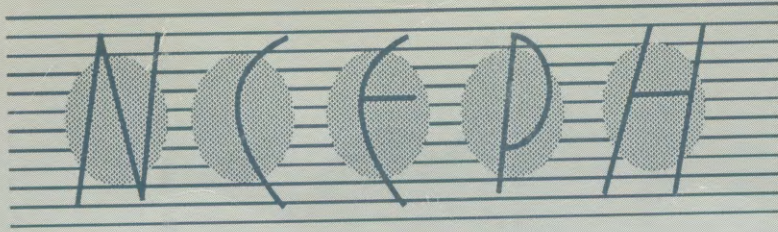


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**Australian Mandatory Retirement  
Challenged**

**John McCallum, DPhil**

**WORKING PAPER NUMBER 21**

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Data Sources

The principal investigator in the International Social Survey Program (ISSP) Role

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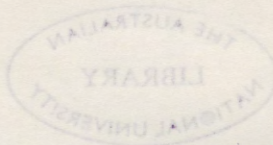
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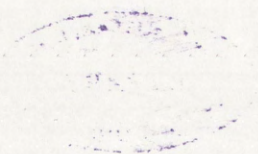
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### Data Sources

The principal investigators in the International Social Survey Program (ISSP) "Role of Government" 1985 were The Research School of Social Sciences (Australia), Zentrum fur Umfragen, Methoden und Analyzer (West Germany), National Opinion Research Center (USA), Social and Community Planning Research (UK), Institute of Sociology (Austria) and Eurisko (Italy). Data were made available by the Zentralarchiv fur Socialforschung through Dr. J. Kelley and Dr. M. Evans at the Australian National University. Neither the original collectors of the data nor the providers of the data bear any responsibility for the analyses or interpretations presented here.



**ABSTRACT**

During the 1970s Australia experienced declines in participation rates of older workers similar to the USA. However, in Australia it has taken more than 10 years to enact the same policy changes in age discrimination in employment. In order to promote a considered internationalism, as opposed to a parochial resistance to international ideas, this paper considers two questions about the case of mandatory retirement, namely "Why did Australia take so long to change?" and "What has been learned from the North American experience?" On the first question, it is argued that Australians are beginning to move only slowly from a European view of retirement as leisure in "old age" towards more active notions in North America and Asia. Elites in government are responding to a growing political consciousness among the aged who are seeking a new deal in rights of access to work. On the second question it is argued that the North American experience leads us to soften claims about age discrimination and to be less optimistic about major improvements in older worker's participation arising from legislation outlawing age discrimination. This evidence can reduce the contentiousness of the issue in Australia and allow focus on the more practical issues of how to make the legislation work to protect the rights of older people.

## AUSTRALIAN MANDATORY RETIREMENT CHALLENGED

In the first article that appeared in the inaugural volume of the *Journal of Aging and Social Policy*, Bleddyn Davies (1989) challenged parochialism as the root cause of many unproductive social policy debates. This paper, by contrast, calls attention to the internationalism of social policy makers who have studied and applied in Australia the knowledge garnered from experiments already carried out in the United States and Canada. Internationalism is a fact of modern life, but it can lead to the importation of inappropriate models. Parochialism may be defended then as a useful, if unreasoned, barrier to inappropriate international models. With the ease of almost instantaneous transfer of images and information, it is better to systematically assess the appropriateness of international models rather than shelter behind a blind parochialism of the kind that rejects all models from Japan or Europe for example, without respect for their strengths and weaknesses.

