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**Presenter: Professor Helen Bartlett,
Director, Australasian Centre on Ageing, The University of
Queensland**

Introduction

Population ageing in Western countries such as Australia and New Zealand has increased policy attention to the question of age discrimination and resulted in national strategies that highlight the need to change old stereotypes and attitudes towards ageing. The problems of age discrimination and its negative consequences to the economy and society demand urgent action as the proportion of the population aged 65 and over in Australia is estimated to increase from its current level of 13% to 18% in 2021 and 26% by 2051 (Australian Bureau of Statistics, 2005). These trends are mirrored in New Zealand. A notable response by the Australian Government in 2001 has been the introduction of the National Strategy for an Ageing Australia which has as an underlying principle that “All Australians, regardless of age, should have access to appropriate employment, training, learning, housing, transport, cultural and recreational opportunities and care services that are appropriate to their diverse needs, to enable them to optimise their quality of life over their entire lifespan.” (Commonwealth Department of Health and Ageing, 2001). The Strategy identifies the need to remove artificial and real barriers to older people’s participation in society, and particularly recognises the importance of older workers to the workforce in the future. A shift in thinking is advocated involving age friendly infrastructure development for all members of society.

This is reiterated in the visionary paper on healthy ageing in Australia (PMSEIC, 2004) which identified the need for an age-friendly Australia on a number of levels, including social, workplace, and built environment. Also in 2001, the New Zealand government introduced its ‘Positive Ageing Strategy’ (Dalziel, 2001). The central thrust is ‘active ageing’, which introduces policies designed to support people as they grow older to lead productive lives, both economically and socially. Importance is attached to flexibility of choice as regards retirement, life-long learning and effective health and long-term care.

While progress has been made in understanding age discrimination and how it is experienced, it remains a complex issue and one that is resistant to change despite policy intentions. This paper examines the social, policy and legal context of age discrimination in Australia and New Zealand, drawing on the latest evidence, identifying areas of progress and considering challenges for the future. Although age discrimination is a common event which is experienced by many people (Bennington, 2001) and at any age (Steinberg et al., 1998), this paper focuses on age discrimination as it is experienced in later life.

What is age discrimination and how is it understood in civil society?

Age discrimination is said to occur “where an opportunity is denied to a person solely because of his or her chronological age and age is irrelevant to the person’s ability to take advantage of that opportunity” (Australia: Human Rights and Equal Opportunity Commission, 2000, p. 11). The gerontological literature suggests that age discrimination is related to ageism which defines and understands older people in “an oversimplified, generalised way” (Minichiello et al., 2000, p. 253). This leads to widespread negative

stereotypes about ageing that are evident throughout society including advertising and marketing, the workplace and even health services. The damaging consequences of all forms of discrimination for older adults are increasingly recognised as they lead to both under-utilisation of their contributions and exclusion from community activities.

While the concept of ageism has been recognised in the literature for over 30 years, older people's understanding and experience of ageing has received less attention. In an Australian study of older people's perceptions of ageism, qualitative interviews with 18 people aged between 65 and 89 revealed that ageism is not necessarily understood or used as a term by this group (Minichiello et al., 2000). Examples of negative treatment could be identified, such as low income, poor access to the physical environment and compulsory retirement. However, such issues may not be classified as discrimination based on age. Explanations of these findings are related to the possibility that older people do not view themselves as old and therefore do not develop an awareness of being treated as old. Therefore, the level of awareness of age discrimination is possibly low and when experienced, is accepted with resignation and powerlessness.

Studies of the attitudes and beliefs of young people provide further understanding about how age discrimination is constructed in society. Stereotypical responses by younger people to older people's speech are common (Giles et al., 1992) as is patronising verbal and non-verbal communication towards older carers (Ryan et al, 1995). Interestingly, factors such as geographic location may also have an impact on these attitudes. A survey of 136 Australian students revealed significantly more negative views of ageing in rural-reared students than in urban-reared students and this was unrelated to contact with older people (Gattuso and Saw, 1998). Although this study used the Reactions to Ageing Questionnaire, which measures expectations about ageing rather than attitudes towards older people, these concepts are strongly related, and this research provides an interesting reflection of the attitudes to old age prevalent in rural areas. It is important, however, to understand that negative attitudes towards ageing are not confined to young people. An Australian survey revealed that older people are generally viewed with less respect than they deserve (Worthington Di Marzio, 1999) and that even among health professionals, negative attitudes towards older people persist (Gething et al., 2002).

