Submission to Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability

Australian Psychological Society

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Executive Summary and Recommendations

The right to work, free from discrimination on any basis, is a fundamental human right. However, there is unambiguous evidence to indicate that people do not have equitable opportunities to participate in employment – and this is particularly the case for older people and people with disability.

Discrimination against older people and people with disability occurs both in relation to obtaining employment, as well as that experienced while in the workforce. This discrimination has both economic and social costs.

Successfully addressing employment discrimination therefore is likely to result in a number of benefits – not least getting more people into work is likely to boost the national economy via increased tax contributions and fewer social security payments. There are also well established links between employment and good mental health and wellbeing.

However, in addressing employment discrimination, it is strongly emphasised that it is not sufficient just to get people into jobs. Transitioning from unemployment to a poor quality job is actually more detrimental to mental health than remaining unemployed. In this case, the benefit to the national economy of having more employed people is potentially negated by the potential loss of productivity and heavier burden on services as a consequence of compromised workplace wellbeing. This highlights the importance of considering employee satisfaction in any attempt to boost and maintain workforce participation.

In conclusion, effectively addressing employment discrimination will require a multifaceted approach which includes community and employer education, effective legislation and government policies that create more, and increasingly flexible, job opportunities.

Recommendations:

The Australian Psychological Society (APS) recommends that:

- the Australian Government consider and better understand the influence and interplay between economic and organisational productivity and the experience of discrimination against older people and people with disability.

- the Government recognise and promote the many benefits for individuals, communities and the economy of a workforce that is reflective of the community make-up, in terms of gender, age, ethnicity, ability and religious background.
• the Government recognise the integral role of work in people’s lives, particularly in terms of their identity and self-esteem, but also acknowledge that work exists within a much broader context of people’s lives.

• the Government acknowledge that reducing the rate of unemployment is only one indicator of successfully addressing employment discrimination. Employee satisfaction and quality of life must also be taken into account.

• the Government recognise that the primary focus is not just about removing obstacles to employment, but about working with employers to create greater incentives for older people and people with disability to engage in the workforce (e.g. via providing more flexible work practices).
1. Introduction

The Australian Psychological Society (APS) welcomes the opportunity to make a submission to Willing to Work, the Australian Human Rights Commission National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability.

The APS is well placed to contribute to this Inquiry by identifying psychological research and best practice relating to discrimination against older people and people with disability.

Many psychologists work with older people and people with disability in their everyday work across a range of settings including schools, hospitals and in private practice. Psychologists have much to offer older people and people with disability, including specialised assessment, mental health intervention, skills training, pain management, positive behaviour support, communication techniques, and environmental strategies. Neuropsychologists, for example, work closely with people of all ages with memory and cognitive impairments to support them in all aspects of their lives, including employment. Organisational psychologists employ a broader approach by promoting wellbeing in the workplace, and supporting employers to provide optimal environments and to be inclusive of a diverse workforce.

The negative impact of discrimination on the health and wellbeing of individuals, groups and communities is of great concern to the APS and its members. Psychologists often work as researchers and/or service providers with individuals and groups who experience discrimination, seeking to both prevent discriminatory behaviour as well as address its impacts.

The APS Code of Ethics states that:

A.1.1. Psychologists avoid discriminating unfairly against people on the basis of age, religion, sexuality, ethnicity, gender, disability, or any other basis proscribed by law.

A.1.2. Psychologists demonstrate an understanding of the consequences for people of unfair discrimination and stereotyping related to their age, religion, sexuality, ethnicity, gender, or disability.

The APS also acknowledges that discrimination towards older people and people with disability is a human rights issue. As noted in the Commission’s discussion paper, the right to work, free from unfair discrimination on any basis, is a fundamental human right. Individuals who are denied the right to work are denied the independence, dignity and sense of purpose that work brings. And in particular, the right of people with disability to work, on an
equal basis with others, is protected by article 27 of the Convention on the Rights of Persons with Disabilities.

2. Responding to the Inquiry

The APS commends the Australian Government and the Australian Human Rights Commission on jointly bringing this important issue to the attention of the community. The APS acknowledges that this Inquiry is huge in scope, and encompasses employment-related issues for people across the life-course, and in relation to recruitment, retention, returning to work and retirement.

While many issues will be very similar for older people and people with disability, there are also very different and specific concerns for each target group respectively. This is further compounded by the wide diversity within both groups. This submission will thus address the general issues and concerns, and use examples as appropriate to highlight any specific matters.

