

Tue 26 February 2013



Late last week a Senate Committee released its report into the new Human Rights and Anti-Discrimination Bill 2012.

Some of the usual Christian voices came out **hard and strong** to oppose the Senate's recommendations that faith-based agencies should lose their automatic right to discriminate in providing services to the public.

For example, The Australian Christian Lobby (ACL) raised the prospect of Catholic hospitals being forced to perform abortions.

The debate around the new Bill is truly complex, with a number of tangents. For example - both **left** and **right-wing** media are troubled by the chilling effect it's likely to have on freedom of speech (including, in my opinion, religious speech). But the particular concerns raised by the ACL on Friday shouldn't cause any angst in the Anglican Church.

Every Anglican School I am aware of has open enrolment regardless of the beliefs or non-beliefs of the child's parents.

Church-based Aged Care providers like Anglicare are already required to provide beds on a non-discriminatory basis or face non-compliance under the Aged Care Act. Indeed, Anglicare has tried to make it very clear that it already provides services on a non-discriminatory basis.

"Anglicare member organisations offer their services completely free of bias to those that need them most," Kasy Chambers, Executive Director of Anglicare Australia has said. "They do not discriminate in the provision of Commonwealth funded services to the most disadvantaged and vulnerable members of our society on grounds of sexuality, gender, race, religion, age or background."

Yet, this debate is more than a storm in a tea cup. It does call into question practices of some religious schools and agencies, such as not providing adoption services to gay couples or the preferential enrolment Catholic schools give to the children of their own adherents.

Workplace Diversity v Being Christian

The real heat in the debate is around the employment practices of some faith-based schools and agencies. As **David Marr** put it:

"I hesitate to say this but the Prime Minister is living in sin. I don't give a damn. Nor do most Australians. But that sort of thing bothers religious leaders. So much that Labor's Human

Rights and Anti-Discrimination Bill will renew their authority to bar anyone in Julia Gillard's shoes from any job in any of their schools, hospitals and charities, even those they run with public money."

As a gay man Marr is concerned to stop employers from sacking people when they discover them to be homosexual.

The Rev'd Peter Sandeman, who until recently headed Anglicare in this Diocese, actually goes much further, **arguing** that Christian agencies should be actively pursuing greater workplace diversity to further their calling to serve those marginalized by mainstream society.

I believe that workplace diversity is critical to the mission of church-based community service organisations. God is not limited to only work through those who call themselves Christian. The lived experience of the marginalised is invaluable in providing services in a relationship of love, respect and understanding. Anglicare SA's long-standing policy of non-discrimination makes us stronger... To build on the strengths of communities often requires alliance and engagement of people who do not share orthodox Christian beliefs.

However, read Sandeman's piece carefully and you'll see it skirts a more fundamental question: does the Government have the right to stop religious schools and agencies from being so... religious?

One of the core objections of Church leaders is that the new laws may bar their organizations from practicing their faith "in community" as a formal part of that organisation's activities. The Anglican Bishop of South Sydney, Rob Forsyth, puts it this way:

"We are not claiming the right to be exempt from the anti-discrimination law. That is completely misunderstanding what we are saying. We believe a law should account for other rights, like the ICCPR, article 18—the right to freedom of religion, to practice it and to hold it."

A colleague of mine at Anglicare makes the same point far more colourfully to new recruits: You may have been raised in a rugby family, but if you take a job at an AFL club then you should be prepared to learn the club song.

Should you be forced to wear a hijab to keep your job?

Yet, the best way to test the reasonableness of your own position, is to imagine your reaction if the shoe was on the other foot. As a Christian (or atheist), how would you feel if your employer forced you to engage in Islamic practices against your conscience?

This is exactly what happened to two female teachers at the Islamic College of South Australia. They were sacked last year, after they refused to comply with a new "uniform" policy for teachers that required all female teachers - Muslim and non-Muslim - to wear a hijab head scarf.

The point is that non-Muslims had been knowingly employed by the school and then later required to comply with Islamic practices. **Glen Seidel** from the Independent Education Union said this is plainly wrong.

"People who've been employed at that school for many years have been able to dress modestly without any particular problem, but this redefining under the threat of sacking is

quite extreme and we don't agree with it...People who have been quite openly employed as not Muslim are being forced to identify within the community as if they are."

The key point here is that injustice was caused because the school changed its policy. If potential employees sign on knowing the dress rules, then the situation is very different.

So a core aim of the anti-discrimination laws should be to protect employees from ad-hoc rules applied in an unreasonable, non-transparent or arbitrary fashion.

What should also be avoided is the perverse situation of the Government seeking to reshape the religious practices and beliefs of faith-based organizations.

By **Jeremy Halcrow**