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

# Submission No 235

**Name** Willing Older Workers (W.O.W! Inc.)

**Submission made by**
[x]  Membership based organisation

# Organisation or Government Agency Submission

### **About you**

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

[ ]  Owner

[ ]  Manager

[ ]  Human Resources Manager

[x]  Other

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

Co-Founder, Volunteer President and Advocate

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

Founded in July 2011, W.O.W! supplies emotional, social, and practical support to unemployed and underemployed older workers, while actively assisting them in returning to work.

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

Yes.

When a new person joins our association, as well as giving them food, advocacy and other assistance, we ask them the following:

* what Centrelink benefits, if any, they receive
* how they survive with little or no income
* lifestyle changes
* whether or not they have experienced direct or indirect discrimination because of their age
* how they are faring emotionally
* if their unemployment is affecting their relationships.

We also encourage them to tell us their personal stories.

From this constant survey, we believe that age discrimination exists in the work-force.

Quotes from Members:

* *‘A Recruitment Officer said at an interview for a job, “But you are too old”. I had taken my age off my resume. Didn’t get the job.’* (Male)
* *The woman who interviewed me said that if the decision was hers she’d hire me but the government department had requested a younger employee. When I told her that was discrimination she said she knew this but if she objected to the criteria she could lose her job.*
* *My case manager at the job search agency told me I could not expect to get work because, quote, “You’re too old to learn anything. I was shocked .*

The following came from a woman who is not a member but was upset and wanted to know what to do.

* *I was unemployed for 2 years and 3 months. My husband needs a heart and lung transplant so we had no income. About 3 months after I got work, I and another young woman were asked to screen resumes because the company was going to hire new staff. Our boss told us to read the birthdates and “chuck out all from people who were over 40. I am only 29 and I’m scared that if I say anything I’ll get fired.*

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

Our members say that being told or treated as if you are too old affects their self-esteem and in many cases the constant knockbacks and unemployment have led to anxiety and depression. Some have contemplated and a small number have attempted suicide.

**NOTE:** Please see the supplied document: Member's Letter\_ 22nd Nov 2015.pdf

### **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**

Quotes from Members:

* *‘The company I worked for was taken over by another company and the new CEO told us they were now aiming to present a “more youthful image to the public.” A few weeks later I was fired, along with others. My 25 years of loyalty counted for nothing.’* (Male)
* *The newly appointed boss told us they were going to restructure and my job and that of others my age would no longer exist. I asked if we could retrain, to get skills needed for the new roles and he said this was not possible because, quote, “we know that old people can’t learn anything new”. I, and the five others are now on the scrap heap.*

**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**

* *The company I work for had just fired a lot of their older loyal employees and I was kept on to train new, younger women. The boss is about 20 years younger than I am but that was fine. We’d always got along and she seemed to respect me. We had always exchanged gifts and had good laughs. Then some of the younger ones began taking her to clubs, buying her lunch etc. If they didn’t listen during the training sessions or did a task incorrectly and I had to report this to my boss she just laughed and said I should make allowance for their age. Three of the young employees were disrespectful to me. After a couple of weeks they gave me the nickname of “old lady” and when I repeatedly asked them to call me by my name, they thought it was a big joke. At the end of the training (4 months) I was asked to give written assessment of all the new employees and when I did this honestly and fairly (in my opinion) the boss said she had to answer to her boss and he only wanted young employees now so my assessments should be “modified”. I refused to do this and my boss then said that she’d been told I was going to be “made redundant” in a few weeks so if I wanted a good redundancy package I should just do as I was asked. I stayed honest and would not change my assessments. I left with a small payout AND my* ***dignity****. I’ve now been unemployed for 8 months and the disloyalty of my boss still hurts me. I’m just 54!*
* *My case manager – at the job search agency said I was not suitable for any of the jobs they had listed. When I asked why she said that even thought I might think I have skills, the fact that I was old was not good.I told her that I was experienced and had a good references. She said if they thought you were so good, then why did they sack you? I told her the company closed and moved business off-shore but she didn’t seem to care.*
* *My case manager said my skills were not relevant in today’s job market but may have been good in the dark ages. Yes she said “the dark ages”. I was stunned and didn’t know how to respond.*
* *I finally got an interview after submitting hundreds and hundreds of job applications, via the computer and the old fashioned way of going directly to companies and asking to speak to their HR officers. Having been unemployed for 2 years and eight months I was excited about the prospect of getting work again. I had the skills required, as advertised and more. I dressed appropriately. When I walked into the room, the recruiting officer who greeted me was young. He looked shocked and said but you didn’t say in your application that you are old. And you don’t have your birthdate on your resume either. I expected someone much younger. Then he went through the motions of interviewing me but it was done half-heartedly. He did get up to escort me out of the room and I saw he was wearing faded jeans, sandshoes and a T-shirt. I refrained from commenting but I knew I would not get the job. I haven’t heard from the company since and I’m still unemployed 12 months later. I believe it was blatant discrimination but what could I do?*

A woman told us that she did the Food Handling course – provided by her Job Active Provider but even though she passed with 100%, she was not issued with a certificate. She kept asking for it and they kept saying they would send it out. She found an employer willing to hire her, but he needed to sight her certificate. She phoned again and even went into the office but the certificate was not available. They again blamed the trainer for not supplying it. When she asked to speak to the Manager, the young receptionist went into a room and the door was left partly open. Our member said she overheard the receptionist say *“It’s another of the old ladies complaining about not getting their certificate*”. She did not hear what the manager said but the receptionist came out and said they’d send a copy out in the mail. The certificate or copy never arrived and she missed out on the job. She said the employer was apologetic but he had to abide by the law. She is still unemployed.

