

3. National Mature Age Workforce Participation Plan

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Summary

3.1 A coordinated policy response is needed to address barriers to the participation of mature age persons in the Australian labour market. The development of a National Mature Age Workforce Participation Plan would guide reform and action and provide a framework for a national whole-of-government and community approach to address the barriers to participation identified in this and other reports. In this chapter the ALRC recommends the development of a National Plan and suggests that the Advisory Panel on Positive Ageing, or a similar body, should lead its development.

Why do we need a National Plan?

3.2 The National Mature Age Workforce Participation Plan (the National Plan) can build on and bring together the significant work undertaken to date. There have been a number of inquiries and reports directed towards Australia's ageing population, as outlined in Chapter 1. Many of these have addressed workforce participation and related issues such as discrimination, education, skills and training.¹ As a result, an evidence-based plan for addressing barriers to workforce participation for mature age persons could be developed using the recommendations in this Report and existing sources.

1 See, eg, The Treasury, *Intergenerational Report 2002–03* (2002); The Treasury, *Intergenerational Report 2007* (2007); The Treasury, *Intergenerational Report 2010—Australia to 2050: Future Challenges* (2010); Productivity Commission, *Economic Implications of an Ageing Australia* (2005); Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Changing Face of Society* (2011); Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Enabling Opportunity* (2011); Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Turning Grey into Gold* (2011); National Seniors Productive Ageing Centre, *Ageing and the Barriers to Labour Force Participation in Australia* (2011), prepared for the Consultative Forum on Mature Age Participation; National Seniors Productive Ageing Centre, *Barriers to Mature Age Employment: Final Report of the Consultative Forum on Mature Age Participation* (2012), prepared for the Consultative Forum on Mature Age Participation.

3.3 National plans to guide reform and action have facilitated long-term strategic and whole-of-government responses to a diverse range of issues.² It is this type of approach that is required to address barriers to workforce participation for mature age persons. These barriers are both legal and cultural and require complex and diverse legal and policy responses. A National Plan would provide a framework for action, identifying priority reform areas, performance indicators and appropriate responsibility and oversight for such reform.

3.4 The purposes of this National Plan would be to:

- establish a national policy framework to guide government, industry and community policies, initiatives and programs with respect to the workforce participation of mature age persons;
- outline a plan for action by government and the community; and
- establish specific performance indicators and monitoring mechanisms to ensure accountability and establish a basis for measuring progress.

3.5 The National Plan would complement a number of existing national plans and strategies, including those in relation to workforce development, caring and disability. For example, the *National Workforce Development Strategy* addresses issues such as productive workplaces; transitions between education, training and work; tertiary education and training sectors; and regional development.³ In addition, the *National Carer Strategy* gives effect to the principles of the *Carer Recognition Act 2010* (Cth) and complements the *National Disability Strategy*.⁴ It contains a number of priority action areas and is supported by an Action Plan, an Implementation Plan and annual progress reports.⁵

Developing the National Plan

3.6 The ALRC suggests that the Advisory Panel on Positive Ageing (or a similar body) is well placed to lead the development of the National Plan, in consultation with key stakeholders.

2 See, eg, National Council to Reduce Violence Against Women, *National Plan to Reduce Violence Against Women and Their Children 2010–2022* (2011). The inquiry that led to the report, Australian Law Reform Commission, *Family Violence and Commonwealth Laws—Improving Legal Frameworks*, ALRC Report 117 (2011), was one of the strategies for action under the preliminary work undertaken by the National Council: National Council to Reduce Violence against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (2009).

3 Australian Workforce and Productivity Agency, *Future Focus: 2013 National Workforce Development Strategy* (2013), 75–77.

4 Australian Government, *National Disability Strategy 2010–2020* (2010); *Carer Recognition Act 2010* (Cth).

5 Australian Government, *National Carer Strategy* (2011); Australian Government, *National Carer Strategy Action Plan 2011–2014*; Australian Government, *National Carer Strategy Progress Report 2011–2012*.

