

4<sup>th</sup> December 2015

## **Willing to work: National inquiry into employment discrimination against older Australians and Australians with disability**

### **SUBMISSION TO THE AGE AND DISABILITY DISCRIMINATION COMMISSIONER, AUSTRALIAN HUMAN RIGHTS COMMISSION**

economic Security4Women (eS4W) wishes to make the following points to the Age and Disability Discrimination Commissioner about practices, attitudes and Commonwealth laws that deny or diminish equal participation in employment of older Australian women and Australian women with disability.

We argue that the obstacles faced by older women and women with disabilities in actively participating in the workforce are different to those faced by men, because of the pre-existing barriers based on gender stereotypes and because of their different work patterns related to accommodating unpaid care work and request that the Commissioner takes these into account in her deliberations;

We agree that discrimination (direct and indirect) against older women and women with disabilities in employment is a systemic problem and a considerable barrier to their enjoyment of human rights and particularly their lifelong economic wellbeing. Indirect discrimination results from employers acting on assumptions that are based on inaccurate gender stereotypes and a failure to take into account the different work profiles of women.

Initial results from a recent survey of women's perceptions of their lifelong economic wellbeing<sup>1</sup> found

- half of our sample aged 50+ years were not confident in the amount of savings and other assets they had for a liveable income that will afford respect and dignity to the end of life
- more than half were worried about their financial future
- the main factors perceived to have contributed to any inability to achieve financial security for retirement were an increase in their unpaid caring responsibilities, divorce and a lack of decent work

We fully support the Australian Government's commitment to the promotion and protection of human rights of older Australians and Australians with disability but suggest this promotion and protection is targeted in such a way that recognises the particular situation of older women and women with disabilities. This situation needs to reflect the demands for women's unpaid care work and their different work patterns to accommodate these demands, especially their need for part time work and interruptions to their careers.

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<sup>1</sup> Full report to be published in early 2016

Unfortunately, many employers still assume that a part-time employee is not as committed to their work as a full-time worker and therefore less suitable for promotion or even access to training and development. This assumption needs to be explored and discussed in order to overcome one form of discrimination all women including older women face in the workplace.

Furthermore, many older women face barriers to employment as they try to re-enter the labour market after an absence to accommodate unpaid care work. One barrier is again assumptions employers may hold about the value of unpaid care work that are underlined by gender stereotypes. Another barrier is related to access to essential education and training to re-skill and up-skill, where existing and new cost barriers make this almost impossible for many.

We would like to remind the Commissioner about changes in the labour market that has seen a reduction in the availability of decent work especially permanent employment and the increase in casual employment and the use of short-term contracts. We suggest that the findings of the 2012 independent inquiry into insecure work<sup>2</sup> remain current. Further and in particular, the work of Veronica Sheen on the impact of insecure work on older women, outlined in a submission to this inquiry, remains useful.

Finally we would like to refer the Commissioner to research undertaken at Curtin University<sup>3</sup>. Reflected in the content of these papers is new theoretical and methodological knowledge relevant to the analysis of employment decision-making by mature age women. The project identified the relevance of new sets of factors that promote or hinder mature age women's retention in paid work. These include factors linked to the visibility of the women's contribution to the social project and which impact directly and indirectly (through wages) on the motivation to continue in particular paid work roles.

Overall, the results from the project indicate that the employment decisions made by mature age women reflect a complex interplay of economic, physical and social circumstances and are affected by the particular institutional environment in which they operate. In aged care, this environment is highly gendered and sometimes assumes a virtue ethic on the part of caregivers - that they will provide care to those in need, even in the absence of financial or other reward.

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<sup>2</sup> The Australian Council of Trade Unions commissioned this inquiry. Lives on Hold: Unlocking the potential of Australia's workforce was released in 2012.

<sup>3</sup> <http://www.curtin.edu.au/research/crae/projects/retaining-mature-age-women-workers.cfm>