4 December 2015

The Hon. Susan Ryan AO
Age and Disability Discrimination Commissioner
Australian Human Rights Commission

Dear Commissioner Ryan,

RE: WILLING TO WORK: NATIONAL INQUIRY INTO EMPLOYMENT DISCRIMINATION AGAINST OLDER AUSTRALIANS

Jobs Australia welcomes the opportunity to make a submission to the Australian Human Rights Commission Inquiry into Employment Discrimination against Older Australians. Jobs Australia is the national peak body for nonprofit organisations that assist unemployed people to get and keep jobs. It is the largest network of employment and related service providers in Australia, and provides an independent voice for members which range from large charitable organisations to small, local, community-based agencies.

Research over many years has clearly identified the much greater difficulty mature age job seekers face in finding work. Older job seekers spend longer on income support and their numbers are increasing. These are the people our members work with every day, providing support in the employment search.

Recent research undertaken by the Brotherhood of St Laurence (BSL), and vividly captured in a useful infographic, shows the scale of this issue. In May, 2015 248,349 mature age Australians (defined as 45+ years) were on Newstart Allowance (up from 94,000 in June, 2008). Furthermore, 6 in 10 mature age job seekers on Newstart had been registered with Centrelink for more than one year as of March, 2015. More than a third of these people had been registered for more than three years. While the average time it takes a person on income support to get a job is 42 weeks, it takes older job seekers much longer – around 70 weeks.

Our mission is to contribute to a more equitable society and to promote a better understanding of the needs and interests of disadvantaged unemployed people. It is clear that older workers are an increasing proportion of this group. Consequently, we are particularly interested in the trends relating to mature age job seekers within the employment services environment, and in the effectiveness of the current policy settings and practical strategies available to assist them.

Our member organisations deliver jobactive, Disability Employment Services (DES) and other employment services contracts. The statistics above suggest that they face quite specific challenges if they are to effectively support mature age job seekers. The fact that the numbers within this group have risen so substantially in relation to the overall jobseeker caseload suggests that current employment services support is not proving adequate or effective for older job seekers. At the same time, however, the new funding structures within jobactive, the main employment program for job seekers, focus very heavily on funding job outcomes. This means that jobactive providers now have a significantly increased imperative to develop effective ways to help mature age job seekers find work.
Given this context we have taken a keen interest in the Commission’s inquiry since it commenced earlier in 2015. We attended a consultation session in Melbourne in July and were pleased to have Donna Purcell, Manager of the Willing to Work Inquiry, present key findings from the Inquiry’s investigations at the Jobs Australia National Conference in Adelaide in October this year.

In addition, Jobs Australia has been the industry partner in research currently being undertaken into age discrimination in employment by the Brotherhood of St Laurence (BSL), the University of Melbourne and the National Centre of Economic and Social Modelling (NATSEM, University of Canberra). Titled *Understanding and preventing workforce vulnerabilities in midlife and beyond, 2013-2015*, this research has explored issues relating to the employment experiences of older Australians using an approach that combines qualitative and quantitative research methodologies. This has provided useful insights into the individual older worker’s experience of either unemployment or underemployment, and has tested these against the evidence of Australia-wide trends contained in data from the Household Income and Labour Dynamics in Australia Survey (HILDA).

In recognition of the importance of this issue to the provision of effective employment services for mature age job seekers we invited researchers from the project to discuss the most relevant findings at Jobs Australia conferences in both 2014 and 2015. We refer you to Attachment A at the end of this submission but note several points from the research that are of immediate relevance to the provision of more effective employment services for mature age job seekers:

- The white–collar support gap: older job seekers are twice as likely as others on Newstart to be managers, professionals, clerical or administrative workers;

- The relative age and experience of frontline staff helping mature age job seekers: frontline staff in employment services are becoming younger with 43% under 35 in 2012 compared with 29% in 1998; and

- The qualification mismatch between frontline support and mature age job seekers: less than 20% of frontline staff held a degree in 2012 and 1 in 4 had no post-school qualification.

These findings have uncovered particular areas of service delivery design that need to be addressed.

