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

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# Submission No 241

**Name** Professional Masters

**Submission made by**

Older Australian in work

Older Australian looking for work

Older Australian who would like to work

Organisation (recently convened, no membership yet)

# Submission regarding Older Australians/ Australians with Disability / Both

### **Your experience**

**Have you (or the person you are submitting on behalf of) experienced employment discrimination?**

Yes

No

Not sure

**Did you take any action in relation to the employment discrimination you experienced?**

Yes

No

*‘The right to work is more than the right to earn money, though that is important. The United Nations Committee on Economic, Social and Cultural Rights has said the right to work ‘forms an inseparable and inherent part of human dignity’ and is essential for realising other human rights.’[[1]](#footnote-1)*

**Please tell us more, for example, what action you took and how effective you felt it was; or why you chose not to take any action.**

Generally, people who have participated in the activities of our group have not taken action in the face of discrimination in the workplace or in recruitment practices for several reasons:

* age discrimination is insidious and very easy to disguise – examples of this are
  + descriptions of candidates as ‘overqualified for the role’ or
  + the ‘depth of talent in the pool exceeded expectations and you were unfortunate not to succeed on this occasion’;
  + ‘your qualifications do not meet the requirements of the position’ – this reason being particularly difficult to believe given that many older Australians have retrained at great personal cost, or have already achieved a very high standard of educational attainment; currency of educational attainment is sometimes, however, a challenge for many older job-seekers.

At present, we (the respondents) are unable to quantify how many of our community have taken action in relation to incidents of age discrimination. Our submission is made on the basis of anecdotal accounts that are, as yet, largely undocumented, from meeting attendees.[[2]](#footnote-2) We see this as an area suitable for **further research** which might include reasons older people may have for not reporting incidents of age discrimination. However, for the purpose of beginning a narrative, we offer some reasons as follows.

For many older people who are victims of age discrimination, there is an aversion to being labelled a ‘trouble-maker’ by recruiters and employers. This aversion, combined with diminished self-esteem and diminished sense of entitlement, discourages older people from taking action against age discrimination.

Further, it is possible that these older Australians are in denial of their situation and reluctant to be seen as ‘failures’ or typical of the prevailing stereotypes of their age group[[3]](#footnote-3) including incapability, isolation and loneliness.[[4]](#footnote-4)

Professional Masters has requested of its interested parties that they provide the author of this submission with their own accounts of age-based discrimination. However, despite those people being willing to give a verbal account in a meeting environment, there was virtually no response to this request for written accounts nor permission to recount verbal information. It can be said, however, that there are numerous common elements in those verbal accounts. Those commonalities centre on the perceptions and stereotypes of older Australians held by the wider community and correctly identified by the work of the AHRC.2 It is compelling that those stereotypes are also propounded by older Australians themselves even while feeling victimised and ‘pigeon-holed’ as a result of them.[[5]](#footnote-5)

**Did your experience of employment discrimination impact on your participation in the workforce? (For example, did you have to stop work, change jobs or take sick leave?)**

Yes

No

**Please tell us more**

The author’s personal experience of age-based discrimination involved interaction with employers and a number executive recruiting firms both in their capacities as agents for employers and for potential employees (or ‘talent’).

In one such instance, the author was advised to modify his CV by deleting his experience as a company director and deleting his doctoral qualification because he would be seen as ‘too senior’ and ‘possibly intimidating’ to the potential employer. This advice was confusing in that much of the remainder of the author’s career record would fail to ‘make sense’. The author elected not to follow this advice feeling that it amounted to false representation.

On another occasion, the author was expressly told that the client company’s leadership team had an average age more than ten years his junior and that they were looking for ‘someone younger’. This is despite the fact that the author was eminently qualified and suitably experienced for the role.

In these instances, there was no report of age discrimination to the Commission since it is far too easy for an employer to deny that age was a factor in selection of a new employee. It is sufficient for an employer to provide a vague reason, such as ‘the other person was a better fit for the company’ or ‘there was a large field of high quality applicants’. Age discrimination is difficult to prove in most cases of employment selection and, in virtually every instance, it is not worth the money, time and stress of the complainant. Indeed, there is some perceived risk of notoriety if such a complaint is made.

