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To Whom It May Concern,

Please find below Equality Tasmania's submission to the Australian Law Reform Commission inquiry into removing exemptions that allow discrimination by faith-based organisations.

Best wishes,
Rodney Croome

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Equality Tasmania

Equality Tasmania (formerly the Tasmanian Gay and Lesbian Rights Group) is Tasmania's leading advocacy group for LGBTIQ+ people and has been since it was formed thirty years ago. In that time, we have advocated successfully for a range of reforms, including the decriminalisation of homosexuality, Tasmania's strong Anti-Discrimination Act, Tasmania's ground-breaking relationship laws, Tasmania's world-class gender-recognition laws, improved policies in schools, health and policing, and marriage equality. We regularly consult with the Tasmanian LGBTIQ+ community to determine our campaign priorities and to inform submissions like this one.

The inquiry

We welcome this inquiry. But we are concerned it does not include discrimination against LGBTIQ+ people in faith-based services including hospitals, employment agencies, family violence prevention and support services, and housing services

This discrimination is prohibited in Tasmania and should be prohibited nationally.

We urge the Australian Law Reform Commission to recommend the Government ask it to inquire into this discrimination.

Tasmania's laws

As you will be aware, the Tasmanian Anti-Discrimination Act prohibits discrimination by faith-based schools on the basis of sexual orientation, relationship and marital status and pregnancy.

It has done so since passed in 1998.

Section 51 of the Act allows faith-based schools to discriminate on the basis of religion. For students this only applies upon first enrollment.

Section 51 provisions were enacted later. Advocacy for these provisions made it very clear they were not intended to allow indirect or surreptitious discrimination on the basis of sexual orientation, relationship and marital status and pregnancy. This was also made clear during the second reading speeches of the relevant Premiers and Attorneys-General.

In sum, Tasmania has prohibited LGBTIQ+ discrimination in faith-based schools for a quarter of a century.

The benefits of Tasmania's laws

The lack of exemptions allowing LGBTIQ+ discrimination by faith-based schools has been immensely beneficial.

Personal testimony

Personal stories indicate this. For example, here is Sam Watson a former student at Catholic and Quaker schools.

'Ask any parent with a child at a faith-based school whether they want all students at that school to reach their full potential, including LGBTI students, and most likely their answer will be "yes".'

'By prohibiting discrimination against LGBTI students and teachers, the Tasmanian Anti-Discrimination Act helps ensure these outcomes.'

'I know some people say the "ethos" of faith-based schools should be protected. My response is that Tasmanian law upholds their ethos if that ethos is fairness, acceptance, diversity and inclusion.'

'As for more traditional religious "ethos", there is no evidence that has suffered under Tasmania's strong school discrimination laws.'

More of Sam's personal story can be found here:

<https://www.abc.net.au/news/2019-02-08/tasmania-gay-teen-discrimination-laws-catholic-church/10771204>

Another example is Olivia Hogarth who has written about her experience as a teacher in a Catholic school. Olivia wrote:

'As I got to know the other staff members I slowly came out to a few I felt comfortable around. I remember taking my partner at the time to staff dinners.'

'About 10 years later I entered a Tasmanian civil partnership with my new partner. We had a lovely ceremony attended by friends from school. Another teacher was the celebrant. The Deputy Principal later found out and congratulated me.'

'My experience of teaching in Catholic schools was nothing like the stories I hear from other states, or internationally, about LGBTI teachers living in fear of anyone finding out who they are, or being sacked when their secret is out.'

'For 20 years LGBTI teachers in Tasmania's faith-based schools have been protected from unlawful discrimination and I believe these schools are better for it.'

'The Catholic schools I have worked in are immensely more welcoming and inclusive than they were when I attended them as a student.'

More of Olivia's personal story can be found here:

<https://newmatilda.com/2019/01/23/tasmanias-discrimination-protections-lgbti-teachers-religious-schools-work-know-first-hand/>

A teacher at a Tasmanian Catholic college wrote an anonymous article in the Launceston Examiner in January 2022 which echoed Sam and Olivia's sentiments. This article was in response to the proposed override of the relevant Tasmanian discrimination protections by the Religious Discrimination Bill. Here is an extract:

'Over the many years I have worked in the Catholic school system I have seen the positive impact Tasmania's top-notch laws against discrimination.'

'They mean staff like me no longer have to pretend we are something we are not, hide our relationships, find excuses not to bring partners to work events, or watch on in silence as another staff member slag off LGBTI people.'

'Our anti-discrimination laws also mean LGBTI students are able to disclose who they are, seek the support they need and confidently stand up for themselves when they are attacked.'

'Faith-based schools are far from perfect when it comes to inclusion and respect, but in Tasmania they have come a long way since the bad old days when prejudice ran amok in the staff room and school yard.'

A copy of this article is attached.

Research

A pilot study of LGBTIQ+ teachers in faith-based schools in Tasmania and NSW bears out the experience of Sam and Olivia.

A 2018 University of Tasmania study of LGBTIQ+ staff in faith-based organisations in Tasmania and NSW (where there are no protections) found "profound" differences.

Tasmanian staff were more secure, much less likely to face discrimination, more likely to be open, and felt they had greater career opportunities than their NSW counterparts.

Tasmanian participants in the study attributed their more favourable experience to their state's Anti-Discrimination Act.

According to an unpublished article by the study's authors,

'In NSW, the three people we interviewed all had their employment terminated due to their LGBT+ status. The effect on the lives of these LGBT+ teachers is devastating.'

'The situation in Tasmania is quite different. No Tasmanian LGBT+ teachers described having their employment terminated. Among the people we interviewed there was an implicit assumption that they could not be discriminated against.'

A copy of the study and of the unpublished article are attached.

Disrespect for the Tasmanian laws

We do not wish to give the ALRC the impression all discrimination has vanished from Tasmanian faith-based schools.

From 2019 to 2022 Equality Tasmania received reports of discriminatory policies and practices, particularly in catholic schools.

These included trans and gender diverse students not being allowed to use the names, bathrooms or uniforms corresponding to their gender identity.

They also included statements about homosexual teachers not being permitted to take up leadership roles within schools. A case along similar lines, but involving an unmarried heterosexual teacher, occurred at the end of 2021 and was made public in July last year.

More details can be found here:

<https://www.abc.net.au/news/2022-07-27/teacher-catholic-school-job-offer-vetoed/101270816>

Before 2019 we received virtually no complaints and since the beginning of 2022 complaints have tailed off. This suggests to us that the complaints were somehow linked to debate about the Religious Discrimination Bill which occurred at precisely the same time.

Perhaps some Catholic authorities were trying to provoke a response they could use to legitimise their support for the Religious Discrimination Bill's override of Tasmania's protections. We do not know.

What we do know is that such complaints, as distressing as they are, have not been nearly as common as they were in this particular three-year period.

Regardless, the point of the Tasmanian law is that it provides a safety net for those experiencing discrimination and a check on those who would discriminate. For the most part this seems to work.

The Tasmanian precedent

Close examination of the Tasmanian law is important because it provides such an important precedent for similar national laws.

As the students and teachers cited above have noted, as well as ensuring faith-based schools are more inclusive, Tasmania's Anti-Discrimination Act has not infringed the religious values of such schools.

After being intimately involved in the drafting of the Anti-Discrimination Act, Equality Tasmania has monitored its implementation and the responses to it.

At no stage in the past twenty five years have any Tasmanian religious schools publicly complained that their religious values or traditions been infringed by the Act.

Some religious education authorities in other states complain that if they are prevented from discriminating their values will be so compromised they will have to close their doors. Yet not one single religious school has felt it necessary to do this in Tasmania.

In short, the dire consequences predicted in other states have not come to pass.

The Tasmanian experience has gone on for so long, and appears to be so successful for all involved, that it is clearly safe to adopt nationally.

Tasmania has cleared the path to full equality for LGBTIQ+ students and teachers.

Misrepresenting Tasmania's laws and their impact

Because Tasmania's Anti-Discrimination Act provides such an important precedent for reform nationally, some advocates for the national status quo seek to misrepresent these laws and their impact.

For example, they argue that section 51 allows discrimination against LGBTIQ+ teachers and students if they violate religious values.

They also argue that if the Tasmanian law was to be tested in the High Court it would be found to violate Australia's international obligations to protect religious freedom.

As we have noted, when section 51 provisions were passed it was made clear they could not be used to justify LGBTIQ+ discrimination. There have been no judicial or semi-judicial decisions to the contrary. There is also no basis for asserting the Tasmania law is unconstitutional. Other nations provide similar protections without falling foul of international human rights law.

But it ultimately Tasmania's religious authorities themselves who witness to the reality of Tasmania's laws. On February 8th 2022, Tasmania's Advocate and Examiner newspapers reported that the Catholic Archbishop of Hobart, Julian Porteous, would not rule out sacking or not employing gay teachers if the Religious Discrimination Bill passed and Tasmania's Anti-Discrimination Act was thereby overridden. The report stated:

'Catholic schools in Tasmania have not ruled out the possibility of sacking or not employing teachers who openly identify as LGBTIQ+ if proposed changes to the Religious Discrimination Bill are passed.'

This report can be found here:

<https://www.theadvocate.com.au/story/7612859/if-new-religious-discrimination-laws-pass-catholic-schools-may-use-them>

Clearly, if religious authorities felt they had the right to discriminate under the Tasmanian law, they would not have required a federal law to override the Tasmanian law and allow such discrimination.

The Tasmanian and Victorian models

LGBTIQ+ discrimination

In 2021 the Victorian Government amended that state's anti-discrimination protections to remove exemptions allowing discrimination against LGBTIQ+ staff and students in faith-based schools.

That reform was welcome. Tasmania was vindicated and no longer so alone. However, there were two features of the Victorian reform that fell below the standard set in Tasmania and which are of concern.

The first is that the Victorian law allows discrimination by faith-based services that are not government funded. This opens up the possibility of faith-based services to quarantining some services to escape the arm of the law. It also

sends the message that anti-LGBTIQA+ discrimination is still acceptable in some contexts.

The second feature is that the Victorian law allows discrimination on the grounds of religion against students at any stage of their education. As noted above. Such discrimination can only occur in Tasmania upon first admission. The Victorian provision opens up the possibility of discrimination under the cover of religion at later points in a student's education where they are more likely to be out.

We also have grave concern about the Victorian law allowing discrimination in faith-based services.

For more about the problems with the Victorian model:

<https://amp.theage.com.au/politics/victoria/tasmania-showing-way-for-victoria-on-religious-discrimination-against-lgbtqi-20211108-p596wq.html>

Religious discrimination

A feature of the Victorian law is that it prohibits discrimination on the basis of religion in faith-based schools unless a particular religious affiliation is an inherent requirement and where the discrimination is reasonable and proportionate.

When it was first passed, the Tasmanian Anti-Discrimination Act prohibited discrimination on the basis of religion in faith-based schools and services. Two successive amendments allowed discrimination on this basis for staff and then students.

Equality Tasmania argued against both amendments. Our case was that these amendments were unnecessary, unjustified, could be misused to allow discrimination on other grounds such as sexual orientation and gender identity, and would promote sectarianism. We also pointed to the fact that faith-based schools seemed to be operating quite well without exemptions on the basis of religion.

We continue to support the principle of non-discrimination, including on the basis of religion.

Our response to the ALRC's propositions and proposals

Equality Tasmania supports the response of the Australian Discrimination Law Experts Group in regard to the ALRC's propositions and proposals.

'Ethos'

This includes rejection of the word 'ethos' which is vague in law and common usage. Through its vagueness this term opens the door to gives undue power to religious school authorities and opens the door to discrimination.

Curricula

We also concur with ADLEG regarding the rejection of the proposition to allow a discrimination exemption for curricula.

If curricula reach the level of discrimination then clearly they cause harm. Allowing that harm is irresponsible, given the already high levels of stigma suffered by LGBTIQ+ people, especially those in religious environments.

We strongly oppose the right of any school, regardless of its founding values, to corrode the self-worth and dignity of LGBTIQ+ people by teaching that we are disordered, broken or otherwise unequal to others.

Such messages will increasingly fall foul of public opinion and bans on conversion practices. They should not continue to be allowed by federal discrimination law.

We also oppose the right of any school to censor LGBTIQ+ Material from curricula or otherwise treat us unequally.

There is no rational basis for preventing discrimination in enrolment and retention, recruitment and employment, but then allowing it in the materials that students are required to learn and teachers teach.

Prohibiting discrimination in other areas of school life, but allowing it in curricula, will invigorate this latter form of discrimination.

Curricula will become the new redoubt which persisting prejudice retreats to and fortifies against LGBTIQ+ students and teachers.

Exempting curricula will encourage those religious school authorities with discriminatory attitudes against LGBTIQ+ students and teachers to weaponise curricula against them.