Although age stereotypes can also be positive, such as 'sageism' or the notion of 'keeping watch', or caring for and protecting older people (Minichiello et al., 2000), it is the negative consequences of stereotyping that lead to discrimination and therefore receive greater attention in this paper.

How is age discrimination experienced?

While age discrimination is known to be experienced in many areas of society, age discrimination in the workforce has become a major area of research and policy focus, particularly in response to recent legislation. With changes in legislation, recruitment on the basis of age has become more subtle and

covert, making it difficult to study effectively. Thus, many reports of discrimination are anecdotal and research findings are contradictory. However, four studies conducted in Australia (Bennington, 2001) indicate that age is a key factor influencing recruitment decisions. An analysis of the language used in job advertisements for secretarial positions revealed that 44.4% appeared to be directed at candidates in their early 20s, with 29.2% aimed at the late 30s group, and only 5.9% seemingly open to all groups. The use of the word 'young', not as an applicant descriptor but in terms like "thrive in a dynamic young team" or "young environment" indicated a preference for a younger applicant. Thus, although a desire for younger applicants was not blatant, the connotations were clear and the use of such covert methods may cause applicants to select themselves out even before applying (Bennington, 2001).

Research that has used trained actors to enquire about advertised positions has revealed ageist attitudes. The actors were chosen on that basis that their voices were rated as sounding within one or two years of one of three ages (23, 37 or 51 years). They were presented as applicants exceeding requirements by 10% and with a stable work history. It was found that recruiters asked the age of the applicant in 18% of cases and said that the employer wanted a certain age range in 27% of cases (of these, 24% wanted younger candidates and 18% said they wanted older). Only two consultants considered candidates over 37 years of age suitable (Bennington, 2001).

Another study of employers and actual job seekers has also revealed that employers asked about age in approximately 32% of cases, even though this was illegal, and their responses indicated a focus on age in a number of questions about candidates for positions (Bennington, 2001). People aged over 50 and under 21 years of age were given the worst ratings by employers, although some employers said discrimination was unlawful and that skills and experience were more important. Some 44% of recent job seekers remembered being asked their age in interviews, although only 12% believed age worked against them in selection. Bennington (2001) argued that acceptance by applicants of questions about age as 'part of life' represented collusion in that discrimination.

Similar findings about age discrimination in employment have been found in New Zealand, where a large number of job applications asking unlawful age-related questions and age-related information were used in decisions about recruitment (e.g. Wood et al., 2004). Some methods of obtaining this information, similar to the Australian findings, are indirect but nonetheless provide an easy means of calculating age, for example, years of school attendance.

Examples of experiences reported by job seekers over age 45 in a recent Australian study (Encel & Studencki, 2004) included "being asked my age by an employer, and when answering honestly having him laugh like a jackass down the phone" (p. 35), "being misdirected repeatedly by employment agencies" (p. 36), and "knowing that I had more skills and experience than the person interviewing me" (p. 36).

Not only are older workers less likely to be preferred for a position, but they are also more likely to be retrenched (Drake Management Consulting, 1999, cited in Patterson, 2004). Promotion is another area in which some employers consider advancement of older workers to be a 'waste of time' (Australia: Human Rights and Equal Opportunity Commission, 1999). Although mature age people have a lower unemployment rate, they tend when unemployed to be unemployed longer and find it more difficult to find employment than younger people (Bishop, 1999). The average period of unemployment for men over 55 years of age, in 1999, was 104 weeks and women 107 weeks. The duration was significantly shorter for younger people. They also make up a disproportionately high percentage of the long-term unemployed. In New South Wales, research among 38 workers in 1996, found that age discrimination was rife, based on the number of unsuccessful job applications. One applicant was reported to have submitted 300 applications and received no interviews and another made over 400 applications and receiving only 12 interviews (Encel, 2004). Research has consistently demonstrated that employers prefer to hire workers in the age range 25-35 years despite findings that older workers have less time off work and stay in jobs longer. Typically those aged over 55 years old make up only 14% of employees absent through ill-health and have a job turnover rate of 25% less than workers age 20-24.

