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Submission to the Human Rights Commission: Human Rights and Technology Project

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I am currently employed part-time as a researcher at the Centre for Aboriginal Economic Policy Research at ANU, as well as undertaking consultancy work, principally in the area of employment services policy. This submission draws on research on the design and delivery of remote employment services since 2013. This research has included site observations and interviews with clients, workers and government officials involved in the services.

This submission focusses on the ways in which the use of technology in delivery of remote employment services is impacting on the human rights of unemployed Indigenous Australians in remote areas. I have also noted, at the end of the submission, some concerns over the more recent push to increase on-line employment services delivery across the wider unemployed population.

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.... I can see a lot in the computer. I guess that's my main reference – I can see a lot about them there about how consistent and reliable they are. I was asked by someone to give a reference for a client and I thought I don't know them at all. But then I realised that it was there in the computer. (Case manager, remote employment services office)

IT systems and the development of the employment services market

In 1998 Australia became the first OECD country to fully privatise delivery of its public employment services. It contracted service delivery to a mix of private and non-profit organisations, measuring and rewarding their performance on the basis of the proportion of long term unemployed people that providers placed and kept in work (Jarvie & Mercer 2018; OECD 2012). The program –now called jobactive – is 'work first' – designed to deliver 'light touch' assistance and to pressure job seekers to take up employment, regardless of quality. Administration of income support payments has remained a government function (through what is now called the Department of Human Services (DHS)), but the setting of the specific obligations attached to benefit receipt (like job search) and reporting on compliance with these obligations has been delegated to contracted providers¹. The use of networked information technology has been essential to this integration of income support administration with provision of employment assistance across multiple organisations and

¹ In practice, provider contracts and guidance material issued by government prescribed much of what was included in individual plans including the expected number of job searches, appointment frequency and expected number of hours of 'work like' activities (eg Work for the Dole).

sites. It has underpinned both the intensification of welfare conditionality and the assignment of much of its administration to the non-government sector (Henman 2010).

Over time, the same technology that had enabled the government to devolve service delivery has allowed it to intensify its direction and auditing of frontline service provision (Considine et al. 2011). The government officials who 'manage' the quasi-market make extensive use of system data to measure performance and to identify and track program and policy alterations. They can 'see' hundreds of thousands of individuals through the computer and monitor millions of transactions.

The technology and its use has contributed to increased standardisation of delivery and to a de-skilling of the frontline workforce (Considine et al. 2015). By the mid-2000s case managers working in contracted employment services were doing much of their work on-line, accepting client referrals, updating assessments, creating individual job plans and recording appointments and activities in the government's IT system. The focus on the computer has come at the expense of delivery of high quality case management to people who are the hardest to place.

The emergence of RJCP and CDP

In 2011, the then Labor Government established a review of remote employment services. It was described as a response to the unique conditions of remote communities (Arbib, Macklin & Ellis 2011). While some argued for a flexible, community development approach to remote communities, the approach eventually adopted by the government was highly transactional and computer based, built on the same IT platform and program logic as was applied in urban and regional markets. Asked what thought had been given to the appropriateness of this heavily IT system based delivery to remote settings, one senior official involved in the design process told our research project:

The computer side of it was always part and parcel of what is needed to report on employment services. You can always bring in expertise to do that.
(interview, Senior DEEWR official, 2014)

