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

# Submission No 231

**Name** Withheld

**Submission made by** a 58 year old semi-rural NSW based Professional Engineer

[x]  Older Australian looking for work

[x]  Business/employer

**Overview / Context**

Through a set of unfortunate life circumstances I have been supported by the Centrelink Newstart welfare support program since Jan 2013, which followed an income free period of several months prior until I qualified for the dole and, after a further delay of a few weeks, out of necessity overcame the stigma of accepting it. I had run a successful engineering business partnership for many years prior, but work totally dried up with the so-called end of the mining boom. I didn’t expect to be accepting the dole for very long as I am very resourceful and make my own luck.

But I came up against a wall of deeply ingrained prejudice that meant getting “a real job” or even brief consultancies just wasn’t going to happen. After hitting many brick walls finally, in combination with others, only a few days ago, in combination with other older Australians in similar circumstances, we have got the eng’g business functioning again on the back of a great idea and it has a really bright future now. Fortunately I owned my home so this safety net was just sufficient to support a very basic lifestyle which spanned a period far longer than I ever expected. But I am thankful for it and look forward to paying it all back in taxes, and a lot more besides.

On a personal level, my “age discrimination” has only ever been to decide if they “still have the lights switched on and enough skills and fire in the belly to do the particular job at hand?”. Almost all do but some don’t. Regardless of the answer this only informs task suitability, although a not-very-engaged worker is only going to be suited for limited tasks at any age.

When we get the engineering business up to speed we will have a positive discrimination policy for employing older Australians, and it will come from a perspective of total personal responsibility for all parties. I KNOW “they” are going to retire and that is fine. “They” get to pick 2 or 3 pups to train as part of that transition, as well as make a strong and direct contribution to the business while they are at it. There WILL be a transition process and people can participate in any of the various ways that can happen, ideally by an increasingly part time regime until a final separation, myself included! Maybe even voluntary activities after that, we will see. But none of this is particularly revolutionary thinking and it would be useful if there was some kind of EFFECTIVE support and role models coming from govt.

Whilst I will recount some aspects of this journey and related aspects / perspectives, what I principally wish to shine a light on is the extensive inbuilt discrimination that exists within government services when it comes to how they deal with older unemployed Australians. Some of this only applies to a small portion of unemployed older workers and some of it is endemic. But institutions like Centrelink, ASIC, RMS and the like have a long way to go when it comes to how they deal with people in these circumstances.

Until recently, the concept of being a catalyst for change seemed so foreign to those charged with leading our society. But done well, maybe this Commission can make a difference? You know you want to …..!

**The Real Problem**

Before getting into details I want to first point out that, whatever statistics may be trundled out, the reality is that societal under/unemployment is closer to 25% than the reported 6%. And of course the effects of this reality are felt by older Australians still of working age much more than most. This is widely known, yet swept under the carpet as people will just get by, until they can’t. At which point they become visible and, sadly, that is when we first recognise them as “a problem”. And not just because tax receipts unexpectedly dropped!

Given that it is not very hard to see “the problem” coming, there is a lot of scope to take pro-active actions that will reduce it. Well tested and regularly checked for effectiveness actions – especially where larger numbers are being affected as with industry closures. The difference between doing something and doing it well is not all that much, but it seems to be problematic to put support systems in place that can understand the real drivers behind realised outcome variations and deal with it. Our societal responses have far too much motherhood / nanny state stuff in them and far too little real substance. Upshot – we get really poor value from funds employed. This topic deserves many pages, but I will leave it to others as I too only have opinions, whereas I want to get to my direct experiences as the ground is more solid there.