Professional Masters’ interested parties are generally those who have found themselves without work due to redundancy after organisational restructuring. There is a wealth of anecdotal evidence to support the contention that involuntary ‘redundancy’ is an effective tool for exercising age discrimination in the workplace.

Following redundancy, numerous people in our group over the age of about 47 years are unable to secure employment again despite their best efforts to do so. The experiences of our group are consistent with the findings of the Australian Human Rights Commission (AHRC) survey in 2012 which found that 67 % of job applicants in the 54-65 year old age group had experienced age based discrimination.2

The financial impact of this discrimination is either unemployment or underemployment resulting in

1. reliance of those people on welfare payments,
2. reduced aggregate family income,
3. greater dependence on other family interested parties

or a combination of these effects.

Psychological impacts vary greatly with the degree of resilience of the individual and numerous other variables such as the degree of support for the individual from family and friends.

Our contention is that government’s attempts to appreciate this problem using conventional econometrics are flawed in that they fail to achieve an adequately humane perspective. The following section assesses a few key econometrics used by policy makers in relation to employment.

### The labour force participation rate

The labour force participation rate (PR) is calculated according to the following formula:[[6]](#footnote-6)

There are some problems with the use of the PR metric.

1. It is used to notionally represent the proportion of the working age population that contributes to the tax base. In many cases, people are ‘employed’ but earn too little to pay taxes. This is particularly true for those aged 18-24 and those aged 60 or more years.[[7]](#footnote-7)
2. It includes unemployed people provided they are ‘actively looking for work’.[[8]](#footnote-8) The ABS applies criteria including registration with Centrelink,[[9]](#footnote-9) however, stories from our interested parties hip indicate that many do not register with Centrelink as unemployed. The reason for non-registration with Centrelink may be a personal choice or it may be due to ineligibility. Regardless of the reason, the individual may want to be employed but will not be classified as ‘unemployed’ for statistical purposes.
3. Employed persons (*Pemployed)* are defined as those aged 15 years and over who, during the reference week:[[10]](#footnote-10)
   1. worked for one hour or more for pay, profit, commission or payment in kind in a job or business, or on a farm (comprising employees, employers and own account workers); or
   2. worked for one hour or more without pay in a family business or on a farm (i.e. contributing family workers); or
   3. were employees who had a job but were not at work and were:
   4. away from work for fewer than four weeks up to the end of the reference week; or
   5. away from work for more than four weeks up to the end of the reference week and received pay for some or all of the four week period to the end of the reference week; or
   6. away from work as a standard work or shift arrangement; or
   7. on strike or locked out; or
   8. on workers' compensation and expected to return to their job; or
   9. were employers or own account workers, who had a job, business or farm, but were not at work.
4. The unemployed may be long-term unemployed living in a state of entrenched and seemingly permanent social marginalisation.
5. The PR metric does not account for people in the 65+ age category who may be both willing and capable of gainful employment.
6. It does not account for all unemployed people who are capable, willing and able to work, some of whom may have given up the search for work but remain capable, willing and able.
7. It does not illuminate the significant problem of underemployment.

Participation rates are also analysed by age categories.[[11]](#footnote-11) ABS data show that PR55+ has risen in the past decade although it remains lower than in the 1960s. However, this recent rise in PR55+ does not necessarily indicate a trend of improving engagement of older Australians in the workforce since it is possible with this statistic that more older Australians are actively unemployed or underemployed. We need, therefore, to look at other ways of measuring ‘participation’, possibly to account for numbers of people ‘sufficiently’ employed.

We also need to challenge the value of historical trends that impute an expectation of retirement at traditional retirement ages given the now greater capacity and desire of people for work into their sixties.



Figure . Participation rates across eight age categories in August 2011.

The trends in Figure 1 beg the following questions:

* ‘What happens to mature age persons when they cease to participate in the labour market?’, and
* ‘Why do these people cease to participate in the labour market?’

The answers are not clear, however, we would contend that, in today’s world where many of these people are capable and willing, a significant proportion of them are involuntarily underutilised.