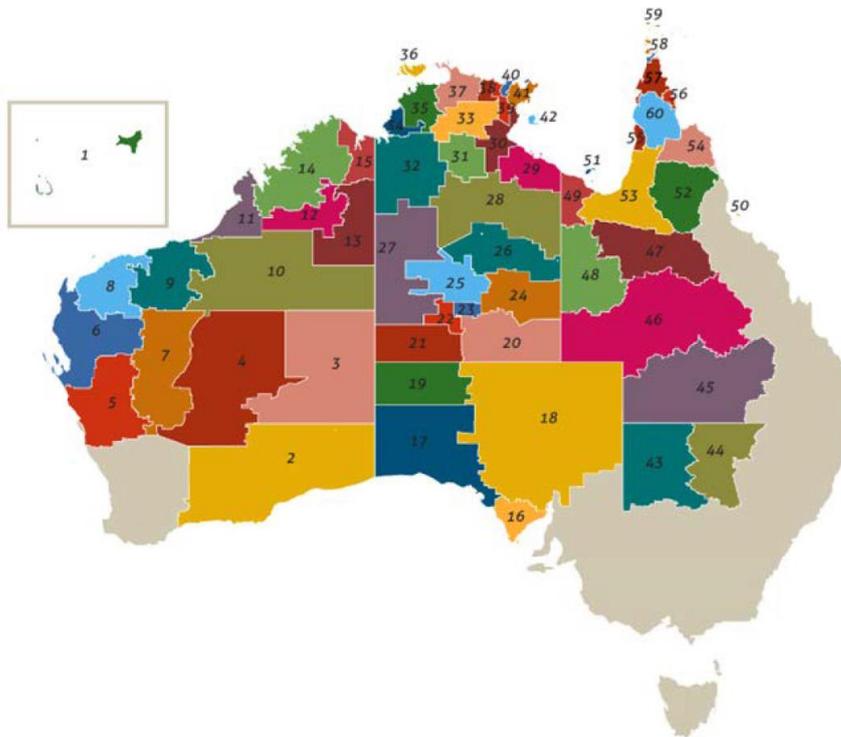
The centrality of IT systems was taken for granted as was the availability of IT 'expertise' in remote communities. In 2013, following the election of the Coalition Government, the program was moved into the Department of Prime Minister and Cabinet (PM&C), but the restructured employment department² remained in charge of the IT system. The small scale of the remote program with its caseload of less than 5% of jobseekers has meant that developments in the mainstream program remain the dominant consideration in ongoing system development. While PM&C officials can commission system adjustments and add-ons, it is more common that the operations and design of the remote program are adapted to the employment services IT system.

Today, the Community Development Programme (CDP) is the mandatory labour market program to which all activity tested income support recipients living in remote areas are referred. It is the counterpart to the jobactive and disability employment services programs that run in non-remote areas (see map at Figure 1). There are around 30,000 people in CDP - less than 5% of the total

² Initially renamed 'Department of Employment' and then 'Department of Jobs and Small Business'.

number in employment services nationally. Over 80% of participants in CDP are Indigenous, compared with around 11% of the activity tested caseload nationally.

Figure 1 CDP service regions (in colour)



The impact of computer systems on frontline work

From the start, heavy reliance on the IT system for delivery of remote employment services has created challenges for providers. One of the stated objectives of the remote program was that it be delivered by local Indigenous organisations with a permanent presence in each region. However, the need for high levels of digital literacy has limited the ability of organisations to employ local Indigenous people in frontline roles. In responding to a survey of CDP providers in 2017, 71% identified the need for high level administrative and/or IT skills as an obstacle to employment of local Indigenous people, while 50% of said that 'too much admin/IT' contributed to staff turnover. Many case management roles are held by non-Indigenous people with limited relevant skills, who are only temporarily in the community, and who struggle to deliver culturally appropriate services, let alone communicate with people whose first language is not English. Those locals who are employed in the services are often young women with limited work experience or education – employed for their digital literacy rather than experience relevant to assisting people into work.

Along with shaping who is employed in case management work, the government's IT system structures daily work practices in ways that place the computer, not the client, at the heart of interviews. This is not unique to remote employment services. Considine, Lewis, O'Sullivan and others reported that while in 1998, 17.4% of frontline workers surveyed agreed or strongly agreed that 'our computer system tells me what steps to take with jobseekers and when to take them', by 2012 this had increased to 50.4% (Considine et al. 2015, p.57). The standardising effects of the

system are exacerbated in remote settings. The limited skill and/or local knowledge of remote case managers is one factor. Lack of transport and communication infrastructure mean that the embedded assumption in the IT system's 'electronic diary' that people attend their appointment at the assigned date and time rarely reflects reality. Job seekers come in when their payments are stopped, when they can get a lift into town, or when they think they might need to come in. Few organisations assign participants to specific case managers because of this. Lack of available work or other opportunities have meant that appointments tend to focus on what is needed by 'the system'. The number and complexity of computer based transactions crowds out other interactions:

What happens in a typical appointment?

They know me. I say 'hello, are you still in an activity? Have you been attending?' I'll have a look at the system and tell them 'OK, I need to update your JSCI, or extend your dates'. I try not to talk that much because I am doing stuff on the system and I need to concentrate. When I am on the system they tend to get bored and off track so it's hard to keep them engaged. You try not to do that, but you need to get everything into the system. (Case manager interview)

These effects are exacerbated by slow or intermittent internet connections and power outages:

It's hard to engage with job seekers because the job is so heavy on IT. It can get very frustrating because the system goes down and then people are waiting. By the time we have got through the computer screens there is not a lot of time left to talk with people about what is going on for them. (Case manager interview)

Case managers report that many participants are uncomfortable talking in the office, but the need to conduct transactions in the IT system means that this is where appointments almost invariably take place. In 2015 PM&C increased its reliance on information held in its on-line system in its measurement of provider performance, so that focus on administrative/IT skills, as opposed to case management/cultural skills increased:

...we really had to drill staff a lot more around correct coding, job plans. There is no forgiveness in the model at all – they might be in the right activity, they might be doing their stuff, but if every single step doesn't reflect the way the system assesses that then you are screwed. (Senior manager).

