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

# Submission No 98

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**Submission made by**

[x]  Older Australian looking for work

☒ Carer/family member of Australian with disability

# Submission regarding Older Australians and Australians with Disability

### **Your experience**

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

[x]  Yes

[ ]  No

[ ]  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 took action through the trade union that I had paid into and been active in for 13 years which was supposed to support me. Instead, the trade union representative took the side of the employer and spoke about my case behind my back to other members. Obviously, the action I took was ineffective. If I had known about Fair Work Australia or other organisations that could have advised me, I could have approached them for more appropriate assistance. They would not have been negotiating between two or more union members, two against me in executive positions with the employer.

**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?)**

[x] Yes

[ ] No

**Please tell us more**

After several months of long service leave and unpaid sick leave in 2012, my employer chose to try and deem me incompetent by placing me on an improvement program that would have been impossible to pass at the time because I was not well. My doctor wrote a letter to my employer stating that the best solution would be to ease me back into work part-time, possibly three days a week; however, my employer said that did not work. She was not interested in splitting a workload between two people, even though she had done this for other people who were struggling with medical conditions. Therefore, I had no choice but to resign because I knew I was not well enough to continue in a full-time role. My employer said I had made a wise choice because I had many skills that could be put to use elsewhere! The next day I was replaced in my permanent public service position with someone half my age who had been working in a casual position. I have not been able to obtain full-time work anywhere ever since.

### **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?**

There are hidden disabilities, sometimes medical conditions, that employers do not understand and nor do they want to understand. They seem to prefer young, healthy people in jobs who can work long hours with often unacknowledged overtime. There is also the stigma association with the word ‘disabilities’. It focuses on the disability rather than the ability of an applicant. Sometimes employers may think a person with a disability might require costly renovations to the workplace. Ignorance is a factor.

**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**

The Anti-Discrimination Act is meant to prevent such discrimination; however, my experience has been that employers have become very good at manipulating the guidelines. For example, if an older person were to submit a CV designed to showcase many years of experience, the CV could be cast aside during the first cull into the “too old” pile. Experience doesn’t matter anymore. Skills and qualifications are the latest buzzword, according to employment agencies. Even if skills and qualifications were obtained recently, and if an older person meets selection criteria and is called for an interview, upon arrival age is noticed (no matter how well one might try to hide it) so there is nothing beyond the interview, not even a thank you for applying letter in some cases. When you call for feedback, the interviewer is unavailable. I have even written asking for feedback but not received any response. So, there is not only discrimination; there is total disrespect and rudeness as well.

I applied for a 12 month relieving position at **[redacted – public sector agency]**. It was identical to a position that I had held there previously in 1995. As a result, I was able to meet all the selection criteria because I had done the job; however, my application did not get past the HR Department. I asked for feedback. I was told there wouldn’t be any because there were 78 applicants for the job. I wanted to know why I didn’t at least get an interview. Even **[redacted – public agency]** is now above accountability to applicants it would seem.

I also applied online for a local job with **[redacted]**. There was a box to tick in the application asking to which age group I belonged. I ticked the 55-70 box. Of course, I didn’t get an interview for a job I was qualified to do. I wrote a complaint to the Anti-Discrimination Commission. There was a response. The **[redacted]** had changed that age group box to a “voluntary” question so there was no discrimination associated with asking the question. My question is still why is that question necessary at all? Shouldn’t employers be looking for the right person to fit the job, despite age, gender et cetera?

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

**Incentives:**

Obviously, there is the importance of being paid for the work one is able to do. I am single and almost 60 years old. I have been working since I was 16. I do not have a partner and so I need to pay my own way for everything. Working provides my sense of security and there is much enjoyment in simply ‘’doing a good job’’ in a profession that you enjoy and that you are qualified to work within. Voluntary work is useful but only if it is leading to a paid position. No one wants to be doing less than they are capable of doing because supervisors think you aren’t competent at anything simply because you are a volunteer.

**Disincentives:**

As one gets older, there seems to be a culture promoted by the federal government via Centrelink that voluntary work is acceptable as a precedent for receiving New Start Allowance. New Start Allowance barely pays my rent. I have been working since 1975 across a range of industries. I have an arts/education degree. CRS sent me on “work experience” at an NGO welfare agency, where I was given photocopying to do for five hours a day. I raised my concerns with CRS because I was getting RSI from the type of work I had once been given in an officer as a school leaver. I was told it was “good experience” designed to help me get a job. Nothing came out of that “experience”.