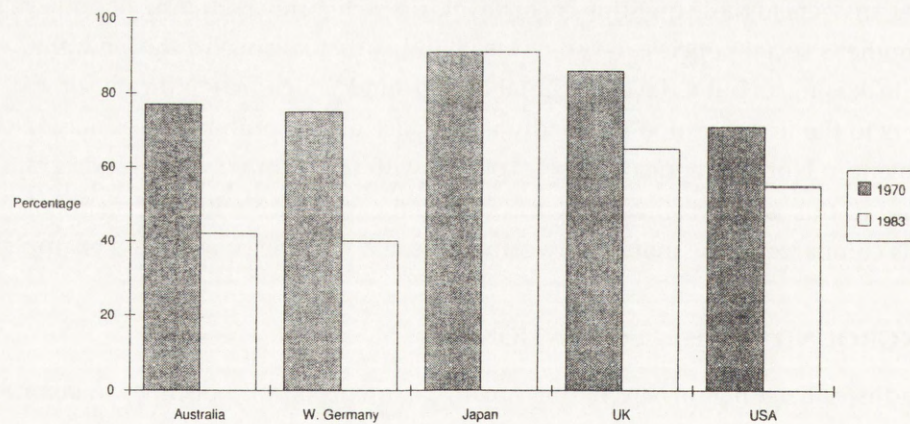
In this context it is interesting to note that after a decade of neglect, the Australian States are suddenly moving to outlaw mandatory retirement by including age in their anti-discrimination legislation. The decline in labor force participation of older workers was as severe in Australia in the 1970s as it was in the USA; however, in Australia it has taken ten years to get some movement on this as a policy issue. The obvious question, "Why has the change occurred now rather than ten years ago?" needs to be asked. In the light of Davies' comments, a second question will be asked: "What has been learned from the North American experience?" The purpose of seeking answers to these questions is to develop a better understanding of how we see one another's social policies and so reduce blind parochialism. To this end, the initial task is to set out a developmental background which may indicate some answers to the first question. Secondly the impacts of the prohibition of mandatory retirement in North America will be explored with ten or more years hindsight. The purpose of this is to systematically assess actual experience with international models compared to the more easily communicated rhetoric or idealized examples.

## BACKGROUND TO THE LEGISLATION

The industrialized nations, excluding Japan, experienced rapid declines in labor force participation rates of older men in the 1970s (Figure 1). The Australian experience was among the most severe for men aged 60 to 64 years. These declines are now expected to continue but at a slower rate than for the period up to 1983 (Figure 2). Such declines are themselves not necessarily indicative of social problems. There is little academic or public support for a claim that idleness in later life entails significant moral hazards. If older people prefer leisure to work and have accumulated sufficient wealth or pension entitlements, then their preferences ought to be respected. These conditions, however, beg many questions about voluntarism in the retirement processes that have occurred. There is also a public point of view on the issue which bears consideration.

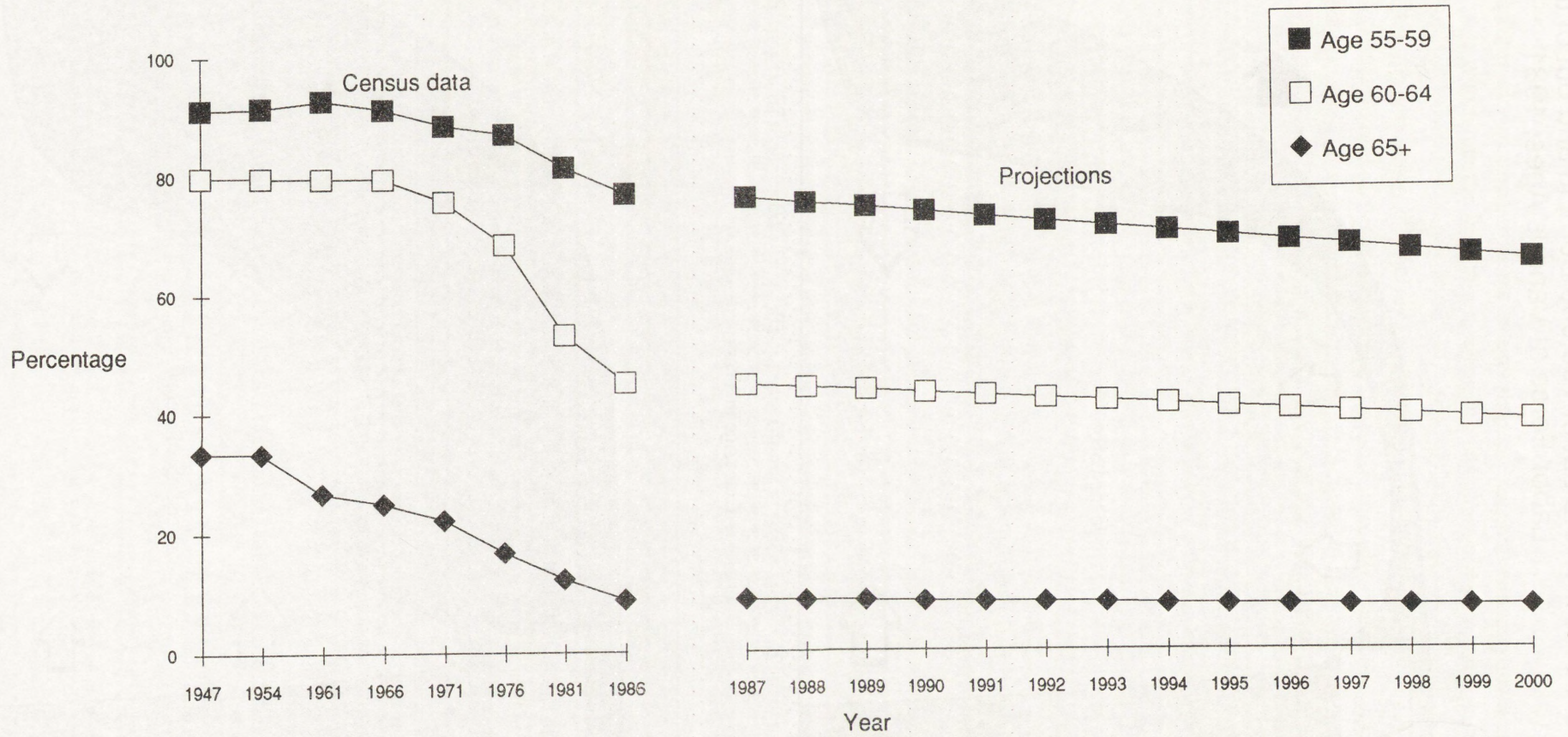
It is of public concern that these declines have been paralleled by a counter trend of increasing life expectancy (Figure 3) which implies an increasing cost of supporting the older dependent population. The public has an interest in maintaining a manageable dependency ratio because of the cost to the public in increasing pensions and benefits payments. Thus, it is possible that expectations of leisure acquired in previous generations may become inappropriate in new social and economic circumstances. In fact all these questions were raised by the participation declines of the 1970s in Australia, but there was no serious public questioning of mandatory retirement.