It is important, however, when considering such statistics, to take into consideration age group differences in retirement behaviour. For example, although there may be early retirees in the 45-59 year age group, 60-64 years is a more socially accepted retirement age, with those aged 65-69 still in the workforce tending to move into part-time or self-employment and those over 70 years of age, unlikely to make a significant change in their employment (Bishop, 1999).

Some unwillingness on the part of employers to take on mature age workers is partially due to the negative stereotypes of older people. Although some employers may consider older workers more mature, with a strong work ethic, greater loyalty and lower turnover, they also perceive older workers as physically and mentally deteriorating, more likely to fall ill, unreceptive to technology and organisational change, difficult to retrain or teach new skills, and lacking in drive and ambition (Pickersgill, 1996, cited in Australia: Human Rights and Equal Opportunity Commission, 1999; Patterson, 2004). Some recruitment agencies, which tend to use stereotypical employee profiles, are often found to be prejudicial to the employment prospects of older people. A particular belief relates to the difficulty in training and the cost of that investment, in addition to slower output in repetitive production work.

There is in fact no consistent evidence for a decline in job performance with age. Reported decline may be specific to the type of work or factors such as task novelty and the requirement for new skills (Bishop, 1999). Training method is also a vital factor here, with older workers preferring to learn 'in situ' (Bishop, 1999). Some employers, however, may be reluctant to tailor training to assist older workers.

A New Zealand study indicated that some older workers share both positive and negative stereotypes regarding their adaptability. Older workers could be viewed as loyal and reliable and yet also resistant to change and unable to adapt to new technologies (McGregor & Gray, 2002). Some older workers hold stereotypes about older workers similar to those of employers which may result in decreased likelihood of application for positions or decreased self-efficacy with regards to their ability to cope with a changing workplace (McGregor & Gray, 2002). Participants in an Australian study (Minichiello et al., 2000) also reported some internalisation of negative stereotypes of ageing, with an idea of oldness that is not about chronological age, but about loneliness, loss of roles, vulnerability and lack of productivity. Interestingly, participants in this study also made the distinction between being old and feeling old, with most reporting that they did not feel old, thus separating themselves from the 'old' group.

A number of factors associated with job-seeking success for mature age job seekers include performance in the interview, training tailored to older persons and willingness to undertake training, as well as early intervention by agencies (Encel & Studencki, 2004). To transform the contemporary workplace, attention needs to be paid to age-group relationships and 'age aware' practices, rather than 'age free' human resource policies (Brooke & Taylor, 2005). Rather than using age stereotypes to assess ability, actual capabilities are more appropriate measures of an individual's capacity to participate in employment or in the community. This is also an approach which may be useful in areas other than employment such as health care, housing design, and other areas of community functioning.

Despite the removal of compulsory retirement from the statute book, research suggests that employers are still 'persuading' employees to retire at the 'compulsory' retirement age. In 1997, 17.9% of men age 60-64 and 64.9% age 65-69 retired at the 'compulsory' retirement age, however 2003 figures suggest that the effective retirement age is falling and is now only 61 (Patterson, 2004). While some people may be voluntarily retiring early, there is a positive correlation between possible redundancy and age, which may 'persuade' older workers to 'jump before they are pushed'. Other research demonstrates that early retirement also provides a psychological defence against the stigma of retrenchment or unemployment.

Early involuntary retirement can have severe financial implications for older workers. Their chances of re-employment are considerably lower than those of younger workers, and the impact of a shortened working life on superannuation benefits can place many workers in a position of ultimately becoming dependent on social security benefits. There are also quality of life issues, including self-esteem and mental and physical well-being, which may be lost.

There are also negative societal impacts of early retirement. The double cost of financial support for the worker and reduced tax revenue for society as a whole is an important consequence. Commonwealth Treasury figures released in 2004 indicate an extra cost to taxpayers of \$19 million to fund age

pensions, another \$11 billion for superannuation tax concessions and a further \$6 billion on income support to the 55-64 year-olds; and increasing with the ageing population (Commonwealth Treasury, 2004). The removal of older workers from the workforce will therefore have a detrimental effect on economic growth.