### Unemployment

The definition of unemployment used by the Australian Bureau of Statistics is[[12]](#footnote-12)

*Persons aged 15 years and over who were not employed during the reference week, and:*

* *had actively looked for full time or part time work at any time in the four weeks up to the end of the reference week and were available for work in the reference week; or*
* *were waiting to start a new job within four weeks from the end of the reference week and could have started in the reference week if the job had been available then.*

Such a definition does not indicate the number of long term unemployed people who are capable and willing to work but have given up the search believing the effort is futile.

The government’s labour force data published for October 2015 showed that 185,500 people in the 45-64 year age group were classified as unemployed.[[13]](#footnote-13) We contend that, given the limitation of the definition of ‘unemployed’, this statistic represents a gross underestimate of the true state of unemployment of people within that age group. We would be unsurprised if the true number of unemployed people who are capable and willing to work within that age group is twice the official statistic bringing it close to 360,000 people. Whatever the true number may be, there is significant underutilisation – a valuable resource wasted – within this cohort.

### Underemployment and underutilisation

The **underemployment** rate is used to quantify the ‘spare capacity’ in the labour force. It measures the numbers of people currently employed who are willing to work longer hours and capable of doing so.

One shortcoming of the underemployment metric is that it does not indicate degrees of underemployment. Many of our constituents are chronically and severely underemployed, often in occupations that do not reflect their educational attainments and qualifications.

The **underutilisation** rate is the sum of the unemployment rate and the underemployment rate.[[14]](#footnote-14) It is, putatively, the better metric for quantifying spare capacity in the labour force. However, we have explained above that both the unemployment and underemployment metrics have shortcomings that do not reflect the gravity of the problem of workforce participation for older Australians. The underutilisation rate therefore combines those problems into a single metric.

The depth of the problems of unemployment and underemployment resulting from age discrimination can only be gauged through a quantitative understanding of degree with respect to both hours of work, the aspirations and the capability of the individual.

### **Barriers**

**Do you think older Australians/Australians with disability face barriers when they look for work or are in a job?**

Yes

No

Not sure

**If yes, or not sure, what do you think these barriers might be?**

There is one main barrier to re-entry to the workforce for older Australians. Age discrimination is widespread and highly exclusionary. This is consistent with results of a survey by the AHRC indicating that ‘60% of all [survey] respondents aged 18-54 years can be considered to hold predominantly negative attitudes’.[[15]](#footnote-15) We support all of the findings of the work of the AHRC in relation to attitudes and stereotypes with one qualification – the responses to the survey are conservative and the conclusions are understated. We acknowledge, however, that achieving quantitative results in social research is difficult.

The practice of age discrimination is arguably becoming more widespread and, according to our interested parties , affects job seekers over the age of about 45 years[[16]](#footnote-16) and entrants to the workforce in the 18-25 year old age group. Evidence found by the AHRC indicates that discriminatory practices affect the employment prospects of people over the age of 50 years.[[17]](#footnote-17) The responses to the AHRC survey indicated such practices were prevalent in 10 % of organisations, however, we would contend that most organisations are aware that age discrimination in employment practices is illegal[[18]](#footnote-18) and would not admit to such discrimination in dialogue with a government agency. The experience of our interested parties is that such practices may be the rule rather than the exception.

In an age where government is calling upon people to continue working beyond the traditional age of retirement, extended employment is becoming increasingly unlikely given the practices of exclusion of older (and younger) workers exercised by society at large. Government has recognised the need to accommodate older workers. Indeed, the erstwhile Treasurer, Mr Joe Hockey, said last year *‘It may be that my generation has to work for an extra three years (to age of 70) and we need to redesign our systems to manage that fact’*.[[19]](#footnote-19)

Australia ranks 15th amongst OECD countries in the PwC Golden Age Index, well behind comparable economies such as New Zealand (2nd) and the United States (7th).[[20]](#footnote-20) This index rates countries in relation to employment equality for older citizens with a heavy weighting (60 %) pertaining to employment of citizens in the age range of 55-69 years. The report also analyses the social and economic benefits of inclusion of older workers.

Australia’s relatively low ranking in the PwC Golden Age Index, may suggest that we are lagging in socioeconomic conditions that might facilitate better employment practices for older (and younger) Australians.[[21]](#footnote-21) We understand that development of relevant social policy is a goal for the federal government and would exhort the government to place a high priority on the initiative.

