



# Chief Executive Women

Women leaders enabling women leaders

20 December 2021

Senate Legal and Constitutional Affairs Committee

Via: [Make a Submission portal – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au/submit)

## **Submission for Parliamentary Inquiry on Religious Discrimination Bill 2021 and related bills**

Chief Executive Women (CEW) makes this submission to the Senate Legal and Constitutional Affairs Committee on the Religious Discrimination Bill 2021 and related bills (the Bills).

CEW's vision is of a society where individuals have equal economic and social choices. As women leaders enabling other women into senior leadership positions, we advocate for progressing women's economic participation. Ensuring safe and inclusive workplaces is critical to achieving these aims.

CEW supports anti-discrimination measures that enable workplaces to be safe and inclusive for everyone. However, the Bills in their current form could exacerbate discrimination and existing issues faced by women and other underrepresented groups in the workplace.

The Bills override existing anti-discrimination laws and privilege statements of belief based in or about religion above the other rights of people in the workplace. This allows for the infringement of the rights of women, LGBTIQ+ people and their families, people with a disability, and other groups to be infringed. These Bills, as drafted, should not be passed and specifically Clauses 12 and 15 should be removed.

### **Recommendations:**

***Recommendation 1: Remove draft Clause 12: Statement of belief of the Religious Discrimination Bill 2021***

***Recommendation 2: Remove draft Clause 15: Qualifying body conduct rules of the Religious Discrimination Bill 2021***

### **The Bills regress safe and inclusive workplaces for all**

CEW supports safe and inclusive workplaces in which bullying, harassment and discrimination by or against anyone is not tolerated. As an organisation founded on respect and equality, we believe these Bills undermine tolerant, fair, safe and inclusive workplaces.

Unconscious bias and discriminatory assumptions, norms, and cultures in workplaces are key barriers to women's workforce participation, progression into leadership and to closing the gender pay gap.<sup>1</sup> Women are more likely to engage in the workforce and take on leadership roles in

workplaces that are visibly supportive and address these barriers.<sup>ii</sup> Supportive and enabling environments are also key to improving the participation of women and girls in STEM careers.<sup>iii</sup>

In their current form, the Bills would override existing protections from discrimination and could contribute to unsafe workplace cultures and prevent Australian businesses from fostering safe and inclusive cultures.

The draft Clause 12 (Statement of belief) and Clause 15 (Qualifying body conduct rules) limit the ability of employers and businesses to meet their obligations to create safe, inclusive and gender equal workplaces. Increased discrimination and harassment could incur significant economic costs, as noted in the *Respect@Work* report, the cost of sexual harassment to the Australian economy was estimated at \$3.8 billion in 2018.<sup>iv</sup>

### **Recommendation 1: Remove draft Clause 12: Statement of belief of the Religious Discrimination Bill 2021**

CEW recommends the removal of draft Clause 12 which, in an unprecedented manner, overrides existing federal, state and territory anti-discrimination laws to make statements of belief immune from legal consequences under those laws.

Under the draft Clause 12, a statement of belief does not constitute discrimination unless it is malicious, intimidates, vilifies or encourages serious offence. In practice this draft clause could allow tolerance of statements of belief which make a person feel demeaned, judged, or deeply uncomfortable; and could encourage views in the workplace that are racist, homophobic, ableist or sexist. CEW is concerned that this draft clause could allow for sexual harassment, homophobia, ableism and other forms of prejudice to be perpetuated in the workplace.

The unintended consequence of the draft Clause 12 is the potential to inhibit employers' capacity to ensure safe and inclusive workplaces for everybody. Accordingly, we recommend the draft Clause 12 be removed.

### **Recommendation 2: Remove draft Clause 15: Qualifying body conduct rules of the Religious Discrimination Bill 2021**

CEW also recommends the removal of draft Clause 15, which in effect restricts professional bodies from disciplining practitioners who make offensive, uninformed, damaging, insulting or demeaning comments based in or about religion, outside professional contexts.

This draft clause has the potential to inhibit the ability of professional bodies to uphold professional conduct rules that are consistent with existing anti-discrimination laws. Professional bodies will be constrained from making their industries and professions safe and inclusive places for everyone.

In support of CEW's recommendations, CEW refers the Committee to the submissions of Equality Australia and Diversity Council Australia.

Yours sincerely,



Susan Metcalf

CEO, Chief Executive Women

### **About Chief Executive Women**

Founded in 1985, CEW represents Australia's most senior and distinguished women leaders across business, academia, government, the arts and not-for-profit sectors. Our shared mission is 'women leaders enabling other women leaders'. Through advocacy, targeted programs and scholarships, CEW works to remove the barriers to women's progression and ensure equal opportunity for prosperity.

As a member organisation, CEW is uniquely positioned to offer solutions for achieving gender balanced leadership and removing the complex barriers to women's progression and economic security. CEW's members have leading roles within Australia's largest private and public organisations overseeing more than \$749 billion in revenue, 1.3 million employees, \$1.144 trillion combined market capitalisation and making a greater than \$249 billion contribution to Australia's GDP.

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<sup>i</sup> KPMG, the Diversity Council of Australia and the Workplace Gender Equality Agency, 2019, *She's Price(d)less – The Economics of the Gender Pay Gap*, [https://www.wgea.gov.au/sites/default/files/documents/She%27s-Price%28d%29less-2019-Summary-report\\_0.pdf](https://www.wgea.gov.au/sites/default/files/documents/She%27s-Price%28d%29less-2019-Summary-report_0.pdf)

<sup>ii</sup> McKinsey & Co, The Business Council of Australia and the Workplace Gender Equality Agency, 2017, *Women in Leadership: Lessons from Australian Companies Leading the Way* [https://www.wgea.gov.au/sites/default/files/documents/Women-in-Leadership%20report-BCA\\_0.pdf](https://www.wgea.gov.au/sites/default/files/documents/Women-in-Leadership%20report-BCA_0.pdf)

<sup>iii</sup> Champions of Change, 2019, *Harnessing our Innovation Potential: Gender Equality in STEM* <https://championsofchangecoalition.org/wp-content/uploads/2019/08/Harnessing-Our-Innovation-Potential-Stem-Survey-Report-2019.pdf>

<sup>iv</sup> Australian Human Rights Commission, 2020, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, [ahrc\\_wsh\\_report\\_2020 \(4\).pdf](https://www.ahrc.gov.au/sites/default/files/2020-04/ahrc_wsh_report_2020_4.pdf)