**Older Australian Support Tools**

First, a general comment. No matter how qualified and experienced one is, and despite an excellent performance record, it is virtually impossible to get awarded work over younger applicants, almost regardless of any skill deficiency they may have. That is how it is and will be difficult to change. I have asked open ended questions to find out why my extremely good fit for a particular job and obviously compatible skill set / mannerisms didn’t get the job. I was politely told there was no incentive to appoint a 50 something candidate when a 40 something person with a strong skill-set and reasonable experience was available. For no other reason than that their prospective longevity in the role and potential for promotion and ongoing contribution was there, they would be given the job every time. Bit of a surprise to hear it said so nakedly, but heck I DID ask didn’t I?!!!

The responsibility for getting better outcomes resides with the older Australian and, whilst undoubtedly this commission will try to change community attitudes, the fastest way to get improved outcomes is to empower the older Australians themselves. WE are the ones feeling the pressure, and highly motivated to improve our lot if we can. Some of us will get there. Some won’t. But I can see where I could have done things better and / or not allowed myself to be as affected by the down-side aspects of my situation as was the case.

There are great evidence based tools and techniques that sharing these with older Australians in a sensible way will get improved outcomes all round. Not vacuous fluffy booklets or feel-good guides, as it seems so tempting for well-meaning “help” to produce, but pointed and brief information sheets that are results tested for effectiveness on the target audience.

**Centrelink - Overview**

Whilst I FULLY UNDERSTAND the rationale behind the overall Newstart strategy, goals and issues as it has been, and more recently (via Jobactive) is moving to, sadly at best it is a highly counter-productive process. In reality it borders on gross negligence. Harsh words, but true. It needs a total reset, and that will be beyond the capacity of those currently enmeshed in it.

Great that Centrelink has finally tackled fixing the long overdue computer system. But, like any tool, what you do with it is where the real benefits are to be had. Or not. Predecessors charged with oversight of the system have used circular logic to arrive at the behemoth of an administration and “delivery” system that we see today. Maybe it was relevant once. But it is far from a fit for purpose system today.

Recently I heard I wise person in authority stating that “the further you move the dollar from the patient the worse the outcomes for the patient are”. Great – this is finally understood in the health care arena. But it is even more true in unemployment and it seems nobody running it has a clue. Let me illustrate the circular logic in somewhat accented for effect (hopefully) terms:

**Centrelink – An Emotive “Rant”**

Let me illustrate the current system’s circular logic in somewhat accented for effect (hopefully) terms:

Sure we don’t want “dole bludgers”. Nobody does. And there definitely are people that want to be them, we all know that don’t we? “Fortunately” there is no shortage of bureaucrats (who are people too) that will pop out of the woodwork and do their absolute best to make damn sure no scumbag dole bludger is left standing. Phew. That’ll teach ‘em. Oh hang on, it’s really hard beating up so many dole bludgers, so let’s spread the work amongst hundreds of others (providers) so they can keep a really close eye on what these potential scumbags are up to. Yeah, now we’ve got it.

Streuth with all these people helping now we might be able to “help” the few we noticed that aren’t actually bludgers so we will give them training to make them better people. Crikey it takes a lot of people to explain in detail to people they need good manners to get a job or to teach the next tiddly-winks champion of the burbs. Fortunately aunt Martha knows all about that so we will just put her and the rest of the first fleet onto it.

They smile smugly as they have now done a brilliant job of making sure there is no possible good reason those dole bludgers remain unemployed, and any that stupidly do obviously deserve to be taken out the back and “helped” to try harder. And the govt is not just saving a bit of money from the ones they have scared off into a life of crime, or at least bludging on their family instead, or suicide, or who-cares-as-we-certainly-don’t, but they have also realised they can bully older Australians onto work for the dole programs and tell them to be happy. So they accept their fate and turn up at the mens’ shed / kitchen / whatever community organisation volunteers and stop looking for work, thereby disappearing off the jobless statistic too. Job well done.

Except it isn’t.

