

# Summary of findings – LGBTIQ+ employees of religiously affiliated schools and welfare organisations: pilot study.

Douglas Ezzy, Bronwyn Fielder, Louise Richardson-Self, Angela Dwyer  
University of Tasmania.

## **Introduction and background**

This pilot study was conducted by a research team from the University of Tasmania in order to understand and document the experience of LGBTIQ+ people working in government funded, faith-based schools and welfare organisations. The research was funded by a grant from the University of Tasmania. Between one third and one half of the workforce in education, aged care, health care and welfare agencies are employed in organisations with religious affiliations. This issue therefore has a substantial impact upon the lives of LGBTIQ+ employees. It is particularly topical due to current proposals by the Federal Government to introduce wide ranging laws protecting religious freedom. These calls have highlighted the tension between religious freedom and the rights and freedoms of LGBTIQ+ people, amongst others. This report provides an initial summary of findings.

## **Participant demographics**

Sixteen people were interviewed, four from Sydney, NSW, and surrounds, and twelve from Hobart and Launceston in Tasmania. There were five male, two non-binary, and nine female volunteer participants. Four identified as queer, two as bisexual, three as gay men, one gay female, and three as lesbian.

Of the twelve Tasmanians, five worked in welfare organisations and seven in religious schools. Three of the participants from NSW worked in religious schools in Sydney and surrounds. The other was employed in the office of a religious organisation.

The religious schools and welfare organisations were predominantly Catholic and Anglican. In addition, one participant was an employee of a Salvation Army welfare organisation, one worked in a Baptist school and another in a Christian school. Most employees in the schools were teachers or teachers' aides, and one was a librarian. The employee roles in the welfare organisations varied. Three were social workers, and two were counsellors and case workers in various capacities.

Eleven of the sixteen participants were partnered, one with an opposite sex partner, and five were single. Four were married or hoped to marry soon. The age of participants ranged from early 20s to mid-60s. Four were in their 20s; three in their 30s; six in their 40s; one in their 50s and two in their 60s. Ten of the participants were religious to varying degrees and actively sought to work in religious organisations. In addition, all except one participant felt alignment with the values of their organisation.

Recruitment in NSW was difficult. The difficulty in finding respondents in NSW could be partly attributed to the anxiety of LGBTIQ+ employees of religious schools. In NSW legal exemptions to anti-discrimination law for faith-based organisations are broad, and include sexuality and gender status<sup>1</sup>. Tasmanian law does not allow these exemptions. This means that LGBTIQ+ people working in religiously affiliated schools in NSW can legally lose their job if their status becomes known. This may be why some people were reluctant to talk to us.

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<sup>1</sup> <https://www.hrlc.org.au/news/2018/10/23/explainer-religious-discrimination-in-schools>

## **Major Findings**

### *Experiences of discrimination:*

There was a stark difference between the experiences of those in NSW and those in Tasmania. In general, the participants in Tasmania who were out about their gender status or sexuality were supported by their organisations. They were free from discrimination within the workplace, despite occasional interpersonal difficulties based on their sexuality or gender status. Three participants were circumspect in their workplace regarding their sexuality. Two of these three did not feel confident they would be supported should they be open about their sexuality. Their position these people held in the workforce was influential with those three participants. They were either new to the organisation or at a lower level and not necessarily secure in their positions. They felt more vulnerable.

Two participants who worked in schools in NSW were not open about their sexuality. During the marriage equality postal vote these two were challenged on their position toward the postal vote (and in one case, sexuality) and consequently given notice, or given no choice but to resign. A third interviewee came out as transgender and from that moment was not allowed to work within the classroom. This person eventually resigned. The fourth participant in NSW, who worked in the office of a religious organisation, did not hide their sexuality within the workplace but always remained vigilant. According to her it was always a, 'don't ask, don't tell' policy.