3.7 In the 2012–13 Budget, the Australian Government announced funding to establish a new ongoing Advisory Panel on Positive Ageing. The role of the Advisory Panel is to:

lead a national dialogue on ageing issues, improve coordination of policy design across portfolios, and work with the Government on implementation and design of ageing policy, including in response to the recommendations of the Advisory Panel on the Economic Potential of Senior Australians.⁶

3.8 Leading and facilitating the development of the National Plan complements the scope of work of the Advisory Panel, including: raising awareness; commenting on policy design across government; conducting targeted consultations with key stakeholders; and considering emerging issues.⁷ However, given the scope of such an undertaking, the Advisory Panel would require additional assistance to develop such a plan. In part, this assistance may be provided by Commonwealth, state and territory governments and the Age Discrimination Commissioner (who is also a member of the Advisory Panel).⁸ It could also be provided by bodies such as: the Centre for Workplace Leadership;⁹ the Fair Work Ombudsman; Safe Work Australia; the Insurance Reform Advisory Group; the Australian Human Resources Institute and the Recruitment and Consulting Services Association; unions, industry and peak bodies; and seniors organisations.

3.9 In developing the National Plan, national consultation should be undertaken to provide opportunities for contributions by individuals and relevant organisations. The consultation and National Plan should take into account the different experiences and needs of mature age workers, including across gender, disability and cultural and linguistic diversity.

3.10 The National Plan should contain a number of priority areas. Such areas could include, but need not be limited to:

- economic security—including social security, insurance, workers’ compensation and superannuation;
- rights protection and legislation—including employment and industrial relations and anti-discrimination;
- work processes, practices and environments—including work health safety and workers’ compensation;

6 The Treasury, *Advisory Panel on Positive Ageing* (2013) <www.treasury.gov.au> at 21 March 2013.

7 Ibid.

8 In May 2011, the *Age Discrimination Act 2004* (Cth) was amended to create an office for an Age Discrimination Commissioner within the Australian Human Rights Commission.

9 The Centre for Workplace Leadership will be an independent centre which aims to ‘encourage high performing, innovative workplaces and stronger leadership capability in Australian workplaces’. Its role will include: delivery of training; research; publication of research reports and material; and leadership of public debate on leadership, workplace culture and people management: B Shorten (Minister for Employment and Workplace Relations), ‘Centre for Workplace Leadership’ (Press Release, 14 October 2012); B Shorten (Minister for Employment and Workplace Relations), ‘Leading Australian Workplaces into the Future’ (Press Release, 3 December 2012); DEEWR, *Program Guidelines 2012–2016 for Centre for Workplace Leadership Fund* (2012).

- skills, education and training;¹⁰ and
- education, awareness and best practice.

3.11 Each key priority area should include performance indicators that can then be monitored. Identifying the appropriate oversight for all action areas will also be important.

3.12 The priority areas identified represent the key areas for reform that have emerged in the course of this Inquiry. This Report provides a basis for reform of legislation and legal frameworks. The recommendations could populate the National Plan, supplemented by the work of other bodies outlined above, as well as areas for reform identified in the course of national consultations.

3.13 The ALRC's recommendations encompass a number of key legislative and regulatory regimes and broader legal frameworks. Education and awareness raising can build on these foundations to influence cultural change and addressing negative stereotypes about mature age workers, as well as age discrimination more broadly.¹¹ It is also important to ensure awareness of, and compliance with, legislative obligations. Stakeholders expressed strong support for a national education and awareness campaign in support of the workforce participation of mature age persons.¹² Development of an education and awareness component of the National Plan is also consistent with a recommendation made by the House of Representatives Standing Committee on Education, Employment and Workplace Relations.¹³

10 The ALRC recognises the importance of re-training and re-skilling as issues affecting continued workforce participation. While it is not the main focus of the ALRC's work, to the extent that education touches on workforce participation it is included in various ways in this text and recommendations in this Report. These issues should also form part of the broader agenda of the National Plan.

11 For discussion of negative perceptions and stereotypes about mature age workers see: National Seniors Productive Ageing Centre, *Ageing and the Barriers to Labour Force Participation in Australia* (2011), prepared for the Consultative Forum on Mature Age Participation, 17; Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Turning Grey into Gold* (2011), 45; National Seniors Productive Ageing Centre, *Stereotype Threat and Mature Age Workers* (2011), prepared for National Seniors Australia, 3.

