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## No link between social media accounts and job: Folau

Thursday, August 01, 2019, 4:27pm

Representative rugby union player Israel Folau will argue that he maintained social media accounts wholly disconnected from his employment to communicate religious content, according to his Federal Circuit Court action, which claims that his sacking breached religious protections in the Fair Work Act.

According to Folau's statement of claim, made [publicly available](#) this afternoon, Rugby Australia and the NSW Waratahs "well-knew at the time they entered into the player contract" that he was a devout Christian.

He also "maintained social media accounts, not for any purpose connected to his employment as a rugby player, but primarily for the purpose of lawfully communicating religious content," Folau says, adding he "did this because of his religious faith, which goes to the very essence of his personhood".

Regarding his dismissal in May for [posting](#) on Instagram that "hell awaits" homosexuals, drunks and atheists (see [Related Article](#)), Folau claims there was "nothing unlawful about his conduct, which was a manifestation of his religion and consistent with his freedom of religious expression".

He also characterises his social media activities as "benign conduct, which the community accepts is a recognised fundamental human right and freedom" and says it "did not justify any punitive action being taken against him by his employer under the player contract or otherwise".

Rugby Australia [officially terminated](#) Folau's \$4 million contract after the post was deemed to have been a high-level breach of its [code of conduct](#), which highlights an "inclusive environment".

But Folau's unlawful dismissal case places the onus on Rugby Australia and the NSW Waratah's to establish that it did not breach [s772](#) of the Fair Work Act by terminating his contract on the basis of his religious beliefs.

Represented by leading IR silk Stuart Wood QC and Macpherson Kelley solicitor George Haros, Folau is seeking reinstatement, compensation, penalties and an apology for allegedly breaching his contract and relying on "terms that were unjust" and that "unreasonably restrained his playing career".

The Federal Circuit Court today established an ["online file"](#) where documents will be published once deemed publicly accessible", given the "public interest in this matter".

Chief Judge Will Alstergren will conduct a directions hearing for the case on Tuesday, August 13 in Melbourne.

[Iseleli "Israel" Folau v Rugby Australia Limited & Anor, MLG2486/2019](#)

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