Classrooms in faith-based schools will become the next battlefield in a destructive and entirely preventative culture war.

We reject an exemption for curricula.

LGBTIQ+ Employees in Tasmanian Workplaces

Report: Findings from a survey 2019 – 2020

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Acknowledgments

We would like to pay respect to the traditional and original owners of this land the muwinina (mou wee nee nar) people, - to pay respect to those that have passed before us and to acknowledge today's Tasmanian Aboriginal community who are the custodians of this land.

We would like to thank those who participated in this study; first to all those who took the time to fill out our survey, and second, to the smaller number who shared their time, feelings and thoughts during the interviews. We greatly appreciate their time and effort.

This research was made possible by a grant from the Tasmanian Government LGBTI Grants Program 2019, and support from our respective Disciplines, Schools and College at the University of Tasmania

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Executive Summary

This report provides an overview of a mixed method exploratory research project that aimed to better understand the workplace experience of Tasmanian LGBTIQ+ employees. It focused on the issues of acceptance, discrimination, support, and barriers. The study also sought to identify which workplace practices influence these experiences. Finally, this research examined the degree to which Tasmania's legal framework enables an inclusive workplace culture, looking in particular at the impact and function of Tasmania's Anti-Discrimination Act (1998) and subsequent workplace policies.

The research was conducted by researchers at the University of Tasmania and partially funded by a grant of \$13,455 from the Tasmanian Government, Department of Premier and Cabinet. Data was collected from 292 survey responses and ten semi-structured interviews from LGBTIQ+ employees in Tasmania. Survey data from other states in Australia was also collected (192 responses) to enable comparisons to be made, where relevant. When used, this data is identified as Rest of Australia (ROA).

Key Findings

- **Support.** 55% of Tasmanian survey respondents report that their workplace positively embraces their LGBTIQ+ status. In addition, 73% feel free to be visible as LGBTIQ+ in the workplace. The majority of interviewees also feel safe and welcome in their workplace.
- **Outness.** Despite the above, the workplace is still a place where employees feel the need to be careful when revealing their sexual or gendered identity diversity. Fewer LGBTIQ+ people are out in the workplace than are out at home or with friends.
- **Homophobia.** Homophobic attitudes still persist. As an example, jokes and snide remarks are reported to be perceived as okay in 37% of Tasmanian workplaces.
- **Discrimination.** 16% of Tasmanian survey respondents had experienced discrimination or harassment occasionally and 4% regularly in the workplace.

- **Management.** 18% of survey respondents disagree that management is explicitly supportive of LGBTIQ+ inclusion. There is also a lack of structured support mechanisms when employees experience discrimination.
- **Training.** There was an overall feeling that there is not enough training in the workplace. Only 23% of respondents agree or strongly agree that training is adequate.
- **Allies.** The survey revealed that 46% of people are aware of an ally in the workplace, and that from those, 64% said they were very important or important for them. Despite this, only 14% of LGBTIQ+ people have met an ally.
- **Role Models.** Openly out role models are very important for Tasmanian LGBTIQ+ employees (75% agreement), especially as it pertains to their sense of inclusion. Respect and concern for others was the most cited quality of a role model (81%) and being proud to be visible was second most cited quality (76%).
- **Transgender.** Transgender people have greater difficulties in the workplace than their lesbian and gay counterparts.
- **Individual Responsibility.** Personal qualities such as confidence and acceptance of their own LGBTIQ+ status, and competence in their role, enable most interview participants to ‘fit into the workplace’, while at the same time recognising that not all LGBTIQ+ people have this ability.
- **Identity Management.** Some people do not like to be pigeonholed simply due to their sexuality and/or gender identity. This constant identity management leads to feeling “tired and lonely,” as one participant put it.
- **Tasmanian Legislation.** The Tasmanian Anti-Discrimination Act 1998 (TDA) is highly valued by LGBTIQ+ employees. 69% feel greater security in their jobs due to the TDA. When asked about legal protections, half the Tasmanian employees feel

completely protected and 22% mostly protected, even when they have little knowledge of the law. The impact of the legislation needs further investigation.

- **Tasmanian Support Services.** A large percentage of respondents accessed formal support services and online forums.
- **Religious Freedom Bill.** A large majority of LGBTIQ+ respondents are concerned about the proposed religious freedom bill. In particular, respondents report that expanding religious exemptions to anti-discrimination laws would undermine LGBTIQ+ people's sense of being equal members of Australian society (72%).

Comparison with Rest of Australia

- When Tasmanian respondents are compared to the rest of Australia, the research suggests a two-sided story of the experience of LGBTIQ+ workers. Culturally, there is less explicit support for LGBTIQ+ people in Tasmania, but LGBTIQ+ people in Tasmania are more likely to report equality of opportunity in their careers and working life, compared to those in the rest of Australia.
- **Negatively,** Tasmanian LGBTIQ+ people report it is harder to find LGBTIQ+ communities, they perceive their managers to be less explicitly supportive of LGBTIQ+ inclusion, and they are less likely to be 'out' in the workplace, in comparison to LGBTIQ+ workers in the rest of Australia. This probably reflects Tasmania's regional status.
- **Positively,** compared to their counterparts in the rest of Australia, Tasmanian LGBTIQ+ people are more confident to apply for a broader range of jobs, feel their careers are less limited, and are more likely to report their LGBTIQ+ status does not affect promotion opportunities or the responsibilities they are given. This probably reflects the greater legal protections for LGBTIQ+ workers in Tasmania.

A note on representativeness and confidence in the findings

The trends identified in this report are indicative, but not conclusive. Further research, on both this data set, and with other surveys, is required to provide more confidence in these findings.

This is not a representative sample. It is a convenience sample with some identified biases (greater numbers of women and more highly educated respondents). This means that the trends identified in this report should be taken as indicative only. For this reason we do not provide confidence statistics, such as Chi squares, because this would suggest a degree of confidence that is not available with this data. A representative sample would be required to more confidently assess these findings, but would require considerably more resources.

Introduction

As awareness and acceptance of LGBTIQ+ people has grown in recent decades, so has interest in the workplace experience of LGBTIQ+ people (Ragins 2004). While there is greater policy support for diverse workplaces, the specific experience of LGBTIQ+ people in the workplace is greatly varied. The trend in human resource development policy in the workplace is toward ‘equity justice and fairness’ (McFadden 2015: 126). Additionally, from an economic perspective, diversity and inclusivity in the workplace has been shown to be good for business (McFadden 2015; Loren and Parini 2017), which has positive flow-on consequences for both employers and employees (Badgett et al 2013).

What remains unclear is the extent to which the perceived increase in acceptance of LGBTIQ+ people and supportive policies have translated into positive change in the workplace, in terms of acceptance of diversity and inclusivity. Acceptance and positive policies alone do not necessarily erode heteronormative¹ assumptions in society or in the workplace (Barret, Lewis and Dwyer 2011). Furthermore, there are concerning signs that discrimination still exists. Studies in Europe, for example, indicate that 20% to 50% of LGBTIQ+ workers felt discriminated against in the workplace, and that recent marriage equality debates have triggered homophobic backlashes (Le Breton 2014, in Lauren and Parini 2017).

This research report provides an an indicator of the experience of LGBTIQ+ employees in Tasmania, Australia. Tasmania has some of the most progressive state-based legislation protecting LGBTIQ+ workers in Australia (Hilkemeijer 2018). The study aims to identify the successes of such policies, areas of concern for LGBTIQ+ employees in the workplace, and in their career development, as well as the extent of cultural change as a result of relative progressive state policies.

¹ Heteronormative – denoting or relating to a world view that promotes heterosexuality as the normal or preferred sexual orientation.

Method

This research involved a self-administered online survey and 10 long interviews to examine the key research questions:

1. What is the workplace experience of Tasmanian LGBTIQ+ employees in terms of acceptance, discrimination, support, and barriers?
2. What are the workplace practices that enable or prevent acceptance or discrimination, support or barriers?
3. Has the career development of LGBTIQ+ people been affected by their sexuality/gender identity?
4. Does Tasmania's legal framework affect the culture of the workplace? In particular, what is the impact and function of Tasmania's Anti-discrimination Act (1998) and its role in changing workplace culture?

The survey was designed to identify the experiences of acceptance and discrimination for LGBTIQ+ employees in Tasmanian workplaces. It was open from 9 December 2019 to 15 April 2020 and was advertised through Facebook, various LGBTIQ+ email lists, networks, and groups. The survey was primarily distributed and advertised in Tasmania, though it was open to all Australians. There were 477 completed survey responses with 298 from Tasmania, and 192 from the rest of Australia. This report focuses on the Tasmanian cases, drawing on the national data only for occasional comparisons. The research was funded by a grant from the Tasmanian Government LGBTIQ+ Grants Program 2019. Ethics approval was obtained from the University of Tasmania Social Sciences Human Research Ethics Committee (Survey Project Number: H0018222; Interviews project ID: 20022).

Volunteer interview candidates were sought at the end of the survey. There was a large response to this. From the those who volunteered, 10 people were purposively selected from the Tasmanian respondents to represent as wide a cross section of characteristics as possible (i.e. people from different regions of Tasmania, varying workplaces, various gender identities and diverse sexualities). The interview data has been used to supplement the survey data and

discussed in each section where relevant. Such qualitative data can offer additional insights into the experiences and expectations of the LGBTIQ+ employees. When interview data is used in this report, pseudonyms are used and identifying details have been removed or generalised to ensure anonymity and confidentiality.

Survey Demographics

The Tasmanian respondents generally reflect the Tasmania population in age and employment types. However, the survey under-represents the experiences of men, people with lower educational backgrounds, people born overseas, and Aboriginal and Torres Strait Islander people. This needs to be taken into account in interpreting some of the findings and is noted where appropriate below.

Gender Identity	Woman	Man	Non-binary	Prefer not to say	Other
	56%	36%	6%	0.4%	2%

Sexuality	Gay or Lesbian	Bisexual	Pan-sexual	Queer	Asexual	Hetero-sexual	Other
	60%	17%	11%	8%	2%	0.3%	2%

- More Tasmanian women (56%) than men (36%) completed the survey.
- The average age of respondents was 41 years old. This is comparable to the 2016 Census average age of Tasmanians of 42 years old (ABS 2020).
- Only 9% of participants were born overseas. This compares with 19% of Tasmanians on the 2016 Census reporting they were born overseas (ABS 2020). In the survey, 3% were born in England, 1.5% born in New Zealand, and 1.5% born in Malaysia with the remainder born elsewhere.

- Six people (2%) identified as Australian Aboriginal or Torres Strait Islander. This is below the Census (ABS 2016) of 4.6%.
- 59% of respondents live in Hobart and surrounds, with the remainder predominantly from the North and North West of Tasmania. This indicates a slightly higher response rate from people in Hobart and surrounding areas.
- 75% of respondents said they are not religious. Among those who are religious, the largest numbers were Catholic (7%) or Anglican (5%).
- Respondents were highly educated, with 69% having a university degree or postgraduate qualification. This compares with 16.2% of Tasmanians having a university or postgraduate degree at the 2016 Census (ABS 2020). In addition, 22% have a trade qualification or Certificate 3 or 4. Lastly, 26% are currently studying at either university or TAFE.
- 58% were employed full-time (2016 Census 52%), 26% part-time, 13% in casual employment, 1% are retired and 2% 'other' (either working several jobs, as carers or on sick leave).
- 49% work in the public service, 16% in the private sector, 10% in higher education, and 18% in not-for-profit sector.
- The largest proportion of respondents worked in health care and social assistance service (40%), followed by education and training (17%), and smaller numbers in public administration and safety (6%), administrative and support services (6%), professional services (5%), and food and accommodation services (3%).
- Most people (74%) work in large organisations with more than 50 employees.

Interviewee demographics

Six men (four cismen² and two transmen), three women (two ciswomen and one transwoman), and one trans non-binary person were interviewed. Of these, half were under 40 and half over 40, with the youngest in their late 20s and the oldest in their late 70s. The average age was 45. Two were born overseas. All except one were well educated with a Certificate 4 training or higher qualification. Two worked in government health services, three in government education (both school and higher education), one in the justice system, one in local government, one in an NGO, and one in the private sector. The final interviewee was retired. There were six from the south, three from the north, and one from the northeast. There were no volunteers from the north west or west of Tasmania.

² 'Cis' is short for 'cisgender' – a person whose sense of personal identity and gender aligns with their sex assigned at birth.

Findings

Overall wellbeing

This question was a benchmark question to allow comparison of the overall wellbeing of LGBTIQ+ people with the general Australian population.

Survey Data

	Tasmanian Workplace LGBTIQ+	Rest of Australia (LGBTIQ+)	General Australian Population *
Very happy	25%	26%	35%
Fairly happy	58%	55%	55%
Not very happy	13%	15%	8%
Not at all happy	2%	2%	1%

Question: If you were to consider your life in general these days, how happy or unhappy would you say you are, on the whole?

