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

# Submission No 258

**Name** National Working Women’s Centres

**Submission made by**
[x]  Organisation

# Organisation or Government Agency Submission

### **About you**

**What is your role within your organisation?**

[ ]  Owner

[x]  Manager

[ ]  Human Resources Manager

[ ]  Other

**If other, please tell us your role within your organisation**

**What is your experience of providing work/services/advocacy for older Australians/Australians with disability?**

**Our services**

The National Working Women’s Centres (NWWCs) in South Australia, the Northern Territory and Queensland are community-based not-for-profit organisations that support women employees whatever their age, ethnicity or work status by providing a free and confidential service on work related issues. All three Centres are small agencies that rely on funding from the Commonwealth Fair Work Ombudsman, State (SA and QLD) and Territory governments (NT).

The Working Women's Centres opened in 1979 in South Australia and in 1994 in the Northern Territory and Queensland. Since their beginnings, the Centres have worked primarily with women who are not represented by a union, their own lawyer or other advocate. We provide advice, information and support in lodging complaints and claims. As we are not legal services and can not provide legal advice, we refer women with legal needs to appropriate legal services. Many women who contact our Centres are economically disadvantaged and work in very precarious areas of employment.

NWWCs also conduct research and project work on a range of issues that women experience in relation to work. These have included access to child care, Repetitive Strain Injury, outwork, family friendly practices, WHS, workplace bullying, the needs of Aboriginal and Torres Strait Island women, pregnancy and parental status discrimination, Community Development Employment Project (CDEP), work/life balance, pay equity and the impact of domestic violence on women workers and their workplaces. Although some of the issues have changed for women since the Centres began operation, the work that we do remains consistent with the philosophy that all women are entitled to respect, to information about their rights and equal opportunity in the workplace.

**The issues**

The discriminatory experiences of NWWC clients are broad and varied. They range from overt to subtle as is depicted in case studies below. Clients tell us of stories where they are questioned about when they will retire, whether they will move over for somebody younger, they are told they are slow and too old to learn new skills. In many instances client stories depict a scenario of workplace bullying and age or disability discrimination. Whilst age might not necessarily be at the core of the unfair workplace experience, a negative or derogatory remark about age can taint the entire experience to one which looks and feels like age discrimination. Sometimes no discriminatory remarks are made at all but workers tell us they ‘know’ their disability or age is a contributing factor to the unfair or unreasonable treatment they are subjected to.

Anecdotal evidence tell us that older workers feel that they are forced to put up with unfair or sub-standard workplace practices in a manner that parallels the fear of speaking up shared by overseas workers or other marginalised groups. Such workers fear that if they were to ask questions or speak up about an issue at work they may lose their job, not ever to be able to find another. These women workers tell NWWC staff that they are better off to put up with the issue and not make a fuss as an imperfect job is better than none at all.

NWWCs support clients with disabilities that are as a direct result of workplace accidents or injuries. We hear stories of women who are injured at work, who make successful workers compensation claims and later bear the brunt of their employers’ frustration and fatigue at having to accommodate their special need as a result of the workplace accident or injury. These workers face the double whammy of living with a disability that was caused by their work and later being discriminated against by their workplace for the disability that occurred whilst in their employ.

NWWCs do not have the data to depict the percentage of women who access our services in relation to disability discrimination as a result of mental illness. Anecdotally we can report that across our Centres the proportion is very high and would be more than 50% of clients who seek assistance in relation to disability discrimination.

Analysis of NWWCs case work files shows a very high level of discrimination against workers with accepted workers compensation claims and/or light duties restrictions. The issues that clients reported were that their employer refused to adhere to light duties restrictions recommended by medical professionals, employers adhered to light duties restrictions for a short period before deciding that they would no longer comply and workers were subjected to discriminatory comments and put downs as a result of their workers compensation claim and/or light duties. These cases displayed an expectation by the employer that they recruited a fully fit employee and were unprepared to accept in good faith their obligation to accommodate the special needs of an employee after an accident or illness.

In the 2014-2015 year 44% of clients from the NT Working Women’s Centre were over 45 years of age.