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

Age discrimination, be it covert or open is a barrier to obtaining work.

Being unemployed is soul-destroying and many seriously contemplate suiciding. Our research shows that the longer someone is unemployed the stronger is the desire to end their life.

**NOTE:** Please see the supplied document: Suicide Piechart\_Dec 2014.pdf

**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**

Asset Rich – Income Poor

If someone applies for Newstart they are asset tested and many do not qualify for a Centrelink benefit.

This test does not take into account any of the costs that owning their asset incurs. These costs can be rates, insurances, bank fees and maintenance on rental properties; costs on a failed small business or even rates etc. on their personal home, if they used it as collateral for a business loan.

Hence the mature-aged job seeker is forced to use any savings they may have had and many have lost their homes. Some have even suicided, after they determined that their life insurance would pay out on suicide.

Being deemed Asset Rich, Income Poor has been described by one man as “having a noose around my neck and being hanged for working hard all my life, paying taxes and saving for my retirement.”

No benefit means no help to find work. A “self-funded” unemployed worker can self-refer to an agency but they are not being given any help to find work. One member was told he could read their paper and use their computer but that was all they could do for him. When he asked why he was told it was because the government does not give them any money to help people like him who fit into the Stream A category.

There are also barriers when it comes to reskilling or retraining. If you aren’t on a benefit you don’t qualify for education assistance. If you already have a certificate or degree you are denied assistance.

The following is taken from information provided by our members, relating to Centrelink:

* A Centrelink officer told a 62 year old man “We just need to find you a benefit to keep you going until you get the age pension. There’s no need for you to actively look for work”
* Another told a 56 year old woman “We let people over 55 do Volunteer work because they don’t have much chance of getting a paid job”
* *“Different staff told us different criteria when we were applying for a small benefit. One staff member said we should not tell them the full value of our properties because this would help us get a benefit. We told the truth.”*
* A lot of members say they were not told about the Low-Income Health Care Card.

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

**Incentives**

During the many years of working, mature-aged workers have gained a strong work ethic and many skills, such as problem solving and motivation. These skills can be shared with younger employees in a mentoring / job-sharing programme. Many of our members say they would be happy to only work two or three days a week, allowing younger workers to also have employment.

**Disincentives**

Younger people get paid lower wages.

### **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.**

* Bunnings and many small businesses employ older workers. Several Managers of Bunnings stores have told us they appreciate the life and work-gained skills of older worker and the way they are keen to help not only customers but other employees, especially the younger ones.
* A small business owner asked us if we could help him find a mature-aged worker. He’d had another day of is young employee not turning up and not letting him know in advance. He was upset and said he’d had 4 employees in 6 months (sent to him by the Job Active Provider). We sent the job-description to our members and a few months later received the following: *“Thanks for Joe. He’s worked fine. After a week, I felt I could leave him in charge while I did the service calls and when I get back he’d not only done the work I’d asked him to do but he’d started tidying up the place. His motivation is very good. He learns quickly. And he said he’d like to teach some others – young and old. We’re planning this now. And I’ve told my friends who have businesses about how good Joe is and they want to have some older employees. Can you help them?”*

This business owner wants his privacy protected but he’s now helping other small businesses set up mentoring programmes. And he refuses to take payment for it. Says the country (Australia) has been good to him so he wants to repay the country by helping people get work.

### **Solutions**

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

1. An education campaign about the value of older workers and about discrimination of same.
2. The discrimination laws need to be reviewed and made more user-friendly.
3. If discrimination occurs, there should be a meeting established with the employer to discuss discrimination in general – while protecting the employee’s identity. Many of our members say they are/were too scared to report discrimination. One member did report discrimination and the matter was dealt with by the authorities and resolved. Three months later he was fired and his boss said that’d teach him to complain and he’d never get work in that industry again. But he had no way of proving his boss said this because no other staff were present. He has not been able to get work in the industry since.
4. Revision and amendment of the criteria for the Restart scheme. Currently this incentive is **only available** to employers if they employ a mature-aged unemployed worker **who is currently receiving a Centrelink benefit**. This criteria is a barrier to those who are “self-funded” being able to gain employment.

Restart should be available to all who have been unemployed for 6 months.

Please see the supplied document: Letter\_Sen. Abetz\_19th Aug 2015.pdf.