In light of this, Jobs Australia was pleased to support the BSL in mid-2015 when it applied for, and was successful, in gaining funding under the Melbourne Lord Mayor’s Charitable Fund to undertake applied research in the area of frontline service delivery.

The aim of this project is to support workforce access and participation for older Victorians through addressing barriers to participation in the employment services system for mature age jobseekers. It will draw on the findings of the earlier research and will develop practical strategies and resources for application within local labour markets in Melbourne that experience high levels of intransigent mature age unemployment. The project researchers will develop a toolkit targeted at frontline service staff. This will be accompanied by professional development workshops/webinars for services staff.

Jobs Australia will support the project by negotiating access to employment services providers in the Greater Melbourne region. The strategies and resources will be designed so that they can be adapted for use in other service areas, and therefore, of wide benefit to Jobs Australia members.

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1 Working longer website
2 BSL infographic, see link above.
The project details set out above illustrate Jobs Australia’s approach towards the issue of mature age employment discrimination. We believe we have a positive role to play in providing practical support within the employment services sector through specific initiatives that address local issues and needs - but which also have the capacity to be scaled up or tested across a range of labour markets in Australia.

However, valuable as these initiatives are they are only likely to have a modest impact on a problem that is huge and pervasive. As the Issues Paper notes: *In 2013 to 2014, employment was the main area of complaint to the Commission under the Age Discrimination Act 2004 (Cth), making up 62% of age-related complaints in the last financial year.* Specific strategies such as the ones outlined above will need to be combined with a larger, society-wide change in attitudes towards employing people over 45 that will enable both the society as a whole and the individuals who make up its communities, to take advantage of this huge source of labour, skill and knowledge.

While government has implemented a variety of campaigns to address this issue, including champions programs and targeted mature age wage subsidies, these appear to have had only modest success. By contrast, the Inquiry’s Issues Paper points to the labour force participation rates among older workers in a number of OECD countries that significantly outperform Australia, including New Zealand. This suggests that there are ways to address this issue that do have a useful impact.

Research needs to be undertaken on policies in those countries which are achieving more success in this area to see what might be adopted here. We should also seek inspiration from and borrow the tactics that have been employed in some of the notable broad scale attitudinal changes Australian society has witnessed in recent decades.

Thank you for the opportunity to contribute to the Australian Human Rights Commission Inquiry into employment discrimination against older Australians.

Yours sincerely,

David Thompson AM
CEO, Jobs Australia
Attachment A

Findings from Understanding and addressing workforce vulnerabilities in midlife and beyond 2012-2015.
‘Too old to work, too young to retire’


With people living longer and the working age population in decline, older Australians are being asked to work longer. Yet increasing numbers are experiencing long-term unemployment and chronic insecurity in the labour market.

Trends and trajectories

With increased longevity, an international policy consensus has emerged that longer and healthier lives should be ‘matched by longer working lives’ (OECD 2006). For example, in Australia, a series of Intergenerational Reports (The Australian Treasury 2008, 2010, 2015) has forecast a doubling in the number of Australians aged 65 and over by 2055, putting pressure on pensions and health care expenditure:

- Age pension expenditure is projected to increase from 2.9% of GDP in 2014-15 to 3.6% in 2054-55.
- Health expenditure is projected to rise from 4.2% of GDP in 2014-15 to 5.7% in 2054-55.

Embracing the workforce potential of older people is seen as critical to coping with these fiscal challenges and avoiding skills shortages in the economy. This has prompted the Australian Government to lift the Age Pension qualifying age from July 2017, initially to 67 years by 2023 and, pending legislation, to 70 years by 2035.

Pension ages are also rising in many other countries as concerns about population ageing deepen in the wake of the economic recession (Moody 2008, Biggs 2014).

Transitions out of work are also becoming choppier and more protracted, with older adults increasingly moving in and out of temporary, part-time and self-employment (Vickerstaff 2006). Once a mass and relatively predictable transition (mainly for men), retirement ‘is unravelling’ as people’s prospects and experiences are becoming more individualised and fragmented (Sargent et al. 2013).