Figure 1. Participation Rates of Older Men Aged 60-64



Source: McCallum, 1989.

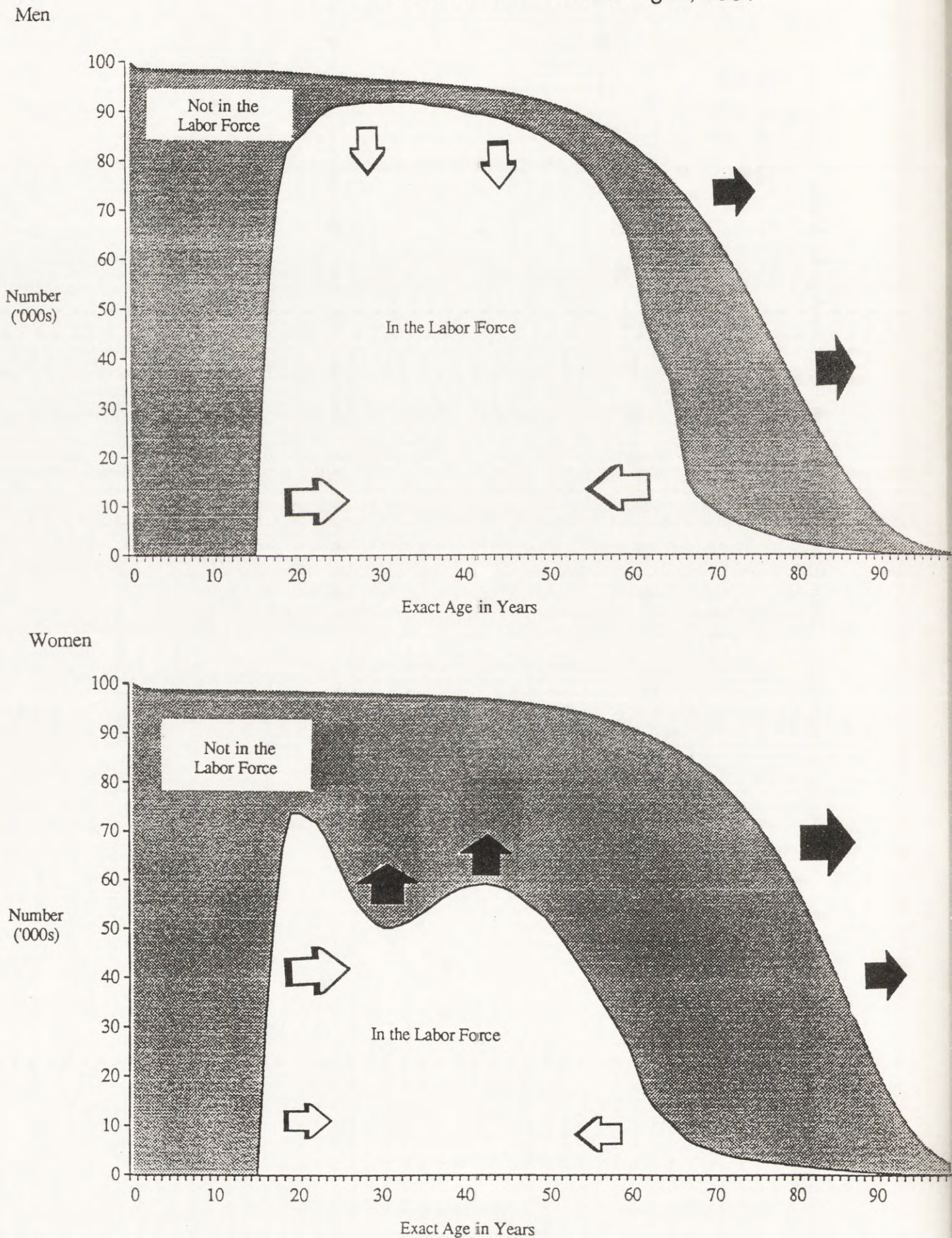
Figure 2. Australian Labor Force Participation Rates by Age for Males