How is age discrimination being addressed?

The role of older people's organisations

While the research continues to demonstrate the pervasive effects of ageist stereotypes and discriminatory practices, a range of efforts to promote positive change, using both direct and indirect strategies, can also be increasingly identified. For example, numerous older people's organisations exist in Australia and New Zealand and many of these take an active role in promoting seniors' issues and seniors' rights. A dominant feature of many groups is their national operation, through a network of state and local branches, thus increasing the opportunities to influence.

A well-know group in Australia is The Council on the Ageing (COTA; <http://www.cota.org.au/>) which has been established for over 50 years. Its membership comprises individuals aged 50 years or over, consumer organisations, service providers, and professional and industry associations. COTA is concerned with protecting and promoting the well-being of all older people. It works as an advocate and source of information for older Australians and at a national level promotes older people's views, particularly in relation to health, housing, residential care, retirement income, community services, age discrimination and attitudes toward ageing.

Some organisations such as Older People Speak Out (OPSO; <http://www.opso.com.au/>) specifically focus on actions to promote positive images of older people. Their objectives include keeping open lines of communication with younger people, outreach to rural and remote areas, and encouraging the media to portray positive images of older people. Actions taken by OPSO include media awards, which encourage positive images of ageing and rewarding such efforts, as well as discussions, lectures and seminars, and face-to-face driving classes.

The Australian Pensioners' and Superannuants' Federation (AP&SF) is one of the most established groups with origins dating back to 1933. Its basic goal is social justice for all affected by low income, ill-health or prejudice. It undertakes research and lobbies government and non-government organisations on behalf of older people and others in this situation. This organisation also hosts events such as Seniors Week and the International Day of Older Persons, as well as running seminars, conferences, and petitions and producing information for older people. At a national level, its interests include retirement income, taxation, banking, residential and community care, health services, health promotion and housing.

The largest membership organisation for people aged 50 and over in Australia is National Seniors (<http://www.nationalseniors.com.au/>). It is concerned with the economic and social benefits of its members and represents its members' views to Government at all levels.

ARPA over 50s association limited (<http://www.over50s.asn.au/index.php>) is a combination of two groups, Australian Retired Persons Association (ARPA) and Over Fifties Focus formed "to assist people to plan for and achieve a fulfilling retirement, to enhance the quality of life of older persons and to promote their dignity, rights and status". Activities include retirement seminars, advisory services on personal and lifestyle issues, taxation, wills and power of attorney, advocacy at federal and state levels, and a re-employment service, although these are Melbourne-based services

New Zealand has a similar range of organisations in the not-for-profit sector that represent the interests of older people. Age Concern New Zealand (<http://www.ageconcern.org.nz/>) for example is dedicated to promoting quality of life and well-being for older people. Grey Power New Zealand (<http://www.greypower.co.nz/>) exists to advance and protect the welfare of older people including the opposition of discriminatory legislation and lobbying parliament and statutory bodies regarding issues affecting New Zealanders. Such organisations engage in a variety of activities including funding of research into the experiences of older people, lobbying of government and representation of older people in policy, as well as service provision. There is also a wide variety of state and local community-level organisations organised focused on seniors' rights and quality of life.

Although only a few organisations have initiatives that specifically target age discrimination, they generally stand for the rights and well being of older people, part of which requires action against discrimination.

Age discrimination legislation

The Australian Constitution, reflecting the influence of its British ties, made no provision to ensure the protection of human rights. This situation maintained, at both federal and state level, until the Australian Capital Territory (ACT) enacted the Human Rights Act 2004. To partially compensate for such omissions, age and other anti-discrimination legislation has developed. Unlike New Zealand, this legislation does not establish specific rights directly accessible to the public, but rather it serves to interpret ACT legislation.

While considerable progress has been made in the workplace protection of employees over the recent past, based on gender and race, and demonstrated by such legislation as the New South Wales state Anti-Discrimination Act 1977 and the Commonwealth Sex Discrimination Act 1984, the victims of age discrimination have received no protection from legislation until very recently. State and Commonwealth legislation only began to fully address this issue in the 1990s.