The initial assumptions that lack of IT infrastructure and/or skills in remote communities could be overcome by simply bringing in expertise or implementing system training reflected the remoteness of the government officials involved in decision making from the circumstances of remote communities. They have continued to shape the way that services are delivered: from where interviews take place (in offices, not in more comfortable/culturally appropriate settings); to who works in CDP offices; to the content of each conversation. As a result, this program (which accounts for 29% of the Indigenous Advancement Strategy budget (ANAO 2017a, p.42) is seen by many who participate in it as a bureaucratic imposition, not an investment in improving employment prospects or wellbeing:

Q:Do you see your main job as helping people find work ?

No. It's mostly talking about what they have to do.

(CDP case manager interview)

Differential burden of electronic surveillance

As a group, recipients on activity tested income support payments are subject to much greater digital surveillance by government than others (Henman & Marston 2008). Their rights to privacy and autonomy are being eroded by increased use of on-line monitoring of their daily activities, use of data matching, and the egregious assertion of the government to use their personal information gathered in the course of assessing eligibility for income support to limit their political expression³.

But within the group of income support recipients, it is remote Indigenous people that come in for the most intensive and punitive forms of surveillance.

In justifying policies of 'new paternalism', Lawrence Mead argued that while once the poor would have been segregated in poorhouses and prisons (or, in the case of Indigenous Australians, on reserves or missions) – it is now possible, with the assistance of information technology, that their behaviour be supervised and managed in the community (Mead 1997). Income management and Work for the Dole under the CDP program are both examples of behavioural 'supervision in society' that are applied to remote Indigenous people, and enabled by networked technology.

'Work for the Dole' requires unemployed people to attend supervised 'work-like' activities. While justifications for its use have been made on the basis of improvements to employability, much of its appeal is as an assertion of a particular view of the morality of paid employment. As employment programs go, it is not cost effective (Borland 2014). Over time, the tension between the government desire to achieve employment outcomes at minimal cost and the desire to be seen to be disciplining the unemployed has been managed through narrowing the scope of those required to Work for the Dole – for example targeting the measure at youth and the long term unemployed and allowing referral to other forms of 'activities' where these are said to better reflect individual need. In practice most unemployed people in non-remote areas are not required to Work for the Dole⁴.

In December 2014 the Minister for Indigenous Affairs, Nigel Scullion, announced that from 1 July 2015 all 18-49 year olds with full time work capacity in remote areas would be required to participate in Work for the Dole five days per week throughout the year (Scullion 2014). These changes to the remote employment services coincided with an increased emphasis by the Coalition

³ Knaus, 'Government cleared of privacy breach in robodebt row' The Guardian, 29 May 2018
<https://www.theguardian.com/australia-news/2018/may/29/government-cleared-of-privacy-breach-in-robodebt-row>

⁴ For example, it has emerged that even under a Coalition Government that came to office promising to reinvigorate Work for the Dole, in the year ending 31st August 2017, only around 62,275 people, of 235,000 people who had an 'annual activity requirement' and well over 800,000 who received employment assistance, actually participated in the program.

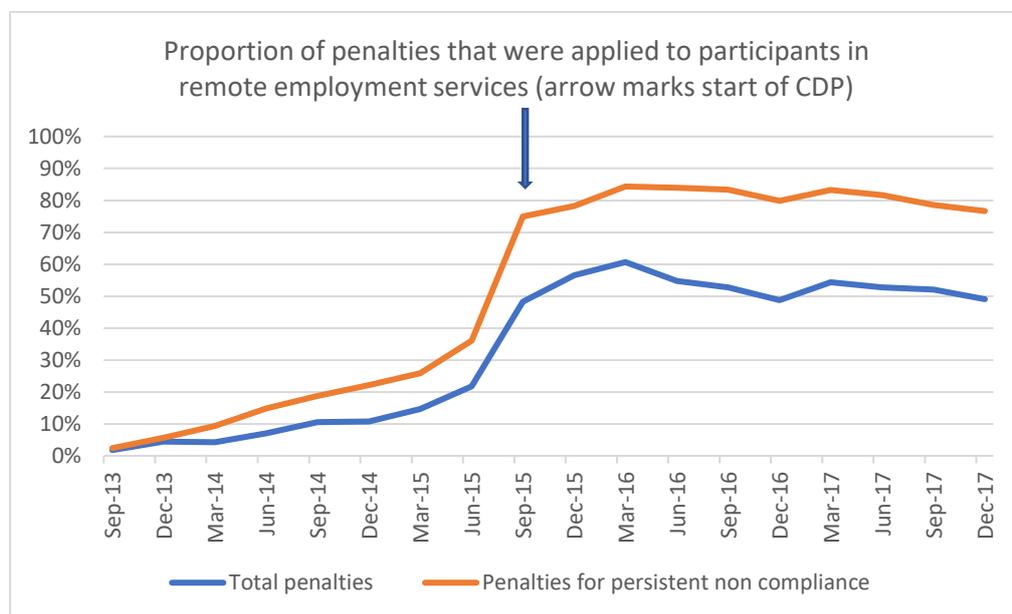
Government on Work for the Dole across the general population which meant changes to the IT system to increase its capacity to manage and monitor attendance in Work for the Dole activities.