Sources: Anderson, M & Ross, B, 1987.  
 Australian Bureau of Statistics, Censuses of Population and Housing.



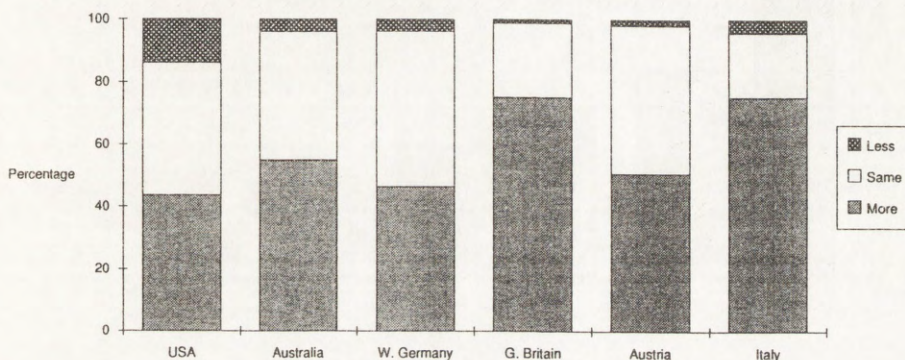
Figure 3. Survivors out of 100,000 Born, in and out of the Australian Labor Force at Various Ages, 1981



In the early years of the 1980s the Bureau of Labour Market Research (1983) undertook an extensive analysis of this phenomenon within Australia using international comparisons of policies. The study concluded with a large set of policy recommendations, but these were seeds sown on barren ground. Australians were not politically concerned with older workers but with the relatively high unemployment rates of younger workers. A declining participation rate at older ages was perceived as consistent with a range of policies designed to increase the participation in work and in education of younger Australians. There was furthermore strong public opinion in favour of increasing pensions to older Australians (Figure 4), a move which would have increased rates of labor force withdrawal. Compared to 55 percent of Australians (around 50 percent of West Germans and Austrians, and 75 percent of Britons and Italians), only 44 percent of Americans supported more spending on age pensions. On the other hand, in Australia at the time, there was virtually no public concern about mandatory retirement or age discrimination. These human rights and attitudinal concerns existed for women and migrants because of pressure group activity but as yet did not exist for the aged. Thus the critical moment for policy change was lost in Australia.