### *Anxiety and Vigilance*

All participants, in both Tasmania and NSW, expressed the need to exercise a varying degree of vigilance with regard to their LGBTIQ+ status, both within and beyond workplace. Some expressed the need to be proactive to avoid potentially discriminatory encounters, even those

who were comfortably out. Most exercised care and would not “advertise” their identity to certain people. In NSW the three interviewees who worked in schools felt the need to hide their sexual identity to avoid harmful discrimination. In one case the person experienced considerable difficulties because of their sexual identity, but their concern about the welfare of LGBTI students saw them stay at the school. However, because of their refusal to support the no vote, it was made clear they were not welcome at the school and they left at the end of the year.

The need to be vigilant was a cause of anxiety and the majority of participants expressed this had a negative effect on their mental health.

#### *Effect on LGBTIQ+ Students/Clients*

Both in Tasmania and NSW there was limited freedom to talk about or express openly and visibly their LGBTIQ+ status. There were many reasons for this. First, both those who were open within their organisations, as well as those who were not out, felt no need to talk about their sexuality or gender. According to the majority of the participants, their sexuality and or gender status was a private matter that had no effect on their skills and abilities as a teacher/councillor. Sexuality and gender status was not seen as relevant to their role. Second, counsellors, social workers and teachers are not expected to divulge personal details. The focus is on the student/consumer. Within schools and workplaces that did not accept same-sex attraction/transgender as legitimate, clearly the need to be discrete in this respect was paramount.

Due to all the above, clients and students were not presented with positive role models. However, most interviewees found they could support and encourage LGBTIQ+ students/clients without revealing personal details. In NSW, support for LGBTIQ+ students became a factor in the dismissal of some teachers during the postal vote. In Tasmania one

participant was deeply distressed about the need to not divulge their sexuality. They felt very disappointed that they could not be a positive role model to their students.

The lack of LGBTIQ+ positive role models for young people remains an issue to be addressed. Even in Tasmania where many interviewees were supported by their organisations, there was resistance to a visible LGBTIQ+ identity.

### *The Marriage Equality Debate:*

In Tasmania, despite the general support received from employers and colleagues, the period of the postal vote was difficult for many of the interviewees. One interviewee expressed how generally exhausted she'd felt throughout the campaign. Overall, however, the workplace response to those who were open about their sexuality/gender was positive from direct management and co-workers. In Tasmania, the opposition to marriage equality by conservative Tasmanian religious leaders often did not directly affect the workers in related organisations. However, the campaign itself was not necessarily easy or harmless for the participants.

In NSW the marriage equality vote was deeply disturbing for all participants. The three schools' policy was that same-sex marriage is against their religion and the teachers were expected to express this view with the students. When one participant did not actively promote the 'no' vote he was challenged about his sexuality. One documented in detail the extremely negative effect the postal vote had on LGBTIQ+ students in the school. The school advocated both in letters to parents and in church sermons that same-sex marriage is 'inviting the devil'. As a consequence, the interviewee reported that LGBTIQ+ students were bullied by students unrelentingly, resulting in severe mental health consequences for LGBTIQ+ students, including an attempted suicide.

*The Ruddock Review<sup>2</sup> and Anti-discrimination Law*

On the whole, the participants in Tasmania did not have detailed knowledge of current anti-discrimination law, nor of how the Ruddock Review might possibly impact them or others in the future<sup>3</sup>. In Tasmania, the majority felt confident they could not be discriminated against. Only one was concerned Federal law could override State law which is an outcome that is listed in the current 'exposure draft' of the proposed new religious freedom legislation.

Those who were more confident in their rights were also typically the employees who already felt comfortable being out in their workplace. One participant in Tasmania had expressed the desire to be open about his sexuality in the classroom and was told that according to the religious school policy, he was not allowed to do this in this school.

In NSW the broad exemptions to anti-discrimination law that religious organisations can employ had a huge impact on the four interviewees. All had an intimate knowledge of these laws and the possible ramifications of the Ruddock review.

It may be argued that the legal position (the strong anti-discrimination laws) resulted in the better experience of employees in Tasmania. It is possible that the laws not only create a safety net for LGBTIQ+ workers but that they may influence the culture of some of the organisations in which individuals in this study were employed. There needs to be broader and more detailed research conducted, both qualitative and quantitative, to explore this connection.