**Do you have any case studies of the experience of older Australians/Australians with disability working or looking for work?**

**Discrimination based on age**

**Francesca[[1]](#footnote-1)** successfully worked in her position as a fixed term employee. The position was to be converted into a permanent positon and she was encouraged to apply. She didn’t get the permanent job and found out it was due to written referee comments that were voluntarily offered during the selection process by a person who was not one of Francesca’s nominated referees. As far as Francesca is aware all of the comments about her skills and experience were good, however written comments about her age were stereotypical and inaccurate and included things like her being resistant to change, has declining energy levels, difficult to teach and resilience was waning. Francesca made a complaint to the Anti-Discrimination Commission and settled for compensation.

**Haya** and a number of her colleagues experienced wide ranging bullying at the hand of a senior manager. The bullying included yelling, demeaning, nit picking and excluding. Haya was the only mature aged worker who was being subjected to bullying by the manager. The manager referred to her as the elderly lady who should retire soon. A complaint was lodged to the employer, shortly afterwards the manager no longer worked in the organisation.

**Sabina** held down her job for more than 20 years. Though she was over 65 she felt healthy and strong and commented to the WWC that she was probably fitter and healthier than most of her younger colleagues. But pressure was increasing on Sabina to resign. She was told that she was an OHS risk to other staff, she was slow, she didn’t finish her work on time, she was questioned as to why she hadn’t retired and when she would move over to make space for somebody younger. Though Sabina had regular contact with her doctor who assessed Sabina as fully fit for work, her employer forced her to have a medical examination with a doctor of their own choosing. Eventually Sabina made a complaint to the Anti-Discrimination Commission. The complaint was made independently so the WWC is unaware of the final outcome.

**Gale** had more than 10 years experience as a full time permanent employee with her employer when she requested flexible working arrangements in line with her entitlement in the Fair Work Act as a worker who was older than 55. Initially her request was accepted but after a few months the employer told her that she would have to return to her full time job and the flexible work arrangements would end. Gale attempted to negotiate the continuation of the flexibilities but she was unsuccessful. At the time of seeking assistance about her rights from the WWC Gale was deliberating between continuing to work full time or retiring prematurely. Neither of these suited Gale, she wished to continue in her job on a flexible part time arrangement.

**Emma** is a mature aged worker who was sexually harassed by a colleague. The sexual harassment included questions about her sex life as an older woman and during menopause versus her sex life prior to menopause.

**Mabel** experienced terrible bullying at the hand of a manager. The bullying included abusive text messages, nit picking, public humiliation and being told she was stupid. Mabel was approaching her retirement age and she was told by the person bullying her that her old age made her smell. With the help of the WWC she made an informal complaint to the board. The board initiated action that resulted in the bullying and discriminatory behaviours reducing to a point where Mabel felt she could continue to do her job albeit in an unpleasant environment.

**Cheryl** was approaching retirement age. She had performed hard physical work all her life in a regional area. At this late stage in her working life, Cheryl began to experience severe workplace bullying by her co-workers, led primarily by one worker. The bullying included constant efforts over almost 1 year to isolate her from other workers both at work and outside of work e.g. at the work Christmas function and in the supermarket; a refusal to speak to Cheryl, assist her or greet her and encouraging other workers to do the same; belittling, demeaning negative comments about her work, her appearance, her family, her age and her financial situation; threatening behaviour, mainly verbal but also in the car park by driving fast and dangerously near her; threats to her physical safety and that of her family; constant over vigilance of her work by the co-worker when this was not her role; constant questioning of other workers who spoke to Cheryl to find out what they had been discussing; constant threats to report Cheryl to management and to the police; comments on other people's facebook pages (Cheryl is not on facebook); accusing Cheryl of trying to be the bosses' favourite’/'sucking up to the bosses'; accusing Cheryl of either being 'lazy' or working too hard; spending a lot of work time glaring, staring, giving black looks at Cheryl; sabotaging Cheryl by constantly hiding her time book and telling co-workers not to help her find it; and calling Cheryl names.

Cheryl had made many attempts to prevent and address this behaviour. She told co-workers what was happening to her and asked them why they thought she was being targeted. She ignored the negative behaviours and just focused on her work; she let her supervisors know and asked one of them to walk her to her car at times when she was being threatened.

There were many witnesses to the behaviour Cheryl was experiencing.

Although the supervisor undertook to speak to the main perpetrator this just resulted in an escalation of the bullying.

Cheryl contacted WWC when the behaviour was affecting her health and her family relationships. Cheryl feared that she was starting to get depressed and sick. Her husband and children were all telling her to just resign but Cheryl felt she should not have to give in to the bullies. She also wanted to retire in a positive way and qualify for her full retirement entitlements that she had planned her financial future around. At the same time however Cheryl had fears for her safety. She was questioning herself and others about what she had done to deserve this. She felt picked on, targeted, isolated, threatened and humiliated.