The first state to introduce general age-discrimination legislation was South Australia, with the Equal Opportunity Act 1984, as amended in 1990. This led to a succession of other states following suit, namely, Queensland in 1992; Western Australia in 1993; New South Wales in 1994; Northern Territory in 1994; Australian Capital Territory in 1996; Victoria in 1996; and Tasmania in 1999 (Encel, 2004). At a federal level, age discrimination in the workplace was banned by the Workplace Relations Act 1996. At approximately the same time, legislation was also enacted to abolish compulsory retirement. The Commonwealth legislation has now caught-up with the state legislation by the enactment of the Age Discrimination Act 2004 ("The Act")

The Act was intended to articulate the concerns which existed regarding the negative stereotyping of older people and to ensure that older people were an integral part of all aspects of public life. The Act, therefore, was designed to eliminate unfair age discrimination in employment; accommodation; access to goods and services; access to premises; transport; land dealings; education and privacy of information. To facilitate this, the Act prohibits both direct and indirect discrimination on the basis of age.

Direct discrimination may be defined as the unfavourable treatment of the aggrieved person by reason of age; or characteristics that generally pertain, or are imputed to a person of the aggrieved person's age. Indirect discrimination can be defined as the imposition or proposed imposition of a condition, requirement or practice, which is unreasonable in the circumstances, and has or is likely to disadvantage persons of the same age as the aggrieved person. In the case of indirect discrimination, if a person of a certain age is disadvantaged because it is more difficult to comply with the legislation, the discriminator must demonstrate that the condition is reasonable in the circumstances or will breach the legislation. Further, there is still direct or indirect discrimination, where age is one of the reasons, even though there are other reasons, and that age is the dominant reason for the discriminatory act.

Age discrimination in the New Zealand context is covered by the Human Rights Act 1993 and the Human Rights Amendment Act 2001. Essentially, the legislation makes it unlawful to discriminate on the basis of age; whether in the areas of employment, access to, or the use of, public places; the supply of goods and services and accommodation.

There are certain situations where discrimination is not unlawful, namely: where age is a necessary and inherent occupational requirement; written employment contracts dated pre-1 April 1992, can specify a retirement age if the employee has given written acceptance of that condition; insurance matters where age may effect medical treatment; organisation of age-related sporting events or travel; club memberships and the provision of institutional accommodation.

As in Australia, discrimination on the basis of age may be direct or indirect. In addition to age discrimination being unlawful, compulsory retirement was abolished from 1 February 1999. There are exceptions, where in fact, age-

discrimination is permitted. These include where age is a genuine safety feature of the job; domestic employment in private households; jobs on non-New Zealand aircraft and ships outside New Zealand and the job was obtained outside New Zealand; employment in New Zealand national security and the aggrieved is under 20 years of age; preference can be given to the under 20 year olds, where youth rates apply (State Services Commission of New Zealand, 2004).

Furthermore, the age limits in other legislation can override the Human Rights Act, as for example, may apply to the police or judiciary. The Human Rights Amendment Act 2001 also protects existing age-linked retirement benefits.

In general terms, the New Zealand and Australian state and commonwealth legislation are similar in content and intent, in that they target both direct and indirect discrimination in the workplace, or any place where someone is seeking employment. Such discrimination may manifest itself via offers of employment; the terms and conditions (and variations of same) attached to positions; job advertisements; promotions and career enhancement opportunities, including re-training and termination of employment.

In Australia, The Act, whilst being quite wide-ranging, deals specifically with discrimination on the basis of age, when offering employment, or in the terms and conditions of employment which are offered. The Act also makes it discriminatory to 'dismiss' or fail to offer opportunities by way of promotion, transfer or training, or any other employment-related benefits, or treating them in any detrimental manner, because of age. This has the effect of preventing the compulsory retirement of all employees. It also includes similar provisions for contract workers, commission agents and partnerships.

There are exemptions to the compulsory retirement provisions. If as a result of age, the aggrieved is unable to carry out the 'inherent requirements' of the position. To determine whether a person is so able, reference has to be made to the relevance of the aggrieved persons qualifications, training and experience to the position, coupled with their work performance as an employee to date and all other relevant factors.