But a lot of damage certainly has been and, totally counterintuitively, the very system that seeks to tear down the possibility of a dole bludger is the one doing the most damage to prop up and create them. And older Australians are bearing the brunt of it. The system as it was, and is becoming, is sooo inefficient and incompetent at improving the very thing it says it aims to do, it would almost certainly get better results if all it did was to give money to people who said they needed it and it did no other thing. A bit of a stretch maybe, but I am just trying to point out it is so far from something that works and even radical alternatives look like a better answer.

The above, with no specifics, looks pretty groundless? Unfortunately it is the truth, or at least a representative version of it. Of course “insiders” will argue against this kind of emotive depiction with a passion. But they are wrong. That is despite the simple fact that there are a lot of really decent people inside the system, it is simply not set up to give them any prospect of something that could ever possibly work in the way intended. And that is despite the unbelievable “proof of success” claims I have heard from various providers. I really struggle to see where such performance claims are anchored to realities created by the claimant in any substantive way.

**Centrelink – System Documents**

Considering the good positive helpful words in the Jobactive documentation, how could such a crazy and undesirable situation arise? Unfortunately the words are not matched by actions. Even a well-meaning Jobactive provider has had the fear of God put into them by the system and they have zero ability to be flexible when they see the need. When I asked about actions that would recognise the substantial personal effort I was putting in to become employed again and reduce the low / no value ones, the visceral fear of what an unsuccessful audit might look like was clearly expressed by my representative who had obviously had a personal experience with this and didn’t like it. So there would be no deviation there at all, no matter how obviously sensible it appeared. Some would say this is a good thing. But the quote “stupid is as stupid does” is more fitting, especially when it comes to an older Australian perspective of the required actions.

I have scrawled somewhat cryptic comments on the document suite from one provider. Since most of this content is provided by rote they will all make similar un-actionable statements that the system claims are true purely by the act of saying it is so.

The attached documents could use a more careful and rigorous scrutiny for “reality gaps”. But the whole concept of this kind of delivery model is seriously flawed so I have only pointed out a few of the “bigger hitters”.

What is the net effect of all this? There is a hoop to be jumped through so that’s what we do. Soon enough I figured what MUST be done is daily a real application submitted for a real advertised job, and of course these must be done well and suitably serviced. This will, and should be, audited. But anything else I chose to do on top of that was up to me despite there being ZERO motivation for me to do so. But THERE SIMPLY AREN’T ANYWHERE NEAR ENOUGH SUITABLE JOBS BEING ADVERTISED TO SATISFY THE COMPLIANCE REQUIREMENTS, but comply we must. Even accepting working well below one’s qualifications is a problem as any prospective employer knows how quickly you would get bored with that and they don’t want the problem plus know they can readily fill it with a more compatible match.

So what happens? You can see in the attached extracts from my reporting docs the transition from trying to do all sorts of things that might be successful in the fallacious belief that the job of the provider’s oversight was to basically check that I wasn’t a dole bludger, to total conformance. But can you see the problem this attachment shows clearly enough? There are two. Firstly I am applying for jobs I have no chance whatsoever to be appointed to, although I do have the eligible qualification. Secondly I am applying for jobs with little regard for their physical location, which doesn’t matter because if they were ones I may be eligible for but won’t get it will not be an issue. Would I relocate for a successful job if awarded it? Maybe, and I would definitely seriously consider it – but frankly I am pretty keen to stay in my current domicile. On very rare occasions, credible well-fitting jobs came up and I gave them a red hot go – maybe 4 all up in the nearly 3 years on the dole. The rest of the time I am simply wasting other people’s time by putting up these frivolous applications. Sure I was often told my resumé would be retained after I was unsuccessful, but never got the tiniest inkling something might actually happen there – refer to the topic of age discrimination for an explanation!