The WWC Industrial Officer assisted Cheryl to make a complaint in writing to her managers. It was a detailed document outlining all of the bullying behaviours with examples and dates of when these had occurred; the impact of the bullying on Cheryl and what she had attempted to do to stop the bullying. The complaint also referred to the Fair Work Commission 'Stop Bullying' Jurisdiction.

The WWC advised Cheryl to make reports to the occupational health and safety regulator and the Police.

Fortunately the employers took Cheryl's complaint very seriously. They conducted a thorough investigation. As already planned, Cheryl took her long service leave at this time. She told her employer that she would be resigning upon her return from long service leave. The main perpetrator was terminated from her employment and other workers who had engaged in bullying were severely reprimanded.

Cheryl reported to the WWC that she had already been offered another job which she would consider after she'd had her holiday. The constant stress of trying to manage the bullying had taken its toll but despite this Cheryl said that she was sleeping better, was calmer and felt very comfortable with her decision to leave. She was now looking forward to retirement.

**Discrimination based on age and disability**

**Alexandriana** was a 70+ worker when she was injured at work which resulted in a permanent disability. From the point of being injured at work and successfully making a workers compensation claim Alexandriana’s employer pressured her to resign. They asked her on a number of occasions to resign and tried to persuade her that she would be better off on the age pension. Alexandriana refused to resign but the whole experience negatively impacted her work experience. She said that she felt that her age was never an issue prior to the injury and impairment.

**Niamh** is a 60+ employee who suffered a head injury whilst at work. As a result of the injury she had four weeks off work and then returned on light duties. Whilst covered by the certificate that provided for her light duties her employer informed her that they couldn’t maintain her hours, they were cut from 35 per week to 25. A month later, whilst still on light duties, Niamh was informed that her hours would be cut again to 15. Niamh has not been provided with a reasonable explanation of why her hours need to be cut. Whilst her head injury or age has not been raised with her she has the feeling that these are the real issues.

**Roda** had to take strong medication to assist her manage the pain associated with her disability. She feared that this might impact on her desk based job and on one occasion she fell asleep at work. When her manager discovered that she fell asleep he asked that Roda to resign prior to any conversation about her health needs, light duties or advice from a doctor. He put enormous pressure on her by saying that if she resigned they would offer her an additional payment (without saying what the amount would be) but that if she didn’t resign they would have to terminate her without an additional payment. Roda stuck it out and refused to resign despite the pressure continuing. Roda was also subjected to general bullying behaviours such as nit picking, isolation and being yelled at. It was also said to her on two occasions that the manager can’t stand ‘old’ workers.

**Discrimination based on disability**

**Addison** disclosed her mental illness to her employer when she applied for the job. She took small amounts of personal leave during the 12 months that she was employed before needing 3 weeks off due to her mental health needs. All of her absences were covered by medical certificates. She was informed during the last period of personal leave that she was terminated because she needed to be away from work to sort herself out.

**Marie** was a long term employee when she disclosed to her employer that she had recently been diagnosed with a disease that she would have for the rest of her life. The following day her employer informed her that she should resign and if she didn’t she would be terminated. She was given 24 hours to make her decision. Marie informed her employer that she wouldn’t resign and that she would get medical advice from her specialist regarding her fitness for work. Her employer stood her down effectively immediately. Marie was able to gain specialist medical advice that assessed her as fit for work. Her employer then ended the stand down period and she was allowed to perform in her usual job.

**Adrian** had complex health needs that resulted in a significant amount of absences from her permanent part time position. Eventually her employer initiated a conversation with Adrian whereby the asked her to consider working part time instead of full time. Adrian agreed to this. Adrian’s health needs continued to be complex and she required more time off work. Adrian’s employer then informed her that they had changed her job to one that Adrian felt was a significant demotion. Adrian attempted to negotiate her working arrangements so that she worked fewer days per week and had a smaller volume of work but at the same level of responsibility but her employer would not accept it. On the first day that Adrian was required to perform the new duties Adrian resigned.

**Morag** had a very physical labourer’s job. A piece of equipment fell on her leg and she was badly injured. Morag’s workers compensation claim was accepted but her employer terminated her whilst she was on workers compensation leave. This severely impacted her mental health and overall wellbeing. She didn’t seek advice or assistance for many months. When she did finally find the will to seek advice her options for action were limited. Morag didn’t pursue the matter.

