



Human Rights Commission
Te Kāhui Tika Tangata

Submission on Strategy for an Ageing population.

Office for Seniors

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Submission of the Human Rights Commission to the Office for Seniors

Introduction

1. The Commission is an independent Crown Entity pursuant to the Crown Entities Act 2004 and derives its statutory mandate from the Human Rights Act 1993 (HRA). The long title to the HRA states it is intended to provide better protection of human rights in New Zealand in general accordance of the United Nations Covenants and Conventions.
2. The Human Rights Commission ('the Commission') welcomes the opportunity to provide the Office for Seniors with a submission regarding the discussion document "Developing a new strategy to prepare for an ageing population".
3. The discussion document aims to update the Positive Ageing Strategy of 2001.

Background and Overview of Submission

4. The Positive Ageing Strategy is now 17 years old. In the time since the strategy was put in place, New Zealand's ageing population has increased by two thirds to around 750,000 people. Population projections show that by 2038 1,340,000 of New Zealanders or 21% of the population will be over 65 years.¹
5. The Commission agrees that it is timely to update the Positive Ageing Strategy.
6. We note that issues regarding health and disability as they relate to older people, and care for older people are covered by the Health Ageing Strategy 2016, Disability Strategy 2016 and Carer's Strategy 2008 and Action Plan 2014-2018.
7. Our recommendations focus on:
 - The rights of older people in the workforce;
 - Affordable Housing/security of tenure for older people;
 - Family violence/elder abuse.

¹ P12 "Discussion document: Developing a new strategy to prepare for an ageing population", Office for Seniors, June 2018.

The Rights of Older Workers

8. Statistics NZ recorded that 23 percent of all people aged over 65 were still in paid employment in 2017.² This is 6 percent of the workforce and is estimated to rise to 8-11 percent in 2038 and from 15-29 percent in 2068.³
9. Recent OECD data shows New Zealand had the second highest rate of workers aged between 55 – 64 years (78 percent) at the end of June 2017.⁴ OECD data also shows that in 2016, 29 percent of men and 18 percent of women aged over 65 years were still in the workforce.⁵
10. In New Zealand _there is no compulsory retirement age, and entitlement to Superannuation is not means tested.
12. The previous “Positive Ageing Strategy” has 10 “Positive Ageing Goals and Key Actions.” Goal 9, is Employment - *“Elimination of ageism and the promotion of flexible work options”*.

Actions:

9.1 Implement human resources policies in the government sector that support employment of older workers; provide family-friendly workplaces by recognising those with caring responsibilities and allowing flexible and reduced hours of work; and ensure entitlements for training are provided to all workers, including older workers.

9.2 Ensure those providing services to older people have an understanding and awareness of older people's issues.

9.3 Work with local government and the business sector to promote mentoring programmes that harness the skills and experience of older people

13. The Office for Seniors reviewed the Positive Ageing Strategy in 2014, with the purpose of evaluating how well New Zealand was progressing towards implementing the strategy’s goals.
14. The report noted, “older people are staying in the workforce longer. An increasing proportion of older New Zealanders are continuing to work past the age of 65. However, research shows that most workplaces don’t have plans for an ageing workforce and a

² “National labour force projections: 2017(base)–2068”, 15 December 2017, Statistics NZ, Accessed on 30.7.2018 from <https://www.stats.govt.nz/information-releases/national-labour-force-projections-2017base2068>

³ Ibid

⁴ “Employment rate by age group”, OECD data Quarter 2 2017, accessed on 30 July 2018 from <https://data.oecd.org/emp/employment-rate-by-age-group.htm>

⁵ “OECD Labour Force Statistics 2017 – New Zealand” accessed on 30 July 2018 from https://read.oecd-ilibrary.org/employment/oecd-labour-force-statistics-2017/new-zealand_oecd_lfs-2017-26-en#page1

significant number of people have seen or experienced discrimination. Employers are having to adjust to a new workplace dynamic. As the traditional 'working-age' population shrinks, businesses will need to retain and harness older people's skills in order to sustain their long-term growth and profitability."⁶

15. There is currently no policy framework in place to encourage business to plan for and support their older workers. One of the three key recommendations from the recent report, "Act Now Age Later" authored on behalf of the Working Group on ageing workforce⁷, was that the government implement a national strategy on the ageing workforce to ensure that all government agencies act collaboratively with stakeholders including employers to improve conditions for the ageing workforce. The Commission supports this recommendation.
16. Another recommendation from the same report is that an Ageing Workforce tool-kit is developed for employers and workers.⁸ Employers and employees need to be given the tools to discuss employees needs as they age so they feel comfortable to discuss how long they would like to continue in the workforce and how they see their role and duties progressing as they get older. Older workers are a diverse group and not all will have the same needs.
17. Examples for employers such as the 'work-adaptation model"⁹ where the demands of work are reduced as a worker gets older should be set out in the tool-kit. This model suggests a range of options that may be appropriate to consider such as shorter hours, less demanding tasks and ergonomic practices are put in place to ensure that a worker can always do the job. This needs to be balanced by a recognition older workers have skills and experience which are of value, but may have health needs, caring responsibilities or wish to pursue other interests which mean that flexibility is more attractive.
18. The tool-kit should also prompt employers and older employees to consider whether specific training is needed for older workers. Older workers who have physically

⁶ P7, "2014 Report on the Positive Ageing Strategy", Prepared by the Office for Senior Citizens.