**Does employment discrimination have an impact on gaining and keeping employment for older Australians/Australians with disability?**

Yes

No

Not sure

Recent work by the Monash Centre for Population and Urban Research shows that 67 % of job seekers in the 54-65 year age category have experienced age-based discrimination in applying for jobs.[[22]](#footnote-22) Discussion within our group (which may or may not be generally representative) is that the percentage of people experiencing discrimination is higher. Furthermore, HILDA[[23]](#footnote-23) studies show that older people are more likely to experience age discrimination in the workplace than are ethnic groups by racial discrimination.[[24]](#footnote-24)

Reorganisations of businesses and government departments often significantly affect older employees in the middle to senior ranks. We believe it is at these critical times that older employees are selected according to the various prevailing stereotypes (e.g. that they are less productive, forgetful, cranky, more likely to take leave). Older workers are sometimes selected for redundancy due to their generally higher pay. The perception by recruiters and HR departments that older more senior people have higher pay expectations is sometimes a barrier to re-employment.

**Are there any practices, attitudes or laws which discourage or prevent equal participation in employment of older Australians/Australians with disability?**

Yes

No

Not sure

**Please tell us more**

### Attitudes

Our group has discussed this issue at length and we would offer the following observations borne of personal experience.

In short, our paradigms of ‘old age’ have not kept pace with the enormous improvements in quality of life and the concomitant improvements in life expectancy and physical and mental capacity.

As Katharine Betts and other scholars have identified, ‘it is a mistake to see the elderly of the near future as carbon copies of the elderly of yesterday’.[[25]](#footnote-25) Others have pointed to detrimental stereotypes of the elderly that are ‘distorting public opinion and skewing policy debates’.[[26]](#footnote-26) These works reinforce recent studies by the AHRC on stereotypes of older Australians.[[27]](#footnote-27)

Stereotypes of older people and their life stages dominate the broad social expectations of those citizens. Many traditional and outmoded stereotypes remain dominant. As discussed above, we believe there is no doubt that age discrimination is widespread in Australian society. We propose three main areas in which prevailing attitudes work to prevent older Australians from participating fully and productively in the workforce.

#### Attitudes concerning working life in general

Attitudes concerning working life appear to be based on the outmoded stereotypes of male and female gender models of work.

The male worklife model is one in which the worker begins a career after his education at the age of around 20 years and works until he reaches retirement at 65 years. At this time, the male worker would be regarded as having ‘had enough’, a spent force. He would also be regarded as ‘old’, a person retiring to a comfortable pair of slippers, his favourite armchair, a cup of tea and a scotch finger biscuit.

This stereotype may have described our grandfathers but not the current generation of sexagenarians (or pentagenarians) the majority of whom are both physically and mentally active with biological ages well below those of their forebears. This vitality gives the over-50 generation enormous potential to contribute further to society through employment and, in doing so, derive further health benefits from societal inclusion and mental wellbeing. The economic benefits are obvious, however, they may still need to be properly quantified for the purposes of argument.

The female worklife model is still evolving in a complex environment of both gender and age biases. This model is still not properly settled and there remain social expectations that females take time out from careers to raise families. There is ample evidence that employers view female employees in their child-bearing years as ‘liabilities’ or ‘costs to the business’.

Women who do take time out of the workforce to raise children are frequently penalised in terms of career advancement or re-entry to the workforce. Women over 45 years of age suffer from a widespread preconception that they will already have had ‘time out’ and that they are redundant.

#### Attitudes concerning physical capacity

Increases in longevity, capability and vitality are due to major medical, lifestyle and social advances in the quality of life, not the least of which is the rapidly declining incidence of smoking and knowledge of prevention of lifestyle-related diseases.

Increased longevity is generally accompanied by increased physical capacity. This is exhibited in continued participation in sport and active recreational activities beyond the age of 50. People in traditionally physically demanding jobs involving manual labour now potentially have numerous technologies at their service to reduce the effects of manual labour. These workers may still suffer from reduced physical capacity as they age, however, they too are able to benefit from a better general quality of life and can be retrained for productive roles in other areas of the economy as these manual jobs are replaced by new technologies.

#### Attitudes concerning mental capacity

However, by far the most insidious attitude resulting in the marginalisation of older Australians is the belief that mental dexterity disappears with age.[[28]](#footnote-28) It is widely known that mature age students are high achievers – this attests to good mental dexterity at later life stages.