Case Law examples

Examination of the matters received by the various State and Federal Anti-Discrimination Commissions reveal that the issues raised relate mainly to work, including dismissal, reduction in casual hours in favour of a junior, retrenchment, unsuccessful interview for a position and inappropriate management practices. The following examples illustrate some of these matters.

The 'inherent requirements' of a position have been dealt with in some detail by 'Case Law'. For example, in the case of Qantas Airways Ltd. V Christie (High Court of Australia, 1998), Qantas terminated a pilot's employment at the age of 60, successfully arguing that many jurisdictions, through which they flew, required pilots entering their airspace to be under 60 years of age. The

Court held to be an 'inherent requirement' of the position, i.e. an essential and permanent part of the job.

In two cases related to early retirement, decisions were made in favour of employees. In the Queensland case of Ivory v Griffith University, Ivory's contract made provision for mandatory retirement at age 65. The University having agreed to waive this condition, then sought to reinstate it and coerced Ivory into retiring at 65. Ivory successfully applied to the Anti-Discrimination Tribunal, which awarded him \$5,000 compensation (Queensland Age Discrimination Tribunal, 1997).

In the second case, Gilshenan v P.D.Mulligan P/L, a 64 year-old Newcastle butcher was transferred by his employer from his long-established position in a retail outlet to a meat-processing plant, which he claimed was done to 'encourage' him to retire. Despite the employer's claim that the applicant was too slow at his job, the Equal opportunity Tribunal awarded the employee \$15,000 (New South Wales Equal Opportunities Tribunal, 1995).

In the New Zealand case of Gruschow v Newman and Totalisator Agency Board the tribunal concluded that Gruschow (age 41) had not been selected for interview because of age and the applicant was awarded \$5,000 for humiliation, loss of dignity and injury to feelings (New Zealand Complaints Review Tribunal, 1997).

In other New Zealand cases, Tribunals have examined, amongst other forms of discrimination, discriminatory behaviour 'disguised' as applicants being 'too experienced for the job' and physical fitness as a function of age; and have found in favour of the applicants.

The question of 'inherent requirements' of a job are dealt with by section 30(1) of the New Zealand Human Rights Act. This has not yet been tested and interpreted by the courts. The Australian cases above, have dealt with legislation which is similar but not identical to the New Zealand legislation. It is anticipated that the legislation would be construed so as to afford maximum protection to employees, but allow employers to retire older workers for genuine safety reasons.

These decisions serve to reinforce the belief that if applicants can be encouraged to make applications under the age-discrimination legislation, they may receive a positive outcome.

Does age discrimination legislation work?

Although law reform is a necessary and positive move towards the abolition of age discrimination in Australia, some concern has been raised regarding the ability of law reform to properly deal with this issue (e.g. Patterson, 2004). Despite the introduction of legislation for age discrimination, it appears that age discrimination has been given little attention in Australia compared with other forms such as gender discrimination (Encel & Studencki, 1998, cited in Encel, 2004), and critiques suggest that approaches to age discrimination

have been characterised by inconsistency and low priority (Carrigan & Szmigin, 1999, cited in Bennington, 2001).

While the aim of the Australian legislation at state and federal level is to outlaw age discrimination across a range of areas, according to Patterson (2004), anti-discrimination legislation may not be enough to protect certain members of the community such as those mature age workers affected by exemptions in the Age Discrimination Act. The reality appears to be that it is the area of employment which generates the greatest number (about 66%) of complaints. The evidence seems to suggest that mature-age workers are not consistently assessed on merit but often fall victim to negative stereotyping. They appear to be treated as a class, all with the same characteristics and failings, rather than as individuals, with diverse skills and abilities.

Problems have also arisen with the implementation of complaints procedures. The New South Wales Law Reform Commission have drawn attention to consistent delays in processing applications, with periods ranging from 6-8 months between application and determination, being typical. The legal onus of proof, which falls on the applicant, is also a disincentive to discrimination victims to pursue a claim. Findings in New South Wales during 1994-95 showed that the state Anti-Discrimination Board received approximately 16,000 enquiries, but only 1,508 complaints. Typically, age-related complaints have been between 5-8 per cent per annum (Encel, 2001).