*Comparison statistics from the 2018 Australian Survey of Social Attitudes (Australian Consortium for Social and Political Research 2018). A further 2% in all surveys responded, "Can't choose".

Note: the totals do not add to 100% because of the other category of response, "can't choose".

LGBTIQ+ employees from Tasmania and the rest of Australia are less likely to be “very happy”, and more likely to be “not happy”, compared to the general Australian population, according to data taken from the 2018 Survey of Social Attitudes (AuSSA).³

Minority Stress Theory (Meyer 2003a) could account for this discrepancy. Meyer (Meyer 2015; Meyer and Frost 2013: 252) suggests that social stressors such as “stigma, prejudice and discrimination” can cause a lower sense of general wellbeing in sexual and gender minorities. However, the reasons for this specific finding are unclear and warrant further investigation.

³ AuSSA is carried out by Academic Surveys Australia, which is the survey arm of the Australian Consortium for Social and Political Research Incorporated (ACSPRI). ACSPRI is a consortium of universities and government research agencies, established as a non-profit organisation in 1976 to support and promote social science. Evans, Ann; McNeil, Nicola; McEachern, Steve; Tranter, Bruce; Wilson, Shaun, 2018, "Australian Survey of Social Attitudes, 2018", doi:10.26193/1U0HNI, ADA Dataverse, V2 <https://dataverse.ada.edu.au/dataset.xhtml?persistentId=doi:10.26193/1U0HNI>

Being ‘out’ at work

'Outness' refers to how much of the respondents' LGBTIQ+ identity is disclosed and shown, and this is compared in the workplace, with friends, and with family.

Survey Data

How would you describe your outness:	Everyone knows	Some or all of managers know	Some or all colleagues know	Some or all I supervise know	No one knows
At work	48%	19%	33%	7%	11%
	Everyone knows	Most know	Some know		No one knows
With family	60%	19%	15%		4%
With friends	72%	17%	10%		2%

Question: We are interested in your outness at work, and with friends and family. 'Outness' refers to how much of your LGBTIQ+ identity you disclose and show in your workplace, with your friends and with your family.

Note: the totals do not add to 100% because multiple responses are possible. In addition other categories of response are possible, including “prefer not to say”, “not applicable” and “other”.

Tasmanian LGBTIQ+ people are much less likely to be ‘out’ in the workplace compared to how ‘out’ they are with their family and friends. Very few people had told no-one amongst their family (4%) or friends (2%). However, 11% of respondents had not told anyone at work. Similarly, while 72% were out to all their friends and 60% to all their family, only 48% were out to everyone at work.

Previous research has indicated mixed reasons for not being out at work. Some of the reasons identified are: that LGBTIQ+ people do not want to be labelled; many do not disclose for privacy reasons; and that it is not relevant to their work performance (AWEI 2018; Perspectives in Workplace Inclusion Survey 2018). On the other hand, other studies have indicated that: LGBTIQ+ people do not feel comfortable being out at work; they fear a possible negative impact on their career; and that they would be treated differently by colleagues (AWEI 2018;

Perspectives in Workplace Inclusion Survey 2018; Ragins, Singh & Cornwell 2007). Further research is required to identify the reasons people are not out at work in Tasmanian workplaces.

Interview data⁴

While all of the interviewees are 'out' at work, responses indicate that being out can be complex in a workplace. Steve for example, explains:

[T]here are people who want to pigeonhole you. And sometimes you know, not to be too cynical, but sometimes people want you to be the 'good gay'. And because you're there on tap, you know, they can, they can say, 'well, we've spoken to our token gay, and he's on board with this, you know'.

Such labelling also causes Ruth to feel uncomfortable. She says, "Yes, the only time that I have felt discomfort is when it's expected of me that I be the token gay who joins the diversity groups and marches at pride, because that's not me".

She also feels her LGBTIQ+ status is personal, saying:

No, I mean that's a personal matter [my sexual identity] and in the same way that, you know, my Netflix choices are a personal matter. You know it might sort of be touched on in conversation if it's something that comes up naturally, yes, yes, I wouldn't do that, 'hey, I'm gay you're gay, let's be pals'.

In answer to whether he was out at work, Arthur explains: "Well I was just myself. I mean, I didn't care what they thought - I just did my bloody job", as he was, "extremely successful...I just got on with my job".

For Alicia, who is out in her work, this was not the focus. In her words:

[I]n all honesty I didn't highlight anything. It wasn't my main thing. I didn't want people to focus on that. I wanted them more so to focus on my working career and how I would be able to assimilate into a workforce like this which came quite easily and then afterwards I would have just said, 'you know my

⁴ All interview data is anonymised through the use of pseudonyms and the removal of details that might be identifying.

partner and I', and if people asked and wanted me to elaborate, I would be like, yeah, my girlfriend.

Only Oliver was adamant that his LGBTIQ+ identity was relevant in his workplace. He was frustrated by the lack of acknowledgment of his identity:

[T]he impression that I got from the [workplace] with my identity was [that it was] not relevant to my ability to do my job and so therefore, we're not going to talk about it. It's kind of like, I don't see race. It's just like such a negative way of approaching it because it automatically becomes a problem. Like the institution's reaction automatically becomes a problem. Because they don't actually acknowledge that there is problem.

Interview participants experience outness at work in many different ways. Some respondents note they do not want acknowledgement of their LGBTIQ+ identity in the workplace because they just want to focus on doing well in their work and career – they do not want the focus to be on their identity as a personal matter. Others note the lack of acknowledgement as a substantial barrier for them in the workplace noting that their identity is a crucial part of their experience of the workplace for them.

LGBTIQ+ in the Workplace

This question aimed to gauge the presence of other LGBTIQ+ people in the respondents' workplaces.

Survey Data

	None	One	Some	Most or all
How many LGBTIQ+ workplace colleagues?	25%	24%	48%	2%
Are they out?	10%		52%	37%

Questions: How many of the people you work with are LGBTIQ+, as far as you are aware? Thinking of the LGBTIQ+ people who you work with, are they out in the workplace?

Note: the totals do not add to 100% because of other categories of response, including "prefer not to answer" or "not applicable".

Nearly 75% of LGBTIQ+ people in Tasmania know other LGBTIQ+ colleagues in their workplace. Among those with LGBTIQ+ workplace colleagues, 90% have at least one colleague who is out in the workplace. Having other LGBTIQ+ workers in the workplace has been shown to have positive benefits, including making it easier to be out (GLEE@PwC 2018; AWEI 2018). This is related to a later question where respondents were asked if there is an openly out role model in the workplace, and further how important that role model is.

Interview Data

Interviewees who had out LGBTIQ+ co-workers provided comments that were consistent with previous research. Andrew, for example, who does not have a problem being out in the workplace, commented on whether having other LGBTIQ+ people is of benefit to him: "I guess it helps subconsciously you know that it's like a safe space and it's accepted".

Alicia too explains the benefit for her having another LGBTIQ+ person in her workplace:

I am obviously feeling much better than being pushed aside or not taken seriously because of my sexuality, so yeah coming from the top, so much better so much easier, my direct [supervisor] is, you know, part of the family.

Similarly Ben expressed that having several people from the LBGTIQ+ community has, “Definitely made it much easier. A very high senior executive staff is a member of the community themselves. So, I think they've had a lot of influence in the direction”.

Access to LGBTIQ+ Community

This question asked respondents about how easy or difficult it was for them to access LGBTIQ+ people where they lived, with the aim of obtaining an indicator of the ease or difficult of developing social connections with other LGBTIQ+ people in their area of residence.

Survey Data

Access to LGBTIQ+ community	Very Easy	Easy	Neither easy nor difficult	Difficult	Very difficult
Tasmania	12%	18%	37%	23%	9%
Rest of Australia	26%	24%	27%	18%	5%

Question: How easy or difficult is it for you to meet other members of the LGBTIQ+ community where you live?

Tasmanians find it harder to meet other members of the LGBTIQ+ community than people from the rest of Australia. Only 30% of Tasmanians find it easy or very easy to meet other members of the LGBTIQ+ community, compared with 50% of people from the rest of Australia. This finding probably reflects Tasmania's regional status. LGBTIQ+ people in regional areas throughout Australia find it harder to find community (Morandini et al. 2015), often due to lack of visibility (QLife 2020). Survey respondents from the rest of Australia tended to be from major cities where LGBTIQ+ community is much more visible and accessible than in regional areas, including smaller cities such as Hobart.

Interview Data

The majority of interviewees either felt connected to the LGBTIQ+ community here or have not sought it out. However, respondents who were relatively new to Tasmania, or work in isolated communities, struggled to find support within the LGBTIQ+ community. Oliver, for example, was new to Tasmania. He attributes his difficulties in finding community to the lack of visibility of the LGBTIQ+ community and the parochial nature of Tasmania:

I thought [another mainland city] was a bit of a backwater. And it is, but Tasmania is just like another level. The lack of visibility as well, like, it is such a 'don't ask don't tell' kind of atmosphere.

He goes on to describe how this presented problems for him in his workplace. A student asked him if he was gay:

And I was like, 'well, yeah, I am'. I'm not going to lie about it. And I'm not going to say it's not relevant because it implies that it's something shameful that I have to hide. And a parent said that I came on a bit strong. And it was kind of, like the parents saying, 'Oh, it's fine that you're gay, just don't talk about it'.

He then explains further that people are not necessarily homophobic but have had little contact with anyone from the LGBTIQ+ community:

And I don't actually think that these [people] are truly homophobic or transphobic, ... it's just this whole thing about not knowing and they probably have never come into contact with an LGBTIQ+ person. They just wouldn't even know.

These thoughts were echoed by another a newcomer to Tasmania, Ben, who explained that the culture in his previous workplace more readily enabled disclosure:

the [workplace] I was at before I moved to Tassie ... had a lot of young people there, and ... a lot of our staff were LGBT. A decent percentage at least. So, it was never something I felt like needed to hide at work.

This shifted after he moved to Tasmania because he struggled to find support in the workplace: "I don't think there's any LGBT people there at all. Not on my [direct workplace]". These comments highlight the differences between workplaces where LGBTIQ+ workers are more visible, and workplaces where LGBTIQ+ workers are much less visible.

Workplace Policy

We examined workplace LGBTIQ+ policy, including how much respondents know about it and how this affects them.

Survey Data

Formal Policies	Yes	No	Not sure
Does your workplace have a formal workplace policy regarding LGBTIQ+ inclusion?	50%	20%	28%
Does your workplace recognise an LGBTIQ+ spouse in leave entitlements?	48%	5%	43%

Note: the totals do not add to 100% because of the other category of response, “not applicable”.

Knowledge of Workplace Policy	A great deal	A lot	Moderate	A little	None
Tasmania	18%	20%	32%	27%	3%
Rest of Australia	33%	23%	26%	17%	0%

Question: To what degree do you know about the workplace LGBTIQ+ inclusion policy at your current workplace?

Note: the totals do not add to 100% because of the other category of response, “not applicable”.

Internal Communication about workplace Policy	Good communication	Uncertain	Poor communication
	45%	30%	24%

Question: To what extent do you agree or disagree with the following statement? There is good internal communication regarding the workplace LGBTIQ+ inclusion policy at my workplace.

Note: the totals do not add to 100% because of the other categories of response, “prefer not to answer” and “not applicable”.

Of those surveyed, 50% of Tasmanian respondents reported having a workplace inclusion policy. Additionally, almost half (47%) of respondents reported having a spouse included in leave entitlements. The relatively high rates of a workplace policy and the high rates of recognition of LGBTIQ+ spouses may reflect the large numbers of survey respondents who work in the public service, where such policies are more common. On the other hand, 20% of Tasmanian employees report having no LGBTIQ+ inclusion policy. A further 30% of Tasmanians have little or no knowledge of their workplace LGBTIQ+ inclusion policy (this compares to 17% for the rest of Australia). It is of concern that awareness of workplace policy is particularly low in Tasmania, and that it is noticeably lower than the rest of Australia. Further, 24% of Tasmanian respondents think that communication about the workplace policy is poor. This may be related to the low level of knowledge about the workplace policy. This suggests that more could be done to inform workers of the presence of an LGBTIQ+ policy and of its contents.

Interview data

These key themes were elaborated in the interview responses when participants were asked about policies in their workplace. Six out of ten interviewees felt that workplace policies were effective. Communication of policy was mixed, as indicated by the survey data. Alicia is fortunate to belong to a workplace that has good inclusion policies and she highlighted how her knowledge of these emerged out of good communication about policies in this workplace. She says:

Actually [a senior manager] is a part of the workplace inclusion and diversity group and is very active in implementing that throughout the organisation. So you know that includes being part of the LGBT, if you've got a disability, gender all that sort of stuff.

