

# Technology and Human Rights Issues Paper – Human Rights Commission – November 2018



Jobs Australia

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## ABOUT JOBS AUSTRALIA

Jobs Australia is the peak body for NFP Employment and Related agencies. We represent the largest network of not-for-profit employment-related community services in Australia - with members ranging from small local community agencies to large national charities.

## ABOUT THIS SUBMISSION

Jobs Australia members provide street-level delivery of activation strategies. We are therefore extremely interested in the intersection between social security and labour market policy as these settings directly inform the programs our members provide to the community. Our member organisations work with disadvantaged people needing the most assistance to obtain career advice, develop language, literacy and numeracy (LLN) and foundation skills, engage in training pathways, gain occupation-focussed skills and enter the labour market.

Since services to employment services and job seekers are resourced via automated risk assessment tools there are many concerns about these technologies for the human rights of unemployed people, and particularly those who are vulnerable because they are long term unemployed and face structural barriers to employment.

It is from this perspective that we respond on behalf of our members and our comments to this issues paper. Our response below addresses the issues paper in broad terms – and in particular the under Issue number 5.

- . *How well are human rights protected and promoted in AI-informed decision making? In particular, what are some practical examples of how AI-informed decision making can protect or threaten human rights?*

There a number of areas in which the digitisation of human services affects our member organisations and unemployed people in general.

The first area of concerns reflects the ways in which risk profiling tools are used to **assess funding levels to employment services agencies**. The use of these tools is increasingly being used to create conditions of ‘austere welfare’ such as has been the case with recent changes to the DES Funding Level tool assessments.

The second area of concerns directly affects job seekers themselves as they are assessed as being able to access levels of funding for services either through eligibility profiling or service streaming. The use of these tools is increasingly being used to create conditions of ‘austere welfare’ because the **eligibility criteria for payments** become difficult to achieve. An example of this is with **the Impairment Table assessment for the Disability Support Pension** where people with disabilities are assessed on different tougher criteria than before – and many more of whom now qualify for activity tested Newstart payments.

Also these profiling methodologies are **used to target services or activation strategies in certain locations** where for example there might be a high concentration of Indigenous unemployment, intergenerational unemployed and or single parents.

This profiling can result in the **discriminatory application of social policy** to some groups of unemployed people.

The third is through the use of **job seeker compliance monitoring** systems such as the **Targeted Compliance Framework**. There is an increasing reliance on automated decision making about job seeker compliance with activity requirements, which limits the application of human discretion to understanding complex personal situations and limits right of appeal through human decision making and social security law.

The fourth is through the use of **random sampling methodologies** that affect agencies regarding payment of service and other fees. Agencies are often required to pay-back (clawed back) funding because of the generalisation applied from random samples across their funding regardless of whether they believe the cases identified in the sampling are anomalous or not.

The fifth area relates to **privacy and data protection** concerns where the use of shared data and profiling of unemployed people where for example mental health, drugs and alcohol abuse or offending histories are shared. Information about sensitive matters of this kind should only be shared by agencies with qualified actors such as public servants rather than outsourced agencies.

Finally, the **2020 reforms of employment services** signal an intention to rely on more **self-reporting and digitisation**. We have already observed barriers to the use of digital services for many unemployed people who might not have access to good internet, or who do not have access to suitable devices. An increasing reliance on service delivery via digital platforms brings with it concerns about **accessibility and lack of human discretion**.