Consideration of mental capacity should also include the concept of wisdom and experience. The departure of a middle to senior staff member from a business represents a significant intellectual capital loss of corporate knowledge and experience. These losses are often unconsidered at times of organisational restructure where typically many older employees are encouraged to leave an organisation. It is exceptional for organisations undergoing restructuring to consider novel ways to retain this corporate knowledge through part-time or job-sharing work arrangements for older employees.

#### The law

Anti-discrimination law provides exemptions to employers and recruiters that are easily exploited in relation to exclusion of older persons from potential employment opportunities. Exemptions under the *Age Discrimination Act 2004* (Cth), in particular that for ‘inherent requirements’,[[29]](#footnote-29) can be easily exploited by recruiters and employers.

According to the *Age Discrimination Act 2004* (Cth), the burden of proof of discrimination is for the ‘*discriminator’* (usually the employer or recruiter) who must establish that ‘the condition, requirement or practice [affecting the ‘*aggrieved person’*] is reasonable in the circumstances’.[[30]](#footnote-30)

The *Fair Work Act* *2009* (Cth) also carries a reverse onus of proof for age discrimination. If an employer has a different view from the Courts in relation to an inherent requirement, the Court assesses whether the employer’s reasoning is correct on the **balance of probabilities** – the lower standard of proof.[[31]](#footnote-31)

Despite the reverse onus of proof described above, most plaintiffs or aggrieved persons face the disadvantage of sparse financial resources compared with the organisations about whom they are complaining. Potential plaintiffs are aware that their chances of success in litigation are small and that they therefore risk possible financial loss in the absence of legal aid.

The Victorian *Equal Opportunities Act 2010* states that

*‘A person (employers/principals) must take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible.’[[32]](#footnote-32)*

Some quantification of the efforts of employers to fulfil this duty of care would be a productive area of study. We suspect that a minority of employers exercise this duty in a meaningful way and fewer would measure progress against a related target for age discrimination, diversity or inclusion.[[33]](#footnote-33)

Older Australians looking for work are frequently long-term unemployed persons. As a result, they are generally under significant financial and psychological stress. As stated above, these people are unlikely to engage in individual legal action for the often subtle but pervasive discrimination to which they are exposed – a subtle discrimination that results in very unsubtle effects in their lives. Older underemployed and unemployed Australians frequently carry with them a general sense of marginalisation from society, disempowerment and hopelessness.

**What are the incentives and disincentives for older Australians/Australians with disability to work?**

### Incentives to work

The incentives for older Australians to work are manifold and generally the same incentives that operate for any other Australians, including

* connectedness with society
* personal fulfilment and self-esteem
* reliable income and financial security
* personal growth and continued learning
* general wellbeing

Each of these ‘incentives’ holds significantly wider benefits for society including payment of taxes, economic activity and overall wellbeing.

These are compelling reasons for Australia to develop (and implement) strong social policies for inclusion of older Australians in the workforce. The ageing population is a capable population and so it is imperative that the barriers to inclusion of older Australians in the workforce be removed to unlock the ‘spare capacity’ in the Australian labour force.

In the light of this assertion, useful information for policy makers would include economic modelling for two future states:

1. the economy in 2050 with a ‘business-as-usual’ approach to the employment of older Australians, and
2. the economy in 2050 with facilitation of longer working lives of older Australians.

Our assertion is that the future state involving greater social inclusion and employment of older Australians will be the more desirable of the two.

### Disincentives to work

Current disincentives for older Australians to work may be

* a lack of flexible work patterns in the workplace
* widespread perception of persistent discrimination in recruitment services and the workplace
* a lack of recognition of employee value
* superannuation and pension rules that facilitate early retirement

### Good practice

**Are there examples of good practice and workplace policies in employing and retaining older Australians/ Australians with disability?**

Yes

No

Not sure

**Please tell us of examples of good practice in employing and retaining older Australians/ Australians with disability in work that you are aware of.**

Although we are aware of a small number of organisations that have progressive policies with regard to creating a diverse workforce, including mature age Australians, we do not have sufficient data relating to those organisations to be able to comment. We would suggest that the Commission collects a number of case studies on best practice in Australian organisations and share those with the contributors to this inquiry.