Steve, an employee in higher education, attests to the direct benefit of a general antidiscrimination policy in his workplace and recounts his experience being part of the process of translating legislation into this workplace policy:

What I saw was that, being involved in the very early days of transcribing human rights legislation into workplace policy, I've seen that from the very beginning right through to where it is now. And it has made a very big difference.

Other respondents demonstrated a lack of clear knowledge about workplace policy. For instance, Andrew, who reported no discrimination in his workplace, but also who had no direct knowledge of workplace policy, assumed his workplace had a general inclusion policy:

I think that [the workplace] had sort of a policy of equality and inclusion. Yeah, I mean, obviously, like it's [part of] government so everything is, you know, lawful and all the rest of it. No, they haven't necessarily had sort of an outspoken inclusion for LGBTIQ+ people or other types of equality.

Andrew's comments suggest that those who do not have specific knowledge of workplace policy still feel protected in the workplace due to a, sometimes vague, awareness of the Tasmanian anti-discrimination legislation. These policies have become an assumed part of workplace culture rather than something they specifically need to seek knowledge about.

Like Andrew, Ruth has not heard of a distinct LGBTIQ+ policy, but refers to her workplace ethics as being effective in protecting LGBTIQ+ people from discrimination:

Oh, and I think that the [professional association] code of ethics as well would probably address that. So, you know, in terms of my sort of professional networks, I mean, [discrimination is] just a no-no.

It is interesting to note that out of all of the interview participants, only one employee, Liam, described a specific LGBTIQ+ workplace policy that is well communicated and implemented in his workplace.

Workplace Incidents

Respondents were asked about specific workplace experiences relating to their LGBTIQ+ status, in both workplaces which had policies or those which had no policies.

Survey data

Workplace incidents with policy*	Approached manager	Did not approach manager	No incidents
Have you approached a manager after incident?	11%	17%	62%

*This question was only asked of people who had a workplace LGBTIQ+ inclusion policy in their workplace.

Question: Have you ever approached a manager about an incident you felt contravened the workplace LGBTIQ+ inclusion policy in your workplace?

Note: the totals do not add to 100% because of the other categories of response, “prefer not to answer” and “not applicable”.

No workplace policy*	Often	Occasionally	Never
Have you ever had an issue that could have been better dealt with if your workplace had a LGBTIQ+ inclusion policy?	11%	36%	37%

*This question was only asked of people who did not have a workplace LGBTIQ+ inclusion policy in the workplace.

Note: the totals do not add to 100% because of the other categories of response, “prefer not to answer” and “not applicable”.

The majority (62%) of respondents reported no workplace incidents that they felt contravened the workplace LGBTIQ+ inclusion policy. However, of those who had observed an incident, only 11% had approached a manager, while 17% had not approached a manager. It is not clear why people did not approach a manager. This warrants further research.

Of those who did not have an LGBTIQ+ inclusion policy in their workplace, almost half (47%) of respondents said that a workplace policy would have helped when they had had an issue in the workplace.

Existing research suggests it is important to proactively deal with incidents of workplace discrimination. Whether an incident relating to LGBTIQ+ status is severe or slight, it has a stigmatising effect, and can be detrimental to mental health outcomes (Barret, Lewis and Dwyer 2011), as well as organisational outputs (Badgett et al 2013).

Interview Data

Three of the interviewees had a particularly difficult time in their workplace, despite workplace policy being in place. Liam explains in their federal government workplace:

So, I didn't feel like I was in a position where I could rely on the system to support me at all and I felt increasingly unsafe in that job as time went on. So, despite every bit of policy being in my favour, the actual experience was quite different.

Liam's experience was challenging because they felt unsupported even though the workplace policy was in place. Ben worked in a major government health care provider and had issues where he experienced significant problems communicating his gender identity to staff, in spite of "a lot of blanket statements saying we don't accept discrimination, regardless of any sex, gender, sexuality, cultural identity, all that kind of thing". Clearly the experiences of these interviewees were challenging even when workplaces appeared to be supportive and had policies in place to protect LGBTIQ+ people.

Oliver further explains how policy often remains purely policy and is not visibly translated into practice on the ground in the workplace environment:

if you compare it to Victoria - Victoria isn't perfect - but their processes and their support is so much more visible, or even it's there and the department actually has a policy. But it makes me quite angry actually. Because it's like, yes, there's a policy, but also, they don't implement anything to support the policy or help the [workplace] actually enact the policy. So, it just sits there on their policy bookshelf. And it actually is not a living, breathing document. It's just something that they have.

While this may not be the case in all workplaces, the problem of enacting policy remains a real one for some. According to one survey respondent, "It all depends on your co-workers and

managers. If they are okay, it is okay. If they are not it really doesn't matter what the law says. It's really hard to prove specific discrimination cases”.

Workplace Practices

Respondents were asked questions about workplace practices in relation to their LGBTIQ+ status.

Survey data

Workplace Experience	Strongly agree	Agree	Disagree	Strongly Disagree
Management is explicitly supportive of LGBTIQ+ inclusion	19%	29%	13%	5%
Staff Training is adequate	5%	18%	31%	5%
There are adequate support officers	5%	20%	30%	18%
Warnings are given if LGBTIQ+ staff are discriminated against	9%	12%	14%	12%

Questions: To what extent do you agree or disagree with the following statements? :Management statements have been explicitly supportive of LGBTIQ+ inclusion; There is adequate staff training regarding LGBTIQ+ diversity in the workplace.; There are adequate support contact officers for LGBTIQ+ employees in the workplace; People who engage in discriminatory attitudes or practices have received warnings from management.

Note: the totals do not add to 100% because of the other categories of response including “neither agree nor disagree”, “not applicable” or “prefer not to answer”.

The results above suggest that less than half (48%) of managers in Tasmanian workplaces are explicitly supportive of LGBTIQ+ workers. This is less than the rest of Australia where 63% of managers are explicitly supportive of LGBTIQ+ inclusion. This relates to the previous section on workplace policy where the data suggests that managers may not communicate that a policy exists and are sometimes unapproachable with respect to LGBTIQ+ discrimination. This may also reflect Tasmania’s regional status and the more openly supportive nature of workplaces in large cities in the rest of Australia.

Of particular note is that a large number of Tasmanian respondents perceive staff training as inadequate (36% inadequate as opposed to 23% adequate). In addition, nearly half (48%) of

Tasmanian employees do not agree that there are adequate support officers, while 25% agree. This suggests that many LGBTIQ+ workers in Tasmania would greatly value increased staff training and more explicit support. These statistics probably underestimate the significance of this issue, given that survey respondents were more likely to be highly educated and come from large employers.

Finally, it is disturbing to note that 26% of Tasmanian respondents reported that warnings were not given if LGBTIQ+ staff were discriminated against. It is also somewhat mixed to note that for 21% of respondents, warnings were given to staff engaged in discriminatory practices. This finding underlines the value of staff training about LGBTIQ+ issues. While policies are often in place, the implementation of policies on the ground in practice could be improved, including improved communication of policies and improved staff training.

Interview data

Interviewees echoed the focus on management and reported mixed experiences of management support. The majority felt supported by their workplace management. Alex, for example, says, “Yeah, absolutely, I would be comfortable going to my HR manager, ‘Hey look, this happened and it's not acceptable’, and I think I would get support, yeah”. Patricia too received support from her direct manager, even when she herself did not wish to act on the incident reported:

He’s happened to make some rude comments about me, at one stage. I just happened to mention it to my boss. My boss said, ‘we've got to deal with it’. I said, ‘I’m not worried about it. I was just telling you’. She says, ‘no we've got to deal with it’. So, HR got involved with it as well and he was drawn across the coals for making gender comments.

However, when support was not given, the experience was particularly traumatic for participants. Two participants reported resigning or were relocated due to lack of support in the workplace. Liam for example, a non-binary person, tells of their struggle with the HR process:

When I tried to not tick a binary gender option on the form, or if I tried to tick the binary gender option that was closer to how I felt rather than presented, because, even if I’m not binary, you know, sometimes you are

forced to pick a box. Yes, I would find that when I submitted those forms, mysterious by the time they've got inputted into the IT system, they'd been switched back to just saying all female. ...I did not want to go to HR about it. And I also didn't want to cause a big stink. I'm non binary and the big thing that we get levelled at us is, "you just want attention, you just want attention"! I did not want attention. I did not want to make a stink! I didn't feel like I was in a position where I could rely on the system to support me at all.

Oliver's experience in his workplace was traumatic, in that he received little support from management when experiencing severe verbal abuse:

I had a [person in the workplace] say to me to my face that all gay people should be killed, like he was very homophobic. Another one told me any gay people shouldn't be allowed to have children. I think he genuinely believed that. I had [people] call me a poofter and there was not really a lot of institutional reaction to that. The [workplace] is very ill equipped to discuss it or talk about it.

These forms of workplace experiences are highly inappropriate and can cause long-term harm health impacts for LGBTIQ+ people. There is clear evidence in our study to suggest that, while workplaces may have policies in place, it is the management enacting those policies which translate them and bring them to life in the context of everyday workplace interactions.

Allies or Champions

Respondents were asked questions about allies in the workplace. By an ally or a champion, we mean someone in the workplace who advocates for LGBTIQ+ people, often through a formal organisational role. They are openly supportive of LGBTIQ+ people and LGBTIQ+ rights. They themselves might be LGBTIQ+ or non-LGBTIQ+.

Survey Data

Allies In Workplace	Yes	No
Are you aware of an ally in your workplace	46%	37%
Have you met an ally in the workplace? (if there is one)	14%	86%

Note: the totals do not add to 100% because of the other categories of response including “not applicable” or “prefer not to answer”.

How important is an ally in your workplace?	Very important	Important	Not important	Not at all important
Tasmania	28%	37%	8%	5%
Rest of Australia	45%	31%	7%	2%

Note: the totals do not add to 100% because of the other categories of response including “neither important nor unimportant” or “prefer not to answer”.

Just under half (46%) of Tasmanian respondents were aware of an ally in the workplace. However, of those people aware of an ally in the workplace, only 14% had met with them. In contrast, for the rest of Australia, 27% of respondents had met with an ally if there was one in the workplace. Tasmanians are very likely to consider an ally important or very important

(65%), yet respondents in the rest of Australia are even more likely to consider an ally important or very important (76%).

This data suggests that the mere presence of an ally in the workplace is important for many LGBTIQ+ employees. Allies typically give voice to LGBTIQ+ peoples' concerns through advocacy (McNulty et al 2018). Just this knowledge is often enough to make LGBTIQ+ people feel safe and supported, particularly if the workplace is inclusive and the employee feels comfortable.

Interview Data

Allies are clearly important for many of the interviewees, whether they are LGBTIQ+ people or close supporters. This is true for Ben whose ally is his direct manager in the workplace: "Yes so my boss is at the moment ... she has my back. ...She is really good. She has been the number one support at work to be honest". Liam also has an LGBTIQ+ ally in management that has made their transition into work far easier: "Definitely made it much easier. A very high senior executive staff is a member of the community themselves. This is a very powerful ally, a very strong ally".

There are issues surrounding allies that were raised by participants. Steve finds that support of allies is often superficial, saying:

And just trying to talk, have a conversation about internalised homophobia, you know, which is something that most gay or LGBTIQ+ people have to come to terms with in themselves, and for people who, you know, say that they're an ally, they just don't want to have that conversation because they think they're free of it, but it comes out in their behaviour.

Steve highlights that while allies might pledge support for LGBTIQ+ people in the workplace, the extent of this support is variable. Ruth reflected similarly about a previous workplace where she found that well-meaning straight allies were 'overcorrecting' and also ignorant of the complexity of the LGBTIQ+ umbrella term.

Role Models

Respondents were asked questions about openly out role models in the workplace. An “openly out role model” is someone in the workplace who is openly out as LGBTIQ+.

Survey Data

To what extent do you agree or disagree with these statements?	Strongly agree	Agree	Disagree	Strongly disagree
Openly out role models important to my sense of inclusion	44%	31%	4%	3%
A role model helps me engage with work	24%	27%	7%	4%
Being openly out is important for clients/customers/students	21%	22%	17%	7%

Questions: Openly out role models are important to my sense of inclusion in the workforce; Openly out role models make me feel more engaged with my work tasks; Being openly out is important in relation to my clients, customer or students.

Note: the totals do not add to 100% because of the other categories of response including “neither agree nor disagree”, “not applicable” or “prefer not to answer”.

	Extremely Important	Very Important	Important	Not Important	Not at all Important
How important are openly out role models to your social life at work?	21%	22%	28%	13%	10%

Note: the totals do not add to 100% because of the other categories of response including, “not applicable” or “prefer not to answer”.