Australians, unlike Japanese (McCallum, 1988), are not averse to leisure. Australian Bureau of Statistics (1983, 1986) surveys of persons retiring "early" from full-time work (i.e. before age 65 for men and 60 for women), show a consistent 27 percent of people retired "because they did not want to work any more" or to have "more leisure time". This was by far the most popular reason for early retirement. By contrast, of all people who were retired and aged 55 years and over, the most common reason (33 percent response in 1986) was having "reached compulsory retirement age". This accounted for 75 percent of people aged 65 to 69 years. What is curious about this response is that there are few organizations with formal mandatory retirement rules. Nonetheless older workers were clearly aware of informal mandatory retirement provisions.

Figure 4. Proportions Wanting More or Less Government Spending on Age Pensions (1985)

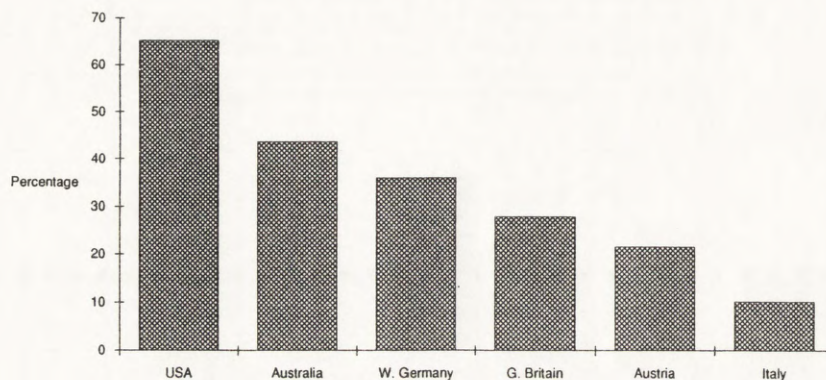


Despite this feeling about mandatory retirement, a recent attitude survey of Western Pacific nations (Penhall 1989), including the American state of Hawaii, shows that Australians themselves regard their country as a good place in which to retire and that this view is shared by Pacific neighbours (Table 1). This is one factor behind the Japanese MITI (Ministry of International Trade and Industry) Silver Columbia proposal to develop retirement settlements in desirable overseas locations. During the 1980s this proposal was received unfavorably by the Australian public so the Japanese quickly dropped it from future bilateral trade negotiations.

There is now, however, a new questioning of the balance between work and leisure in Australia. Australians have been shaken with visions of their future as a banana republic or as the poor whites of Asia if they do not improve their economic performance. In unprecedented trade union negotiations, changes to work practices have been traded for increases in wages and in superannuation contributions from employers. There has been a growing perception of a need to work harder derived from the examples of Japan and "the four tigers" - South Korea, Taiwan, Hong Kong and Singapore. The old attitudes remain but are being overtaken by new ones.

Australians now lie somewhere between the USA and European countries in their opposition to mandatory retirement (Figure 5). Respondents from Australia and a number of other countries were asked: "Do you think that all retirees should be required to retire at an age set by law?" Australians are midway between Americans who strongly oppose mandatory retirement, and Europeans who are less opposed. Europeans generally view old age as a period of leisure when adequate public pensions support a reasonably affluent lifestyle. Productive aging in the sense discussed in the United States, or gerontocratic work groups as seen in Japan, are not part of the European view. Australians, and most significantly their trade union leaders, shared this European viewpoint until very recently.

Figure 5. Public Opposition to Compulsory Retirement (1985)



Source: International Social Survey Program, 1985.

Table 1. Ratings of Attractiveness as a Place to Retire

## A Good Country to Live in When you Retire?

	How Australians See Other Nations as Retirement Places	How Other Nations See Australia as a Retirement Place
Australia	+87%	NA
China (PRC)	-14%	+19%
Hawaii	NA	+30%
Hong Kong	-8%	+34%
India	-31%	+9%
Singapore	-4%	+20%
Japan	-14%	+46%

Table is in percentages of Yes responses minus percentages of No responses.

Number of respondents surveyed = 3744

Source: INRASIA, Pacific National Images Study (Penhall 1988).

Whereas equal treatment in the United States tends to be perceived in terms of civil rights and anti-discrimination provisions, the Australian and European social welfare tradition places more stress on similarity in treatment and equivalence in socio-economic status. Hence when one rule was followed by employers, namely that everyone should retire by age 65 years, it was not regarded as odious. Australian male traditions of mateship and trade union solidarity further constrained the expression of different individual preferences for a longer working life. With public opinion only moderately opposed to mandatory retirement, but in favor of increased spending on public pensions, something fundamental had to change to advance conditions for older workers.