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<sup>2</sup> The Ruddock Review was a panel set up by the then Prime Minister, Malcolm Turnbull, chaired by Phillip Ruddock. Its aim was to investigate whether Australian law, both Federal and State, adequately protects religious freedom.

<sup>3</sup> The Religious Discrimination Bill was not written at the time of the interviews.

### *Religious Freedom vs Non-discrimination.*

When participants were asked about the meaning of ‘religious freedom’ there were a range of attitudes taken towards the compatibility of religious freedom and LGBTIQ+ non-discrimination, particularly as it pertains to the workplace. Some participants understood the exercise of religious freedom would automatically lead to discrimination against LGBTIQ+ individuals in the workplace. In Tasmania, anti-discrimination law makes this unlikely<sup>4</sup> however, despite this, some participants held deep fears that if they were ‘found out’, their jobs would be at risk. For three of the interviewees in NSW this was clearly the case.

Religious freedom laws were either exercised or used as leverage so that these three people lost or left their jobs.

Other interviewees in Tasmania and one in NSW held the view that religious freedom did not necessarily lead to discrimination towards LGBTIQ+, and that the two were not incompatible.

### *Religiosity*

An interesting finding was that many of the participants were attracted to working in religious schools or welfare organisations because of the values of the organisation. These values included acceptance of diversity and caring for all. Six of the participants were deeply religious and aimed to live a life based upon their religious sentiments. For the participants with a strong faith, being discriminated against was deeply hurtful. Two participants lost their faith, one due to the treatment they received at the school they were working in. The

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<sup>4</sup> The report was written before the outcome of the Ruddock review was announced. The threat to Tasmania’s strong anti-discrimination laws is real.

other found the hypocrisy of the church was deeply disappointing. For those participants whose LGBTIQ+ status was accepted in the workplace, their faith was validated.

## **Conclusions**

In conclusion, the findings of this study indicate the enormous impact exemptions to anti-discrimination laws can have on the lives of LGBTIQ+ employees. This was especially evident when comparing the experience of those from Tasmania and those from NSW. NSW law enables faith-based schools and welfare organisations to be exempt from a broad range of anti-discrimination legislation, which was demonstrated by the loss of employment of three of the four participants from NSW.

The Tasmanian participants overall felt safe from organisational discrimination in the workplace, although the majority felt the need to remain vigilant in inter-personal relationships. Some were pro-active and consciously built strategic relationships within the school or organisation as a protective mechanism should there be any problems arising in regard to their sexuality or gender identity.

Most participants were not visible as LGBTIQ+ in the workplace, even if they were out to management and co-workers. While openly out role models have been shown to give encouragement to employees in the workplace<sup>5</sup> sexuality and gender identity is seen as a 'private' issue that need not be divulged to clients and students. The lack of openly out role models for young people has been shown to lead to lower health outcomes for LGBTIQ+ young people<sup>6</sup>

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<sup>5</sup> Bird, Kuhns, and Garofalo 2012 Journal of Adolescent Health  
[https://scholar.google.com.au/scholar?hl=en&as\\_sdt=0%2C5&q=role+models+at+work+LGBT&btnG=](https://scholar.google.com.au/scholar?hl=en&as_sdt=0%2C5&q=role+models+at+work+LGBT&btnG=)

<sup>6</sup> Ibid

The majority of the participants felt strongly aligned with the values of the organisations they worked in. Whether this alignment was rewarded or caused disillusionment was dependent on the interpretation of these values in response to the LGBTIQ+ employees in the schools and welfare organisations. The marriage equality postal vote resulted in some workplaces bringing to the fore deeply-held moral convictions that judged same-sex relationships as wrong. For LGBTIQ+ people who worked in these organisations, this resulted in extremely traumatic experiences, even more so for those in NSW who are not protected by anti-discrimination law.

Overall, this pilot study, while limited in its scope, has provided rich in-depth insights into the experience of LGBTIQ+ employees in faith-based schools and welfare organisations in Tasmania and NSW. In order to understand the impact of the legislation on the LGBTIQ+ employees, further studies, both qualitative and quantitative are required.