Most important qualities of a Role Model	Tasmania	Rest of Australia
1. Respect and Concern for Others	81%	83%
2. Proud to be Visible as LGBTIQ+	76%	90%
3. Communicate well	63%	70%
4. Demonstrate confidence	62%	71%
5. Not afraid to be unique	61%	65%

Question: The most important attributes of an openly out role model are: (Tick all that apply).

Similar to allies, role models are very important to Tasmanian respondents, in particular to the sense of inclusion in the workplace (75%). Just over half (51%) of respondents felt that role models assist them to engage with their work better. 71% agree that role models are important to their social life at work. Over 60% agree that a role model would empower them at work.

Tasmanians think it is less important to be out in the workplace compared to the rest of Australia. Again, this may reflect the regional status of Tasmania. Just under one quarter (24%) of Tasmanians do not think it is important to be out at work, whereas only 13% of ROA thought this. 43% agreed that it is important to be out at work for clients/students and customers as opposed to 59% for ROA.

Previous research has suggested that openly out LGBTIQ+ role models or champions are important in building inclusive culture (AWEI 2018). The most important quality of a role model for those from other states who took part in this survey was being ‘proud to be visible as LGBTIQ+’ (90%). However, this quality was less important for Tasmanians (76%). Respect and concern for others was seen as more important qualities (80%). Again, this could

possibly due to the regional status of Tasmania. One response to an open-ended survey question reflects on visible ‘champions’ in Tasmania as opposed to other states says:

I have not lived in Tasmania long. It was surprising to see how little visible champions there are and that not many workplaces include any form of LGBTIQ+ workplace training.

Interview Data

The majority of interviewees agreed that role models are important in the workplace, but not just because they are LGBTIQ+ identifying. According to Tim, “they would have to be both gay and competent to be a good role model”. Steve explains that to be an openly out role model is not always easy because it can slip easily into tokenism:

So, I think having role models in terms of workplaces, is really important. But that person has to be really strong, because they will be pigeonholed and they will be the ‘go to’ person, even if it's against their willingness to do that. And that comes at a price that I think

Two interviewees, Andrew and Ruth, both express the hope they might be good role models themselves. Andrew states that he “would find that interesting to be probably more be a role model, I guess and try to help someone if they would need assistance or support”. Ruth exclaimed:

Do you think that I need a role model! (laughing) ... You know, actually, in all seriousness, I hope that the way that I live my life, and within the workforce, would put me in that category.

Role models were centrally important for Tasmanian LGBTIQ+ people, but they noted the ease with which these types of roles might slip into tokenism rather than genuine, authentic support, and may overload LGBTIQ+ people when they are singled out in this manner.

Career and Choice of Employer

The research asked about whether the respondents' LGBTIQ+ status had affected their career options and/or choice of employer.

Survey Data

To what extent do you agree or disagree with these statements?	Strongly agree	Agree	Disagree	Strongly disagree
My career not limited by my LGBTIQ+ status.	32%	31%	13%	6%
Relationships influenced by LGBTIQ+ status and has limited my career	6%	19%	28%	20%
My career has been limited due to self-restraint	5%	17%	30%	22%
I have a limited choice of employers	7%	22%	31%	19%
LGBTIQ+ inclusive policy important in choosing to apply for position.	12%	26%	17%	7%

Questions: My career has not been limited by my LGBTIQ+ status; Relationships with other workers have been influenced by my LGBTIQ+ status and this has limited my career; My career has been limited by self-restraint in the workplace due to my LGBTIQ+ status; I have a limited choice of employers due to my LGBTIQ+ status; The fact that an employers has an LGBTIQ+ inclusive workplace policy has been important in choosing whether to apply for a position with that employer.

Note: the totals do not add to 100% because of the other categories of response including “neither agree nor disagree”, “not applicable” or “prefer not to answer”.

The data above shows that majority of LGBTIQ+ Tasmanians (63%) strongly agree or agree that their career had not been limited by their LGBTIQ+ status. This was slightly higher than

the ROA (57%). Additionally, fewer Tasmanians feel they have a limited choice of employers (29%) than respondents in the rest of Australia (40%). These results suggest that LGBTIQ+ people in Tasmania are treated more equitably in their careers than in the rest of Australia. This may reflect the greater legal and anti-discrimination protections provided to LGBTIQ+ workers in Tasmania in comparison to the rest of Australia.

Whether an employer has an LGBTIQ+ workplace inclusion policy is important for 37% of Tasmanians, when choosing whether to apply for a position. For those who feel their careers have been limited, 25% of respondents said their LGBTIQ+ status in the workplace influenced workplace relationships and therefore caused these career limitations. Moreover, a further 22% of respondents said their career had been limited due to their self-restraint in choice of employer.

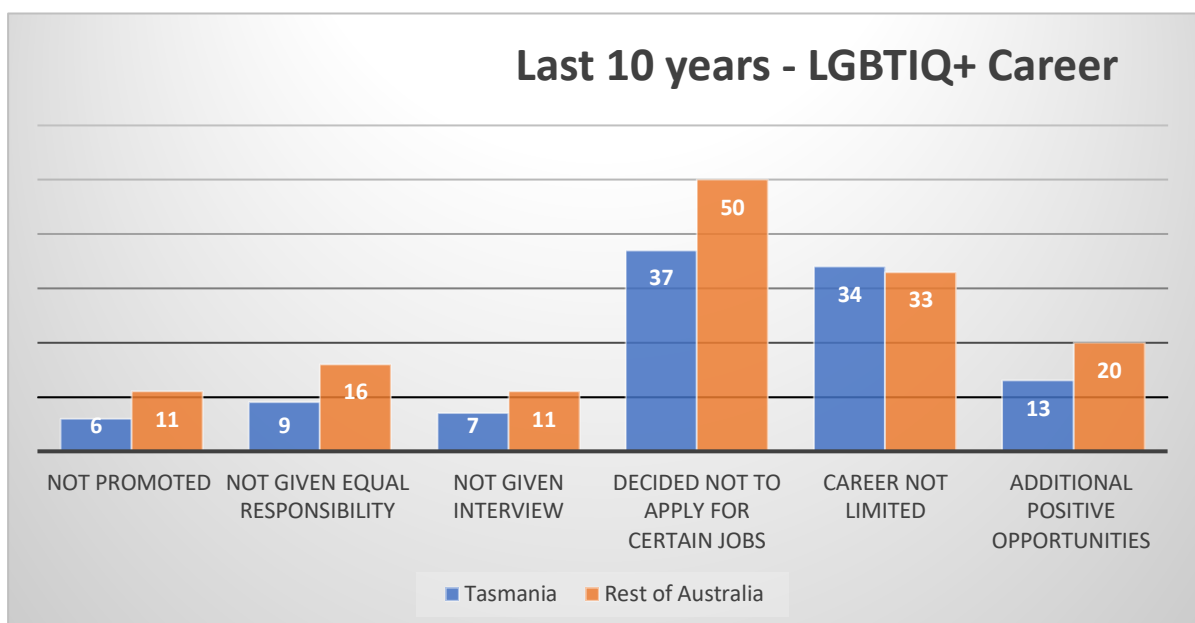
Survey Data – Career over the last 10 years

The following data examines the workplace experience of LGBTIQ+ people over the last 10 years.

In the last 10 years have you had any of these experiences in respect to your LGBTIQ+ status?*	Tas
I was not promoted	6%
I was not given equal responsibilities to others	9%
I was not given an interview	7%
I decided not to apply for certain jobs	37%
My career has not been limited	34%
I have had additional positive career opportunities	13%
I have had none of these experiences	23%

*Tick all that apply

Comparison data on Career Options between Tasmanian and rest of Australia



Once again, Tasmanians feel more confident to apply for a range of jobs compared with the rest of Australia. While over a third (37%) of Tasmanians decided not to apply for certain jobs due to their LGBTIQ+ status, the percentage was higher in the rest of Australia (50%). Small numbers of Tasmanian respondents reported that they were not promoted (6%) or given equal responsibilities (9%) at work due to their LGBTIQ+ status. Importantly, this percentage was lower in Tasmania as opposed to ROA (11% and 16% respectively). Again, these outcomes suggest that legal and anti-discrimination protections in place for LGBTIQ+ people in Tasmania are providing them with improved overall workplace equality.

A particularly interesting finding in this respect was that 13% of people in Tasmania have had additional positive opportunities in their career due to their LGBTIQ+ status. This was even higher in the ROA (20%). This finding is often overlooked when looking at the experience of LGBTIQ+ people in the workplace.

Interview Data

Four of the ten interviewees reported that it had been very difficult to attain success in the job they loved most. This is due to difficulties in the workplace regarding their LGBTIQ+ status. Oliver and Patricia initially struggled to find a place where they could be comfortable and safe, and they both moved to different locations within their workplace as a way of navigating this. Liam left one workplace and eventually found a safer and more inclusive place to work. Ben, a health worker, however, still struggles to stay in a job that he loves due to lack of institutional support.

Tim, an educator, describes a time when a careers manager had made every effort for him not to get a job. This includes direct discrimination from people with strong religious beliefs that were in positions of power in his workplace:

My current boss, and my previous boss are both very charismatic Christians.
... I had my career conversation with this dude who would also be on the interview panel. And he spent the 45 minutes of that career conversation telling me why he just didn't want me to have the job.

In contrast to these experiences, the survey revealed that 13% of Tasmanians and 20% of ROA found their sexuality/gender an advantage in pursuing their chosen career. Liam was told by their manager, “my diversity was an asset and now, your diversity is part of the business”.

This was, however, not the case for everyone, with Oliver noting that his alternate identity was a considerable barrier to his career and stating categorically: “I’m never going to be a [senior manager], not in 2020”. These forms of exclusion are insidious and harmful and it is clear that we cannot assume that a contemporary workplace context provides workplace relationships that support LGBTIQ+ people.

Workplace Culture

The study asked about the general culture of respondents' workplaces in regard to inclusive practices and freedom for LGBTIQ+ workers to be visible, as well as the extent of discrimination and harassment.

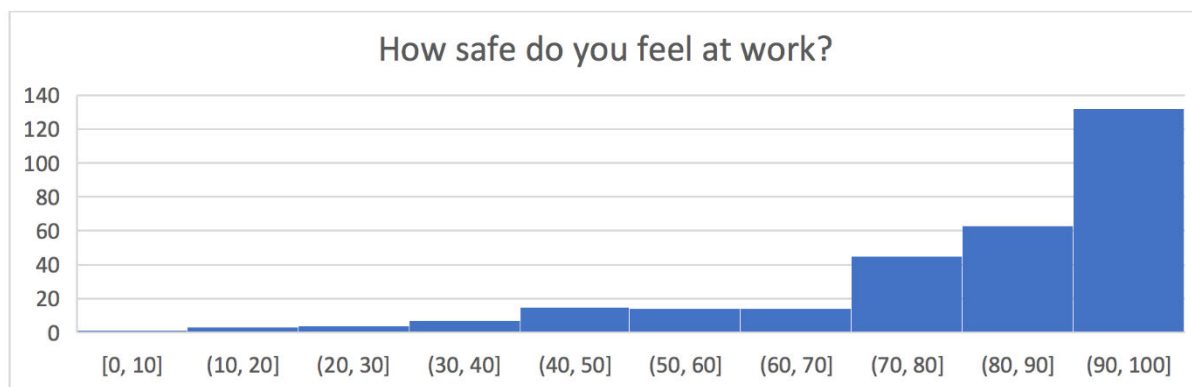
Survey Data

To what extent do you agree or disagree with these statements?*	Strongly agree	Agree	Disagree	Strongly Disagree
My workplace positively embraces my LGBTIQ+ status	22%	33%	14%	5%
I am free to be visible in my workplace	25%	47%	7%	5%
I would be comfortable approaching my direct manager if I were to experience discrimination	39%	35%	10%	7%
I would be comfortable approaching my HR manager if I were to experience discrimination	29%	33%	12%	6%
Jokes and snide remarks are okay in my workplace	11%	26%	29%	19%
Verbal abuse is okay in my workplace	3%	12%	34%	41%

Note: the totals do not add to 100% because of the other categories of response including “neither agree nor disagree”, “not applicable” or “prefer not to answer”.

If you have a partner [same gender] how likely are you to talk about your partner at work?*	Very likely	Likely	Unlikely	Very unlikely
	41%	25%	8%	5%

Note: the totals do not add to 100% because of the other categories of response including “neither likely or unlikely”, “not applicable” or “prefer not to answer”.



Question: How safe do you currently feel at work, on a scale of 1 to 100, with 1 being not at all safe, to 100 being extremely safe?

When asked about how safe they felt at work, respondents gave an average score of 83 out of 100 (where 100 was “extremely safe”). A very significant range of scores were provided in this question, with just over one quarter of Tasmanian respondents reporting safety as high as 100, seven below 25 with one reporting their safety as low as 5. 55% of Tasmanian participants agreed or agreed strongly that their workplace embraced their LGBTIQ+ status. 72% of Tasmanians felt free to be visible in the workplace, and 74% felt they could approach their direct manager or 62% their HR manager should they encounter discrimination. 66% would be likely or very likely to talk about their same gender partner at work.