Is working longer the solution?
The extension of working lives raises important questions about the whether the purpose of a long life is to work longer:

- Australians have long been encouraged to view retirement as a valued part of the adult life-course, free from the demands of work.
- Reimagining later life as a time for more-of-the-same may obscure possibilities for exploring alternative sources of fulfilment that emerge as people age.

Questions also emerge about the availability of jobs and the barriers faced by older workers, such as age discrimination and the changing nature of work.

The growing number of mature age (45+ years) Australians on unemployment benefits—almost a quarter of a million in June 2015 (Department of Employment 2015)—and high rates of long-term unemployment highlight the magnitude of these barriers:

- Older workers experience lower unemployment than younger workers, but once out of work they find it much more difficult to get back in.
- ~70 per cent of mature-age Australians receiving unemployment benefits in June 2015 had been registered with job services agencies for a year or more (Department of Employment 2015).

Understanding and preventing workforce vulnerabilities in midlife and beyond

Focusing on mature-age workers who are underemployed or involuntarily without work, the Brotherhood of St Laurence in partnership with Jobs Australia and researchers at Melbourne, Canberra and Curtin universities undertook a study to understand:

- The circumstances that lead to marginalisation from employment and how these differ between men and women and those of different ages
- The impact this has on people’s wellbeing, personal and financial, and future aspirations
- How existing employment services can better assist mature age people

Statistical analysis of HILDA and ABS data was carried out, along with qualitative interviews with 80 older men and women about their experiences of ageing, working, and looking for work. This summary provides an overview of findings across three main areas:

1. **Ageism** in employment
2. People’s **orientations towards retirement**, work-life balance, and attachment to work
3. The **effectiveness of labour market intermediaries and job services**.

What emerges is the interconnection between work, age and identity and the critical importance of gender and class in shaping older workers’ diverse experiences of ageing, work and discrimination.
Ageism, discrimination and employment

Age discrimination is frequently identified as one of the main barriers facing older people in the labour market, and a key reason why many older people withdraw from the labour force prematurely:

- In September 2013, half of mature age Australians who had left the labour force after becoming discouraged cited ‘being considered too old’ as the main reason they had stopped looking for work (ABS 2014).
- Research by the Australian Human Rights Commission (2015) suggests a quarter of Australians aged 50 and over experienced some form of work-related age discrimination in 2013-14, with age discrimination most likely to be reported by those looking for work.

Analysing HILDA data, our colleagues at Curtin University investigated how perceptions of age discrimination among mature-age jobseekers had changed in Australia since the early 2000s, finding:

- Older male jobseekers (generally and within occupations) are slightly more likely to report age discrimination than older female jobseekers, although the proportion of older men reporting age discrimination has halved over the period 2002-13.
- The proportion of older female jobseekers reporting age discrimination declined from 25 per cent in 2002 to 18 per cent in 2013.
- Reports of age discrimination vary between occupations, with older men and women in community and personal services, sales, clerical, and administrative work reporting the highest levels of discrimination.

While higher reporting of age discrimination by older men may signify that men are more vulnerable to age discrimina-

gendered ageism

Studies suggest that women are subject to negative age stereotypes—and are likely to be seen as ‘old’ in employment—from a younger age than men (Itzin and Phillipson, 1995; Duncan and Loreto, 2004). The phenomenon of gendered ageism, is attributed, by some, to the heightened importance that bodily appearance carries as a form of capital or power for women (Calasanti 2005).

Whereas early signs of ageing such as grey hair and wrinkles can be read as marks of maturity and authority on men, ageing, it is argued, undermines women’s traditional source of power—‘their sexual attractiveness seen to reside in youth’ (Twigg 2004).

The interviews with mature age men and women provided considerable evidence of the role of gender in mediating experiences of ageing and discrimination.

One example was the different responses that men and women gave about the age they would prefer to be. Although both men and women expressed a general preference for being younger, women’s responses tended to cluster around younger ages than men’s, who gave more varied responses.