This submission will focus on those issues of particular relevance to psychology and psychologists. The APS potentially offers a unique and important perspective to this discussion - particularly around the mental health of those who experience discrimination, and of those who are under/unemployed, and in the experience and role of psychologists in assisting people both in and out of the workforce. The APS has particular expertise in relation to the experiences of people as they age, and of those who have an acquired brain injury (ABI), intellectual disability, psychiatric disability, and post-traumatic stress disorder. In addition, the APS is concerned about the psychological implications of government policies that may serve to pressure or keep people in the workforce against their will or best interests.

Due to the general nature of the Terms of Reference, as stated below, they will not be addressed individually in turn. Rather a national context for this Inquiry will be provided, along with evidence for the important role of satisfactory employment in creating and maintaining identity and consequently good mental health. Subsequent issues addressed include evidence for the effectiveness of strategies that address employment discrimination.

The Terms of Reference

As outlined by the Commission, the Terms of Reference have regard to:

- the obstacles faced by older persons and persons with disabilities in actively participating in the workforce;
• discrimination against older persons and persons with disabilities as a systemic problem and a considerable barrier to their enjoyment of human rights;

• the economic and social costs, and the costs to productivity, that result from discrimination against older persons and persons with disabilities in employment; and

• the Australian Government’s commitment to the promotion and protection of human rights of older Australians and Australians with disability.

3. Experience of Discrimination

As described by the Australian Human Rights Commission, the APS understands that discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. The focus of this Inquiry is on discrimination that occurs in the context of employment for older people and people with disability. Employment discrimination may be direct (e.g. an older person was not hired because they were considered too old by a prospective employer) or indirect (e.g. a workplace is not accessible to a person in a wheelchair).

The effects of discrimination can be compounded by multiple forms, sometimes referred to as double or triple jeopardy. So, for example, when people with disability get older, or older people and people with disability are also subject to racism, sexism, and/or heterosexism, the negative consequences of that discrimination can increase exponentially.

Older people

By 2050, 22.7 per cent of the Australian population will be aged 65 years and over, compared to 13.5 per cent in 2010 (Commonwealth of Australia Attorney General’s Department, 2010). Ageing is a normal biological, social and emotional process which is often experienced as positive, contrary to prevailing and inaccurate negative stereotypes about older people.

Media stereotypes have contributed to a view of the ageing boom as a burden, with older people (in the same ways as people with disability) often portrayed as dependent recipients of government benefits, not engaged in the workforce and heavy users of health care services. However, disability (e.g. depression, dementia and ill health) is not inevitable in older age, and older people who are not in the workforce make many important contributions to society, for example as informal carers and volunteers (APS, 2000).
People with disability

In Australia, approximately one in five people report having a disability. Media stereotypes have contributed to a view of disability as a burden, with people with disability often portrayed in similarly distorted ways as are older people.

Disabilities are commonly referred to as being physical, mental and/or intellectual, which relate to the type of impairment a person has (e.g. physical, psychiatric, or cognitive). The APS recognises that it is not the impairment itself that creates the greatest vulnerability, but rather the inequitable structures and systems within which people with disabilities are embedded. This perspective is commonly known as the social model of disability and is well articulated in the WHO World Report on Disability (2011). Structural discrimination against people with disability compounds ongoing barriers to social and economic participation.

In accordance with the social model of disability, the APS acknowledges that while individuals may have psychological and physical impairments, it is often the environment itself (built and social) that contributes significantly to the experience of disability, in that it is unable to accommodate for people with impairments.

4. Australian Context to the Inquiry

With the well documented and anticipated decline in the proportion of people of ‘working age’, there is an economic imperative to think about how to increase the number of people in the workforce. Given that the number of unemployed people vastly outnumbers the number of jobs available (ABS, 2014), continued efforts to boost economic growth and create jobs are required.

The economic bottom line is that more people working means increased tax contributions and fewer social security payouts. This Inquiry provides the opportunity to open up an important discussion about the problems associated with policy that may inadvertently disadvantage those who are already vulnerable. Active labour market programs risk shifting responsibility onto individuals and simultaneously blaming them for failing to (re)enter the workforce and for their own misery or impairment.

Research has demonstrated that mutual obligation programs such as ‘work for the dole’ do not lead to employment, and can in fact hamper efforts to get a job (Borland & Tseng, 2011), not to mention being detrimental to health and wellbeing. In relation to disability support pensions, the role of government should not be about directing vulnerable people into paid employment for its own sake, but providing them with appropriate support in
the form of financial assistance and an enabling environment that may or may not lead to employment as an end goal.

