diverse markets

Globalisation means clients and target audiences come from diverse cultures and practice different faiths. In some countries around the world over 90% of the population identify as religious. This has resulted in Australian companies developing markets and establishing trading relationships in new communities and regions of the world where business practices may be influenced in part by religious tenets. Organisations that are not responsive, respectful or inclusive of these differences may unknowingly cause offense and risk failure to fully capitalise on business opportunities.

Diverse workforces

Employees too are expecting faith sensitivity and responsiveness as they seek a more holistic approach to their time at work, becoming less willing to disconnect their work and personal identities. This has resulted in an increase in the number of employees seeking to express their religious and spiritual identity in the workplace. Organisations who take a proactive approach to multi-faith inclusion by supporting the faith-expression of their employees and recognising the faith-based capabilities of their workforce, are open to a number of benefits.



Balancing religion with other human rights at work

DCA's *Creating Inclusive Multi-Faith Workplaces* also sets out a framework for handling an issue where someone's religious beliefs challenge another person's belief or identity.

BALANCING RELIGION WITH OTHER HUMAN RIGHTS AT WORK

A common question we receive at DCA is how to handle situations where someone's religious beliefs, challenge another person's belief or identity, especially if this has an impact on the needs of the business. There are no easy answers, but the principle of inclusion – ensuring that all employees are respected, connected, and able to contribute and progress – can help navigate some of these situations. In practice, aspiring for inclusion means:

1. STARTING WITH MUTUAL RESPECT.

Inclusive organisations are ones where a diversity of employees are respected. When you encounter a situation where it appears that two ideas may be in conflict with each other, a good point to start from is by ensuring that all employees are treated with respect. In most cases, starting with respect enables there to be a sensible compromise.

2. WELCOMING RELIGIOUS BELIEFS BUT RECOGNISING THAT WORK IS NOT THE PLACE FOR PROSELYTISING – UNLESS YOU ARE EMPLOYED TO DO THIS.

Inclusive workplaces welcome and encourage religious beliefs and expression, but religious expression shouldn't involve proselytising at work (unless that is the actual job).

3. SEPARATING RELIGIOUS BELIEFS FROM RELIGIOUS EXPRESSION.

Many people in Australia have deeply held religious beliefs, but expressing those beliefs in a way that is harmful to other people could breach anti-discrimination laws, and may also not be respectful in a workplace context.

4. RECOGNISING THAT COMMUNITY EXPECTATIONS ARE CONSTANTLY SHIFTING OVER TIME.

At various times in history, religious beliefs were used to justify a range of practices including slavery, prohibitions on interracial marriage, and the criminalisation of homosexuality. But today, thankfully, the views and expectations of the community have since shifted.

Excerpt from DCA's *Creating Inclusive Multi-Faith Workplaces* infographic, available at: https://www.dca.org.au/sites/default/files/multi-faith_infographic_final_accessible.pdf.

VI. ENDNOTES

¹ See for example:

- Miranda Devine, 'Yes Vote Means a New Minority Needs Protection' *The West Australian*, 18 November 2017, <https://thewest.com.au/opinion/rendezview/yes-vote-means-a-new-minority-needs-protection-ng-3ae65b7f6e1093222c5dcfea18b58bbe>.
- Andrew Bolt, 'Modern Society Throws Christians to Wolves', *Adelaide Now*, 30 March 2017, https://www.adelaidenow.com.au/subscribe/news/1/?sourceCode=AAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.adelaidenow.com.au%2Fnews%2Fopinion%2Fandrew-bolt-attack-on-church-a-cultural-assault%2Fnews-story%2F57ceceddc84f43fab36a9d941a71ec55&memtype=registered&mode=premium&nk=10b6f5a038382d020386eb8ba3fac390-1568699754&v21suffix=45-a.
- See Archbishop Anthony Fisher as quoted in Shannon Molloy, 'Christians in Australia need to 'suck it up and calm down' over religious freedom battle', *news.com.au*, 9 July 2019, <https://www.news.com.au/national/politics/christians-in-australia-need-to-suck-it-up-and-calm-down-over-religious-freedom-battle/news-story/653d519df4f48e92798fbe2d190d2fef>.

² See for example:

- Senator Concetta Fierravanti-Wells as quoted in, Judith Ireland, 'A pox on both their houses': Senator warns of voter backlash if religious freedoms not protected, *The Sydney Morning Herald*, 6 July 2019, <https://www.smh.com.au/politics/federal/a-pox-on-both-their-houses-senator-warns-of-voter-backlash-if-religious-freedoms-not-protected-20190706-p524qe.html>.
- Richard Ferguson, 'Liberal architects of SSM bill back Christian Porter's religious protections bill', *The Australian*, 30 August 2019, <https://www.theaustralian.com.au/nation/christian-porter-unveils-laws-to-protect-from-discrimination-on-basis-of-religious-belief/news-story/9b096129b5f4ddee09beda3f89ea0532>.
- Kristen Lawson, 'Conservative Senator Cory Bernardi wants to elevate 'freedom' above all else', *The Canberra Times*, 24 July 2019, <https://www.canberratimes.com.au/story/6289548/rights-are-cannibalising-each-other-bernardi-takes-aim/>.

³ The Hon. Mark Latham MLC, Second Reading Speech, *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*, 13 May 2020, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-81731'>

⁴ Diversity Council Australia (O'Leary, J. and D'Almada-Remedios, R.) *DCA-Suncorp Inclusion@Work Index 2019–2020: Mapping the State of Inclusion in the Australian Workforce*, Sydney, Diversity Council Australia, 2019.

⁵ A. Markus, 2018, *Mapping Social Cohesion: The Scanlon Foundation Surveys 2018*, Monash University, accessed at: <https://scanlonfoundation.org.au/wp-content/uploads/2018/12/Social-Cohesion-2018-report-26-Nov.pdf>

⁶ A. Markus, 2018, *Mapping Social Cohesion: The Scanlon Foundation Surveys 2018*.

⁷ Tisa Wenger, 'Discrimination in the name of religion? Segregationists and slaveholders did it, too', *The Washington Post*, 5 December 2017, accessed at: <https://www.washingtonpost.com/news/made->

[by-history/wp/2017/12/05/discriminating-in-the-name-of-religion-segregationists-and-slaveholders-did-it-too/?noredirect=on](https://www.aph.gov.au/ByHistory/wp/2017/12/05/discriminating-in-the-name-of-religion-segregationists-and-slaveholders-did-it-too/?noredirect=on).

⁸ See for example: *Leviticus 21:17-24*.

⁹ American Psychological Association, Task Force on Appropriate Therapeutic Responses to Sexual Orientation. (2009). *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation*, accessed at <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>.

¹⁰ [Bowker and Others v DP World Melbourne Limited T/A DP World and Others \[2014\] FWCFB 9227](#) at 48.

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