Most workplaces embrace LGBTIQ+ workers, although there remains a small but significant proportion of workers and workplaces where discriminatory attitudes persist. 37% of employees agreed or agreed strongly that jokes or snide remarks would be acceptable in their workplace and 15% agreed or agreed strongly that verbal abuse would be acceptable in their workplace.

When asked to describe positive experiences associated with LGBTIQ+ in their workplace in an open-ended question, over 200 of the Tasmanian survey respondents commented. A few examples are below:

My current employer is wonderful. My lived experience of LGBTIQ+ issues is seen as an asset. The burden of education was entirely optional for me- all staff receive mandatory LGBTIQ+ training and inclusiveness policies were updated when I signed on and before my first day. I have been supported to develop specialised service policies for increased access/safety for LGBTIQ+ clients.

Hugs lots of hugs

In my current workplace I can identify as I please. E.g. Shaved head and visible tattoos.

The survey data presents a mixed picture of the workplace. There are positive signs of acceptance and cultural change. Over half of the respondents feel welcome in their workplace and three quarters feel they can identify visibly as LGBTIQ+ in the workplace. Yet, discrimination still persists, and has an impact on many employees. This is discussed in the following section (Discrimination in the Workplace).

Interview Data

Seven of the ten interviewees felt comfortable and safe in their workplaces. Two themes that emerged from the interviews in regard to workplace culture were: first, the role of personal agency in being accepted; and second, the effect of policy and legislation on change of culture. Seven interviewees stressed their own agency in shaping their experience in the workplace. Andrew, for example, feels safe and secure in his workplace, partly due to his secure personal sense of self:

[I]t's like a safe space and it's accepted but at the same time as I grow older, I get more and more sort of secure and comfortable in myself. If anyone would treat me poorly or disrespectful I would be like, 'well that's on you, and you like if you haven't grown enough to, to be able to handle my sexuality then you know that's on you and you can (deal with it).'

Andrew's sense of acceptance of himself pushes the onus back onto the other person if they are disrespectful – it is not his issue if they are disrespectful. This attitude is similar to Patricia who notes, "I'm really fairly easy going, water off a duck's back", and Alicia who states, "I guess, it's all in the eye of the beholder, you know what I mean. I'm quite confident and I'm friendly towards everyone". Both Alicia and Patricia feel comfortable in their workplaces. Ruth also is comfortable in her workplace and in her identity but with one reservation around self-resilience:

I do wonder how much your own personal sort of resilience or your own sort of personality, really does kind of fall into that. Because I have seen situations where there have been people who fall under the acronym who feels sort of as though they are having a hard time of it. But there are certainly things that they could do on an interpersonal level that would improve their relationships. You know, so there has to be a level of self-reflection as well about where this stuff is coming from.

Ruth suggests self-resilience is crucial for generating feelings of safety and comfort in the workplace as a LGBTIQ+ person. Oliver has struggled at work, and he recognises that his own strength in dealing with the difficulties that emerge in the workplace are not always going to be the same for others:

In the workplace, I can be very charming and like a very good workmate. And so, it's easy for me to get people on side. And getting people on side and having allies is a lot easier for me because I read the room really well. And I played the funny gay card so I was non-threatening and so I really had to work at it, and I think a lot of queer people don't actually have the mental or emotional capacity to be able to do that. And so just because I found allies at my [workplace], I think it would be very easy for other queer people to not find that.

Oliver recognises that it is his own strength and strategies of personal resilience that provides him with ways of coping with the situation in the workplace in ways that other LGBTIQ+ people may not be able to access.

In contrast with others, Steve and Tim ponder the effectiveness of external processes put into place and how they support that type of resilience, such as when policy is implemented and changes attitudes. Tim notes the role of external processes when discussing a time at his workplace under a difficult CEO:

What a terrible time that was. But these things only happened under a terrible [manager] at a terrible time, whereas the rest of the time it isn't a problem. Yeah, it is a sign that we are protected under some legislation. Or maybe it's just culture, maybe we just have a good culture. Yeah, but one comes from the other quite often.

Steve was less equivocal, exclaiming: “You can’t legislate for values”! Patricia made a similar point, but debated whether policy really affects attitudes in these ways:

[E]verybody is expected to know the code of conduct. The Government Code of Conduct. I certainly issue it to all my staff. Yeah. So, they all know the regulation and things like that. I don't think those sorts of things help anyway. If people have got that attitude it doesn't come from the workplace.

Patricia is not convinced that workplace policies can affect forms of lasting change as attitudes are a personal issue emerging from someone’s background. This highlights the impact of broader cultural change on workplace experiences.

The interviewees also discussed workplace culture when asked about tolerance and respect in their workplace. Most of the interviewees felt respected in the workplace. Alicia and Tim stressed that being respected would be dependent on having qualities relevant to the workplace and how they good they were at doing their job, factors other than LGBTIQ+ status. As Alicia explains, “my understanding would be if someone didn't have the respect, it wouldn’t be about sexuality ... It would be more of a workplace conflict, sort of thing”. Tim places importance on his ability to do his job well: “I would say I was respected because I'm competent” and adds that “tolerance is a pretty low bar isn’t it?” For Steve, respect is difference and more challenging to achieve because, for him, it speaks to the difference between behaviour and internal values:

I think respect is harder to achieve than tolerance because tolerance is more behaviourally based, and respect, yeah I think in today's workplace with the big whip of legislation and policy and procedure I think respect is harder too
- I think a lot of people's behaviour is motivated by policy and procedure.

So, while tolerance and respect for Alicia and Tim emerge from how well they do their job, Steve surmises that this is more about how people's behaviours are shaped by policy and procedure.

Tolerance and respect were key themes in the discussion of interview participants. Ben moves into discussing the differences in terms of tolerance and respect by saying that "[i]t's all about the difference between acceptance and support. Tolerance doesn't seek to understand. Lack of understanding, ignorance, just like whatever. Whereas respect I think is more active". He adds that in his workplace, despite his difficulties, "I would go for, the majority of people that I work with ..., I would say respect [is what I experience]". Patricia has similar musings on these issues and notes that there is very little difference between tolerance and respect:

I think tolerance too is being respectful as far as I'm concerned. Yeah if you see what I mean. It starts to blend in really. If they are tolerant, they are being respectful about who I am, yeah. Probably more, it's not as though they are forced on to it. So, I think it overlaps a bit. A person is who is not very respectful is not going to be tolerant either are they?

Patricia's view diverges from Ben in that she believes tolerance and respect inform one another and overlap in practice. Ruth's reflections are similar in how she values tolerance:

I was watching something the other day, and someone said, 'what's happened to good old-fashioned tolerance?' I mean that's just been swept aside under the banner of inclusiveness and equality and all the rest of that. But actually, what was wrong with tolerance? Like you don't have to like something or actively subscribe to someone's way of thinking to appreciate that other people see things differently, and that's okay. And to come from a position of good faith and realising that people don't set out to be jerks. We just genuinely have a difference of opinion. And I think, if we were to find a way

forward, we need to go back to simply asking for tolerance and have that be enough.

Oliver's perspective differs significantly from Ruth, and others, as for them, "any policy with tolerance in it is not worth the paper it's written on. That's my personal opinion. ... I think the word tolerance is underpinned by the idea that the person that is being tolerated had some kind of defect or something. ... ". For him, tolerance ought to have no part in workplace policies and practices because workplaces should instead be focused on kindness, compassion, empathy: "To be honest, I think kindness and compassion and empathy are probably the mainstays". Oliver's viewpoint, in contrast to others, shows the very divergent ways that LGBTIQ+ people think about concepts like tolerance, respect, compassion, empathy, and how these ideas inform workplace practice and policy.

Discrimination in the Workplace

The study examined how the respondents personally experienced discrimination in the workplace. Some questions relate to current circumstances, and others relate to workplaces over the last 10 years.

Survey Data

Question	Occasionally	Regularly	Never
In the past 12 months have you experienced discrimination or harassment in the workplace?	16%	4%	68%
In the past 12 months have you experienced exclusion (emotional or social)?	17%	6%	67%
In the past 10 years have you experienced discrimination or harassment in the workplace?	42%	7%	41%

Note: the totals do not add to 100% because of the other categories of response including, “not applicable” or “prefer not to answer”.

Question	Yes	No
In the past 10 years have you lost a job?	3%	84%

Note: the totals do not add to 100% because of the other categories of response including, “not applicable” or “prefer not to answer”.

Question:	Very likely	Likely	Somewhat unlikely	Unlikely	Very Unlikely
How likely is it that your employer would terminate your employment if they knew of your LGBTIQ+ status?	3%	1%	3%	11%	73%

Note: the totals do not add to 100% because of the other categories of response including “neither likely or unlikely”, “not applicable” or “prefer not to answer”.

A small number of LGBTIQ+ people regularly experienced discrimination in the past 12 months (2019) (4%) and in the ten years prior (2019-2009) (7%). For a similar number of LGBTIQ+ people (4%), their employer would terminate their employment if they were aware of their LGBTIQ+ status.

In the last 12 months, 20% of respondents in Tasmania had experienced discrimination in the workplace with 16% experiencing it occasionally and 4% regularly. 17% had experienced exclusion occasionally or regularly (5%). This is less than in the past 10 years (42% occasional discrimination or harassment and 7% regular discrimination or harassment). However, due to the different time frames, these statistics are not directly comparable. A small number of respondents (3% Tasmania and 8% ROA) had lost a job in the past 10 years due to their LGBTIQ+ status. However, 4% of Tasmanian respondents said that if their present employer found out about their LGBTIQ+ status, they would very likely or likely lose their job.

More than 200 of the Tasmanian survey respondents described negative workplace experiences in an open-ended question. A few are below:

A former colleague telling me I had a “fractured personality” and “something intrinsically wrong” with me because of my sexual orientation. An evangelical Christian colleague saying that all LGBTIQ+ people are going to be damned to hell [many of the negative experiences named in the open-ended question were hurtful comments based on religious belief].

A patient asked not to be treated by me after learning I was Queer.

A lot of chatter about how children should not be taught or left alone with LGBTIQ+ people.

These written in responses suggest that negative experiences are very common for LGBTIQ+ workers, even though they are not considered to reach the threshold of being considered harassment or discrimination.

Interview Data

Comments from interviewees make it evident that discrimination is now unlikely to be overt – it is far more likely to be covert in the workplace for different reasons. Steve, for instance, pointed out that discrimination was unlikely to be overt in the workplace due to workplace policy. Discrimination is more often experienced in subtle covert incidents. He explains that “people are really aware that if they are openly homophobic or if they're overly misogynistic or whatever, they will be called out and they will have these actions based on this policy and procedure used against them.” He goes on to point out that “most people, behaviourally, do the right thing. They try to”. However, according to him:

[H]omophobia still happens but it happens in a really subtle way. And I think that this attention on overt homophobia, this needs to shift to recognize homophobia in the modern workplace, because I think most people now are really careful about being homophobic, being racist, being sexist. All these sorts of things. But it still comes out in really interesting ways. And that's probably more my experience in my current work, it's really hard subtle stuff that it's really hard to pinpoint.

Overall, very few (3 out of 10) interviewees had experienced overt discriminatory behaviour in their workplace. However, those who did suffered mental health issues. Ben says that, “rather than people seeing it as being an ideological thing, I think it needs to come from a health and wellbeing point of view where it's not about whether you believe someone's gender identity”. These forms of covert discrimination have lasting impacts for LGBTIQ+ people and the work they can do. Four interviewees changed jobs and /or workplaces to find a place they felt safe in.

Law and LGBTIQ+ status

The research examined the understanding of, awareness of, and effect of, anti-discrimination legislation in the workplace.

Survey Data

Are you legally protected in the workplace?	Completely	Mostly	Partially	Not protected	Don't know
Tasmania	52%	22%	4%	2%	19%
Rest of Australia	41%	23%	7%	5%	25%

Are there religious exemptions to anti-discrimination law in your state?	Yes, allowed to discriminate	Yes, for priests etc	No	Don't know
Tasmania	14%	4%	28%	54%
Rest of Australia	36%	4%	10%	48%

While approximately half (52%) of LGBTIQ+ Tasmanian workers felt completely protected from discrimination, there are still many workers who do not feel legally protected. The recent proposed new Federal laws relating to religious freedom focus around the religious exemptions to anti-discrimination laws. Approximately half of respondents were unaware of the nature of these laws in their state.

One in five of Tasmanian LGBTIQ+ people, and one in four in the rest of Australia, are not aware of legal protections (19% in Tasmania, 25% in the Rest of Australia). Even higher numbers do not know about religious exemptions to anti-discrimination laws in their state (54% in Tasmania, 48% in the Rest of Australia). Tasmanians were slightly more confident that they

were legally protected in their workplace (74% positive responses), as opposed to 64% of their interstate counterparts.