I would add that the idea of trading off casual work earned against Centrelink allowance is also a huge disincentive. I was able to work for the Australian Electoral Commission for two weeks before the federal election. After not working for such a long time, earning about $400 a week felt like winning the lottery. Unfortunately, I made a mistake with the complicated calculations that Centrelink expected of me in relation to this pay and New Start Allowance. I was advised that I owed $300 and it would be deducted from my New Start, so I literally worked a week for the dole, not to make anything extra that could go towards utilities bills that need to be paid, alongside other expenses that New Start doesn’t take into consideration. Even the Business Council of Australia has stated that New Start Allowance is too low. It is around $250 less per fortnight than the disability pension; yet people on New Start are meant to waste money applying for jobs that they have no hope of getting an interview for and they need to be presentable for any interviews they do get, half the time without even being able to pay for a haircut or the transport to the interview.

### **Good practice**

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

[x] Yes

[ ] No

[x] Not sure

**Please tell us of examples of good practice in employing and retaining older Australians/ Australians with disability in work that you are aware of.**

The federal government does offer incentives of up to $10,000 for employers to take on older people; however, I don’t know of any cases where there has been an interest in this. It was mentioned to me by [redacted–employment agency]; however, I have been with them for months and I have not been offered any opportunities to apply for any jobs through them. I was with CRS for two years before this. Aside from the “work experience” I was offered nothing. At a state government level, TAFE used to have good practice for employing people with disabilities; however, that is now being privatised and the practices are changing to deal with competition from private

educational providers.

### **Solutions**

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

There needs to be an educational campaign designed to reach private employers.

Government human resources departments need to be more vigilant in recruiting older Australians and people with disabilities. Perhaps there needs to be a quota system in operation.

Human resources agencies need to employ a person who ensures they are not discriminating against older Australians and people with disabilities through the client and job application process. I have applied for positions through agencies. My CV has been scrutinised by dozens of professional people. I’ve been told it is exemplary; yet, I responded to an advertisement through an agency for a casual court transcriptionist. There were several positions and the agency said they needed people urgently. I worked in a very similar position with ICAC in the 1990s. I met the speed typing requirements. The position also required “good English skills”. I have an English degree. Within hours of sending my application, I received an email telling me I had been unsuccessful. No reason. Am I not to assume they didn’t want someone of my age with experience? Who chose the applicants for interview? This is where the discrimination is occurring. So far, I have not been able to get past the gatekeepers.

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

* Mandatory quota of positions set aside in all government departments for older Australians and people with disabilities, as is the case for positions that target Aboriginal and Torres Strait Islander persons.
* The same as above for NGOs who receive any sort of government subsidy
* A public relations/advertising campaign to encourage active policies for employment of older Australians in government and private enterprise. This could include advocates visiting CEOs to highlight the benefits of employing older people.

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

My personal outcome is to get back into full-time work as soon as possible. Another 10 years on New Start Allowance until I am 70 is not my idea of living.

I would like to see a concerted public relations campaign designed to assist older Australians. Several PR companies and advertising agencies take on pro bono groups. I am sure there would be many older Australians who would be willing to work with these organisations to tell their stories and otherwise to dispel the myths and stereotypes that are currently dominating the thinking of employers.

I would like to see the federal government gain some understanding of the frustration many older Australians are feeling. A bit of empathy wouldn’t go astray. It is demoralising to read responses from the government that state they need to “crack down on welfare” and especially on “dole bludgers”.

I would like to see the media stop perpetrating the myth that anyone on welfare is a “bludger”. I don’t know anyone who is on New Start Allowance or even a disability pension who wouldn’t rather be working, earning a salary, and contributing to the advancement of our nation, economically or otherwise.

I would like to see policies of anti-discrimination being actively implemented in government departments and private enterprise.

I would like to see government financial incentives to private enterprise continue but in a way that is more generous and more accountable.

I would like to see quotas introduced; meaningful jobs that specifically target older Australians who are desperately in need of work.

I would like to see more empathy for older people who would like more flexible part-time work because of medical conditions; for example, cancer. As with any disability, medical conditions can be well managed. I would like employers to be educated about this type of condition, so they don’t just assume that a medical condition equates to too much time off work. The key is flexibility. If people can start to work from home, work hours that aren’t 9-5, with the aid of all the technology available today, then why isn’t this more widespread?

We must become a 21st Century nation that uses the technology available to us more efficiently.