**Mirielle** was a cleaner who was subjected to screaming and shouting by her manager. She was also diagnosed with severe asthma. Mirielle did not disclose to her employer that she had asthma. She felt that she could appropriately manage it herself with the support of her doctor and there were no questions that related to her medical condition throughout the recruitment process. One day at work MIrielle’s manager was screaming and shouting at her and she asked him to stop. She told him that severe stress can impact on her health. He quizzed her as to what she meant and she ended up disclosing her medical condition. Her manager told her she should go home immediately. When Mirielle was home she received a text message to say that she shouldn’t come back to work. Mirielle did attend for work the following day on the basis that she was fit and shouldn’t be discriminated against. The manager wouldn’t let her commence her shift and told her she was terminated.

**Abbey** sustained a back injury from her very physical job. She made a successful workers compensation claim and gained the necessary medical certificate with detailed light duties for her return to work. Abbey met with her employer and they drew up a detailed return to work plan that incorporated the light duties. Abbey was satisfied with the plan. Abbey reports to the Working Women’s Centre that the plan was never adhered to, it was effectively ignored. Abbey protested at requests to perform duties that she knew were restricted but her supervisor, who bullies her, forced her to do them. She was too scared to refuse to do the restricted issues so she just did it.

**What are the impacts of employment discrimination on older Australians/Australians with disability working or looking for work?**

The impacts are broad and varied, they are severe and subtle. The impacts that NWWC clients report to our Industrial Liaison Officer staff include the following:

* Loss of employment and loss of income. This occurs via direct termination, overt pressure to resign or a subtle coercive pressure that leads a worker to feeling that they have no option other than to resign.
* Older workers have explained that identity and self worth are closely connected to their job. When their employment is at risk their feeling of worthlessness, identity and value are also called into question.
* For some older workers age discrimination taints their entire work experience. Our clients tell us that they end their working lives feeling negative about what they have achieved and contributed asking questions such as ‘I’ve worked so hard, and for what?’
* Older workers tell us that they are not ready to retire but are being forced to do so at a time that is not of their choice. They express concerns about not having a sustainable level of superannuation and wishing that they could work a few more years.
* Workers tell us that they feel age discrimination will prevent them from getting another job and they question whether they will even try to find one.
* Workers who experience discrimination say that they fear the discrimination will increase or they may even lose their job if they ask questions about their rights or talk about their needs. This results in workers putting up with sub standard or unfair working conditions for fear of retribution if they speak up.

### **Barriers**

**Do you think older Australians/Australians with disability face barriers when they work or are in a job?**

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

NWWC clients talk to us about a wide range of barriers they face when they are in their job or are seeking to return to their job after a period of leave. Those barriers include:

* Older women being told their image is not in tune with the industry or business e.g. ‘not vibrant enough’, or ‘our business is going in a different direction’.
* Assumptions are made about older women that they are not appropriately up to speed on the technology.
* Older women who experience injuries and illness that are non work related such as breast cancer or stroke find that their employers are sometimes unwilling to take any responsibility for making reasonable adjustments to the job to support a return to work.
* Employers assuming women will be ‘happy to retire’ when they have grandchildren.
* General stereotypical assumptions and prejudices such as older workers being slow, tired, lacking in energy, unable to learn new skills, will be more likely to take sick leave or should move over to make room for a younger worker.
* Employers over-reacting to a fear of what may or may not occur or a single incident (see case studies Roda, Addison, Mirielle and Marie above) without taking the time to consult with the employee about their needs and risks or gaining appropriate advice.
* Employers refusing requests for flexible working arrangements under the Fair Work Act 2009.

**Is employment discrimination a barrier (please tick all that are relevant):**

[x] While working in a job

[x] While looking for work

[x] While dealing with recruitment companies

**Please tell us more**

Details provided in questions above.

**What impact does employment discrimination have on older Australians/Australians with disability gaining and keeping employment?**

NWWC clients tell us that their experience of discrimination leads to:

* Premature retirement
* Resignation
* Termination, including unfair dismissal and unlawful termination
* Working days, hours and shifts that adversely impact on their health and family as they are unable to negotiate arrangements that suit
* Not seeking work

**Are there any practices, attitudes or laws which discourage or prevent equal participation in employment of older Australians/Australians with disability?**

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

We support consistency between the General Protection provisions of the Fair Work Act 2009, the Disability Discrimination 1992 and the Age Discrimination Act 2004. We note that the Inherent Requirement Provisions under the Anti Discrimination Acts include considerations which are absent from the General Protection provisions of the Fair Work Act.