Accompanying the drive for increased productivity is evidence of increased job insecurity and casualisation of the workforce, competition for jobs and the increasing demand for qualifications. All these factors can serve to discriminate against older people and people with disability.

Ranzijn (2005) argues that the central issue is not about the increasing mean age of workers, or the presence of impairments, but whether productivity can be maintained. Thus employment discrimination is not necessarily a result of negative attitudes, but rather it has been induced by the increasing pressure on employers to maintain profitability and effectiveness, i.e. the result of a cost/benefit analysis (Ranzijn). However, it could also be argued that the need for productivity has been used to disguise underlying discriminatory perceptions and stereotypes about the capacity of older people and people with disability.

One impact of discrimination, and the ongoing exclusion of certain groups from employment, is that it decreases the diversity of the workforce, which is associated with reduced productivity. There are many benefits for individuals, communities and the economy of a workforce that is reflective of the community make-up, in terms of gender, age, ethnicity, ability and religious background (Fassinger, 2008; Mannix & Neale, 2005). A number of major corporations are involved in initiatives to boost the diversity of their workforce – particularly the proportion of women and older employees. Such initiatives aim to increase workforce participation by providing more flexibility for workers in relation to part-time and flexible hours. These initiatives are explicit about the economic benefits of such an approach. However there are likely to be many social and psychological benefits as well.

**Prevalence of employment discrimination**

The labour force participation rates of older people and people with disability in Australia are lower than those of their younger and non-disabled counterparts, which is an indicator of discrimination.

As described in the Issues Paper, “As a proportion of the whole population, one out of three Australians over 55 participate in the labour force” (p.5), accounting for 19% of the total labour force. Labour force participation declines with age and the unemployment rate of Australians aged over 55 is rising.
For people with disability, in 2012, the labour force participation rate was 52.8%, compared with 82.5% for people without disability (Australian Bureau of Statistics [ABS], 2015). This figure has changed very little over the past 20 years. The unemployment rate for people with disability in the same year was 9.4%, nearly twice the rate of 4.9% for people without disability (ABS).

In addition to labour force statistics, there is much other evidence to indicate the presence of employment discrimination. A recent prevalence survey conducted by the Australian Human Rights Commission about age discrimination is one example of this (AHRC, 2015). This survey found that:

- over a quarter (27%) of Australians aged 50 years and over indicated that they had experienced some form of age discrimination on at least one occasion in the workplace in the last two years.
- a third (33%) of people who had been discriminated against gave up looking for work as a result of experiencing age discrimination.

Recommendations:

- That the Australian Government consider and better understand the influence and interplay between economic and organisational productivity and the experience of discrimination against older people and people with disability.
- That the Government recognise and promote the many benefits for individuals, communities and the economy of a workforce that is reflective of the community make-up, in terms of gender, age, ethnicity, ability and religious background.

5. Work and Identity

As articulated by Blustein (2006), work (a) provides people with a sense of identity, (b) has unique personal meaning to each individual, (c) allows individuals to contribute to the welfare of their social and cultural groups, and (d) is a constant that connects us to other human beings.

Many traditional ideas about ‘work’ and ‘non-work’ are culture-bound. In Western cultural contexts the determination of one’s daily activities is accompanied by a sense of one’s ‘value’ as income earner, provider and responsible - and successful - member of society.

In acknowledgement of the important role of work in people’s lives, US psychologist Professor Nadia Fouad has drafted practice guidelines for Integrating the Role of Work and Career Into Professional Psychology
Practice. The guidelines illustrate the multifaceted nature and influence of work in our lives:

1. Psychologists strive to have an awareness of the pervasive impact of work on an individual’s identity and quality of life.

2. Psychologists are encouraged to be aware of the influence work has on behavioral, emotional and physical health, as well as the influence of health on work.

3. Psychologists are encouraged to understand the role of work transitions across the lifespan.

4. Psychologists strive to understand how socio-culture factors, such as gender, ethnicity, socio-economic status, sexual orientation, gender expression and identity, disability status, age, nationality, immigrant status, and urban/rural residence, may influence the pursuit and experience of work.

5. Psychologists strive to understand how the individual negotiates multiple life roles, including that of the worker.

6. Psychologists strive to understand how economic and social factors impact opportunities for and barriers to employment, and subsequently alter one’s career trajectory.

As well as acknowledging the important role of work in people’s lives, it is also important to adopt a broad perspective about work and to acknowledge the multitude of contextual factors that influence people’s experience and perceptions (Adams & Shultz, 2007).

Recommendation:

- That the Government recognise the integral role of work in people’s lives, particularly in terms of their identity and self-esteem, but also acknowledge that work exists within a much broader context of people’s lives.

