

Carers NSW submission to National Inquiry into Employment Discrimination against Older Australians and Australians with Disability

Background

A carer is anyone who provides unpaid care and support to their family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. In 2015, it is estimated that 2.86 million Australians – more than one in every eight people – is a carer.¹ Most carers are of working age, and most are women.²

Carers NSW believes that overcoming the barriers to work for older Australians and Australians with disability requires an understanding of care and must address the issues that face those who have a care role in their personal lives. Many older Australians, although ‘retired’ have in fact exited the workforce in order to provide care to ageing parents, or to spouses with illness, disability or issues of ageing. Many older Australians who would like to work, have spent years excluded from the labour market because of a caring role. Many carers themselves have a disability, or face associated discrimination through the care they provide to someone with a disability.

The majority of people with disability and nearly half of people over the age of 65 need assistance with some of their daily activities. In most cases, family members and friends provide at least some of this support.³ This also means that carers are impacted by the daily lives and experiences of the people they care for, including any discrimination they experience in the workforce. These impacts can be relational and emotional as well as financial.

One in three carers have a reported disability of their own, and around one in five are aged 65 years and over.⁴ Carers are therefore highly likely to personally experience issues common to older people and people with disability in relation to work. For these reasons, Carers NSW believes that carers’ direct and indirect experiences of workplace discrimination and exclusion should be considered in this inquiry.

Lastly, it is a false economy to encourage older Australians to work, if the mechanisms are not in place to support them to maintain their caring role whilst they work. The service system does not have the capacity to replace the care currently provided by older Australians. This is the first time in history where there are routinely two older generations within one family. That is, baby boomers caring for their advanced aged parents, sometimes whilst also providing care to children or grandchildren. Carers NSW believes that employment practices that do not accommodate these needs are discriminatory in practice against older Australians.

The impact of care on work

Carers often balance their caring role with paid employment. However, caring can have a significant impact on workforce participation. Nearly half of all carers are not in the labour force, and carers who do work are more likely to work part-time than non-carers. This is not necessarily a result of conscious discrimination, and in many cases is a choice. However, carers’ reduced participation in the workforce also indicates a system that does not always accommodate their needs.

Research indicates that many carers cease employment or reduce their hours to care, and that caring has adverse impacts on career progression. Carers often choose a role below their skill level or refuse a job offer or promotion to accommodate their caring responsibilities.⁵ Caring can therefore also reduce carers’ income potential and their capacity to accumulate superannuation and other assets. This is particularly the case for women who are carers.⁶

“I work for myself cleaning as it allows me to work around my caring responsibilities. It is a job that does not reflect my experience and knowledge. I do it for the money. Money to pay for the therapy the people I care for need.” – Carers NSW 2014 Carer Survey respondent

Income and assets, however, are not the only outcome of paid employment. Work also provides a sense of purpose and social engagement and can improve personal wellbeing. For example, the Carers NSW 2014 Carer Survey found that carers who stopped working because of their caring responsibilities had poorer wellbeing than those who were still working.

Samira cares for her young son who has a disability and high support needs. She is frustrated that she is not able to work because of her caring role. She feels working would have financial benefits for their family and also give her a break from caring.*

Policy and legislative framework

Carers, like older people and people with disability, have nationally recognised legal rights with regard to workplace discrimination. Under the *Disability Discrimination Act 1992*, it is against the law to discriminate against employees because of their association with a partner, relative or friend with a disability. The *Sex Discrimination Act 1984* prohibits discrimination by employers because of responsibilities to care for a family member. Carers are also entitled under the *Fair Work Act 2009* to request flexible working arrangements and to take paid carer’s leave.

In addition to these rights, the Commonwealth *Carer Recognition Act 2010* obligates public service agencies to reflect the principles of the *Statement for Australia’s Carers* in their human resources policies. The *Statement for Australia’s Carers* is a list of ten principles for what carers should be entitled to, and, while not legally enforceable, acts as a best practice guide for public service agencies and non-government organisations alike to recognise and support carers.