In examining the situation in late 1988, I expressed the following view: "The motivation to protect older workers is more likely to come from the public sector in order to cut pension costs, rather than from mass dissatisfaction with retirement" (McCallum, 1989:20). Only a few months later, in January 1989, Australians were shaken by the arrival of self-styled Grey Power parties in state elections. In the state of Western Australia, the newly established Grey Power party took 30 percent of the aged vote and six percent of the total vote. Suddenly the Western Australian Equal Opportunity Commission (1989) moved to include age in its anti-discrimination legislation. This development was followed by other major Australian States, namely New South Wales (Department of Industrial Relations and Employment, 1989), South Australia (Government of South Australia, 1989) and Victoria (Law Reform Commission, 1989). What had seemed unlikely six months before had suddenly become a reality. The new question became: "What can we learn from the experiences in North America to guide Australian legislative change?"

#### LESSONS FROM NORTH AMERICA

One of the reasons for prohibiting mandatory retirement is to moderate the withdrawal of older workers from the labor force. This was part of the early American debates and it is one potential motivation for the change in Australia. More than ten years of experience in the USA and Canada show that prohibiting mandatory retirement is not itself a very effective way of promoting the employment of older workers. In New York, Michigan and California there have been only minor consequences of prohibition. The Ontario Task Force on Mandatory Retirement (1987:17) estimated that of 100 people aged 55 years in jobs subject to mandatory retirement, 71 will no longer be working at age 65 years, previously the age for mandatory retirement. The losses would be 15 dead, 6 permanently laid off and 50 retired early for health reasons. The Task Force predicted a 1 percent increase in the total labor force of Ontario Province.

These low impacts, both observed and predicted, cause a moderation of the stronger claims of discrimination against older workers. If there is so little response, how could it be that there is substantial discrimination against older workers? Levine (1988) notes four general types of causes for mandatory retirement: economic (rational) choices of employers to reduce numbers of unproductive workers; macro-economic competition between groups in the labor force in which older workers as a group are less successful than women and minority groups; individual worker