6. Employment and mental health

In addition to the integral role of work (whether paid or unpaid) in people’s lives, paid employment is also associated with better mental health (Butterworth et al., 2011; World Health Organization, 2002). However, the

mental health benefits of employment only apply to good quality work, which is characterised by:

- A decent minimum (living) wage
- Having control over work
- Being respected and rewarded
- Being provided with good quality workplace supports and services (Occupational Health and Safety policies, flexible work options etc.)

For older people, ‘bridge’ employment, or a staged transition out of full-time work in later life, is associated with better mental health (Zhan et al., 2009).

7. Unemployment and mental health

Unemployment is associated with and causes individual distress and physical and mental health problems such as anxiety, depression, negative self-esteem, dissatisfaction with life, social dislocation, community dysfunction and population morbidity (Classen & Dunn, 2012; Jefferies et al., 2011; Kiely and Butterworth, 2013; Kim et al., 2012).

The experience of unemployment is inextricably tied to poverty and disadvantage, and is thus complex to understand and address. It is important to distinguish between association and cause; while long-term unemployment may be associated with poor health, it is likely that poverty and stigmatising models of delivering unemployment benefits and services, along with the experience of not being employed, contribute to these poor outcomes. Those who are unemployed are increasingly vulnerable to worsening living conditions (poverty) and further stigmatisation due to punitive welfare approaches and budget cuts in areas of health, housing and education.

Furthermore, the experience of seeking and not obtaining work is typically detrimental: there is evidence that unemployed people more committed to employment are most at risk of the negative mental health consequences of unemployment (Warr, 1987).

However, as indicated in the section above, gaining employment alone is not sufficient to achieve mental wellbeing. Rather, employment must be good quality and meaningful. Research shows the transition from unemployment to poor quality jobs is more detrimental to mental health than remaining unemployed (Butterworth et al., 2011) and this is particularly so for young people (APS, 2000; Thomas, 2014).

Together this research indicates that, for mental wellbeing, it is not sufficient just to get people into jobs. It is likely therefore that the benefit to the
national economy of having more employed people is potentially negated by the potential loss of productivity and heavier burden on services resulting from compromised workplace wellbeing. This highlights the importance of considering employee satisfaction in any attempt to boost and maintain workforce participation.

Recommendation:

- That the Government acknowledge that reducing the rate of unemployment is only one indicator of successfully addressing employment discrimination. Employee satisfaction and quality of life must also be taken into account.

8. Addressing discrimination

Discrimination against older people and people with disability occurs both in relation to obtaining employment, as well as that experienced while in the workforce. Discrimination can also be direct or indirect. Therefore to successfully address discrimination, it is important to consider at what level it is taking place (e.g. individual, organisational, societal) as well as where it is occurring along the employment journey (e.g. during recruitment process, access to promotion, redundancy etc.). It is likely that a multi-faceted approach will be required which incorporates improving individual skills, creating support networks, community education, policy reform (e.g. subsidies) and legislation. Strong government leadership and role modelling in relation to having representative and diverse workforces is also essential.

In the context of older workers, a multi-faceted approach is well illustrated by MacDermott (2014, p.90):

Equality legislation clearly plays an integral role in providing older workers with an avenue for redress, and its supporting educational and promotional campaigns can over the long term contribute to bringing about attitudinal change to the employment and retention of older workers. However, other targeted measures are required to move from an expectation of extended workforce participation for older workers to actively facilitating such participation.

The APS has identified several approaches that may be useful to address employment discrimination.

A whole-of-life approach which promotes inclusion

In considering strategies to address employment discrimination, the APS is supportive of embracing a whole-of-life approach. Many strategies may serve to not only support older people and people with disability, but many other
people and groups. Providing flexible working arrangements, for example, will be attractive to younger workers (new recruits) as well as people with parental/caring responsibilities (Holian, 2015). Government and organisational policies are required that are inclusive of all ages and stages (e.g. a workplace health and safety policy which addresses risk management for all employees).

If organisations were inclusive of all people at all life stages, there would be no need for programs to specifically attract or retain older workers (Holian, 2015) or people with disability. There is a need to be proactive in relation to promoting positive work environments whereby employers can provide meaningful and flexible employment opportunities.

**Community and employer education**

Attitudes are one of the most significant barriers facing older people and people with disability. Ageing and disability are seen as problems, and most often these attitudes are based on ignorance and misconceptions. There is an urgent need for more effective community and employer educational campaigns to dispel myths about ageing and disability, and to challenge the stereotypes.