**Centrelink – System Operation**

Some more targeted observations about the Jobactive Support System:

1. Is configured around blue collar / low end white collar thinking and may even be adequate at that. For anyone else it is the square peg WILL go through the round hole mentality.
2. There is almost zero flexibility for service providers to use initiative and assess the person in front of them and act accordingly.
3. The MUST APPLY FOR A JOB A DAY REGARDLESS OF PROSPECTS OF SUCCESS mentality is a massive burden being placed on the receiving organisations for no benefit whatsoever to anyone. The “if you don’t try you can’t succeed” mindset, which is colored by the belief that spinoffs may occur, is so disconnected from any evidence based thinking as to be quite destructive in actual effect.
4. No form of individual endeavour is encouraged. A job diary activities approach should be acceptable as long as it showed significant effort. Instead just one form of endeavour is accepted, namely applying for jobs. Bizarrely, arranging / cold calling a prospective employer and having a chat to an appropriate person doesn’t even “count”. Yet this is a technique with at least a decent chance of success, and it is a lot more effort to do than just putting in a job application over the web.
5. The system would much rather older Australians just shuffled off into community service where they can make a contribution to the social fabric of the country, rather than actually be assisted and incentivised to be successful. I was told since last July it was 6 months before this becomes compulsory and will stay in place until age 60. Maybe this is OK by some, but it doesn’t feel like it to me. Thankfully I am about to “escape”.
6. Totally misses many opportunities to ACTUALLY provide support. Eg doesn’t even manage to provide a coherent review and listing of the available job advertising services, let alone maintain such a document or tailor make it for various groups of people types. It is bizarre that my provider is giving me a list of job resources by looking at a screen and scrawling them on a scrap of paper. SURELY a much more credible provision of this info along with assessment comments could be managed with 3 monthly revisions?
7. Has NOTHING that would genuinely assist a university level qualified person of any age. NOTHING!
8. Really struggles with the concept of self-employment. “we are not here to help your business find work” might be applicable to a goods oriented business, but is a total disconnect for a sole director services business.
9. Jobactive requires me to keep applying for positions until work related payments start. And, despite me declaring “I am gone from (a set date)” wants to keep monitoring and interacting with no possible benefit when it should just be an advice of a revival period and what is needed in the event things go wrong and it is triggered. Totally ridiculous one size fits all thinking that keeps needless costs and inefficiencies alive.
10. Has not the tiniest idea how to assist people facing age discrimination – whether that be via coaching / information sheets / whatever. It was quite a surprise to me when I finally got frank admission of the issues here, and it is not a secret and could easily be provided to people vulnerable to the problem in a way they have better coping skills and prospects of turning it around.
11. In the event that one gets an offer of work or a genuine commitment that one is to be made there is no latitude within the current system to, even temporarily, remove the requirement to apply for a job daily, despite that the required applications have zero prospects of success and are being done for compliance purposes only, thereby placing a further productivity drain on the resources of the country.
12. Training options are poor. The expensive single training courses offered via Centrelink are manifestly incapable of making a change to a person’s employability. This is an opportunity that is totally missed as some form of opt-in bulk training via online learning and/or TAFE could make a genuine difference to people’s employability. Instead we have all these agents interposed in the system to add cost with little fundamental value in the limited training provided.
13. For a long time I was going to extraordinary lengths to create work, in conjunction with fellow unemployed engineers. Unfortunately, actually using my initiative to generate work is not an “approved activity”. I wrote to the then Employment Minister (Eric Abetz) in August 2014 about that issue, when they were contemplating doubling the rate of required applications for older Australians (and others). Whilst ultimately only the reporting frequency and oversight increased, there was no result or even a response to the key request to empower people to help themselves. An extract:

“For me, and many like me, simply complying with the current application limits is a gross and pointless burden on our country; making it worse is crazy. But motivate people to go figure out how they might make income and have THAT effort be a qualifying endeavor, and real results may ensue.