While performance and payments in the mainstream program were driven by employment outcomes, PM&C took advantage of IT system changes to increase the monitoring and measurement of provider efforts to enforce Work for the Dole attendance. From 1 January 2016 the bulk of CDP provider service fees were directly linked to the reporting of hours of participation in Work for the Dole in the IT system. In order to receive payment providers were required to record all hours of attendance, 'valid non-attendance' (ie. where a valid excuse had been given) or, in the case of 'invalid' non-attendance, to recommend to DHS that a penalty be applied and then re-engage the individual within 14 days. While providers retained the ability to decide not to recommend a penalty, service fees were not paid for any hours where this discretion was exercised⁵.

A table is attached at Appendix A that shows the different obligations and monitoring arrangements of unemployed people in the CDP and the jobactive programs.

One of the effects of more intensive surveillance and enforcement of Work for the Dole participation (both in relation to providers and participants) in CDP has been a dramatic increase in the application of income support penalties. Fifty-three per cent of all penalties from 1 July 2015 to 31st December 2017 were applied to CDP participants, even though they made up only 5% of activity tested income support recipients (Figure 2).

Figure 2: Percent of all social security penalties applied to people in RJCP/CDP



Source: Department of Jobs and Skills, Job seeker compliance data, various dates

⁵ The impact on the work of providers was enormous. In the month of November 2017 alone, providers entered attendance data from time sheets covering nearly 1.9 million hours of Work for the Dole. From 1st July 2016 to 31st March 2017 (9 months), CDP providers submitted 431,150 Participation Reports in relation to participants (of whom there were fewer than 34,000), that is nearly 50,000 each month

The rate of application of serious penalties for ‘persistent non-compliance’ (leading to up to 8 weeks without income support) was even higher, at over 80% (Figure 2). There has also been a dramatic decline in the number of people participating in the CDP scheme since the Work for the Dole arrangements have been in place – from over 36,000 in 2015 to just over 30,000 in June 2018. The biggest drop is in the under-35s. Organisations in remote communities are reporting that an increasing number of people are finding it too hard to access income support and are giving up.

It is important to note that before serious penalties for persistent non-compliance can be applied DHS is required to conduct an assessment of any circumstances that might affect a job seeker’s ability to meet their obligations (a Comprehensive Compliance Assessment (CCA)). Despite the poor living conditions and health of many remote Indigenous people, DHS officers have been substantially less likely to identify CDP participants as having obstacles to participation than their non-remote counterparts, and more likely to identify them as ‘wilfully, negligently or intentionally’ non-compliant (Figure 6). And while there are probably a range of factors that contribute to DHS’s failure to recognise the challenges faced by remote Indigenous participants in meeting their obligations, one of these factors appears to be the use of an algorithm built into the IT system to measure ‘disadvantage’.

Measuring disadvantage

As the Human Rights and Technology Issues Paper notes, one of the challenges that has arisen from technological change is the increased use of algorithms to make predictions or to automate decisions that were once made by humans. The assumptions embedded in these systems are often opaque. The use of the Job Seeker Classification Instrument (JSCI) is an example of a decision making technology where assumptions are relatively clear, but their implications have not been properly addressed before application of the instrument in remote settings.

The JSCI uses administrative data and responses to a questionnaire administered by frontline workers in DHS and in provider organisations to predict each client’s relative risk of becoming long term unemployed (McDonald, Marston & Buckley 2003, OECD 2012). Each factor in the JSCI is assigned a weighting so that a single ‘score’ – a measure of disadvantage – can be generated. This can trigger referral for further assessment (an ESAt⁶) or lead to assignment of higher risk job seekers to more expensive streams of assistance. Versions of this tool – designed primarily to ration assistance according to degree of disadvantage – have been in place in mainstream employment services for many years.