One example might be to adapt and extend the ‘Racism: It Stops With Me’ Campaign (https://itstopswithme.humanrights.gov.au/) to other forms of discrimination. A lot of the work of this current campaign has been directed at employers and organisations, and would lend itself to addressing both ageism and ableism. Reconciliation Action Plans also have a strong employment focus.

Another initiative coordinated by the Australian Human Rights Commission in 2015 was the Cultural Diversity in the Workforce Initiative which is a tool (https://culturaldiversity.humanrights.gov.au/) to assist workplaces to promote and accommodate cultural diversity within the workforce. Again, some similar initiatives adapted for older people and people with disability might be helpful.

International initiatives may also be useful to inform strategies in an Australian context. For example, Disability Confident is a UK Government campaign which works with employers to increase confidence in employing people with disability (www.gov.uk/government/collections/disability-confident-campaign).

**Apply existing evidence about discrimination**

Many employment-related decisions (e.g. hiring, performance appraisal and compensation) are made based on perceptions that may or may not be
accurate. In the context of ageing, Finkelstein and Farrell (2007) have reviewed the literature on age bias and identified: (1) the motives that may initiate age biases, (2) the possible mechanisms that lead to age bias incidents, (3) the conditions under which these are more or less likely to occur, and (4) what might be done to prevent age bias. Understanding how perceptions, feelings and evaluation are intertwined can be critical for understanding how to address discrimination.

Also in relation to older workers, Cleveland and Lim (2007) identified that the link between age and performance has focused on chronological age but there is a need for more research on alternative ways to conceptualise these constructs. This is because current thinking about appraisals can disadvantage older people. They also recognise that performance is not just determined by ability, but also motivation.

**Government policies to increase genuine job opportunities**

In relation to boosting the older workforce, MacDermott (2014, p. 95) concluded that the key to addressing barriers to employment is the provision of genuine employment opportunities:

Decisions by older workers about extending workforce participation, while predicated on factors such as affordability of retirement, health and carers’ responsibilities, are influenced by the availability of flexible work practices, phased transitions to retirement and the inclusiveness of on-going training and development opportunities. Addressing factors that impact on the sustainability of working conditions is also significant. Legislation and social policy can tinker with the age-based eligibility for pensions and benefits as well as other financial incentives and disincentives. However, the maintenance of, and commitment to, genuine employment opportunities for older workers, unfettered by negative perceptions of age, must be a pivotal part of the broader solution to the demographic and fiscal challenges.

MacDermott has identified three approaches to move beyond a ‘barriers to work’ approach through strategies that focus on:

- how an organisation can ascertain and address structural impediments within its workforce (i.e. employment equity),
- the potential for flexible work practices to facilitate extended workforce participation, and
- the need for a reasonable adjustments approach to the attribute of age.
Such evidence is vital for informing the development of effective government policies to increase workforce participation, unhindered by discrimination.

Existing policies, such as providing subsidies for employers of older workers, may create immediate job opportunities for older workers, but raise questions about the wider ramifications. It has been argued that subsidies can compound negative perceptions about older workers, implying that there is something wrong with them (Patrickson & Ranzijn, 2005).

In contrast, creating policies which assist older people and people with disability to create their own jobs and workforces could provide an important means of addressing both job shortages and discrimination. Government policies and incentives that support older people and people with disability to become self-employed and/or entrepreneurs are promising ways in which to increase workforce participation.²

Recommendations:

- That the Government recognise that the primary focus is not just about removing obstacles to employment, but about working with employers to create greater incentives for older people and people with disability to engage in the workforce (e.g. via providing more flexible work practices).

² For example, http://seniorpreneurs.foundation/
About the Australian Psychological Society

The APS is the premier professional association for psychologists in Australia, representing more than 22,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels. Psychology covers many highly specialised areas, but all psychologists share foundational training in human development and the constructs of healthy functioning. A key goal of the APS is to actively contribute psychological knowledge for the promotion and enhancement of community wellbeing.

Psychologists apply their skills and knowledge to enhance understandings of the individual, family and systemic issues that contribute to social problems, and to find better ways of addressing such problems. Psychology in the Public Interest is the section of the APS dedicated to the application and communication of psychological knowledge to enhance community wellbeing and promote equitable and just treatment of all segments of society.

The APS College of Organisational Psychologists is one of 9 specialist colleges within the APS. Organisational Psychology is the science of people at work. Organisational psychologists specialise in analysing organisations and their people, and devising strategies to recruit, motivate, develop, change and inspire.

Relevant APS Interest Groups


Relevant APS Publications

References


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