### Solutions

**What action should be taken to address employment discrimination against older Australians/Australians with disability?**

The Australian Law Reform Commission (ALRC) conducted a broad review of the limitations or barriers to workforce participation by mature age persons.[[34]](#footnote-34) The report focussed on the ‘barriers and limitations’ to inclusion of mature age workers in the Australian workforce. The ALRC acknowledged that ‘the law can only go so far’ and that cultural change would be fundamental to any improvement in the inclusion and employment prospects of older Australian workers.

The thirty-six key recommendations made by the ALRC point to ‘promoting awareness of the rights and entitlements of mature age workers’ through such instruments as ‘codes of conduct, national campaigns and audits, training, information provision, guidance material and recognition of best practice’.[[35]](#footnote-35) We wholeheartedly support the conclusions and recommendations made by the ALRC in relation to changes in the legal framework.

In our view, recognition of best practice is a very important element in improving the employment conditions and prospects of older Australians. This element could provide all types of organisations with exemplary cases of positive business management and could also demonstrate the ‘business case’ for inclusion of mature age workers in the workforce.

We believe that some businesses rise to the challenge of achieving best practice and quickly recognise a sound business case for doing so, however, many organisations respond only to the baton of regulation. Those businesses are reactionary by nature and sometimes require serious legal precedent to comply with the law. This element of legal pressure should also be considered part of the solution.

We believe that benchmarking of businesses is possible with improved human resource (employment) metrics. Many businesses voluntarily produce regular public reports to validate their ‘social licence to operate’. At another level, ‘monitoring’ by government is performed for certain business functions through audited self-reporting to government agencies.[[36]](#footnote-36) The latter measure of self-reporting of diversity of workforces should become a routine element of business reporting made available in the public domain.

**What should be done to enhance workforce participation of older Australians/Australians with disability?**

The previous question asked for solutions to the problem of age discrimination. With our suggested measures in place, older Australians will be more able to participate in the workforce and, moreover, will be able to identify which employers are more advanced in the implementation of progressive employment policies for mature age Australians. We would expect that these conditions would enhance the participation of older Australians in the national workforce.

**What outcomes or recommendations would you like to see from this National Inquiry?**

Given our experience in community meetings and personal discussions prior to our submission, we are acutely aware of the need for a service to be provided to older Australians to more directly assist them in finding employment and overcoming age-based discrimination. We see an increasing financial, physical and mental health, cost being played out for many interested parties of the older community and we consider the efforts by government to date in this domain as somewhat deficient. There is scope for further discussion to develop this idea, however, action on this front is urgent.

As a result of this national enquiry, we would like to see draft recommendations to government including some or all of our preceding suggestions in a plan addressing the legal framework and important elements of cultural change.

We would also appreciate the opportunity to comment on the draft recommendations to government.

Thank you for the invitation to submit our account to this inquiry.