Since the separate remote employment program was established (in 2013) it has had only one level of assistance, so there is no need for ‘streaming’ of job seekers or rationing of assistance. Departmental officials have directed providers to administer the JSCI nonetheless. PM&C currently uses information gathered through the JSCI (captured in the IT system) to identify individual participant ‘barriers’ when they are assessing whether providers are offering tailored assistance. It is also used by DHS to help identify participants who might not be able to meet their participation obligations – for example because of a disability, health condition or personal crisis. It informs the Comprehensive Compliance Assessment process which can result in a penalty being applied.

⁶ Employment Services Assessment.

The JSCI was developed through analysis of the characteristics that predicted unemployment across the whole job seeker population, of which Indigenous people are only a small group. Beyond the factors that tended to predict employment for most – like unemployment duration and disability – those that developed the instrument found it necessary to assign ‘Indigeneity’ a specific weight:

The purpose of this factor is to take into account Indigenous disadvantages not accounted for by other factors in the JSCI that are related to a number of Indigenous specific issues including standards of health, cultural requirements, cross-cultural norms and language first spoken as a child (DoE 2015, p.9).

In addition, an ‘Indigenous location’ factor was included to recognise disadvantages associated with living in remote communities (DoE 2015, p.9). Even with these factors, a 2016 review found that the JSCI overestimated the employment prospects of Indigenous people, recommending a re-weighting of the Indigenous factors (ANAO 2017b, p.54).

An examination of the JSCI questionnaire illustrates the extent to which the instrument reflects the culture and circumstances in which it was constructed, rather than those to which, in the case of CDP, it is being applied. Question 31 in the JSCI asks ‘who lives with you?’ (Figure 3), then, if there are dependent children under 16 in the household, question 32 asks whether the respondent is the main caregiver or whether care is given equally by another person (DoE 2017). Obligations that extend beyond the immediate household or caring arrangements that might involve others are not captured, despite their importance in Indigenous communities and effects on employment aspirations and outcomes (Morphy 2016).

Figure 3: JSCI Question about living arrangements

31. Who lives with you?

Select ALL that apply.

<input type="checkbox"/> Partner/spouse (includes same-sex partner)
<input type="checkbox"/> Dependent child/children under 16 years of age
<input type="checkbox"/> Dependent full time student(s)—child/children who is a/are full-time student(s) aged between 16 and 24 years
<input type="checkbox"/> Parent(s)/guardian(s)
<input type="checkbox"/> Other family member(s) or relative(s)
<input type="checkbox"/> Others, not family

*If answer includes ‘**Dependent child/children under 16 years of age**’ go to Question 32, otherwise go to Question 34.*

32. Are you the main caregiver for this child/these children?

<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Care is shared equally with another person

*If answered ‘**No**’ go to Question 34.*

Question 27 (Figure 4) is designed to capture the effects of housing instability or homelessness on job prospects. But the question, asked in this way, is not likely to identify those many remote

Indigenous Australians who live in overcrowded or dangerous housing, or who can't sleep at night or get clean. Nor does it say anything about how settled the person is in a place, whether they are on their own country.

Figure 4: JSCI question about housing stability

Living Circumstances

27. Have you been living in secure accommodation, such as rented accommodation or your own home, for the last 12 months or longer?

Note: Does not necessarily have to be the one place.

<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Not sure/don't know

If answered 'Yes' go to Question 29.

Despite well documented cultural differences in definitions of 'disabilities' between Indigenous and non-Indigenous Australians (Biddle et al. 2012), the JSCI relies on self-reporting of disability (Figure 5) and, should a referral for further capacity assessment be made, it is expected that the client is able to argue their case, and back it up with medical documentation⁷.

⁷ The difficulty for remote Indigenous Australians in having health and/or disability assessed by DHS was documented in 2016 in Commonwealth Ombudsman (2016) *Department of Human Services: Accessibility of Disability Support Pension for remote Indigenous Australians (December 2016)*, Canberra, ACT (Ombudsman 2016).

Figure 5: JSCI – sample of disability questions

23. Do you have any disabilities or medical conditions that affect the TYPE OF WORK you can do? (VOLUNTARY DISCLOSURE QUESTION)

<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Not sure/don't know
<input type="checkbox"/> Do not wish to answer

If answered 'Yes' or 'Not sure/don't know' go to Question 24.

If the job seeker answered 'Yes' or 'Not sure/don't know' to Question 21 go to Question 24.

