

Willing to Work  
National Inquiry into Employment Discrimination  
Against Older Australians and Australians with  
Disability

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**Combined Pensioners & Superannuants Association of NSW Inc (CPSA)**

**Address:** Level 9, 28 Foveaux Street, Surry Hills NSW 2010 **ABN:** 11 244 559 772

**Phone:** (02) 9281 3588 **Country Callers:** 1800 451 488 **Facsimile:** (02) 9281 9716

**Email:** [cpsa@cpsa.org.au](mailto:cpsa@cpsa.org.au) **Website:** [www.cpsa.org.au](http://www.cpsa.org.au) **Donations:** 1800 451 488

*CPSA is a non-profit, non-party-political membership association founded in 1931 which serves pensioners of all ages, superannuants and low-income retirees. CPSA has 122 branches and affiliated organisations with a combined membership of over 32,000 people living throughout NSW. CPSA's aim is to improve the standard of living and well-being of its members and constituents.*

## **Key points**

- The policy debate about age discrimination in employment tends to focus on it as an issue affecting older people.
- Age discrimination in the workplace cannot be viewed as an issue affecting older Australians only. People experience negative and positive discrimination based on their age at every stage of their career.
- The decisions of recruiters and people managers are likely to be influenced by pre-conceptions of the relationship between age and health, age and experience, age and fitness, age and reliability and age and existing employment status. Similarly, negative stereotypes are also applied to people with disability.

CPSA welcomes the opportunity to contribute to the Willing to Work National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability. CPSA will be focussing on age discrimination throughout our submission, while recognising that discrimination of people with disability is a particularly pertinent issue.

The policy debate about age discrimination in employment tends to focus on it as an issue affecting older people. A recent Australian Human Rights Commission (AHRC) survey about age discrimination in employment<sup>1</sup> specifically examines the circumstances of those 50 years and older, ignoring those in the workplace younger than 50. The survey finds that 27 per cent of respondents indicated that they had experienced some form of age discrimination in the workplace. The fact that the survey offers no comparisons with the experiences of other groups suggests that age discrimination is something that happens predominantly to those over 50.

The survey finds that 65 per cent of the 49 per cent of unemployed people aged 50 – 54 wanting to work cannot work for health reasons, the overall percentage of people aged 50 – 54 wanting to work and able to do so is 17 per cent, far lower than 49 per cent. Following this through for all age groups of over-50s, 40 per cent of the 20 per cent of unemployed respondents who said they wanted to participate also said that health reasons prevented them from doing so, reducing the percentage of 20 to 12 of all unemployed over-50s who want to participate unable to do so. In fact, when people were asked why they were not in the workforce only 17 per cent of the responses were related to age discrimination, and the majority of those responses were framed as expectations and perceptions of age discrimination. The vast majority of responses cited reasons unrelated to age discrimination.

It is not the purpose of this submission to deny that older people experience baseless age discrimination in the workplace. It is also not suggested that AHRC survey respondents misrepresented their workplace experiences. However, a policy approach that paints the over-50s as victims in the employment market is likely to have the effect of generating a defensive response from employers, who are likely to design their recruitment processes to appear non-age discriminatory while in fact these processes are biased against older candidates.

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<sup>1</sup> National prevalence survey of age discrimination in the workplace, AHRC, 2015

Age discrimination in the workplace cannot be viewed as an issue affecting older Australians only. People experience negative and positive discrimination based on their age at every stage of their career. The issue for people with disability is somewhat different, where negative discrimination is more likely to be prevalent throughout one's working life, with assumptions about someone's capacity to do a job being made based on their disability. Again, there is a lack of concrete evidence but the statistics surrounding the employment of people with disabilities are stark: unemployment rates are at 9.4% and those with disabilities are significantly more likely than people without disability to be looking for a job for more than 13 weeks (65.5%).<sup>2</sup> Nearly half (47%) of all working age people with disability are not in the labour force altogether, while only one third of these people are permanently unable to work.<sup>3</sup>

While the most recently published statistics<sup>4</sup> show that the age group 50 – 59 are proportionally the largest in terms of receiving both short term and long term unemployment benefits (Newstart Allowance), it is likely that this group contains a large proportion of people unable to work due to health reasons, even though they are officially registered as looking for a job. This is particularly the case since the tightening of the eligibility criteria for the Disability Support Pension: one in four recipients of Newstart Allowance have a disability.<sup>5</sup>

In light of the fact that that the Australian Government is increasing the Age Pension qualification age to 67, with the intention of pushing this to 70 years of age, it is paramount that people are able to work longer if they are able to. It is clear that this is not the case for everyone, whether due to ill health or discrimination. For this reason, CPSA continues to call for a floating pension qualification age – where certain people are able to access the Age Pension at an earlier age depending on their health and the type of work they are trained to do (for example manual jobs which involve heavy lifting). This floating Age Pension model has been successfully implemented in France and recognises that people's working lives have an impact on their health and wellbeing, as well as their employability later in life.

Age discrimination is not a priori incompatible or inconsistent with the principle that recruitment should be based on merit, according to Part 4, Division 2 of the Age Discrimination Act 2004, which recognises that age may impede a

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<sup>2</sup> Australian Bureau of Statistics 2015, 4433.0.55.006 - Disability and Labour Force Participation, 2012 (released 5/2/15)

<sup>3</sup> Ibid.

<sup>4</sup> Statistical Paper No. 12, Income support customers: a statistical overview 2013, Department of Social Services.

<sup>5</sup> National Welfare Rights Network 2014, Welfare Rights Review Vol 1, No. 1.

person to “carry out the inherent requirements of [a] particular employment”. It is noted here that the Act deals with age discrimination as something that may affect people of any age.