Tasmanian Law

Tasmanian respondents were asked about the Tasmanian specific laws that impact on LGBTIQ+ workers.

Survey Data

Do you know much about:	A great deal	A lot	Moderate amount	Little	Nothing
Tasmanian relationships Act?	3%	5%	15%	33%	45%
Tasmanian Antidiscrimination Act? (TADA)	5%	10%	28%	31%	26%

To what extent do you agree or disagree with these statements?	Strongly agree	Agree	Disagree	Strongly disagree
TADA gives me confidence and security at work	26%	43%	4%	0.5%
I have brought up the TADA in a discussion of workplace rights	8%	12%	16%	11%
The TADA positively affects the LGBTIQ+ policies of my workplace	21%	42%	3%	1%
The TADA has not helped in my workplace	2%	5%	16%	11%

The Tasmanian Anti-discrimination Act (1998) has a positive effect on the wellbeing of Tasmanian employees. It provides 69% of these employees with security at work, and 63% believe it has influenced workplace policies. 20% have mentioned the Act at work when facing

a form of workplace discrimination. Despite this, however, 26% know nothing about this law, and 31% know only a little.

Interview Data

Tasmanian law was not always understood by the interviewees. However, two participants began their working lives prior to the Tasmanian Anti-discrimination Act (1998) being in place and recollect the painful times in the workplace when they were young. When asked whether Tasmanian anti-discrimination law has made a difference to the culture of workplaces in Tasmania, Steve unreservedly responded, “Oh, yes! Originally, I started working with [higher education] back in the in the early 1990s, so I was a pretty young bloke then. [The organisation] had nothing back then, we had no policies in the space at all”.

One interviewee recalled that in the not very distant past, that people could be charged, simply relating to their LGBTIQ+ status. He saw Tasmanian anti-discrimination laws as a positive step in the direction of acceptance of LGBTIQ+ people:

Gay and lesbian [being treated as criminals] is a thing of the past. I mean we've definitely integrated with the general community now, long ago. We really have. Well you've had to for your work ethic and so on. You've got to be an 'ordinary person' in inverted commas. And we are, it's just that governments and other people have classified us.

For this interviewee, the legal context was crucial in creating an environment where LGBTIQ+ people are integrated in workplaces and the community broadly.

Tasmanian Support Services

The survey asked Tasmanian LGBTIQ+ people about where they sought support. This provides an indication of the degree to which they accessed formalised support services, or other informal sources of support, such as family or friends.

Survey data

LGBTIQ+ service providers *	
Working it Out	32%
Equality Tasmania	10%
Transgender Tasmania	8%
Diversity Launceston	5%
Connect4life Tasmania	4%
PFLAG	2.5%
Diverse Online Forums	23%
Private Sources	
Friends	71%
Family	39%
Other**	14%

*Multiple responses to the question are possible.

Question: Have you ever sought support from an LGBTIQ+ service provider or other LGBTIQ+ specific community group? Or online LGBTIQ+ forums, friends and/or family? (check all that apply)

**'Other' responses included those who did not feel the need to access services or those who accessed small service providers, counsellors, health professionals, legal representatives or a mix of different sources of support.

Friends were most commonly sought for support (71%) and this was followed by family at 39%. Formal support services were sought by almost one fifth (19%) of participants in the last

12 months. Of the suggested formal support services, Working It Out was accessed by 32% of those who sought support. There were smaller percentages accessing other service groups, including Equality Tasmania (10%), Transgender Tasmania (8%), Diversity Launceston (5%), and Connect4life Tasmania (4%). Informal support services were very important, with 23% of respondents accessing online forums.

Two responses raised concerns about their access to support services, with one person saying they “want to contact and get more help but don't know where to start”, and another noting that they had “attempted to contact [a support service] but it's impossible to get through to them”. This raises questions about whether important forms of support are visible enough and whether access is an ongoing concern.

Overall, while the importance of close personal relationships (family and friends) is clear, the high use of support services and community groups is also notable.

Proposed Religious Freedom Law

This question about the proposed new federal religious freedom laws was included to provide some indicator of the perceived effect of the potential Religious Freedom Bill, and the debate surrounding the Bill, on workplace experiences for LGBTIQ+ Tasmanians.

Survey Data

What is your response to the new proposed federal religious freedom laws?*	Appropriate	Could lose job	More unsafe at work	Won't affect me, but my friends	Undermine sense of being equal	Don't know of proposed changes
	3%	9%	28%	36%	72%	12%

*Multiple responses to the question are possible.

Answers: I think the proposed changes are appropriate; I am concerned the proposed changes could cause me to lose my job; I am concerned the proposed changes could make me be more unsafe at work; the proposed changes won't affect me personally, but might negatively affect my friends; the proposed changes undermine my sense of being an equal member of the community; I don't know of any proposed Federal religious freedom laws.

It is striking that 72% of Tasmanian workers feel their sense of being an equal member of the community would be undermined by the proposed religious freedom bill. In the workplace, 28% feel it could cause them to feel less safe at work, and 9% think they could lose their job, should it be passed into law. A further 36% feel it could affect their friends. These are substantial numbers of people that feel unsettled and unsafe about this proposed bill and the impact that it will have on them and their work.

Interview data

Similarly, nine of the ten interviewees did not support the religious freedom bill. Some interviewees reflected on how religious views were a private issue and people should have freedom to express these views, but this should not impact upon the rights of other people in workplaces. For Andrew the issue is clear: "I'm not religious myself, but I do believe that everyone is obviously allowed to have their own religion, but it's a private matter and should be kept as like a private view, and I don't really understand why religious freedom trumps people's rights". Tim's concerns about the proposed legislation are different. He states he was

initially concerned, but reading the proposed legislation provided him with some additional insight which means he has no confidence the bill will be enacted. Tim's comments probably reflect a clause in the bill that offers equal protection to people with "no religion".

To me it looks like, as an atheist, I would never have had so much power in my life! I'd be able to say and do whatever I like, and I feel like these people are fools to write this down.

Tim's viewpoint was not shared by many interviewees though, with the majority finding the thought of the proposed legislation frightening. Oliver says:

I think with that [religious discrimination bill] - it doesn't speak to Christlike values. As someone who was educated in the church, I think any true Christian would not want this bill. Like it scares me.

Oliver focused on how this bill itself contradicts Christian values. Liam extends beyond these concerns highlighting that this bill will likely impact upon the mental health and wellbeing of many LGBTIQ+ people:

I think it's quite telling that while [the Religious Freedom Bill] has been sidelined for [Covid] lockdown my mental health has improved significantly. And now it's, not necessarily in the media yet, but in the background, starting to wind back up again, and it feels like going back to into the trenches, taking up all of that energy that I would much rather be using a job.

While Liam focused on the impact that it has on him, Alicia further highlights the possible ramifications for clients, particularly in the health sector:

Just because of someone's faith [an LGBTIQ+ person] might not get the medical assistance which is required, because [religious people] now have the rights to turn someone away due to their sexuality. ... I could see that perhaps there would be a worker who could not do their job to the best of their ability in regards to a client that comes in, and use that as an excuse, 'it's against my religion, I can't do this'.

Alicia suggests there may be great power in this bill for the health sector and this may lead to LGBTIQ+ people being refused treatment, with the bill being used as the lever for this refusal.

Only one voice dissented amongst interviewees. Ruth argued that the bill may be a good thing as she viewed LGBTIQ+ activism as being problematic and provocative. She explained that “I see the religious discrimination bill as a direct response to the next evolution of queer politics (post marriage equality)”. Even after saying this, though, she did suggest that “probably the laws that we already have should be better applied”. While this dissenting voice is significant, the interviewee comments demonstrate strongly the sense of a lack of safety and security that would be generated by the proposed bill and how this influences how LGBTIQ+ people feel about their work.

Discussion and Summary

Research Questions

In summary, the main findings of the study in relation to the research questions are:

1. What is the workplace experience of Tasmanian LGBTIQ+ employees in terms of acceptance, discrimination, support and barriers?
 - a. LGBTIQ+ people still experience discrimination in the workplace and barriers to their careers, despite some good workplace policy. There are signs that the extent of discrimination has reduced over the last ten years. However, more research is required to substantiate this.
 - b. Probably reflecting Tasmania's regional nature, LGBTIQ+ workers experience more workplace harassment, find it harder to locate LGBTIQ+ community, and are less likely to experience explicit support from their managers than their mainland counterparts in larger cities.
 - c. Many LGBTIQ+ people are not out in the workplace. The reasons for this require more research.
 - d. Jokes and snide remarks about LGBTIQ+ people are at least an occasional, and sometimes common, experience for 37% of Tasmanian respondents.
2. What are the workplace practices that enable or prevent acceptance or discrimination, support or barriers?
 - a. Workplace LGBTIQ+ policy often has clear positive effects, but a workplace policy on its own is not an effective guarantor of inclusivity. For the policy to be effective, it also requires communication of the policy, staff training, and managerial support.
 - b. Both allies and LGBTIQ+ role models in the workplace were regarded as important to developing a culture of inclusivity.
 - c. Inclusion is also enabled by management communication and support by allies (including management and colleagues, both non-LGBTIQ+ and LGBTIQ+).
3. Has the career development of LGBTIQ+ individuals been affected by their sexuality/gender identity?

- a. LGBTIQ+ people report that their careers have been negatively affected due to their LGBTIQ+ status. However, LGBTIQ+ Tasmanians report fewer constraints on their careers than their mainland counterparts. Constraints on careers are more marked for people of alternate gender identities.
 - b. For a small percentage of LGBTIQ+ people, their career opportunities are enhanced by their LGBTIQ+ status.
4. Does a Tasmania's legal framework affect the culture of the workplace, in particular what is the impact and function of Tasmanian's Anti-discrimination Act (1998) and its role in changing workplace culture?
- a. There appears to have been a reduction in instances of discrimination in the workplace and the research suggests that Tasmanian law, and consequent workplace policy, has aided in encouraging behavioural change in workplaces, resulting in greater respect for LGBTIQ+ workers.
 - b. The positive impact of Tasmanian laws is reflected in the observation that a majority of the survey respondents feel welcome and safe at work and are able to be visible.

Why does it matter?

First, from a purely economic point of view, diversity and inclusion in the workplace increases productivity (Badgett et al 2013; 2014; GLEE 2018). Additionally, being out in the workplace is beneficial to worker productivity, as less energy is expended in hiding their LGBTIQ+ status (AWEI survey Conway 2018) and more is invested in contributing to the workplace.

Second, the health of LGBTIQ+ people are negatively impacted by both a discriminatory job market and discriminatory experiences in the workplace. The mental health of LGBTIQ+ people is enhanced by inclusive and welcoming practices. Despite an increase in awareness of the issues LGBTIQ+ people face, and greater acceptance, LGBTIQ+ people still experience negative responses to their LGBTIQ+ identity that lead to substantially lower health outcomes (Rosenstreich 2013). This pattern is reflected in this survey in the lower rates of overall well-being of LGBTIQ+ people compared to the general population.

Finally, inclusion is important from an ethical point of view and the responses in this study demonstrate that the legislative landscape shapes how this is experienced in workplaces for

LGBTIQ+ people. Tasmania has enshrined LGBTIQ+ human rights to equal opportunities in the workplace into its legislation which has had an overall positive effect on the LGBTIQ+ workers in this study. In contrast, responses to questions about the proposed religious freedom bill suggest that, when protections are not enshrined in law, or if legal protections were removed, this directly impacts upon the mental health and wellbeing of LGBTIQ+ people in their workplaces by causing them to feel insecure, unsafe, and perhaps lose their employment. The hope is that the culture of inclusion will go beyond a legal necessity and tolerance, to one of respect for difference – our study shows that legislative frameworks are powerful for making these workplace conditions possible. As one interviewee expressed when talking about inclusivity in the workplace, “I think kindness and compassion and empathy are probably the mainstays”.

References

- Australian Bureau of Statistics (2020) *2016 Census QuickStats Tasmanian*. Available at: https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/6?opendocument (accessed 20 August 2020).
- Australian Consortium for Social and Political Research. (2018) *The Australian Survey of Social Attitudes*. Available at: <https://www.acspri.org.au/aussa> (accessed 20 August 2020).
- Australian Workplace Equality Index: *Pride in Diversity* (2018) Goldman Sachs Group. Available at: <https://www.pid-awei.com.au/2018/> (accessed 09 July 2020).
- Badgett, L., Durso, L., Kastanis, A., and Mallory, C. (2013) *The Business Impact of LGBT-Supportive Workplace Policies*. The Williams Institute: UCLA school of Law. Available at: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-of-LGBT-Policies-May-2013.pdf> (accessed 20 August 2020)
- Badgett, L, Nezhad, S., Waaldijk, K. and van de Meulen Rogers, Y. (2014) *The Relationship between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies*. *The Williams Institute*: UCLA school of Law. Available at: <https://escholarship.org/uc/item/3kn013kr> (accessed 20 August 2020).
- Barret, N., J., Lewis and Dwyer, A. (2011) *Effects of Disclosure of Sexual Identity at Work for Gay, Lesbian, Transgender, Bisexual and Intersex (GLTBI) Employees in Queensland*. In Voges, K & Cavana, B (Eds.) *Proceedings of the 25th Annual Australian and New Zealand Academy of Management Conference: The future of work*

and organisations. Australian and New Zealand Academy of Management, New Zealand, pp. 1-15.