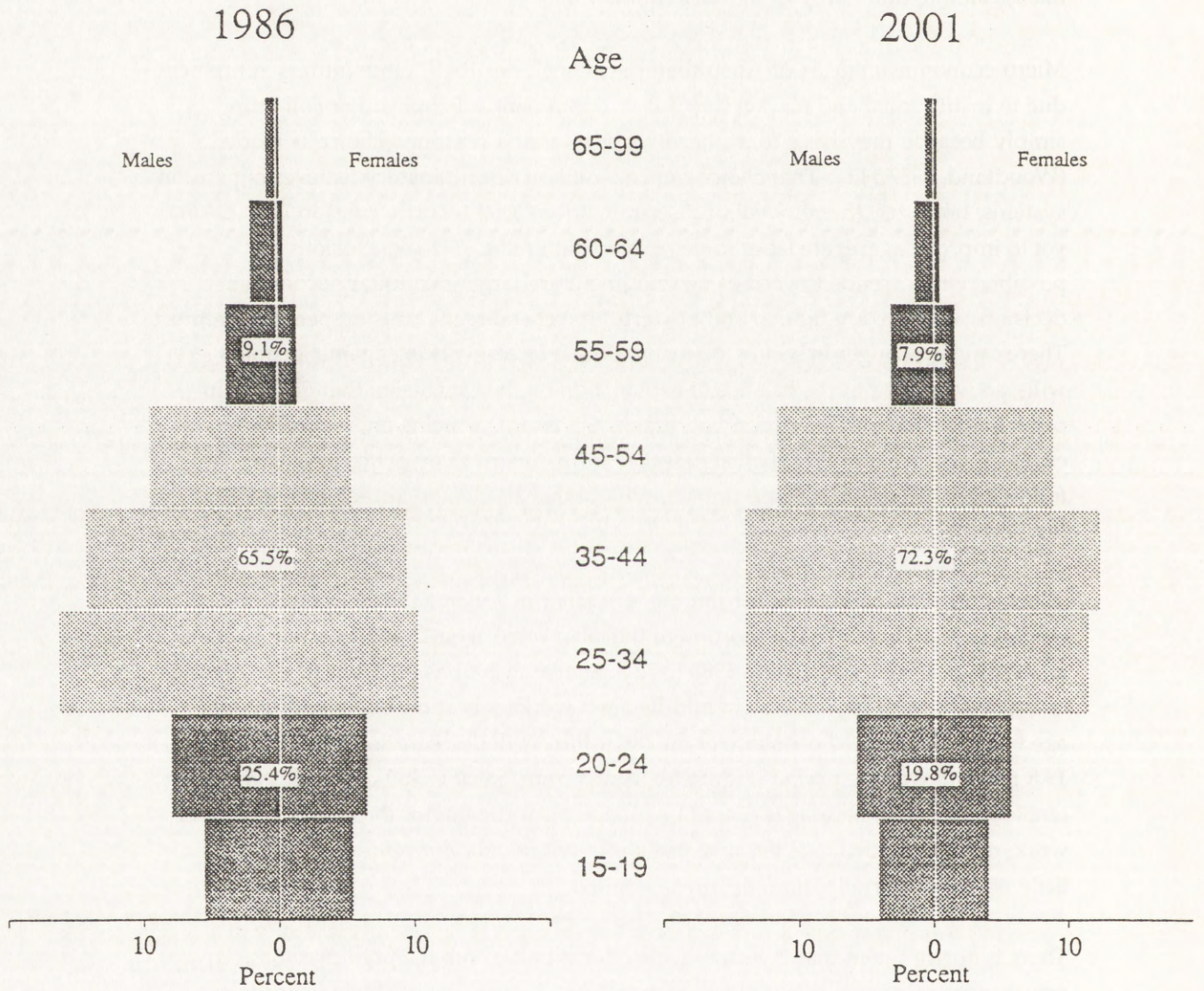
intertemporal choices which allocate leisure over the life cycle leading to particular retirement ages; and cultural or attitudinal causes leading to factual stereotyping, emotional prejudice, or unconscious ambivalence toward older workers. If so many workers continue to retire voluntarily despite, for example, being paid more than their productivity value, as argued in the intertemporal choice model (Lazear, 1979), then we need to look to some of the other arguments to explain retirement behavior like economic rationality or age discrimination.

Micro-economic analysis of Australian data concludes that "...involuntary retirement due to institutional and market forces is not dominant... People do not all retire simply because they have to; rather it appears that a reasoned choice is made..." (Woodland, 1987:112). That choice can be based on discriminatory features of pension systems; however, the removal of discriminatory social security rules in the USA has yet to improve aggregate labor force participation rates. Two conclusions are possible: either trends toward early retirement are largely voluntary economic decisions; or there are hidden and powerful forces indirectly causing people to retire. There can be a danger in seeing too many hidden forces working against people's wills, so we must put the balance of explanation on the conclusion that declines in participation have largely been voluntary. Given this conclusion, Australian employer groups are now challenging the North American evidence by asking the following: "If there is so little impact, why bother to change anti-discrimination legislation?"

There is no strong argument for shortages of labor in Australia to counteract this employer resistance. The proportion of the labor force aged 25 to 54 years is expected to increase from 65.5 percent in 1986 to 72.3 percent in 2001 as the labor force increases in absolute size. This increase in middle-aged workers is at the expense of people aged 15 to 24 years, whose share of the labor force will decrease from 25.4 percent to 19.8 percent over the period (Figure 6). Apart from specific skill categories of employment, labor shortages cannot be used as an argument for the retention of older workers. This is fortunate because prohibition of mandatory retirement has had little effect on participation, as already noted.

There is an argument that investments in education by both the public sector and private enterprise now need to be recouped over a longer period. Most education in Australia is publicly funded, and the most expensive is tertiary education. Of people aged 65 to 80 years in 1986, only 5.2 percent had some form of tertiary education. Projecting current levels of tertiary education for cohorts at ages 65 to 80 in 2001 and 2021, this rate will increase to 7.1 percent and 12.7 percent respectively. These public investments may make ever earlier retirement inappropriate. Moreover, firms are investing more to train their employees, often with shorter time gaps between retraining. The fact that the level of investment varies between workers may mean that special contracts are struck only with valuable employees. Employer prejudice against older workers will therefore need to be overcome. There will be potential gains to firms and the public from more flexible retirement.