The reasons women gave for wanting to be younger pointed to the centrality of the body as a ‘key hinge’ (Ainsworth 2002) in their experience of age identity:

I’d like to be 30 ... I got to 35 and I thought it’s all downhill from now. I thought we’re all downhill appearance-wise from 35 (Brenda, 48).

Many women also perceived that the discrimination they encountered was connected to the ageing of their ‘looks’:

The biggest disadvantage is the way you look, even if I do look a bit younger than my actual age. I would prefer to look 25 ... Because just about every job I’ve applied for, I’ve got an interview but I’m always just pipped at the post (Rita, 57).
Consistent with other research showing age-based discrimination is pervasive in the labour market (AHRC 2010, 2015) most mature age workers identified ageism as a major barrier to employment.

Ageism is often taken to be ‘the systematic stereotyping of, and discrimination against people simply because they are older’ (AHRC 2010). A range of studies suggest that employers generally believe ‘older workers are less productive, have less relevant skills, are resistant to change and new technology, are less trainable and are more prone to absenteeism and ill health’ (Duncan 2003).

However, not all older workers are seen as ‘old’ in the same way and those in different occupations, as well as older men and women, can be subject to different forms of stereotyping and discrimination. This was highlighted by the distinct narratives of ageism that emerged in participants’ responses, which pointed to the complexity of the relationship between ageing and the perceived ‘employability’ of older workers.

The forms of capital that contributed to older workers’ employability depended on their occupational context, with the physical body featuring as a central element of employability for many, but not all. Age was also etched onto older workers’ bodies in different (gendered) ways.

‘Rusty’ older workers
Mainly men from traditional working class occupations such as machinery operators, labourers, and process workers. Their accounts highlighted how the technical job skills that they had acquired and developed earlier in their careers had been ‘made sort of obsolete’ through technological change and ‘what happened in manufacturing in Australia’. ‘Employability’ for these mostly men was conditional upon appearing physically ‘fit and fast’, something that became more difficult to portray as they got older.

‘Invisible’ older workers
Almost all women from clerical, administrative or services occupations highlighted the role of aesthetic labour (how workers look and sound) as a form of capital within certain labour markets. ‘Employability’, for these women, hinged on their capacity ‘to look young, fit and attractive’.

Whereas a fit body was also important for ‘rusty’ workers, the form of embodied capital that mattered to these women was anchored in their perceived attractiveness rather than fitness to perform jobs.

‘Threatening’ older workers
Bodily ageing was largely invisible in the accounts of highly educated men and women who had lengthy work histories in managerial and professional occupations. Their accounts focused on the perception that they were ‘over qualified’ and seen as a threat to management authority.

They perceived that their accumulated knowledge and experience equipped them with a level of agency that was no longer valued by, and indeed threatened, organisations that required ‘foot soldiers who can be sort of manipulated in their own form’ (Neil, 55).

These older workers emphasised the tendency of firms to hire ‘fast-tracked university graduates’ and ‘35-year old managers’ whose authority could be threatened by older professionals who ‘might know more than they do and show them up for being perhaps incompetent’.

Narratives of discrimination

You have got to be still fairly fit to work in a warehouse environment. You know a lot of the guys in the age group here might have been working in the job at the same pace for 20 years or something.

So they are long term employees and they might not be the quickest workers and ... and the employer might be a bit hesitant to that, can they work quick enough are they going to make a compensation claim in 6 months you know, that kind of thing (mid 50s, warehousing).

I remember even being told after interviews. One of the girls came back and said "oh, you know, you were the best looking one that came for the interview." ... I know that, as a young person, I suppose when I look back now when my looks are not an issue I can look back and say "Yeah, I mean I have my qualifications and I have my personality but the looks was very much a part of it." (49, admin worker).

If you look in some of the main shopping centres, they chose women fairly young, slim and good looking. Then in offices there’s lots of jobs and they’re a type in all cuts and tucks, the physical types ... I’m not the look, or the age. (58, ex teacher).

