**Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability**

**Factsheet: Older Australians**

The Hon. Susan Ryan AO, Age and Disability Discrimination Commissioner, on behalf of the Australian Human Rights Commission, has conducted a National Inquiry into employment discrimination against older Australians and Australians with disability.

The terms of reference for the Inquiry were provided by the Attorney General, Senator the Hon. George Brandis QC, and asked the Australian Human Rights Commission to:

* examine the barriers to employment for people with disability and older people; and
* make recommendations about practices, attitudes and Commonwealth laws that should be changed, and actions that should be taken in order to address employment discrimination.

**Key data**

The data included in the *Willing to Work* Report highlights the widespread nature of discrimination against older people in employment:

* People aged 55 years and over make up roughly a quarter of the population,[[1]](#endnote-1) but only 16% of the total workforce.[[2]](#endnote-2) We know from the 2015 Intergenerational Report that this age cohort is the fastest growing in Australia, and will remain so for the foreseeable future.
* Labour force participation declines with age. In November 2015, 73.8% of Australians aged 55–59 years were participating in the labour force, with 56.5% of 60–64 year olds and 12.7% of those aged 65 years and over in the labour force.[[3]](#endnote-3)
* Older people face longer periods of unemployment. In November 2015, the average duration of unemployment for mature age people was 68 weeks, compared with 30 weeks for 15–24 year olds and 49 weeks for 25–54 year olds.[[4]](#endnote-4)
* In the Australian Human Rights Commission’s 2015 National prevalence survey of age discrimination in the workplace, 27% of people over the age of 50 reported experiencing age discrimination at work. A third of those who had experienced age discrimination gave up looking for work.[[5]](#endnote-5)
* In 2014-15, 70.9% of complaints made by people over the age of 45 about age discrimination to the Australian Human Rights Commission were in the area of employment.

**The Inquiry’s findings and recommendations**

The *Willing to Work* Report contains 56 recommendations, 72 examples of good practice from a range of employers, and 44 case studies outlining individual experiences. The recommendations are grouped into three key themes:

1. Priority Government commitments
2. Improving existing systems
3. What employers and business can do

*Priority Government commitments*

The Inquiry heard from older Australians who experienced discrimination at all stages of the employment cycle, from being ‘shut out’ of recruitment to being offered fewer professional development opportunities, or feeling as though they were targeted for redundancy during periods of organisational restructure. Negative assumptions and pervasive stereotypes about older people contribute to these discriminatory practices.

In order to address these negative assumptions and stereotypes, the Inquiry makes a number of recommendations, which include:

* The appointment of a Cabinet Minister for Longevity to address employment discrimination and drive the increase in labour force participation of older Australians.
* The development and implementation of a national workforce strategy to lift the workforce participation of older Australians.
* The expansion of the the role of the Workplace Gender Equality Agency (WGEA) to become the Workplace Gender Equality and Diversity Agency, extending its current functions to older Australians.
* The development and delivery of a sustained, focused national community education and information campaign to lift awareness of the economic benefits of employing older people and to dispel myths and stereotypes to change the way we value the contributions of older people.
* That the Australian Government consider leveraging its position as a major buyer of goods and services to encourage the labour force participation of older Australians.
* That Australian state, territory and federal governments take deliberate action to employ and retain older people within their own respective workforces.

*Improving existing systems*

The Inquiry also found that some laws and government policies and programs are not achieving their intended objectives and may be serving as a disincentive to workforce participation.

The Inquiry makes some specific recommendations in relation to existing laws and policies that affect the workforce participation of older Australians. These include:

* A range of measures to improve access to skills training and retraining opportunities for older people. This is particularly important for people who work in a sector in decline such as manufacturing or whose physical strength has reduced, impacting on their capacity to do their job, such as in mining or nursing.
* A series of recommendations in recognition of extensive evidence of the strong link between being healthy and working longer. The Inquiry has established that there are many ways in which employers can support people to stay at work and remain productive.
* That the Australian Government consider:
	+ Access to insurance products, particularly income maintenance and travel insurance products, for older Australians.
	+ The differential tax treatment applied to redundancy payments made to people over 65 years of age.
	+ The removal of age-based limitations on workers compensation schemes.
* The Inquiry also recommended changes to facilitate access to government assistance, such as the Restart wage subsidy and to employment services, for older Australians who are seeking employment.
* The Inquiry makes recommendations for amendments to the federal discrimination laws and the *Fair Work Act 2009* (Cth) to facilitate access to justice for older people who do experience discrimination in employment.