⁷ P1 "Act Now Age later, Authored on behalf of the Working Group on ageing workforce by the Employers and Manufacturers Association and Commission for Financial Capability, Accessed on 02 August 2018 by [file:///C:/Users/joannam/Downloads/ActNowAgeLater-white-paper-2018%20\(1\).pdf](file:///C:/Users/joannam/Downloads/ActNowAgeLater-white-paper-2018%20(1).pdf)

⁸ P1 "Act Now Age later, Authored on behalf of the Working Group on ageing workforce by the Employers and Manufacturers Association and Commission for Financial Capability, Accessed on 02 August 2018 by [file:///C:/Users/joannam/Downloads/ActNowAgeLater-white-paper-2018%20\(1\).pdf](file:///C:/Users/joannam/Downloads/ActNowAgeLater-white-paper-2018%20(1).pdf)

⁹ P29 "Work in Later Life – Opportunity or Threat" Davey. J and Davies. M, Social Policy Journal of New Zealand, Issue 27, March 2006

demanding jobs may need to re-train or upskill to change roles as they get older. It is both the employers and governments responsibility to re train workers.

19. Consideration of how income security for older workers can be guaranteed when they re-train is something that government, employers and educational institutions need to take into account.

Discrimination

20. The Human Rights Commission has a complaints mechanism for people who feel they have been discriminated against. The Commission tracks data regarding complaints of discrimination in the workplace and during the recruitment process through the Tracking Equality at Work webtool.¹⁰
21. In 2017 the Commission received 34 complaints of discrimination in employment based on age. ¹¹We do not know if these are all from older workers.
22. The Commission received 22 complaints from employees regarding age discrimination in the pre-employment stage.¹² 64 complainants about discrimination in employment were aged 51 years or over.¹³
23. Anecdotally the numbers of older workers being discriminated against is much higher, than the numbers of complaints the Commission is receiving. People can make complaints to the Employment Relations Service via MBIE also and go through a confidential mediation service, so the true number of complaints about age discrimination is not known. Many people will not make complaints at all.
24. Concerns about discrimination against older workers either in employment or applying for jobs is likely to increase as the percentage of older workers in the total workforce increases.

¹⁰ Tracking Equality at Work, Human Rights Commission website, <http://tracking-equality.hrc.co.nz/#/>

¹¹ "Complaints in employment by grounds of discrimination", tracking Equality at Work, Human Rights Commission, <http://tracking-equality.hrc.co.nz/#/indicator/complaints-in-employment-by-grounds-of-discrimination>

¹² "Complaints pre-employment by grounds of discrimination", Tracking Equality at Work, Human Rights Commission, <http://tracking-equality.hrc.co.nz/#/indicator/complaints-preemployment-by-grounds-of-discrimination>

¹³ "Complaints in employment by complainant", Tracking Equality at Work, Human Rights Commission, <http://tracking-equality.hrc.co.nz/#/indicator/complaints-in-employment-by-complainant>

25. It is important that society and employers specifically, value the skills, experience and contribution that older workers can make to the economy. The Commission recommends that the government run a highly visible campaign about the benefits to the workforce of older workers to dispel myths and reduce discrimination.

Housing

26. Goal 3 of the Positive Ageing Strategy relates to Housing and states the aim is “Affordable and appropriate housing options for older people”

Actions:

3.1 Maintain income-related rents policy for state housing.

3.2 Provide adequate assistance towards the cost of local authority rates.

3.3 Strengthen legal protection for retirement village residents.

3.4 Work with local government to increase the supply of universal design and energy-efficient low-rental housing, including supported pensioner housing complexes.

3.5 Investigate options for government assistance to enable low-income families to purchase homes.

27. As rates of home ownership fall, it cannot be assumed that all people aged 65 years will have a mortgage-free home and savings. The new strategy needs to acknowledge that more people over 65 years old will be in private rental accommodation in the future and may not necessarily have security in their living arrangements that previous generations have enjoyed.

28. The United Nations, in a recent report in housing noted, “Housing strategies should identify groups that suffer housing disadvantages and should address the particular barriers they face. These groups include: women; persons with disabilities; people living in poverty; migrants; racial and ethnic minorities; indigenous peoples; youth; older persons; lesbian, gay, bisexual, transgender and intersex persons; and people who are homeless or living in informal settlements. They should ensure that legal protections from discrimination are effectively enforced in the housing sector and that housing status — including homelessness — and social and economic situation are recognized as prohibited grounds of discrimination.”¹⁴

29. The Government announced in the KiwiBuild scheme, which had \$2.1b allocated in the Government's mini-Budget in December 2017. The scheme emphasizes building “affordable housing” for first time buyers. Another \$170m will be spent by the

¹⁴ P7 “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context”, Human Rights Council, 15 January 2018, United Nations.