Unfortunately, these principles and carers’ legal rights are not always upheld in the workplace. Many carers experience discrimination as a result of their caring role. Carers may also be impacted by discrimination against the older person or person with disability they care for, especially if this results in reduced household income. Carers NSW therefore believes that carers should be recognised and included in the Human Rights Commission’s work in these areas, drawing on their own prior work on valuing unpaid care.⁷

Elizabeth’s was recently discharged from hospital and will now require her care at home. Elizabeth asked her employer to reduce her days, providing letters from the hospital and GP. The employer did not accept her evidence and made life increasingly difficult for her.*

Janine’s partner’s health was deteriorating so she asked her boss to reduce her hours, which was agreed. However some time later, Janine was informed that her hours would return to normal, even though her caring role had not changed. She was told she may get transferred if she didn’t comply.*

Employing carers

Many carers who have been out of the workforce for some time would like to return to work, however this can be difficult without adequate support. When the care recipient passes away or enters a care facility, carers are often faced with the choice or necessity of going back to work.

However, many carers have been out of the workforce for years as a result of their caring role and some have never worked at all. These carers need support to build their confidence, re-engage with the labour market, re-train where necessary and find appropriate work.

Margaret's father recently passed away, and now that her caring role has ended she wants to return to work. She has many skills and qualifications, but is nervous about how the large gaps in her CV will come across to employers.*

Another reason a caring role could change is replacement of the supports the carer is providing. Other family members or friends may step in to help out, or new funded supports may become available that enable the carer to return to work or increase their hours. This is one of the goals articulated about the National Disability Insurance Scheme (NDIS), although it remains to be seen whether there is adequate support to achieve this for many carers. If so, there is great potential to support carers to re-enter the workforce.

Renee gave up a high-flying corporate career to care for her daughter, born with a disability. She had been out of the workforce for a decade, had lost track of her own goals and had become depressed. Through a flexible respite package, she was able to study and get part time work in a new industry.*

Supporting working carers

Enabling carers to re-enter paid work is not the only challenge that needs to be addressed. Many carers who are currently employed would benefit from more flexible working arrangements and better support from their employer. Indeed, a greater understanding of these needs could change workplace culture and facilitate greater carer employment overall.

Dean's son is 20 years old and has a disability. Dean and his partner are unable to work because their son's day program only runs from 9am to 3pm, and he is only eligible for 4 days per week. They cannot find work that fits this criteria, so must continue to rely on income support.*

With better, more flexible funded supports under the NDIS, families like Dean's could receive unprecedented opportunities to fit employment around their caring role. However, it is important that carers' preferences and needs with regard to employment are considered alongside the needs of the person with disability they care for.

Employing care recipients

Employment for older people and people with disability, whether in the mainstream workforce or through a supported employment provider, can also benefit carers. For example, carers who live with the person they care for may find that the financial contribution of a working family member helps meet the costs of disability and ageing, improve the household's standard of living and reduce reliance on income support. Employment of the care recipient can also be an opportunity for carers to have a break from the caring role and engage in their own employment, study, hobbies or self-care.

Maria's son has an intellectual disability and is in his 40s. He works in supported employment and loves his job and workplace network. It gives him some spending money to pursue his hobbies and takes considerable pressure off Maria, an ageing carer, who is able to take time for herself and fulfil other responsibilities while he is at work.*

Conclusion

Carers NSW recommends that carers' direct and indirect experiences of workplace discrimination be considered as part of this inquiry. The previous work and findings of the Australian Human Rights Commission on recognising and valuing unpaid carers, culminating in the report, *Investing in care: Recognising and valuing those who care*, provides important insights and recommendations that can be incorporated.⁸

* Names changed

** Primary carer: the person who provides the most care to a person

¹ Carers Australia (2015) *The economic value of informal care in Australia in 2015*, Canberra.

² Australian Bureau of Statistics (2014) *Disability, Ageing and Carers*, Australia: New South Wales, 2012. Catalogue no. 4430.

³ Ibid.

⁴ ABS (2014)

⁵ Ibid; Taskforce on Care Costs (2007) *The hidden face of care: Combining work and caring responsibilities for the aged and people with a disability*; Carers NSW (2014) *Carers NSW 2014 Carer Survey: Final Report*, Sydney.

⁶ NATSEM (2008) *Women carers in financial stress report – Lifetime health and economic consequences of caring: Modelling health and economic prospects of female carers in Australia*; AHRC (2013) *Investing in care: Recognising and valuing those who care*. Volume 1: Research Report, Sydney.

⁷ AHRC (2013)

⁸ Ibid.