Otherwise go to Question 27.

24. Do you think you need additional support to help you at work as a result of your condition(s)?

Note: *Includes modifications to the workplace, changes to the job requirements or having someone come in on a regular basis to assist with work duties.*

<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Not sure/don't know

25. How long will your condition(s) affect your ability to work?

Note: *DO NOT READ OUT RESPONSES. Select appropriate response based on job seeker's answer.*

<input type="checkbox"/> Less than 3 months
<input type="checkbox"/> 3 months or more
<input type="checkbox"/> Not sure/don't know

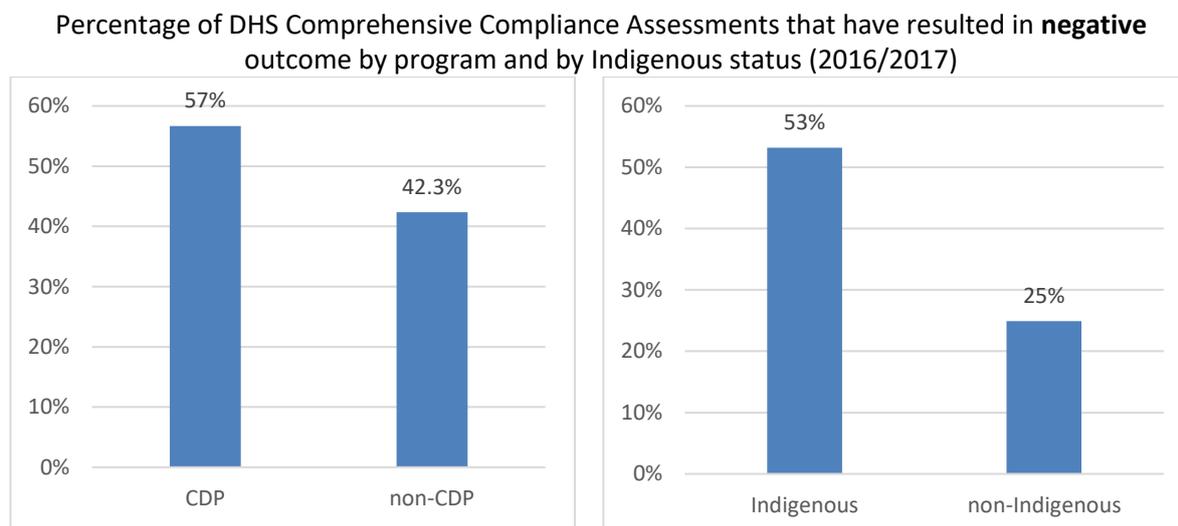
The JSCI sheds little light on the circumstances that might have an effect on individual remote Indigenous unemployed people gaining work or on meeting the conditions of their income support payments. It was designed as a population-based tool for identifying risk. Despite this, it has been carried across into the architecture of remote employment services. It appears to have been used because it was there – part of the IT and process infrastructure that had grown up around employment services.

Along with its (mis)use in the identification of individual 'needs', the JSCI supports conclusions about participants as a group. That the 'majority of participants had moderate to extreme barriers to employment as measured by the JSCI' was described by PM&C as a 'cause of joblessness' in remote communities (PM & C 2017, p.4). By definition, because of the Indigeneity factors in the JSCI, remote Indigenous unemployed people are identified as likely more likely to remain unemployed. Factors that reflect the structural position of remote Indigenous people (like living in an Indigenous community) end up being used as a measure of individual and group deficiency.

At the same time the JSCI is completely inadequate as a reflection of underlying levels of ill health, disability and psychological distress of many remote Indigenous people, which means that the assessment processes that are meant to protect vulnerable people from penalties are failing. Figure

6 for example, shows the outcomes of DHS CCA assessments of whether job seekers have been wilfully non-compliant, or whether there is an underlying capacity issue that is preventing them meeting their obligations. Those in the remote program (CDP) are much more likely to be found to be wilfully non-compliant, while, nationally, Indigenous people are twice as likely to be found to be wilfully non-compliant.

Figure 6 Comparing CCA outcomes



Human rights implications of use of technology in remote employment services

These examples of the effect of often unthinking application of technology in the delivery of remote employment services highlight a number of human rights issues.

Remote residents who are unemployed (over 80% of whom are Indigenous) are subjected to greater surveillance than their non-remote counterparts. This has been extended to the providers of remote employment services (most of whom are Indigenous organisations) whose monitoring of participants is, itself, monitored. This involves millions of transactions each month. It would not be possible without information systems. But these systems have not been designed to reflect remote realities. The more intensive monitoring of remote Indigenous unemployed people has led to the disproportionate application of penalties to them, and to some withdrawing from income support altogether. It is both an infringement of personal privacy and autonomy and of the right to social security. The overall scheme is racially discriminatory.