The words [that] tumble out - “you’re too experienced”, “Yeah, we’re looking for people a lot younger than you.”, “This is a young and vibrant workplace” - are all code for other pressures that other industries are facing, which is we just need people to turn the wheels …

There are lots of, I call them “hamsters on treadmills” that don’t add a lot of value, that come in, turn the handle each day, send the compound invoices. Company gets paid, life goes on ... (54, advertising worker).
**Perspectives on work, life, identity and ageing**

Older workers exhibit complex responses to the prospect of longer working lives. Policy responses often depict continued working as vital to ‘active ageing’ and maintaining health and vitality in old age. This perspective is embraced by many older workers who show no desire to retire, and whose identities remain deeply anchored in work. Other older workers cannot envisage retirement because the lack financial resources.

Mature-age men and women who remain strongly attached to work—whether through necessity or desire—and who struggle to find or sustain stable employment may perceive ageing in negative terms. For others, the experience of ageing may prompt a shift in their attachment to work, particularly if recent experiences of working life cause them to question the rewards of work as a source of esteem and fulfilment in their lives.

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<th>Life</th>
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<td><strong>Individuators</strong>&lt;br&gt;This group tended to be women, many with intermittent work histories as secondary income earners (most were still married or partnered). They described a shift in their perspective on life, which came from growing older and feeling more comfortable ‘in their own skin.’&lt;br&gt;&lt;br&gt;“[I’m] more comfortable in my skin. After you’ve been around a while, you begin to see how ridiculous a lot of stuff is in our culture. Things that might seem much more important when you’re young kind of fade away … Materialistic things don’t seem so important (55, community development worker).”&lt;br&gt;&lt;br&gt;They prioritised having time for things besides work and eschewed full-time work as leading to a rushed experience of life.&lt;br&gt;&lt;br&gt;“I think there’s certain advantages to hitting your 50s … When you’re younger, it’s all about having kids, making ends meet, and you’re definitely driven and focused on money and work and all that sort of thing. Now I’m just looking at it going “You know what, there’s potential to be able to do things that you’ve always wanted to do.” … I think what I found is that I can refocus on actually the joy in the little things in life, as opposed to when you’re younger and everything just seems like you’re 10,000 miles an hour (53, clerical worker).”</td>
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<td><strong>Resisters</strong>&lt;br&gt;This group were mainly older workers who had sustained lengthy careers into their mid-50s or beyond. Work had previously been a central aspect of their identity, although recent traumatic experiences of redundancy had led them to re-evaluate the role of work in their lives. Many had adapted to being without work by taking up other interests.&lt;br&gt;&lt;br&gt;“The thing that got to me most was not what was done but the way it was done … It sounds pissy when you didn’t get a farewell party, but there was nothing … and I’d been there for over 20 years.”&lt;br&gt;&lt;br&gt;I was feeling very bitter and disappointed with how my work life had concluded. But I think over the last year I’ve been able to replace one “out word” with another “out word”, and so from redundancy I feel is a very negative word whereas retirement opened up all sorts of possibilities (63, teacher).”&lt;br&gt;&lt;br&gt;No choice but to work&lt;br&gt;This group had experienced job loss or redundancy in their 30s to early 50s and have struggled to return to stable employment since. They predominantly came from occupations such as technicians and trades workers, or clerical and administrative workers; a few had been to university. Most were reliant on either Newstart Allowance or the Disability Support Pension.&lt;br&gt;&lt;br&gt;While several hoped to re-enter, many doubted that this would be possible for financial reasons and viewed ‘retirement’ as a stage of life largely reserved for other ‘lucky’ people ‘who are cashed up’. They were deeply anxious about the future and described themselves as in a kind of netherworld or ‘limbo’ between work and retirement.&lt;br&gt;&lt;br&gt;“I’ve been to see a psychologist for the first time in my life because they reckon I have depression and anxiety … I suppose it was the pressure of trying to get a job. I mean, I’ve always had a job …”&lt;br&gt;&lt;br&gt;“I don’t want to be a [pensioner] … God, I’m bloody 57. I’m supposed to live to what, you know, 80 or something (57, financial services).”</td>
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White collar support gap

Mature age jobseekers differ in important ways from other clients of employment services. In particular, they are far more likely to have worked in managerial, professional or clerical and administrative occupations.