**Recommendation 1**

We support the following amendments to the General Protections provisions:

a) that the Inherent Requirements defence in the Fair Work Act do not apply if the employer does not make reasonable adjustments to accommodate the disability (as per the Disability Discrimination Act); and

b) the Inherent Requirements defence in the Fair Work Act be amended to include the considerations listed in the Age Discrimination Act (Section 18 subsection 4 & 5).

Section 65(1) of the Fair Work Act gives employees the right to request flexible working arrangements if they are over 55 or have a disability. However, currently under the Act an employee who has had their request for flexible work arrangements, whether reasonably or unreasonably, has **no** mechanism for appeal unless this has previously been agreed to in a contract or enterprise agreement. This severely limits the enforceability of the provision, leaving many employees seeking flexible work with rights on paper only. This is a serious impediment to older workers and workers with disabilities balancing their work life and health needs.

Further, there is no definition of ‘reasonable business grounds’ in the Explanatory Memorandum to the Act. This merely provides examples of what may contribute to ‘reasonable business grounds’.

NWWCs are aware of numerous cases where workers with legitimate needs for flexible working arrangements have had their request unreasonably denied. These employees are often faced with being forced to work full time, convert to casual employment or withdraw entirely from the labour market via resignation.

NWWCs are of the view that a right to request without a process of appeal of the decision of the employer leaves workers with rights on paper only. We find that the ‘reasonable business grounds’ defence has been used by many employers to refuse requests for flexible working hours, without any elaboration or definition of these specific grounds. In many cases, employers have not put their response in writing. In some cases employers have become hostile when a request is made and refused to recognise the entitlement at all.

NWWCs are aware of numerous cases where workers with legitimate needs for flexible working arrangements have had their request unreasonably denied or in some circumstances partially granted or ‘drip fed’ with the need to constantly renegotiate conditions. These employees are often faced with being forced to work in ways that are clearly unsuitable to their circumstances such as: working more hours than they have capacity to, accepting demotion, converting to casual employment or resigning. Many of our clients report high levels of stress at this time.

**Recommendation 2**

NWWCs recommend that current legislation be amended to allow for an employee to appeal by way of Dispute Provisions to the Fair Work Commission against an employer’s refusal to a request for part-time or other flexible work arrangements, and that there be a clearer definition of what constitutes reasonable business grounds for refusal.

NWWCs participate in more than 100 conciliation conferences in the Fair Work Commission each year. Our experience is that conciliation conferences in the Fair Work Commission are a good forum for bringing together employee and employer parties to discuss and resolve disputes before they escalate to costly legal proceedings. We estimate that 90-95% of NWWC applications made to the Fair Work Commission settle at conciliation. However conciliation conferences for general protections claims of adverse action where there is no termination of employment are not mandatory. Employees whose employer refuses to attend conciliation are therefore left with the options of withdrawing their complaint or making an application to the Federal Circuit Court or the Federal Court.

**Recommendation 3**

NWWC recommend that section 374 of the Fair Work Act is amended to introduce mandatory conciliation for all general protections claims.

Currently section 117 (3)(b) of the Fair Work Act entitles a worker who is over 45 to an additional 1 week of notice of termination of employment if the worker has completed at least 2 years of continuous service with the employer.

**Recommendation 4**

NWWC recommend the removal of the requirement that the worker completes 2 years of service so that all employees over 45 are entitled to an additional 1 week of service.

Currently unfair dismissal applications and general protections involving dismissal claims must be made to the Fair Work Commission within a 21 day time limitation. NWWC clients report that often the period of time immediately after a termination of employment is one of; shock, distress, humiliation, depression, managing a sudden financial crisis, urgently seeking new employment and sometimes seeking alternative housing. Additionally many clients are entirely unaware of their rights to a potential unfair dismissal or general protections claim or how to gain the necessary information about their rights at this time. These issues are exacerbated by the additional vulnerability of older workers and workers with disabilities.

NWWC submit that for particularly vulnerable workers a 21 day time limitation is an inadequate period to gain advice and make a claim to the Fair Work Commission. The shortness of the limitation period disproportionately disadvantages vulnerable workers such as older workers and workers with disabilities.