The use of the JSCI in remote settings has contributed to the under reporting of genuine obstacles to participation, while at the same time assisting in the representation of remote Indigenous people as deficient and dysfunctional. As a rationing tool its built-in blindness to the specific circumstances of remote Indigenous Australians may not have been harmful, but as a means of identifying issues relevant to participation, it is.

And while it may be true that it is inevitable that information systems will be critical tools in the delivery of employment services, it is clear that their deployment has reduced opportunities for local Indigenous people both to work in these services, and to benefit from them. Employment service provision in remote communities is culturally inappropriate, in part because it has been designed, not around the needs of those communities but to fit the existing IT system.

A brief postscript on the increased use of on-line service delivery in mainstream employment services

The Government is currently undertaking a review of ‘mainstream’ (ie. non-remote) employment services. In its discussion paper it foreshadows increased use of on-line service provision and notes that a trial is already underway (Australian Government 2018).

One of the potential uses of IT foreshadowed in the paper is for job matching. If this is pursued further, there needs to be a recognition of the capacity of on-line systems to replicate and intensify discrimination and bias. A report prepared for the Obama Administration identified a number of these issues as they relate to employment (Executive Office of the President, 2016 also European Union Agency for Fundamental Human Rights 2018). It noted, for example, that while automated job matching has the potential to counteract some decision-making biases (for example assumptions based on age or ethnicity), it can also systematically bias against some groups – for example by excluding people with gaps in their work history from consideration. Matching systems often use past decisions to shape future choices – essentially ‘more of the same’. For example, an employer’s past preferences for male software developers, or for developers with a specific level of education, becomes incorporated into automated decision making later on (eg Kuchler 2017). They entrench and intensify past bias. Experience from disability sector, with youth and with groups like ex-offenders shows that personal contact with employers is critical to overcoming stereotypes / assumptions of what people can or can’t do. In addition, personal contact with the employer enables discussion of what is actually required to do the job, as opposed that things that employers may see as preferable (eg university qualifications) but really reflect past hiring decisions, or are ‘stand-ins’ for the skills actually sought (eg. strong communication skills). Not only should the government actively address these issues should it move in this direction, but it should consider how it might intervene in the wider recruitment market to identify and address these biases.

The Government’s discussion paper includes several examples of how services might be enhanced, but, in the meantime, it is already increasing use of on-line technologies in monitoring and enforcing conditions attached to income support. The Government now requires income support recipients that are assessed as capable to report and record their own compliance with mutual obligation requirements on-line⁸. Failure to meet a requirement will automatically cause a ‘demerit point’ to be applied, which may eventually lead to a penalty. There are ‘checks’ in the system where human decision makers are involved but, again, much decision making is automated.

The increased use of automated decision making raises serious issues about access to social security. While some categories of individual are recognised as more vulnerable in the system, each person is individual and their particular needs are not necessarily captured in on-line systems or standardised profiling tools. There are enormous risks when systems are allowed to make decisions, or are relied on to capture information relevant to decisions, as highlighted by the example of the JSCI above.

One of the consequences of on-line delivery is increased capacity to collect, store and transfer information provided by job seekers. The inadequacy of protection of jobseeker rights over their data was highlighted in a recent case when, in response to a blog that was critical of the ‘robo-debt’ process, the government released information about a claimant’s history of engagement with

⁸ Department of Jobs and Small Business, Targeted Compliance Framework Reference Guide.

Centrelink and claims history⁹. The Information Commissioner determined that this was not a breach because, even though this was not the primary purpose of the collection of the data, its release in this way could have been reasonably expected. This case raises the possibility that the government or providers might release details of information provided through on-line assessments, on-line 'chat' sessions with employment services providers, or reports of on-line activity to third parties. The privacy statement which all job seekers using the on-line reporting system (which is, as noted, mandatory for those assessed as capable of using it) is extremely broad and allows data sharing within Government, sharing with third parties and use of information for 'administration of the program' (the statement is attached). It provides no ability for anyone who wishes to access income support to limit their communication of personal information to their immediate case manager, or to prevent matching of data across multiple agencies.

It needs to be recognised, too, that intrusive surveillance (for example of time spent in job search) is a restriction on personal autonomy and privacy. Unemployment should not mean that a person forgoes these rights. An obligation to job search is appropriate, but it does not justify surveillance of daily activities and/or time spent in job search.