*What employers and business can do*

Employers, businesses and the organisations that represent them, have a critical role to play in recruiting, retaining and training older people. However, the Inquiry heard that employers may lack the knowledge, awareness and skills necessary for developing inclusive workplaces which support older employees. They may also be unaware of government programs and supports that can assist them.

The *Willing to Work* Report offers a suite of strategies for employers to lift representation and ensure non-discriminatory recruitment, retention and training practices while maintaining and improving productivity.

* **Leadership commitment:** CEOs and organisational leaders should communicate their business’s commitment to inclusive and diverse workplaces to all staff. This should be supported by an organisational strategy which outlines the business case for a diverse workforce and could include goals such as:
	+ meeting voluntary targets for employment of older people;
	+ monitoring and reporting on performance against these targets and ensuring inclusive practices in relation to recruitment;
	+ networking and mentoring by older employees.
* **Ensuring non-discriminatory recruitment and retention practices:**  Businesses should ensure that their recruitment and retention policies do not discriminate against older people. This could include reviewing recruitment processes to ensure that they are accessible and making promotional and training opportunities equally available to all employees, including older people.
* **Building workplace flexibility:** As a critical recruitment and retention tool, businesses normalise flexible work by making job design, work location and hours flexible for all, as far as the demands of the role allow.
* **Facilitating transitions:** Employers should ensure that support is provided for older employees to transition to other industries or occupations by providing skills training and identifying transferable skills.
* **Provide targeted education and training in the workplace:** In order to build inclusive, respectful workplaces, employers should provide staff with support and training about their rights and responsibilities at work, internal grievance processes, flexible leave options, any employee driven networks and the nature and impact of discrimination.

Employers should support managers and supervisors in creating and managing diverse teams and flexible workplaces by assisting with job redesign, building skills to manage employees’ flexibly, providing information for managers for example mental health guidelines, manager support and training on the nature and impact of discrimination.

* **Build healthy workplaces:** Businesses should invest in health and wellbeing programs for staff. Implementing healthy work practices can be key to preventing chronic conditions and promoting good health. This could involve training of staff and managers about health, implementing ergonomic assessments or subsidising gym memberships.
1. In 2009-10, there were around 5.5 million Australians aged 55 years and over, making up one quarter of the population. Australian Bureau of Statistics, *Australian Social Trends, Sep 2010, cat 4102.0 — Older People and the Labour Market* (2010). At [http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features30Sep+2010](http://www.abs.gov.au/AUSSTATS/abs%40.nsf/Lookup/4102.0Main%2BFeatures30Sep%2B2010) (viewed 26 April 2016). [↑](#endnote-ref-1)
2. In 2009-10, people aged 55 years and over made up 16% of the total labour force, up from around 10% three decades earlier. Australian Bureau of Statistics, *Australian Social Trends, Sep 2010, cat 4102.0 — Older People and the Labour Market* (2010). At [http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features30Sep+2010](http://www.abs.gov.au/AUSSTATS/abs%40.nsf/Lookup/4102.0Main%2BFeatures30Sep%2B2010) (viewed 26 April 2016). [↑](#endnote-ref-2)
3. Australian Bureau of Statistics, *Labour Force, Detailed — Electronic Delivery, November 2015* (Cat. No. 6291.0.55.001). [↑](#endnote-ref-3)
4. Australian Bureau of Statistics, *Labour Force, Detailed – Electronic Delivery, November 2015 (Cat. No. 6291.0.55.001)*. [↑](#endnote-ref-4)
5. Australian Human Rights Commission, *National prevalence survey of age discrimination in the workplace* (2015), 33. At <https://www.humanrights.gov.au/our-work/age-discrimination/publications/national-prevalence-survey-age-discrimination-workplace> (viewed 1 February 2016). [↑](#endnote-ref-5)