I see the opportunity is to allow some form of job search diary to qualify and the core task to create a guide / policy for people to document the ACTUAL WORK undertaken. In my case I have never been busier, often dedicating 50 hrs doing research and putting proposals together etc, none of which "counts" - so compliance activities are unproductive overhead on the real tasks that may actually work. But whether I was creating a new application / business / researching opportunities, as long as I had some form of credible evidence to produce (and, if I really am doing it as I am, that piece is easy!) then the other bs application tasks / "permanent volunteer" (which is equivalent to giving up) options would be irrelevant.

Not suited to everyone, but definitely a percentage improvement could be garnered by simply incentivising people in a useful direction. For emphasis, let me just plainly state that in the last 4 months I have applied for about 120 jobs, only ONE of which I could possibly have gotten (but didn’t). The rest have the spin-off benefit that my resume is on file, but it comes with "and this dh applied for a job he couldn't possibly have been awarded", so how smart is that, really? In terms of real genuine outcomes not some other less appropriate motivation?”

**“Greater Government” – System Operation**

1. The system is so stacked against small businesses that become unemployed it would be laughable if it wasn’t so serious. Even basic fees like ASIC registrations of a company have no “special circumstances” tolerance in them. It is a commonplace requirement for people to take on a contractor mindset and be encouraged into a stand-alone Pty ltd companies. Sure sole trader and partnership arrgts do exist, but they are “yesteryear”. These days companies want as much protection from liability and de-facto employees due to personal exertion guidelines etc. Hence they insist on independent companies, but a non-active such entity has no option of any kind to be “put on hold” in any way. So it is back-fees and fines then eventual liquidation. Except that in the event one gets through it in time and gets work and pays all the fees then the fines can be excused if a quality request is put in.
2. The ATO wants to come down on people that are not filing, even if they are on unemployment relief and clearly can’t afford the accounting costs to file. I am still struggling with this one and fearful of the consequences as, despite no income having been earned to pay tax on, I have not put personal or company returns in for some years and the offence is about the forms not the content. But these are compliance costs with no means of servicing them and there is no support to help sort out an entirely predictable problem older Australians are much more likely to experience due to the rampant discrimination we face that robs us of the opportunity to fix the problem.
3. Compulsory workers compensation for directors of sole proprietorships (ie consultants), is required in such a way that the only effect of it is of an indirect tax, and this aspect is pursued vigorously by the collection agent style insurance companies. It is a blight on any person seeking independent contractor style employment and is only worsened by the inward spiral of disbelief that it is all coming crashing down and therefore reluctance to act to ameliorate the problem, if that is possible.
4. On many fronts the incentive is to fold these small companies rather than keep plugging on, which only exacerbates the problem for the older Australian as doing it this way is often all they have known for 2 decades or more, ever since their “company for life” first got the bright idea of encouraging lots of their employees to ship out into “contractor” roles. You know the ones – left work Fri and back in the same desk Mon with “contractor” tags. Which the ATO finally got annoyed at and introduced “personal exertion” which in effect turned us all into “real” contractors. There is also the problem that the older Australian may accept perhaps lesser than they desire full time employment in the interim, if they can get it. Which, if they want to preserve the possibility of going back to the employment, they have lost they have to keep the now shell company alive (ie pay fees and accounting / tax obligations), and typically on a much reduced wage. So the system incentivises lower performance / quality of life situations and discriminates against people who would do better. There is no safety net for any of this and a lot of Australians now in their 50’s were a part of the generation that made this sweeping change away from job-for-life, and WE wear the consequences of this social “experiment” mostly falling over. And we truly struggle to accept this reality. I well understand everyone converted voluntarily, but this situation was entirely predictable and how hard would it be to get a basic safety net that at least allows a non-trading entity to have a 5 year hiatus before an automated painless (2 year to finality) closure process was initiated?