1. Committee on Economic, Social and Cultural Rights, General Comment No. 18, Article 6: the equal right of men and women to the enjoyment of all economic, social and cultural rights (Thirty-fifth session, 2006), U.N. Doc. E/C.12/GC/18 (2006), para 1. [↑](#footnote-ref-1)
2. Many attendees wish to remain anonymous and are reticent to go even so far as to sign attendance lists. [↑](#footnote-ref-2)
3. *Fact or fiction? Stereotypes of older Australians*, Australian Human Rights Commission, research report, 2013; Butler, M., *Advanced Australia – the politics of ageing*, Melbourne University Press, 2015, pp 43-51. [↑](#footnote-ref-3)
4. This contention also requires validation through research. [↑](#footnote-ref-4)
5. This is the author’s contention after conversations at organised meetings and in various fora. [↑](#footnote-ref-5)
6. The numerator equals the ‘total number of people in Australia who are willing and able to work’ and the denominator is the total number of people of ‘working age’ in the population. Refer to *6202.0 - Labour Force, Australia*, Australian Bureau of Statistics, February 2012 (<http://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/6202.0Main%20Features999Feb%202012?opendocument#LABOUR%20FORCE>) [↑](#footnote-ref-6)
7. *Australian Financial Review*, 25 September 2012 (<http://origin-www.afrsmartinvestor.com.au/p/national/infographic_australians_who_don_IiBi6f6xdQiVcDGLGsQJWM>) [↑](#footnote-ref-7)
8. The international definition of unemployment (Thirteenth International Conference of Labour Statisticians 1982) requires the simultaneous satisfaction of the following criteria: (1) the person is without work, (2) the person is actively seeking work, and (3) the person is currently available for work. Refer to *6102.0.55.001 - Labour Statistics: Concepts, Sources and Methods*, Australian Bureau of Statistics, Apr 2007 (<http://www.abs.gov.au/ausstats/abs@.nsf/0/F714CB617DE0D662CA2572C100244B9A?opendocument>) [↑](#footnote-ref-8)
9. Ibid, s 6.14. [↑](#footnote-ref-9)
10. Above n 5. [↑](#footnote-ref-10)
11. Above n 5. [↑](#footnote-ref-11)
12. *6202.0 - Labour Force, Australia*, Australian Bureau of Statistics, February 2012. [↑](#footnote-ref-12)
13. *6291.0.55.001 Labour Force, Australia, Detailed - Electronic Delivery*, Australian Bureau of Statistics, October 2015. [↑](#footnote-ref-13)
14. Above n 5. [↑](#footnote-ref-14)
15. *Fact or fiction? Stereotypes of older Australians*, Australian Human Rights Commission, research report, 2013, p 36. [↑](#footnote-ref-15)
16. The definition of ‘mature age worker’ as used by the Australian Bureau of Statistics is a person over the age of 45 years. The term ‘older persons’ is one used by the Australian Law Reform Commission which adopts a similar definition; *Access all ages – older workers and Commonwealth laws,* Australian law Reform Commission report 120, March 2013, p 3. [↑](#footnote-ref-16)
17. Ibid, p 8. [↑](#footnote-ref-17)
18. *Age Discrimination Act 2004* (Cth). [↑](#footnote-ref-18)
19. The Hon. Joe Hockey, commenting on the Commission of Audit Report, April 2014 on ABC Radio. [↑](#footnote-ref-19)
20. *PwC Golden Age Index – how well are OECD economies adapting to an older workforce?*, PriceWaterhouseCoopers, June 2015, p 9. [↑](#footnote-ref-20)
21. We acknowledge that there are fundamental differences in the nature of these national economies in size and social welfare systems. More detailed comparisons may need to be made to draw conclusions on best practice. [↑](#footnote-ref-21)
22. Katharine Betts, *The ageing of the Australian population: triumph or disaster,* Monash Centre for Population and Urban Research, 28 April 2014. [↑](#footnote-ref-22)
23. HILDA is the acronym for Household, Income and Labour Dynamics in Australia. [↑](#footnote-ref-23)
24. Above n 22. [↑](#footnote-ref-24)
25. Above n 22; J MacInnes and J P Diaz, *The reproductive revolution,* The Sociological Review, vol. 57, no. 2, 2009, p 277. [↑](#footnote-ref-25)
26. Lloyd-Sherlock et al., *Population ageing and health’,* The Lancet, 2012, op. cit. [↑](#footnote-ref-26)
27. Above n 15. [↑](#footnote-ref-27)
28. Ibid. [↑](#footnote-ref-28)
29. *Age Discrimination Act 2004* (Cth) ss 18(3)-(5); *Fair Work Act 2009* (Cth) s 351(2)(b); *Qantas Airways Limited v Christie* [1998] HCA 18. [↑](#footnote-ref-29)
30. s 15(2). [↑](#footnote-ref-30)
31. *Fair Work Act* *2009* (Cth) s 351(2)(b)). [↑](#footnote-ref-31)
32. *Equal Opportunities Act 2010* (Vic) s 15(2). [↑](#footnote-ref-32)
33. The measurement of progress against targets for minimisation of age discrimination may assist Australia to achieve world’s best practice, e.g a top ranking on the PwC Golden Age Index. [↑](#footnote-ref-33)
34. *Access all ages – older workers and Commonwealth laws – Summary Report,* Australian law Reform Commission report 120, March 2013, p 3. [↑](#footnote-ref-34)
35. Ibid, p 12. [↑](#footnote-ref-35)
36. Examples are (i) the National Pollutant Inventory and (ii) the National Packaging Covenant. [↑](#footnote-ref-36)