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

# Submission No 54

**Name** Withheld

**Submission made by**

[x]  Older Australian looking for work

# Submission regarding Older Australians

### **Your experience**

**Have you (or the person you are submitting on behalf of) experienced employment discrimination?**

[ ]  Yes

[ ]  No

[x]  Not sure

**Did you take any action in relation to the employment discrimination you experienced?**

[ ]  Yes

[x]  No

**Please tell us more, for example, what action you took and how effective you felt it was; or why you chose not to take any action.**

I feel that taking action would be detrimental to me seeking employment with the organisation.

**Did your experience of employment discrimination impact on your participation in the workforce? (For example, did you have to stop work, change jobs or take sick leave?)**

[ ] Yes

[x] No

### **Barriers**

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

[x] Yes

[ ] No

[ ] Not sure

**If yes, or not sure, what do you think these barriers might be?**

Barriers put in place older Australians for whatever reason, it may be the length of time they have remaining in the workforce versus a younger person who has many more.

The opportunity is there for a large number of organisations, sometimes using the guise of compiling information about diversity in the workplace, to actively discriminate against older Australians/disabled and Aboriginal/Torres strait islanders.

In Summary information gathered early in an application, the early part of the selection process can exclude some-one when the information is not required.

Looking at my upload for example are compulsory questions going to older Australians/disabled and Aboriginal/Torres strait islanders - my concerns are - are applications part of any reporting process and, yet if true diversity was measured why is there no box to tick re male/female?

**Does employment discrimination have an impact on gaining and keeping employment for older Australians/Australians with disability?**

[x] Yes

[ ] No

[ ] Not sure

**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**

1- Yes, some employers (e.g. **[redacted]** from memory) ask for photo copies of passport or birth certificate to prove a right to work in Australia as part of the selection process. It is all about timing of when the information is asked for; if it is asked before appointment then potentially the information can be used and I believe it is to discriminate on the basis of age. It is obvious that if the advertisement says or you acknowledge that you do have the right to work in Australia that proof should not be required until and if a person is offered the position.

2- So called reporting of diversity, allows as I highlight above the compulsory answering of questions that clearly may lead to discrimination, e.g. how old are you? and if you don't want to say then you need to , "prefer not to answer"

**What are the incentives and disincentives for older Australians/Australians with disability to work?**

**Incentives:**

At this time, because superannuation only came in in 1992 at 3% and with the reduction in the aged pension most older Australians have insufficient funds to retire and so need to work.

**Disincentives:**

Age discrimination under the apron of compliance or reporting to laws / practices / attitudes.

### **Good practice**

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

[ ] Yes

[ ] No

[x] Not sure

### **Solutions**

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

1-Outlaw, or at least point out, from my examples above that, if proof of age, ability to work in Australia, answering diversity questions needs to be done after a candidate has been selected to avoid the chance that discrimination will occur. The issue is that you will never know who isn't called for a position vacancy while these questions remain.

2- I was amazed to hear from the department they they have no powers to start their own investigations without a complaint AND the complaint cannot be confidential. So who would make a complaint because it is a sure way never to be employed by that company. There should be some kind of panel and a set of criteria that allows for the Anti discrimination person to activate its own investigation.

It would be interesting in the **[redacted]** example I gave you to ask them to do an audit on their diversity reporting and find the ages, disabilities and aboriginal/Torres Straites islanders that have been employed, and or interviewed in their quest for diversity. Surely if you just asked, as a public company they would be happy to give you the results (can't hurt to ask). If may be that their company report gives the answers REMEMBER though the information they are collecting is for people who apply so you would think they'd report applicants. - they may do, I don't know.

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

See my solutions above + set up a panel - I'd be happy to participate.

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

A seriousness that the department will stand up for older Australians and may investigate under its own power.

Other than government incentives, which are already in place, is there something else that can make "us" more easily employed.