

Religious Conviction Discrimination

It is against the law under the Equal Opportunity Act 1984 (WA) to discriminate against a person because of their religious conviction.



 *Equal Opportunity Commission*

Under the Act a person with an impairment includes anyone with a physical, intellectual or mental impairment, a person who had an impairment in the past, or someone assumed to have an impairment.

Direct impairment discrimination occurs when a person is treated less favourably because of their political conviction compared to another person, in the same or similar circumstances.

Indirect impairment discrimination is when a requirement, condition or practice that is the same for everyone has an unfair effect on someone because of an impairment, and is unreasonable in the circumstances.

Where does the protection apply?

Under the Act it is unlawful to discriminate against a person because of their political conviction, in certain areas of public life, including:

- Work – in some instances
- Education
- Provision of goods, services and facilities
- Accommodation
- Clubs and incorporated associations
- Application forms

Responsibilities

Organisations must ensure they provide a working environment and services that are free from religious conviction discrimination and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees' actions.

For the purposes of the Act, a person who causes, instructs, induces, aids, or permits another person to engage in unlawful conduct is taken to have engaged in that conduct themselves.

Making a complaint

A person who believes they have been discriminated against because of their religious conviction can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

Complaints must be submitted in writing, but you are not required to use English. You may write your complaint in the language you feel most comfortable using.

Complaints can be submitted via email, post, or through the complaint form on the Equal Opportunity Commission's website.

The incident or incidents referred to in the complaint must have occurred within the 12 months prior to the date the complaint is lodged.

The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.

Examples of political conviction discrimination

A Jewish prisoner complained that kosher food was not available to him at every meal time.

A public transport worker who was a Seventh Day Adventist complained he was indirectly discriminated against when he was rostered to work on Saturdays, his Sabbath.

In some circumstances, the Commissioner may determine that there is good reason — or good cause — to include incidents that occurred more than 12 months before the complaint was submitted.

Exceptions

There are some instances where it is not unlawful to discriminate against a person because of their religious conviction. These exceptions include:

- Domestic workers in private households
- Employers with less than six employees
- Accommodation provided by a religious body
- Accommodation in private households of less than five people
- Partnerships of less than six people
- Orders of a court or the State Administrative Tribunal
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- Establishments providing accommodation for aged people
- The ordination of priests or ministers of religion
- Employment, education or training by a religious educational authority that discriminates in good faith in order to adhere to its religious teachings
- Employment in a hospital or where a health related service is provided, where the employer is a religious body and duties relate to any religious observance or practice.


If an individual or organisation relies upon an exception under the Act when a complaint is made against them, they must justify the use of that exception to the Commissioner for Equal Opportunity.

Call


General enquiries: 08 9216 3900

Training courses: 08 9216 3927

Country callers: 1800 198 149

 **Interpreter service: 13 14 50**

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