**Way Forward - Mina Nguyen**

**Introduction**
With the Commonwealth constantly increasing the age of retirement and further with the subsequent aging of the population, it would appear in our best interests to identify the barriers associated with older people in the workforce, and explore in further detail the other elements relating to this, to aspire to find a way to include people of older age in the workforce. To discuss this issue, it is important to establish the particular group of the population that will be explored. Making reference to the Department of Employment, the term ‘older people’ will include those aged 45 and over.[[1]](#footnote-1) Ever since the year 1884, in Australia it has been identified that the life expectancy age has increased for both males and females from an average of 50 years of age in 1884 to an average of 83 years of age in 2009.[[2]](#footnote-2)

Aging is inevitable, but unemployment should not be if an individual does not wish to be out of the workforce. With an increasing figure in the life expectancy age, comes the need for appropriate adjustments to the law to increase the participation of older people in the workforce, which can lead many positive benefits to not only older people, but to the wider population.

It has been identified that there are many barriers that older people may experience when entering or re-entering the workforce, as the right to work for all tends to be forgotten by others as we struggle to adjust to the increasing life expectancy and have a surplus of the older population who are found unemployed.

As anundergraduate student at Murdoch University studying a double major in legal studies and criminology and with high interactions with older people because of a part-time position in the retail (newsagent) industry for four years, I at first hand witness a sample of the older people mentioned and have heard their experiences with the issue of participating in the workforce. It has been noted by my managers that a majority of the customers who make purchases from the store I work in fall into the category of older people. Working there for four years has allowed me to see these people regularly and even become first and last name basis with most of these customers. I have had many older people discuss their lifestyle and found that if given the opportunity, most of them would take up the offer of employment instantly due to financial hardship. From this I noted that the only thing stopping them is in fact the opportunity to do so, which has given me the motivation to identify barriers between older people in the workforce and employment.

**Stakeholder Analysis**Employers, Government, Citizens and Other EmployeesAlong with older people, this issue involves a lot more people than one would expect with further research of the topic. By prioritising the encouragement of older people into the workforce, it will affect others such as employers, government, everyday citizens and other employees that may encounter older people in the workplace if given the opportunity to do so.

Not only are there unemployed people in general, there is a term called ‘discouraged jobseekers’ which are people who want to work, but did not actively look for work due to labour market reasons. It was found that there are 41,600 known discouraged jobseekers between the ages of 45 and 65 years of age. These discouraged jobseekers were separated into three catagories from their reasoning,
- 51% felt they were considered too old by employees
- 22% felt there were no jobs in the locality or in their line of work
- 18% lack necessary schooling, training, skills or experience.[[3]](#footnote-3)
These discouraged jobseekers have helped provide a bit more of an understanding for the reasoning to some of the barriers older people face when approaching employment.A study carried out asked employers to comment on the issues relating to hiring older works, 33% were positive responses expressing benefits that older workers bring to their organisation, where as 60% were found to have a negative stance. A generalised elaboration of their response was that older workers are more experienced and more reliable, but less computer literate, more resistant to change and have a higher chance of health issues.[[4]](#footnote-4)

From the Australia Bureau of Statistics, it was found that 44% of those who are 45 years of age and above that do not work, receive their source of income from the government through pension or allowance services. This means that a large amount of the governments’tax dollars leaves the system to provide for these older people affecting the amount of funds left for other government services outside of pension as well as the amount dedicated to each person eligible to these entitlements.[[5]](#footnote-5)

Australian Government Officials
The Australian Government have identified that there are difficulties preventing older people entering the workforce and have taken action that could be the beginning steps that approach the barriers for a positive pathway in the future. It was found that there have been opportunities available in the military sector for older workers and the introduction of superannuation and taxation reforms with beneficial incentives that seek to make workers continue employment for longer.[[6]](#footnote-6)For those who are able to take advantage of these implements will find it a lot easier to enter the workforce, but there is a large amount of older people who will be excluded from the governments’ initiative as the military sector is not flexible with their lifestyle and that there should be options in other fields that can be suitable for all types of individuals.

Currently the Attorney General, Law Reform Commission and Age and Disability Commissioner have established that there is a problem between the older population and the workforce. The Disability Commissioner, Susan Ryan states that the Australian Government loses $10 billion per year by having unemployed individuals who could be employed were it not for age discrimination and has identified that this issue as a national disaster. It was found that 60% of all age discrimination complaints to the Human Rights & Equal Opportunity Commission in Australia are about employment issues.[[7]](#footnote-7)

The Australian Human Rights Commission recognised that it is important to understand the kind of barriers preventing capable older people from getting access to the jobs they are qualified for. With the help from the public to gain understanding, the next step is to identify ways to improve access and ensure greater participation. As well as advice from the public, they government is open to working with employers across all sectors to understand what implements that need to be carried out within the industry that would encourage them to include more older workers in their workforce. The aim is to change the attitude of the entire population and how we all see older workers and note that they are able to make contributions equally and rightfully as much as the average middle aged Australian worker.[[8]](#footnote-8)

**Analysis of Older People in the Workforce**Barriers Older People May FaceCommissioner Ryan announced that for members of the public to embark on the issue, the representation of the older people within the workforce needs to change. They face many barriers when seeking to enter the workforce, and are victims of age discrimination long before the application process of job seeking.