Please **note the highlighted** sentences.

W.O.W!’s research shows that those who are receiving Newstart are better off financially (with disposable/accessible funds) than those who are self-funded and whose assets are not earning them an income. IE Asset Rich-Income Poor.

From the government website for Employers:

To receive this wage subsidy, you need to employ a job seeker who is:

* 50 years of age or older
* unemployed and on income support for six months or more
* registered with a jobactive or Disability Employment Services or Community Development Programme provider.

Ref: <https://www.employment.gov.au/restart-help-employ-mature-workers>

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

Mentoring / Job-sharing would provide employment for more people.

If a worker has to be a care for an elderly parent, specialised help should be given to them to re-enter the workforce and they should be able to keep their Health care card until they are financially stable.

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

1. Revision and amendment of the criteria for the Restart scheme.
2. The Government provides assistance to employers to implement a Mentoring Programme. This could replace the wage subsidies and Restart payments. All governments at all levels could lead the way by example.
3. All unemployed workers be issued with a Health Care Card if they have not secured a job with a liveable wage after one month.
4. Low cost loans be made available to job seekers with assets. Similar to the HECS scheme, the recipient would begin repaying the loan only after full-time employment is gained.
5. Centrelink to have more flexible guidelines to help people in a crisis.
6. Every Centrelink office to have a person trained to deal with the issues facing unemployed older workers.
7. All unemployed and under-employed workers, who are seeking work, need to be registered and counted in the unemployment figures.
8. Job Active Providers need to be better supervised, or their role be returned to Centrelink. Reinstating the Commonwealth Employment Service is the preferred option of our members.
9. More appropriate help and training needs to be provided for older workers.
10. Affordable Broadband internet services needs to be available to all job seekers, in their homes.
11. Volunteers should not be used to replace paid employees.
12. A taxation review regarding the selling of assets.
13. Newstart be increased at least to the Poverty level.
14. The costs associated with owning Assets be taken into account when being assessed for a Centrelink benefit. (rates, insurances, mortgages etc)
15. Work for the Dole: Use older workers who are currently unemployed as paid Supervisors. The WFD scheme should be a mentoring opportunity/programme.
16. The point at which a Healthcare Card is no longer available needs to be reviewed. Workers who find some casual work (often on their own, not through a Job Active Provider) are penalised by Centrelink cancelling their Health care card. This means that medications etc are more expensive and can be a disincentive for some people to do casual, low hours work.
17. Health Care Card should allow people to claim concessions on Rates and all utilities. Currently Rates concession is only available to Pensioner card holders.
18. The policy of making people register for Centrelink benefit via the internet be abolished because this discriminates against those who are not computer literate and/or those who cannot afford to have the internet in their home. The Internet services provided by libraries and Hubs is inadequate for both job-seeking and dealing with Centrelink. Long waiting lists and poor connection speed.
19. Uniformity of age across all states re Workers Compensation – needs clarification. Workers compensation should cover all employees, no matter what their age.
20. If a mature-aged worker is injured they are only covered for 12 months. If younger, they are covered for up to 5 years income.
21. Reform the tax laws so it is not better for a company to hire contract labour than it is to have permanent, long-serving staff.
22. The laws relating to Income Protection Insurances should be reviewed to cover all people employed, not just until they reach the age of 65.
23. A Senate Inquiry into Job Active Providers. An employee said she was told the following, relating to a client aged 58: “We’re not helping him get work. We just need to keep him coming in to see us until he gets the age pension.”
24. A Senate inquiry into Centrelink.
25. If the government is considering abolishing Negative Gearing, they should only abolish it for those landlords who are deemed to be very wealthy.
26. Many who did our survey say their Landlord can only afford to keep their rent down and keep up maintenance on their properties because they negative gear.
27. Some of our members have rental properties and rent to students, single mothers, unemployed and others on welfare or low or no income, giving these vulnerable people good quality, safe housing at an affordable price. If negative gearing is abolished, many will have to either increase their tenant’s rent or sell their property.
28. Capital Gains tax also cripples the unemployed and underemployed, who have investments and have been forced to sell them, just to survive financially.

**Summary**

If financial help is given to older workers*,* in the early stages of unemployment, to assist them to survive financially while they are searching for work, it will help them to retain their savings and investments. In turn, it will give them a greater chance of becoming self-funded retirees, rather than being fully reliant on welfare benefits in later life. This, in the long run, will save taxation dollars.

Unemployed older workers are certain to be condemned to a life of poverty if urgent action is not taken to restore their basic human rights. Society’s attitudes and those of employers and job search agencies, towards the mature-aged must change. An urgent review of Centrelink’s regulations and attitude is needed as well as greater flexibility granted to Centrelink when assessing an application, thus allowing them to help in cases of severe hardship. Without such action the unemployed mature-aged workers’ future is bleak, with homelessness, starvation, and thoughts of suicide a common reality.

Submission prepared by:

Marilyn King

President,

Willing Older Workers W.O.W! Incorporated