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Folau launches religious discrimination claim

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Israel Folau has filed a multi-million dollar legal action against Rugby Australia, claiming that he was unlawfully sacked because of his religion.

The rugby star's lawyers confirmed the former Waratahs player had made an unlawful termination claim on Thursday, with claims for damages and civil penalties, after he was fired for posting on Instagram that hell awaits homosexuals.

The claim will be a significant test of the rarely-used section 772 of the Fair Work Act, which makes it unlawful for an employer to sack a worker for reasons that include religion.

The case has also attracted attention from the Morrison government with Attorney-General Christian Porter seeking to establish a [religious anti-discrimination law](#).



"No Australian of any faith should be fired for practising their religion," he said.

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The rugby player was fired for breaching the players' code conduct when he paraphrased a Bible passage that warned "drunks, homosexuals, adulterers, liars, fornicators, thieves, atheists" and other "sinners" would go to hell and called on them to "repent".

The Fair Work Commission application says Mr Folau was raised in a strict Christian household, delivers sermons to his church and reads the Bible everyday and it was in this context that he communicated "certain Biblical teachings on his personal Instagram account".

"As a manifestation of Mr Folau's religion, he is compelled to communicate the word of God and the message contained within the Bible (the doing of which he considers to be a loving gesture to others)," the application says.

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The application warns that damages will be "substantial", including \$5 million in lost salary as well as lost renewal of contract and sponsorships.

The announcement comes after *The Australian Financial Review* [revealed Mr Folau had engaged law firm](#) Macpherson Kelley and prominent industrial relations barrister Stuart Wood AM QC to act for him and that his legal action was imminent.

Under the Fair Work Act, Mr Folau had until Friday to file his application to dispute his sacking.

He has longer to file a potential breach of contract claim, however legal sources say reinstatement would be harder to achieve in such cases compared to unlawful termination.

The Fair Work Commission is required to mediate any unlawful termination claim before it then moves to the Federal Court.

Mr Folau said "no Australian of any faith should be fired for practising their religion".

"Ours is an amazing country built on important principles, including freedom of religion.

"A nation made up of so many different faiths and cultural backgrounds will never be truly rich unless this freedom applies to all of us," he said.

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David Marin-Guzman writes about industrial relations, workplace, policy and leadership from Sydney. *Connect with David on [Twitter](#). Email David at david.marin-guzman@afr.com.au*



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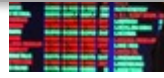
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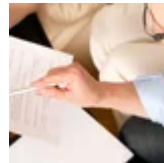


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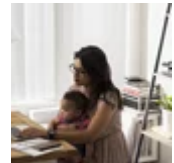
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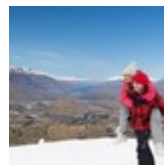
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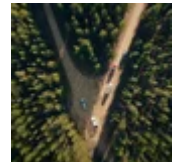
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