Government over four years increasing "transitional housing" which provides short-term housing for people with immediate need. This is expected to add another 200 places.¹⁵

30. The Kiwibuild scheme is not designed for older people, but rather first-time buyers who it is assumed will be able to pay off a mortgage over 25-30 years. The Transitional housing scheme makes no specific mention of older people and those aged over 65 years. We recommend that the strategy considers the most vulnerable older people's housing needs including, those in poverty, women, people with disabilities, Māori and Pasifika peoples, and that much more emphasis is placed on the availability and security of housing for these groups of people.

Elder Abuse

31. The Positive Ageing Strategy had a general goal "People of all ages have positive attitudes to ageing and older people". Added into the new Strategy needs to be a goal for dealing with Elder Abuse.
32. Elder abuse is a global problem. International studies report that 3% - 10% of older people experience abuse or neglect each year. It happens to men and women of every religious, cultural, ethnic and income group.¹⁶
33. New Zealand research shows that specific groups of older people face higher rates of abuse, including women, Maori and those who are separated, divorced or widowed.¹⁷
34. Age Concern identified 6 key areas of abuse¹⁸:
- Psychological Abuse
 - Financial Abuse
 - Physical Abuse
 - Neglect
 - Sexual Abuse
 - Institutional Abuse

¹⁵ "Building houses to tackle the crisis", Budget 2018, NZ Government. Accessed on 22.8.2018 from <https://budget.govt.nz/budget/2018/releases/r21-la-twyford-building-houses-to-tackle-the-crisi.htm>

¹⁶ "What does Elder abuse look like", Age Concern website, accessed on 17.7.2017 from https://www.ageconcern.org.nz/Services/EANP/ACNZ_Public/Elder_Abuse_and_Neglect.aspx

¹⁷ P4, "Towards gaining a greater understanding of Elder Abuse and Neglect in New Zealand", Office for Senior Citizens, June 2015.

¹⁸ "What does Elder abuse look like", Age Concern website, accessed on 17.7.2017 from https://www.ageconcern.org.nz/Services/EANP/ACNZ_Public/Elder_Abuse_and_Neglect.aspx

35. When Age Concern ran the Elder Abuse and Neglect Prevention (EANP) services nationally they received on average 2,000 reports of suspected abuse or neglect of older people each year.¹⁹
36. Age Concern reports that over three quarters of alleged abusers are family members, with almost half being adult children of the older person. Abusers are as likely to be female as male.²⁰
37. Older people who have suffered abuse report devastating losses to their independence, homes, lifesavings, health, dignity and security. The effect on their health includes triggering depression, anxiety disorders, loss of self-esteem and exacerbation of chronic health conditions.²¹
38. Older people are more susceptible to financial abuse, particularly those over 80, women and those in poor physical and mental health.²² Financial elder abuse is defined as “illegal or improper exploitation or use of funds or resources of the older person.”²³
39. Banks and financial institutions are well placed to monitor unusual transactions and withdrawals from older customers bank accounts. Their challenge is to balance their ability to monitor and intervene where fraud is apparent against the individual’s right to privacy and self-determination. The New Zealand Bankers Association has developed voluntary guidelines to assist banks to meet the needs of their older and disabled clients.
40. We recommend that the government and banks work together to strengthen measures that will protect older people from elder abuse.

SUMMARY OF RECOMMENDATIONS

¹⁹ “What does Elder Abuse look Like” Age Concern website, accessed on 17.7.2017 from https://www.ageconcern.org.nz/Services/EANP/ACNZ_Public/Elder_Abuse_and_Neglect.aspx

²⁰ Ibid

²¹ Ibid

²² P21, “Financial abuse of older people in New Zealand”, Davey J and McKendry J, Working paper 11/10, November 2011, Institute of Policy Studies, University of Victoria.

²³ P4, “Financial abuse of older people in New Zealand”, Davey J and McKendry J, Working paper 11/10, November 2011, Institute of Policy Studies, University of Victoria.

1

The Commission recommends that the government implement a national strategy on the ageing workforce to ensure that all government agencies act collaboratively with stakeholders including employers to improve conditions for the ageing workforce.

2

The Commission recommends an Ageing Workforce tool-kit is developed for employers and workers.

3

The Commission recommends that the government runs a campaign about the benefits of older workers to dispel myths and reduce discrimination.

4

The Commission recommends that the government consider the rights of the most vulnerable older people to affordable housing and security of tenure, and prioritise those groups in the strategy.

5

The Commission recommends the government undertake a public education and awareness raising campaign to combat ageism/elder abuse and promote respect for older people like It's Not Okay combatting family violence.

6

The Commission recommends that the government work with banks to provide greater monitoring and intervention to protect older people from financial abuse.