Figure 6. Percentage Distribution of the Australian Labor Force



Source: Anderson, M. & B. Ross, 1987.

Whatever the importance of the points discussed so far, the weight of the argument has to be carried by the civil rights case. Put simply, it is discriminatory to forcibly retire people who do not wish to retire. There has been an increasing number of complaints about age discrimination in employment to anti-discrimination commissioners and other such organizations. However only 2 percent of persons retiring before "normal" retirement ages (65 for men and 60 for women) reported that they could not keep a job because "employers thought that they were too old" (Australian Bureau of Statistics, 1983, 1986). Thus these still only constitute a minority of people who are retiring; nonetheless their rights are important. Secondly, employers and others have been more willing to recognize the existence of misinformed prejudice against hiring older workers (Howe 1989:14). If the North American evidence leads to the conclusion that mandatory retirement is irrelevant because most people retire anyway, why discriminate against a minority?

The stronger argument is that this change is part of a new deal for the elderly in Australia. Attitudes have become an issue in a society more conscious of the rights and dignity of the aged. Past images of the "old age pensioner" denoted a relatively poor group, idly occupying public places and concerned with events celebrating their dependent status such as Senior Citizens' Weeks. The new image is one of independence and economic and social productivity. This attempt to change images is very much politically driven by elites in government and by age activists. In order to respond to the growing political consciousness of the aged and manage an area of high public cost, state governments are seizing the initiative and setting the agenda. With exposure to new ways of experiencing old age, opposition to mandatory retirement is likely to grow. The acceptance of the new ideal of an active, productive old age is likely to grow among the public led by elites. In the shorter term, however, there is strong public reaction to some reforms. For example the state of New South Wales has attempted to change the format of Senior Citizens' Week celebrations to be more in tune with the active aged e.g. to change its title to "Focus On Aging". Strong opposition from those who previously organized the activities has been supported by the media and the broader public.

The reform of public policies for the elderly can be constrained by the failure of government to provide adequate support as well as by public resistance to change. In the USA, consistent complaints about the length of time to litigate and low proportions of age discrimination cases proceeding to settlement have been raised by groups such as the American Association of Retired Persons. This indicates the meagre public financial support for legislative reform in North America. The waiting time and low proportion of cases pursued also act as disincentives because of the costs associated with waiting and the low probability of success. The question is whether this has a greater effect on the rights of older workers to seek redress or on the rights of employers to make productivity assessments without frivolous disputation. The current system in the USA clearly pushes the balance of power to the employer rather than to the employee.



## CONCLUSION

The experiences of Canada and the USA have been driving forces in the Australian rush to enact anti-discrimination legislation. Elite groups in Australia have either experienced the new regime or read about it, and have lobbied strongly for the change. Nevertheless, ten years of experience in North America has changed the arguments that can plausibly be made in support of prohibiting mandatory retirement. The legislative reform cannot be claimed to be an effective instrument of labor force policy because it has not yet been effective in significantly changing labor force participation rates of older men anywhere it has been implemented. Changes in participation of older women are, arguably, also due to factors unrelated to changes in mandatory retirement policy. Within the bounds of choice available to older people, the conclusion therefore must be that retirement has been largely a voluntary choice. The further implication is that mandatory retirement is not needed to manage the participation of older workers. Schemes that are more voluntary and involve negotiation are readily available. The experience of North American States has proven to be a most instructive one in the rush to deal with the growing political consciousness of the elderly in Australia.

One major problem remains. The Australian States are generating different solutions to this problem and many State regulations will be constrained by Commonwealth regulations on superannuation and other matters. For one example, Commonwealth limitations on lump sum superannuation accumulation are currently discriminatory by age. Some moves in Commonwealth legislation will be necessary if this reform is to proceed. The Commonwealth itself is in danger of being caught up in discriminatory attitudes to older people if it confines its interest simply to matters of social security and pensions for older workers.

The Organization for Economic Cooperation and Development's (OECD, 1988) notion of an "active society" has already been accepted in national policy. It remains to apply this principle to regulations currently inhibiting the employment of older workers. It is not only important that the Commonwealth gets its own house in order but also that it introduces some consistency into the range of legislation appearing in Australian States. We await movement in this direction already pioneered in the United States amendments to its Federal Age Discrimination in Employment Act.

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