5. Older people are somewhat more stubborn in changing their ways and it is a big deal to contemplate lesser tasks that are “beneath their dignity”. Some make this transition very well; some never recognise it is worth seriously contemplating – some research into how to best break down this barrier in a respectful way would make a useful change in outcomes. I too fit into this latter category and “got stubborn”. I refused to accept a lesser outcome than what my own vision of myself dictates. However this is about persistence, competence, goal setting and related life skills. I was eventually successful but in all honesty I persevered way past where I should have. My resolute determination not to accept what I regarded as failure would ultimately have been a serious trap for me, had it not resolved how I wanted. I know many who are already in “the failure trap” and some seriously struggle with mental health consequences; others are OK.
6. Gambling is one failure mechanism that looms large on the older Australian discrimination horizon and we are doing far too little as a society to deal with it. Putting dollar maximum bets on poker machines would be a serious improvement to this situation **[redacted]** Is this topic going to be ignored yet again despite it being a raging elephant in the room issue that is much bigger than the ice epidemic and easily as tragic, especially for older Australians?
7. There is a belief “out there” that age discrimination can be legislated against, or at least policies developed against it. This thinking leads to quotas and prescriptive mantras that only foster the “age of entitlement” mentality that is pervading many areas of our society. It is wrong and can never work. I have interviewed hundreds of people, mostly for professional, skilled and sometimes semi-skilled positions. My overarching conclusion is that, unfortunately, good people lie – and they do it a lot. Not only do they claim responsibilities they never had (well they were there weren’t they, what’s the problem?) they also make up supposed experiences that use the latest trend to “past behaviour predicts future results” interview technique that has become a de facto skills test proving method. They also deliberately delete anything bad that may have been a fantastic learning experience. Some might call it “guilding the lily” – but bs is as bs does. The amount of over-claiming that goes on for workplace experience is truly astonishing, and this is a system failure. But it is not all “fake”. People have an earnest desire to take on the attributes of / be the person they misrepresent themselves to have been and the useful self-fulfilling prophecy thing may come to pass. Early / ongoing training might be a part of the answer, but I doubt it as it is a cultural thing that we need to find a way to totally reset in some important way. All of this long-winded explanation is to say that, when interviewing older people, I personally have only ever cared if they have the lights switched on and enough skills and fire in the belly to do the particular job at hand. If you can get the focus on some more nicely written version of this approach you will make a genuine difference to breaking down the discrimination barrier.
8. I would also point out that age discrimination is well founded in some cases, probably many. How often have you heard “oh I’m just seeing out my time here until retirement”, “I don’t care anymore I’m just here to do blah”, and the like? Which I call the “not got their lights switched on” mentality. They are here, but no-one’s home. When such people find themselves out of work and discriminated against on an age basis they need to change their attitude, and often do. But it is often too late. The opportunity here is to do some advertising to encourage older Australians, while they are still employed, to speak up and do more to help their employer as that is one of the potentially best ways to not encounter age discrimination in the first place. Could be tricky as “don’t make waves” is often the actual mindset that goes with the territory, but definitely an area worthy of scrutiny.
9. There is a major lost opportunity in our universities to tap into the skills available in under employed older Australians who could easily and cheaply be encouraged to do some guest lecturing / tutorial support in their qualified area. I personally offered to do this 2 years ago and surprisingly, despite following it up a few times, nothing happened. Seemingly it is all too hard. Whilst I suspect it was a lot more about people jealously protecting their particular areas against intrusion (eg what if the guest was better than me?), it seems it is too hard to fit such things into the curriculum / tutorial process. Well sorry this is not good enough as I doubt there would be a student that wouldn’t appreciate a bit of a different perspective. Maybe this means a “life skills” subject is needed in every curriculum and passing it requires presentation of a sufficiently coherent essay about what one learnt along the way. The part time eng’g degree I did had a similar subject which was basically writing up the industrial experience you got during the year. So a roster of rotating older Australian guest lecturers and a basic oversight regime within universities could be a great way for our society to tap into and get a real benefit. Much better than only having men’s sheds and meals on wheels style of work for the dole programs that older professional / para-professional Australians can “enjoy” and actually keep their self-esteem intact!