



RELIGIOUS BELIEF, AFFILIATION OR ACTIVITY DISCRIMINATION

Freedom to believe.
Freedom from
discrimination.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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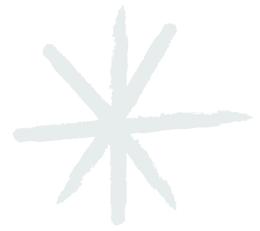
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Celebrating Difference
Embracing Equality



RELIGIOUS BELIEF, AFFILIATION OR ACTIVITY DISCRIMINATION

It is discrimination when a person is treated unfairly, or is denied the same opportunities as others, because of their religious beliefs, affiliation or activity.

'Religious belief or affiliation' includes belonging to or identifying with a particular religion, or not being religious. It also includes believing or not believing in a god.

'Religious activity' includes activities related to the practice of religion, such as being involved in a religious ceremony at a church, chapel, mosque, temple or synagogue. It also includes not engaging in, or refusing to engage in, any of these activities.

The law also protects a person from discrimination on the basis of their association with someone who holds a particular religious belief, has a particular religious affiliation or is involved in religious activities. This includes association with someone who is an atheist.

In what situations is religious belief, affiliation or activity discrimination against the law?

To be against the law, the discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to incite hatred, serious contempt or severe ridicule of a person or group of people on the basis of their religious belief, affiliation or activity (see separate brochure: *Inciting others*).

Exceptions to the law

In certain circumstances discrimination on the basis of religious belief, affiliation or activity is allowed.

A school run in accordance with the tenets, beliefs, teachings, principles or practices of a particular religion has a defence available if it decides to exclude a student from admission to the school on the basis of the student's religious belief, affiliation or activity. (To understand how exceptions work under the law, see separate brochure: *Discrimination – exceptions to the rules*).

Exemptions

If you believe there is a valid reason for doing something that might be discriminatory on the basis of religious belief, affiliation or activity, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law – should you be exempt?*).

Do you feel you have been discriminated against on the basis of your religious belief, affiliation or activity?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Nadia is Muslim and wears a headscarf known as the 'hijab'. Nadia goes to a local café to meet a friend. She feels uncomfortable and humiliated when the waiter asks lots of overly personal questions and makes negative comments about her hijab. Nadia makes a complaint of discrimination on the basis of religious belief, affiliation and activity.

A workplace has a policy that prevents employees from wearing jewellery at work. This policy may disadvantage workers who wish to wear a religious symbol. For example, it might prevent people of the Christian faith from wearing a cross, Jewish people from wearing the Star of David, or Sikhs from wearing a kanga (a particular comb) or kara (a bangle). Whether the policy is unreasonable or not depends on the nature of the job and whether there is an absolute ban on wearing jewellery (say for safety reasons), or it is allowed to be worn under clothes.