GLEE@PwC (2018) *Perspectives on LGBTI Inclusion in the Workplace: A 2018 Pulse Check*. Price Waterhouse Coopers. Available at: <https://www.pwc.com.au/publications/lgbti-inclusion-report-18.html> (accessed 20 August 2020).

Hilkemeijer A (2018) In long-awaited response to Ruddock review, the government pushes hard on religious freedom. *The Conversation*. Available at: <https://theconversation.com/in-long-awaited-response-to-ruddock-review-the-government-pushes-hard-on-religious-freedom-108750> (accessed 19 November 2019).

Loren, A., and Parini, L. 2017 How LGBT-Supportive Workplace Policies Shape the Experience of Lesbian, Gay Men, and Bisexual Employees. *Sex Res Soc Policy* 14: 289 – 299.

McFadden, C. (2015) Lesbian, Gay, Bisexual and Transgender Careers and Human Resource Development: A Systematic Literature Review. *Human Resource Development Review*. 14 (2): 125 – 162.

McNulty, Y., McPhail, R., Inversi, C., Dundon, T., and Nechanska, E. (2018) Employee Voice Mechanisms for Lesbian, Gay, Bisexual and Transgender Expatriation: The Role of Employee Resource Groups (ERGs) and Allies. *The International Journal of Human Resource Management*, 29 (5): 829 – 856.

Meyer, I. (2015) Resilience in the study of minority stress and health of sexual and gender minorities. Meyer, I. H. (2015). *Psychology of Sexual Orientation and Gender Diversity*, 2 (3): 209–213. <https://doi.org/10.1037/sgd0000132>

Meyer, I., and Frost, D. (2013) Minority Stress and the Health of Sexual Minorities. In Patterson, C and D'Augelli, A. (Eds.), *Handbook of Psychology and Sexual Orientation*. Oxford, UK: Oxford university Press: 252 – 266.

Morandini, J.S., Blaszczyński, A., Dar-Nimrod, I. and Ross, M.W. (2015) Minority stress and community connectedness among gay, lesbian and bisexual Australians: a comparison of rural and metropolitan localities. *Australian and New Zealand journal of public health*, 39 (3), pp.260-266.

Oslington P. (2012) Keep Christian social service delivery Christian. *ABC Religion and Ethics*. Available at: <https://www.abc.net.au/religion/guest-blog-keep-christian-social-service-delivery-christian/10100690>. (accessed 20 March 2020)

Pachankis J., Cochran, S., and Mays, V. (2015) The mental health of sexual minority adults in and out of the closet: A population-based study. *Journal of Consulting and Clinical Psychology*. 83(5): 890-901.

Pride in Diversity (2018). *Australian Workplace Equality Index Employment Survey Analysis: Executive Summary*. Goldmansachs.com.careers.

Ragins, B. R. (2004). Sexual orientation in the workplace: The unique work and career experiences of gay, lesbian and bisexual workers. In J. J. Martocchio (Ed). *Research in personnel and human resources management*, 23: 35–129. Elsevier Science/JAI Press.

Ragins, B.R., Singh, R., & Cornwell, J. (2007) Making the Invisible Visible: Fear and Disclosure of Sexual Orientation at Work. *Journal of Applied Psychology* 92 (4): 1103 – 1118.

Rosenstreich, G. (2013) *LGBTI People Mental Health and Suicide*. Revised 2nd Edition. National LGBTI Health Alliance: Sydney.

Religious Freedom and LGBT+ Rights

Bronwyn Fielder, Douglas Ezzy, Angela Dwyer, Louise Richardson-Self

NSW law allows LGBT+ employees in religiously affiliated schools to have their employment terminated.¹ Tasmanian law does not allow this.² This difference has a profound impact on the lives of LGBT+ employees. This is significant because it illustrates a broader issue for LGBT+ employees: one third to one half of the Australian work force in education, aged care, health care, and welfare are employed in government funded organisations with religious affiliations.³

As part of a pilot study, we interviewed 3 people in NSW and 5 people in Tasmania who are teachers working in religiously affiliated schools. The differences between the experiences of the teachers we interviewed clearly illustrates the consequences of the different laws in the two States.

In NSW, the three people we interviewed all had their employment terminated due to their LGBT+ status. The effect on the lives of these LGBT+ teachers is devastating. A teacher at a faith-based school in NSW describes the moment his sexuality was questioned:

When confronted by the blunt question “Are you gay”, I felt the time had finally come to answer honestly, adding that I was good at what I did and it was irrelevant to my suitability as a teacher. Instead, within a fortnight, I was told I would lose my job. I was told I could finish the year (this was in about August) but there would be no place for me at the school in 2018. I was gutted, and still suffer from PTSD from the experience. I had seen another staff mate frog-marched out of another school when he was dismissed a decade earlier for being gay, and it traumatised me.

This illustrates how the religious exemptions from anti-discrimination laws in NSW can operate. Some LGBT+ people working in government funded religiously-affiliated organisations live in constant fear that their employment might be terminated. While some religiously affiliated schools positively endorse LGBT+

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

² <https://theconversation.com/in-long-awaited-response-to-ruddock-review-the-government-pushes-hard-on-religious-freedom-108750>

³ Rowe, E. 2017. Religion in Australian schools: an historical and contemporary debate

<https://theconversation.com/religion-in-australian-schools-an-historical-and-contemporary-debate-82439>
Oslington, P. 2012. Keep Christian social service delivery Christian. ABC Religion and Ethics.

<https://www.abc.net.au/religion/guest-blog-keep-christian-social-service-delivery-christian/10100690>
Productivity Commission, Australian Government. 2009. *Public and Private Hospitals*.

<https://www.pc.gov.au/inquiries/completed/hospitals/report/hospitals-report.pdf>

rights, other schools actively exclude LGBT+ teachers.⁴ Further research is required to identify exactly how common these experiences are.

The situation in Tasmania is quite different. No Tasmanian LGBT+ teachers described having their employment terminated. Among the people we interviewed there was an implicit assumption that they could not be discriminated against, though they did not necessarily know the specifics of Tasmanian anti-discrimination law. One participant was having problems with her direct supervisor. However, she had no fear of being dismissed, saying, “No, No [risk to my job], I thought discrimination laws protected me in Tasmania”. When another participant was asked about how much they knew about legal protections, they said: “Not heaps. I mean I just assumed that I’m not allowed to be discriminated against”.

The majority of Tasmanians were free from discrimination within the workplace, despite occasional interpersonal difficulties on the basis of sexuality or gender status. They were still very careful about who they talked to about their private lives and were very reluctant to share any personal details, such as the name of their partner, when dealing with students or parents.

Interestingly, both our Tasmanian and NSW interviewees indicated that other teachers, students and parents didn’t see any conflict between their LGBT+ status and their work as a teacher. The NSW interviewee previously quoted also told us that he “got this outpouring of warm sentiment about my personal qualities and competence as a teacher from students, former students, from parents” once he was terminated. One Tasmanian teacher said: “they say, we don't even think about it ... they [an LGBT+ teacher] are a super teacher and an effective teacher, and your kid really respects them and they really respect your kid. That’s what it’s about.”

But the variance in anti-discrimination laws does not only impact LGBT+ teachers. The extent to which government funded religiously affiliated health care and social welfare providers are currently exempt from antidiscrimination laws varies considerably across the States and Territories of Australia. It is a matter of legal debate exactly which workers in which organisations in which states can have their employment terminated. There are also a number of religiously affiliated organisations that actively endorse LGBT+ rights. Nonetheless, for a number of LGBT+ workers in government funded religiously affiliated organisations, termination of employment is a very real possibility.

Between one third and one half of the work force in education, aged care, health care, and welfare are employed in government funded organisations with religious affiliations. Some LGBT+ individuals who work in these sectors live in a constant

⁴ <https://theconversation.com/theres-no-argument-or-support-for-allowing-schools-to-discriminate-against-lgbtq-teachers-104765>

awareness that their employment could be terminated, simply because of their LGBT+ status.

TAS TEACHER TESTIMONY – EXAMINER NEWS ARTICLE 2022

[Title]

Don't turn back the clock on inclusive religious schools

[Word count]

841

[Bio]

The author asked for anonymity fearing what could happen to her employment if the Religious Discrimination Bill passes

[Text]

Staff and students in Tasmania's faith-based schools have been protected from discrimination for 24 years.

In that time there have been no complaints about the law interfering with how schools operate.

So, I don't understand why, all of a sudden, the Federal Government wants to take those protections away under its proposed Religious Discrimination Bill.

What I do understand is that teachers like me will have much less job security.

No matter how good we are as teachers there will be a sword hanging over our heads.

It will be a return to the dark old days when we could be shown the door just because of who we love.

I am a teacher in a Tasmanian Catholic school, I'm gay, I'm married to my wonderful partner and the teachings of Christianity play an important part in my life.

I love teaching, I get along well with other staff and with students.

I am out at work, as are several of my colleagues.

Over the many years I have worked in the Catholic school system I have seen the positive impact Tasmania's top-notch laws against discrimination.

They mean staff like me no longer have to pretend we are something we are not, hide our relationships, find excuses not to bring partners to work

events, or watch on in silence as another staff member slag off LGBTI people.

Our anti-discrimination laws also mean LGBTI students are able to disclose who they are, seek the support they need and confidently stand up for themselves when they are attacked.

Faith-based schools are far from perfect when it comes to inclusion and respect, but in Tasmania they have come a long way since the bad old days when prejudice ran amok in the staff room and school yard.

In 1998, the Tasmania's Anti-Discrimination Act was the first in Australia to prevent discrimination in faith-based organisations and it remains the best.

The Act prevents discrimination against teachers, other staff and students on the grounds of sexual orientation, gender identity, marital status, disability or race.

The Tasmanian Act allows faith-based schools to discriminate on the grounds of religion, so a Catholic school doesn't have to employ a Muslim.

But this exemption is deliberately tight and can't be used as cover for discrimination on other grounds.

The Religious Discrimination Bill would do away with all this. It would directly override protections for teachers and could override student protections as well.

There's also a fear that similar protections for Tasmanian staff and clients in faith-based services like hospitals, old age homes and charities may be eroded.

This means that after nearly a quarter century, it would suddenly be okay to dismiss a teacher because they accessed IVF or turn away a patient because they are in a de facto relationship.

It will mean students could be expelled, not only for being LGBTI but just for declaring support for marriage equality.

The justification seems to be that faith-based organisations should have the freedom to be true to their values.

But I challenge anyone to show me how Tasmania's strong laws have stopped faith-based schools from honouring these values.

In fact, I'd say the law has helped us live up to our values by fostering greater inclusion, equity and justice, especially for those who have traditionally faced stigma and hate.

A good example is the Catholic school I work for.

It is true to the Christian values espoused by Jesus Christ, where the uniqueness and individuality of each person is valued.

The Tasmanian Anti-Discrimination Act has helped us live up to His values by fostering greater inclusion, equity and justice, especially for those who have traditionally faced stigma and hate.

Jesus said "do unto others", not "treat others badly in my name", and the Anti-Discrimination Act embodies His command.

In contrast, the Religious Discrimination Bill seeks to take us back to the Old Testament stories of exclusion, division and enmity between people.

I am advanced in my teaching career. I could probably get a job elsewhere if I was pushed out.

My concern is for young LGBTI and unmarried teachers for whom it would be a terrible blow to be turned away or sacked.

I'm concerned for parents who will be left wondering if they want their child taught by schools that discriminate, and by staff selected because they're pious, not competent.

I'm particularly concerned about students in faith-based schools.

I have seen with my own eyes how they flourish when they are given support, and how they have to withdraw and hide when faced with unchecked prejudice.

When young people feel they do not belong, and are unable to live and flourish as their authentic selves, the results can be catastrophic, as the suicide rates among young LGBTI people show.

I plead to all parliamentarians, please don't allow the Tasmanian Anti-Discrimination Act to be overridden.

Don't let the great Tasmanian accomplishment of fostering more inclusive school cultures be destroyed by Canberra.

Instead, hold our Anti-Discrimination Act high as a beacon for the rest of the nation to follow.

[End]