

## AGEING WORKFORCE and WORKPLACE CHALLENGES

### “View from the Ground”

#### No. 6: Age Discrimination ‘On the Job’ – who do you turn to?

Age discrimination can occur when a business or organisation is recruiting staff, appointing staff, assigning work to staff, promoting staff, providing learning opportunities for staff, and (that wonderful word now firmly entrenched in our language) ‘downsizing’ staff! If you believe that you are not getting a job interview, or not being appointed to positions because you are an older worker, then you have very little recourse. How do you prove you are being discriminated against because of your age? If you are an older worker and fortunate enough to be in the workforce and believe you are not being treated equally in the workplace, or do not have the same opportunities as younger workers, who do you turn to for assistance? We know there is age discrimination legislation that provides some protection, for some employees, in some workplaces. Making a formal complaint to the Australian Human Rights Commission is one option, with no guarantee that the outcome will improve your situation. Age discrimination in the workplace is, like all forms of discrimination, often insidious and difficult to prove. A formal complaint can also result in increased stress and adversely affect your health, even with a positive outcome.

In reality, how do older workers deal with age discrimination ‘on the job’? Many organisations have policies and procedures in place for employees who have grievances or wish to make a complaint. The person responsible for resolving grievances and/or dealing with complaints is generally the Human Resources Manager. Unfortunately there are many examples of workers who raise age discrimination issues with HR Managers; workers who are less than satisfied with the outcome. Too often workers complain that HR Managers are not supportive, nor do they actively seek to resolve issues to the benefit of the worker. In dealing with these issues it is questionable whether the HR Manager is acting in the best interest of the organisation, or the individual employee?

A recent journal article in the March issue of the Human Resources Leader outlined the case of a former lawyer, currently before the Victorian courts, alleging age discrimination and bullying by her employer. She claimed that after raising the issue of age discrimination with the HR department, the partners in the firm bullied and harassed her. She also claimed that the HR department listened to her issues but failed to address the issues, and failed to follow internal procedure. What is the point of having grievance policies and procedures if they are not implemented to protect workers from age discrimination?

Unfortunately the negative attitude of some HR Managers to older workers impacts on their capacity to assist older workers experiencing age discrimination in the workplace. From my perspective changing attitude is much more difficult than changing behaviour. I don’t particularly care what HR Managers think, but I care about what they do. I am yet to be convinced that anyone other than the individual can change their own attitude, but I know there are ways to change the behaviour of others, and I believe that attitude change can occur following behavioural change. I know that the focus of age discrimination strategies in the Human Rights Commission is on changing attitudes, and whilst that is commendable, it is not enough. There needs to be a focus on changing both attitude and behaviour. Elizabeth Broderick, the Age Discrimination Commissioner is speaking at the Australian Human Resources Institute National Conference this month. Perhaps the Commissioner might like to ask the HR practitioners what percentage of their employees are over 45 years; what strategies are in place to engage, support and retain older workers; and what the profession is **really doing** to eliminate age discrimination in their own organisations.

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