Although a body of research exists to suggest that age discrimination does occur in the Australian paid workforce, little information is available regarding such discrimination in the volunteer sector. The Human Rights and Equal Opportunities Commission, which was set up in 1986, was charged with the responsibility for reviewing discrimination, expressed concern that the legislation failed to cover discrimination in clubs, sports and incorporated associations and also neglected unpaid workers. Indeed, Australia's Age Discrimination Act 2004 does not explicitly apply to volunteer organisations, so volunteer groups are seemingly not bound by the same legislation as for-profit organisations. According to Volunteering Australia (2003), however, volunteers do experience some discrimination based on their age. In their Submission on Proposals for Commonwealth Age Discrimination Legislation, Volunteering Australia cite the example of a lawn bowls club whose constitution requires the volunteer President and Vice President to step down at a certain age, however according to Volunteering Australia, no reason for this requirement is provided. Australia's Human Rights and Equal Opportunity Commission (2000) further acknowledges the issues arising from insurance which can cause some voluntary organisations to exclude older people who are more difficult to insure. Given such evidence of exclusion of older people from some voluntary activity, Volunteering Australia made a submission in 2002 for the Age Discrimination Act to be extended to volunteer organisations, however as yet this change has not been made.

In essence, unfortunately, the age-discrimination legislation has had little or no impact on the hiring and firing policy of employers. Legislation alone is

inadequate to deal with age discrimination. Changes in employer perceptions are essential to dispel the negative imagery of older workers.

Implications for future policy and research

Although negative attitudes towards ageing and the consequences of age discrimination are currently recognised in Australia and New Zealand and measures such as age discrimination legislation have been introduced, reversing attitudes and stereotypes is a slow process. The need for change in a number of areas of society and industry is recognised in order to improve attitudes and better prepare for population ageing. Fundamental to progress in changing attitudes will be the role played by the education system which needs to take a role in the promotion of positive attitudes towards ageing and older people at all levels of curriculum (O'Connell and Ostaszkiwicz, 2005).

As yet, the impact of anti-discrimination legislation has been modest. Strategies to increase its effectiveness have been suggested, including public awareness campaigns and education (Patterson, 2004). Positive messages which communicate information about future skills shortages of younger people will be important, as will messages about the benefits of encouraging, training and re-training of older workers to improve economic growth and remove incentives for early retirement. The need for employers to recognise the value of older workers and to introduce flexible employment and other practices aimed at retaining and utilising older workers is increasingly recognised (O'Connell and Ostaszkiwicz, 2005). For example, the Business Council of Australia and the Australian Council of Trade Unions published a report in 2003 'Age Can Work', which examined age discrimination among employers. It highlights the often subtle discriminatory language used in advertisements, or during vetting or interviewing candidates.

The current policy focus on age discrimination as it relates to mature workers is starting to raise the profile of this issue and some potential solutions. However, the experience of age discrimination touches all aspects of society and more attention will need to be paid to other equally important areas, such as how we can achieve an age friendly infrastructure through an appropriate built environment and accessible health and community care (Bartlett, 2003).

Steps towards political and social change at a local level are being taken at all levels of Australian government as well as in New Zealand. Local level responses to population are being encouraged in Australia through the Australian Local Government Association which has established the 'Connecting with Seniors' project, showcasing responses in policy or programs by local councils that have responded to the diversity of seniors (Australian Local Government Association, 2005). Initiatives such as these will become increasingly important to ensure that program development applies the principles of the National Strategy for an Ageing Australia and the New Zealand Positive Ageing Strategy at the local level. Further research is needed, however, to not only understand the changing attitudes and expectations of successive cohorts of older people and monitor societal attitudes towards ageing, but to also evaluate the effectiveness of policy

initiatives in reducing the prevalence of age discrimination in Australia and New Zealand. The Framework for an Australian Ageing Research Agenda identifies six key themes for further research development. These include developing positive images of ageing and supporting continuing social participation; developing age-friendly infrastructure and built environment; accessible quality health and aged care; sustainable retirement income; and economic growth in the face of an ageing workforce. This framework provides a relevant guide, but some clear research directions still need to be mapped out for investigating in greater depth the causes, experiences and possible program and policies for preventing age discrimination.

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