12 Australian Law Reform Commission, *Grey Areas—Age Barriers to Work in Commonwealth Laws*, Discussion Paper 78 (2012), Proposal 2–12. See, eg, National Welfare Rights Network (NWRN), *Submission 99*; Australian Industry Group, *Submission 97*; Law Council of Australia, *Submission 96*; Government of South Australia, *Submission 95*; ACTU, *Submission 88*; Brotherhood of St Laurence, *Submission 86*; Australian Chamber of Commerce and Industry, *Submission 85*; Australian Federation of Disability Organisations, *Submission 78*; South Australian Equal Opportunity Commission, *Submission 70*; Adage, *Submission 69*; Queensland Tourism Industry Council, *Submission 67*; DOME Association, *Submission 62*; JobWatch, *Submission 60*.

13 The Committee recommended that the Australian Government develop a sustained national strategy and campaign targeting employers to promote the benefits of maturity and age-balance in the workforce. It recommended the campaign be developed in consultation with state and territory governments, and be subject to formal assessment and evaluation: House of Representatives Standing Committee on Education, Employment and Workplace Relations, *Age Counts: An Inquiry into Issues Specific to Mature-Age Workers* (2000), rec 1.

3.14 This Report includes many recommendations that could form part of the education and awareness component of the National Plan, including:

- education and training;¹⁴
- development and enhancement of guidance material and resources about legislative or workplace entitlements;¹⁵
- development of other resources to explain or complement legislative or workplace entitlements;¹⁶
- establishment of best practice;¹⁷
- material relating to re-design of work arrangements and processes;¹⁸ and
- additional research to improve the evidence base, including case studies.¹⁹

3.15 There are also a range of existing programs and examples of best practice in industries across Australia that could be built upon and developed in the National Plan.²⁰

3.16 In addition, the Australian Human Rights Commission (AHRC) has been allocated funding to enable the Age Discrimination Commissioner to undertake a project addressing the stereotyping of mature age persons.²¹ The position of Age Discrimination Commissioner and this project mean the AHRC is appropriately placed to coordinate the education and awareness component in support of the workforce participation of mature age persons. This approach was recommended by the Advisory Panel on the Economic Potential of Senior Australians.²²

14 See, eg, Recs 4–3, 7–2.

15 See, eg, Recs 4–3, 4–9, 5–3, 6–4, 7–2. See also Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Turning Grey into Gold* (2011), rec 13.

16 See, eg, Rec 4–6, 4–10, 6–4.

17 See, eg, Rec 4–4, 5–4.

18 See, eg, Rec 5–3.

19 See, eg, Rec 5–2.

20 Australian Government, *Investing in Experience Tool Kit* (2012); Australian Chamber of Commerce and Industry, *Employ Outside the Box: The Rewards of a Diverse Workforce* (2012); Department of Education, Employment and Workplace Relations, *Corporate Champions* <www.deewr.gov.au/experience-corporate-champions> at 21 March 2013; APS 200 referred to in Comcare, *Submission 29*. Diversity Council of Australia, *Get Flexible: Mainstreaming Flexible Work in Australian Business* (2012); Australian Government, *APS 200 Public Sector Innovation Project* <<http://innovation.govspace.gov.au/2010/08/13/aps-200-public-sector-innovation-project>> at 21 March 2013.

21 The project includes research, roundtables and community education and awareness activities to promote positive portrayal of mature age persons: Australian Government, *Budget Measures 2012–13, Budget Paper No 2* (2012) Part 2 Expense Measures, ‘Economic Potential of Senior Australians—countering negative stereotypes and promoting positive media portrayal of older Australians’. See also Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Turning Grey into Gold* (2011), rec 35.

22 Advisory Panel on the Economic Potential of Senior Australians, *Realising the Economic Potential of Senior Australians—Turning Grey into Gold* (2011), rec 36.

3.17 The ALRC suggests other initiatives should be tailored to meet the particular needs of employees and employers as well as specific cohorts of mature age persons, including Indigenous persons, members of culturally and linguistically diverse communities, and mature age people with disability.²³

Recommendation 3–1 The Australian Government should develop a National Mature Age Workforce Participation Plan.

23 See, eg, Federation of Ethnic Communities' Council of Australia (FECCA), *Submission 80*; Australian Federation of Disability Organisations, *Submission 78*.