There are many myths that flow around the issue which can be discussed to break down the barriers faced by older people seeking employment. These myths include; [[9]](#footnote-9)
- Older people are less productive:This stereotype is suggested due to their productivity levels. A research study by a well-known corporate company Ernst and Young found that older workers have the highest productivity and motivation levels, yet they are found at the lower end of the salary scale. These findings suggest that life experiences are the key drivers of productivity and motivation with older workers obtaining these experiences over the course of their life span.[[10]](#footnote-10)It was also noted by employers and employees that older workers are better in stressful situations and at handling crisis, making better mentors and are found to be more enthusiastic compared to their younger peers.[[11]](#footnote-11)
- Older workers are less safe: It is widely known that there clearly is some form of bias that can prevent an older worker from entering the workforce due to health and safety reasons. They are often perceived as a greater safety risk at work, impacting factors such as company or business insurance. However, the likelihood of an older person suffering from stress and strain-related injuries also occurs to a range of other age groups in the workforce.[[12]](#footnote-12) It should be considered unethical to not employ and older person due to any future health and safety hazards as they are being punished for something unforeseeable even though they may be a beneficial employee.
- Older people experience difficulties with technology: The importance to adjust to technological change is important in the workforce, in particular one that depends on technological operations for the functioning of the business or service. There has been some research that concluded that some older workers struggle with handling technological equipment which may be an issue for some employers.[[13]](#footnote-13) It is important that this is only the case for some employers and older people and should not represent the group as a whole. If an employer is able to provide the appropriate training, there is no reason as to why older people are to be discriminated due to this.

The reasoning as to why some employers may not seek older people in their workforce has been discussed, but it is important to look at this issue from the other perspective, from an older person’s point of view. The discouraged jobseekers fall into this category and with 51% of the 41,600 people noted that they felt they were considered too old by employees which deterred them from seeking employment. [[14]](#footnote-14) It is important to find ways for older people to feel more confident when looking for work as they have the right to do so as anyone else eligible. They should not be scared or intimidated to work but instead encouraged and appreciated for their efforts.

Commonwealth Legislation
The increase in the average life expectancy has increased over the years, which has influenced the Australian Government to introduce the *Age Discrimination Act 2004*. The act contains five objectives which can be found in section 3. With further research, it was found that the *Age Discrimination Act 2004*(ADA) even though specifically designed to deal with issues relating to the discrimination of age may not be the best way for an older person to approach their issue with barriers faced relating to the workforce. It has been established and extensively research that the Commonwealth legislation *Fair Work Act 2009*(FWA) may be best option for older people when dealing with this issue.

An article examined the mechanisms for challenging workplace age discrimination against older people. The FWA appears to provide an alternative means towards challenging workplace age discrimination. By challenging the issue through the FWA it can provide a better outcome for those of mature age because

*“The industrial legislation is not burdened by complex definitions of* discrimination, has a reserve onus provision, allows for interlocutory relief to preserve the employment relationship, and is a jurisdiction where parties bear their own costs...in some circumstances can take their complaints directly to the federal courts, without the delays of pursuing other forms of dispute resolution”[[15]](#footnote-15)

As it is found that for an employee of older age to present their issue using the FWA, it discourages the purpose and intentions of the ADA which solely is an act that deals with type of issue. Changes to the Commonwealth legislation need to be made to make the act more useful at handling these types of issues instead of pushing others to refer to another act solely for beneficial purposes.

With submissions open for the Willing to Work: National Inquiry into Employment Discrimination Against Older Australians, this reform briefly analyses the elements that is required when discussed the barriers to older people in the workforce.

In Australia, it has been recorded over the years that the population is living longer which increases the life expectancy age. To adapt to this change, it is important to identify barriers associated with older people in the workforce and increase the participation within the workforce otherwise the legal system may fail to keep up with the growing change. It starts by a change of the attitudes and behaviours that currently socially degrades and discriminates older people in the workforce from third party groups such as employers and abolishing myths associated. There needs to be a change in way how older people are perceived by others and also with themselves, where some of the unemployed do not seek employment due to discrimination that flows around.

The response of increasing participation of older people in the workforce can have many potential benefits not only financially to the employee, but it also affects those such as the employer, government, citizens, and other employees. They can increase productivity in the workplace as well as support the country economically. The impact of older people entering the workplace towards particular groups of people can be identified;
- Employers: Older people in the workforce amass an extensive wealth of knowledge from years of experience coupled with their enthusiastic perspective to work can form a one of a kind employee. Studies have shown that those 45 and over stay longer in their position which contributes to a long-term contribution to the company, as well as low rates of absent days, if approached efficiently, employers hiring older people can be seen as a positive business strategy. [[16]](#footnote-16)
- Government: 140,000 unemployed Australians aged 50-60 receive benefits from the government called the Newstart Allowance and many older people receive their income through pension payments. [[17]](#footnote-17) If a significant number of older people enter the workforce, this could have a very positive affect for the government, as there will be a reduction in costs of these entitlements. Older people who end up earning above the minimum tax paying income threshold will also be required to pay tax on their earnings, this means that instead of the government supporting these people if they were unemployed, they would be making financial contribution to the government through tax.
- Other Citizens: Following the topic of tax, with less government funds allocated to entitlements received by older people, the government will be able to spend taxpayers’ money on other services that all citizens benefit from. With more people in the workforce, it makes a positive correlation to the amount of goods and services available. Everyday citizens may be able to benefit from the increasing amount of productivity the older people are likely to produce and take advantage of this with their day to day trade.
- Other Employees: Similarly to the employers, employees working along with older people may be able to gain experience, skills and advice that workplace training may not provide. This can also create a healthy relationship between older and younger workers which could be the beginning to a change in the negative perspective older people are victims of. The issue of age discrimination in the workplace requires initiative from all members of the public and by encouraging a mixture of all age ranges can promote equality and participation from older people.

With a list of benefits discussed along with the ever-growing increase in life expectancy, it is clear that there needs to be a response in ways the country breaks down barriers preventing older people entering the workforce to be able to cope with the social change.

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