

Anti Discrimination

Board of New South Wales

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Inquiry into issues specific to older workers seeking employment, or establishing a business, following unemployment

Your letter of 21 July 1999 to the Hon Bob Carr, Premier of NSW has been forwarded to the Anti-Discrimination Board [the Board or ADB]. A number of questions arose around the Board's contribution to the NSW Government's submission to the Federal House of Representative's Parliamentary inquiry into older workers seeking employment which could not be answered by witnesses giving evidence on behalf of the NSW Government. The three areas that you have requested further information on include:

1. statistics on age discrimination in employment complaints,
2. the Board's training and education programs, and
3. exemption to the ADA of awards and industrial agreements in NSW for mature age workers who are made redundant.

Statistics on age discrimination in employment complaints

The table below lists the age discrimination in employment matters that the Board dealt with in 1997-98 and gives a breakdown of matters conciliated or sent to the Tribunal. The majority (57%) of matters were from males. 22% of cases were conciliated (9% of complaints put in by males and 13% put in by females), while 5% (all males) were referred to the Tribunal.

Of the matters referred to the Tribunal, all 3 cases have yet to be finalised. They have been to the ADT and have had a preliminary hearing and are yet to be fully heard.

Age discrimination in employment matters handled by the Board in 1997-98

Sex of complaint						
Male (no's)	%	Female (no's)	%	Not listed	%	TOTAL
32	57%	22	39%	2	4%	56
Age discrimination in employment matters conciliated or sent to the Tribunal in 1997-98						
Outcomes - conciliated						
Male (no's)	%	Female	%	Not Listed	%	TOTAL
5	9%	7	13%	0	0	12
Outcomes – Referred to Tribunal						
Male (no's)	%	Female	%	Not Listed	%	TOTAL
3	5%	0	0%	0	0%	3

The Boards training and education programs

The Board runs regular half and full day seminar programs for HR and EEO practitioners on various subjects, eg. implementing EEO, recruitment, harassment prevention and grievance handling. All include information and skills training in relation to eliminating age discrimination alongside other unlawful types of discrimination. Approximately 350 practitioners from over 250 organisations attended such seminars during 1998/99.

In addition we conduct training on site (within organisations) as requested for senior managers, middle managers, supervisors and general staff. We conducted approximately 500 such sessions during 1998/99 for approximately 14,000 individuals. Again, all such sessions include information and skills training in relation to eliminating age discrimination.

We also offer a free EEO/anti-discrimination/harassment prevention policy and procedures checking service for employers. Approximately 120 employers took advantage of this service during 1998/99.

We also offer consultancy services for employers wishing for longer-term help and support in making their employment practices non discriminatory.

The vast majority of these employer services are provided on a fee for service basis although those targeted towards the community sector are either heavily discounted or provided for free. The Board self-funds this arm of its education services from the fees it raises. Approximately \$450,000 is both spent and earned under these training program per year.

All training and most of the support we provide is evaluated immediately after the session/service delivery and in some cases several months later in order to gauge the level of behavioural change. Many employers return to the Board for ongoing support or further training. Many take on our advice about better practice. However, many need ongoing support and advice to ensure they move forward or do not slip backwards.

All of the above programs and services are ongoing - none have been discontinued.

We will continue to offer such programs and services, along with our own series of employer oriented publications and publication of articles in other appropriate publications read by employers, as together they are the most effective means the Board knows of influencing employer behaviour.

Please find enclosed a brochure on the Board's seminar program for your information.

Exemption to the ADA of awards and industrial agreements in NSW for mature age workers who are made redundant

According to information supplied by the NSW Labor Council, approximately 267 of 490 state awards have the redundancy clause which applies to mature age workers in NSW. Generally they cover a range of industries including transport, state government employees, child care workers, teachers, the building industry and hospitality. The fact that it has been implemented in awards gives some assurance to mature age workers that they have a "safety net" if they are ever made redundant. If you require further

information on these provisions, please contact me Mr Chris Christoudoulou or Mr Neil Towart of the NSW Labor Council on (02) 9264 1691.

In relation to other matters discussed in this letter, if you have any questions, or require further information, please do not hesitate to contact our Senior Policy Officer, Mr Eric Poulos on (02) 9318 5400 on Monday, Tuesday or Thursday.

Yours sincerely,

CHRIS PUPLICK

President

8 September 1999

ecl: seminar program brochure

cc. Ms Kate McKenzie - Acting Director General, The NSW Cabinet Office