**Recommendation 5**

NWWC recommend that the limitation period for unfair dismissal and general protections involving termination claims be extended from 21 to 90 days.

The termination of employment of a person who has a disability or is older can be particularly harsh. NWWC know from the stories that our clients tell us that if they are an older worker or person with a disability, their chances of finding another suitable job within a short time frame is significantly less than other workers. The termination therefore is harsher and more detrimental than for the average Australian.

NWWC submit that on this basis the Fair Work Commission ought to take into account age and disability when considering harshness etc. under section 387 of the Fair Work Act.

**Recommendation 6**

NWWC recommend that age and disability is included in the mandatory considerations that the Fair Work Commission

**Recommendations 1 – 10 of the Employment Law Centre of Western Australia submission**

NWWC also support recommendations 1 – 10 of the Employment Law Centre of Western Australia submission which relate to reforms of the Age Discrimination and Disability Discrimination Acts.

**What are the incentives and disincentives in employing older Australians/Australians with disability?**

**Incentives**

NWWC submit that there are many incentives in employing older Australians and Australians with disability. They include:

* Diversity and balance. The business case for employing a diverse staff is well established. NWWC support the case that diverse staffs which includes diversity in terms of age and disability better equips businesses and services to meet the needs of their customers and clients.
* Older workers bring experience. The value of experience can not be overstated, particularly in highly skilled and complex jobs.
* Employees' appointments should be based on merit. Excluding particular groups on the basis of assumption, prejudice and stereotype fails to recruit based on merit.
* Workers who experience discrimination and exclusion from employment based on an attribute such as age or disability prove themselves to be extremely committed workers. Employment for many older workers and workers with disabilities is not something that comes easily; they fear the loss of their employment more than others. They are known therefore to work hard, bend over backwards and strive to prove their value to their employer.

### **Good practice**

**Are there examples of good practice in employing and retaining older Australians/ Australians with disability in work?**

[x] Yes

[ ] No

[ ] Not sure

**Please let us know about practices you are aware of.**

**Case study - Helene** retired from her job at the time that suited her and her family. She didn’t experience age discrimination and enjoyed her work. She was a very valued member of her workplace and was offered a promotion as a way to lure her back to work rather than retire but she declined the promotion. At her farewell celebration her boss spoke publicly of her. He referred to Helene’s ‘energy, commitment and enthusiasm’ as something that should inspire those around her. Helen was the oldest worker in the team.

### **Solutions**

**What action should be taken to address employment discrimination against older Australians/Australians with disability?**

**Recommendation 1**

We support the following amendments to the General Protections provisions:

a) that the Inherent Requirements defence in the Fair Work Act do not apply if the employer does not make reasonable adjustments to accommodate the disability (as per the Disability Discrimination Act); and

b) the Inherent Requirements defence in the Fair Work Act be amended to include the considerations listed in the Age Discrimination Act (Section 18 subsection 4 & 5).

**Recommendation 3**

NWWC recommend that section 374 of the Fair Work Act is amended to introduce mandatory conciliation for all general protections claims.

**Recommendation 5**

NWWC recommend that the limitation period for unfair dismissal and general protections involving termination claims be extended from 21 to 90 days.

**Recommendation 6**

NWWC recommend that age and disability is included in the mandatory considerations that the Fair Work Commission must consider in determining whether a termination is harsh, unjust or unreasonable.

**Recommendations 1 – 10 of the Employment Law Centre of Western Australia submission**

Recommendations 1 – 10 of the Employment Law Centre of Western Australia submission which relate to reforms of the Age Discrimination and Disability Discrimination Acts.

**What should be done to enhance workforce participation of older Australians/Australians with disability?**

**Recommendation 2**

NWWCs recommend that current legislation be amended to allow for an employee to appeal by way of Dispute Provisions to the Fair Work Commission against an employer’s refusal to a request for part-time or other flexible work arrangements, and that there be a clearer definition of what constitutes reasonable business grounds for refusal.

**Recommendation 4**

NWWC recommend the removal of the requirement that the worker completes 2 years of service so that all employees over 45 are entitled to an additional 1 week of service.

**What outcomes or recommendations would you like to see from this National Inquiry?**

NWWC request that the National Inquiry adopt recommendations made by NWWC above in relation to amendments to the Fair Work Act and recommendations 1 – 10 made by the Employment Law Centre of Western Australia.

1. Whilst all case studies are based on real client stories identifying details have been changed or omitted to protect client anonymity. [↑](#footnote-ref-1)