Participants felt that the employment services system was primarily focused on finding entry level, low-skilled jobs requiring little experience or training; jobs that were out of sync with their level of experience and skills set.

Basically they’d say to me, we’ve got blue collar jobs here. We have [tonnes] of dishwashers and supermarket packers, we don’t have anything for you (50, office manager).

They probably cater more to the younger crowd ... those jobs are pretty plentiful, like retail and hospitality or those kinds of things. And that’s the easiest path to take, whereas ... we kind of get put on a side rail (55, IT).

Age gap

Broader research (Considine et al. 2013) shows that frontline workers are becoming younger, with an increasing number in their 20s to early-30s.

Age incongruence between older workers and recruiters has been identified in other studies as contributing to unconscious bias against older workers, with younger managers more likely to subscribe to negative stereotypes about older workers (Henkens 2005).

The young age of frontline workers was frequently identified by mature age jobseekers as contributing to poor understanding of their needs and circumstances.

Additionally, the systematic assumption that employment consultants with little experience were qualified to advise older workers with lengthy work histories about overcoming labour market barriers was interpreted as a form of disrespect.

With a lot of these agencies, I’m talking about people who are 20 or 30 years younger than me. And I just can’t get through to them what it’s like, especially when you’re in your 50s, because I mean, they’re so young for the most part, they think they’ve got it all ... (51, transcriber).

There is another person within that job network provider ... and he was older than I was ... And we talked about more of the issues that I experienced rather than how many boxes I had to tick. And that’s the thing that a 24-year-old, in their first job out of the uni – I mean, what’s she going to tell me? (53, advertising professional).
Conclusions and implications

Ageism and discrimination

- Older workers experience ageism in different ways and to different degrees depending on their gender and occupation.
- Policy initiatives and awareness campaigns must go beyond ‘one-size-fits-all’ approaches to acknowledge that not all workers are seen as ‘old’ in the same way.
- This means acknowledging and targeting the links between ageism and sexism in anti-discrimination campaigns, which currently predominantly target gender-neutral stereotypes.
- While these campaigns may have partly reduced the level of age discrimination experienced by older men, perceptions of age discrimination among older women appear to have declined little since the early 2000s.

Retirement and working longer

- Retirement is unravelling, if not disappearing: for some through choice, but for many others through the cumulative impacts of long-term unemployment and chronic insecurity in the labour market.
- With the pension age rising and the shift in policy emphasis towards the self-financing of retirement, many mature age Australians are facing a highly uncertain and precarious ‘old age’.
- Work is not the be-all and end-all for ageing adults and many want to renegotiate their attachment to work to pursue other life-interests and pursuits that were squeezed out by work earlier in their lives.

Recruitment intermediaries and employment services

- The role and effectiveness of publicly funded employment services in supporting workforce participation by older Australians needs greater attention within policy responses, as these labour market intermediaries perform a critical ‘gate keeping’ function that can exclude mature age jobseekers.
- Mature age jobseekers are becoming an increasingly numerous client group of employment services but they face systematic challenges related to:
  ⇒ the deskillng and youth of service staff
  ⇒ a logic that assumes all jobseekers are necessarily low-skilled and inexperienced.
- Job matching and employer engagement strategies need to respond to mature age jobseekers’ distinct skills-sets and levels of experience.
- Industry training needs to address the age gap between mature age jobseekers and employment services workers, and build intergenerational awareness of mature age jobseekers’ circumstances and capabilities:

  Current industry training packages include modules on understanding jobseekers with disability, mental health issues and from culturally diverse backgrounds.
  But no specific training is available on understanding or working with mature age jobseekers.

References


Understanding and preventing workforce vulnerabilities in mid-life and beyond is an Australian Research Council funded collaboration between the Brotherhood of St Laurence and researchers at the University of Melbourne, Curtin University, and the University of Canberra in partnership with Jobs Australia.
Prepared by: Michael McGann, Dina Bowman, Helen Kimberley and Simon Biggs
For further information visit: http://www.bsl.org.au/knowledge/