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I commend the Human Rights Commission for embarking on this important project, and am happy to provide any additional information.

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Table 1 Comparison of jobactive and CDP requirements

Mutual obligations and monitoring arrangements compared		
	Jobactive	Community Development Program
Appointments	Monthly	Monthly
Job search	Generally 20 per month, but in most disadvantaged stream, depends on capacity	Determined by provider. Minimum 1 per month, max 20 per month.
Duration of requirement	Annual Activity Requirement starts at 12 months after starting in the program. The requirement is for six continuous months in each year of unemployment.	Work for the Dole starts immediately for those with mandatory obligation (see below) and continues until the participant leaves income support or their circumstances change. Providers can give participants up to six weeks 'time off' in any 12-month period. (i.e. minimum requirement of 46 weeks per annum)
Hours of work required. (people with full time work capacity)	Aged under 30 years: 50 hours per fortnight for 26 weeks each year = <u>650 hours per year</u> Aged 30 to 59: 30 hours per fortnight for 26 weeks each year = <u>390 hours</u> per year (from September 2018 this will increase to 650 hours per year for those aged 30–49) In addition – job search and appointments.	Aged from 18–49 inclusive: 25 hours per week in Work for the Dole activities. (at least <u>1150 hours per year</u>) Aged 50–54: 25 hours per week mutual obligation activities (at least <u>1150 per year</u>) Aged 55+: 30 hours per fortnight mutual obligation activities (at least <u>690 hours per year</u>) In addition – job search and appointments.
Hours of work required. (people with part time work capacity i.e. principal carers, people with disabilities)	Aged under 30 years: <u>390 hours per year</u> over 26 weeks = 30 hours per fortnight over 26 weeks Aged 30 to 59: <u>200 hours per year</u> over 26 weeks (15 to 16 hours per fortnight). (From Sept 2018, hours will increase for those aged 30–49 years) Or up to minimum assessed work capacity. In addition, appointments and job search where appropriate.	At least 30 hours per fortnight of activities = approx. 690 hours per year Or up to minimum assessed work capacity. In addition, appointments and job search where appropriate.
Types of activity	The annual activity requirement able to be met through: <ul style="list-style-type: none"> • Work for the Dole • National Work Experience Programme (up to 4 weeks) • Voluntary work • Part-time work • Study or training at Cert 3 level or higher • Defence Reserves 	Work for the Dole compulsory for all participants 18–49 with full time capacity. Hours in part time work can be counted towards the 25-hour per week requirement. Training can only be counted if it is necessary for the WfD project or is linked to a job. The Guidelines allow for the majority of the 25 hours to be spent in a service (e.g. rehabilitation)

Mutual obligations and monitoring arrangements compared		
	Jobactive	Community Development Program
	<ul style="list-style-type: none"> • Other approved Government or non-Government programs • Drug and alcohol treatment (from 1/1/2018) <p>With some exceptions, activities cannot be conducted on private property or in commercial enterprises. They cannot involve work that would have been done by a paid worker had the Work for the Dole activity taken place, or reduce hours or existing paid workers or perform tasks done by workers made redundant in last 12 months. (Deed cl108 and WfD Guideline)</p>	<p>‘where there is a clear need’, but in these cases records of attendance must still be kept.</p> <p>Participants with part time work capacity or 50 years+ can participate in range of activities as per jobactive.</p>
Unpaid work experience	<p>National Work Experience Programme with employer including for profit. Job seekers must volunteer. Up to four weeks and no more than 25 hours per week. Employers who have recently, or plan redundancies excluded.</p> <p>Participants in Youth Jobs PaTH’ program placed in ‘internships’ for 4–12 weeks. Places are voluntary and \$100 fortnight paid on top of income support.</p>	<p>Work for the Dole places may be created in for profit or other organisations doing ‘real work’. There are limits on the number of ‘real work’ placements a ‘host’ can offer – for example businesses with 11 to 20 employees can offer one Hosted Placement for every five ongoing employees. Placements can be for up to six months, with capacity for PM&C to agree to an extension. Hosts can directly advertise for participants. Placements can be mandatory.</p>
Scheduling	Flexible	Activities must be scheduled so that they ‘set a daily routine for job seekers across a five day, Monday to Friday week’. Providers may put forward a proposal for different scheduling under ‘special circumstances’.
Monitoring and reporting	<p>In Work for the Dole, must record attendance for each day. Must enter into IT system within 10 days.</p> <p>For other activities, must record on a monthly basis.</p>	<p>WfD: Attendance must be recorded for each day and entered into the IT system. Monthly payments are based on records in this system.</p> <p>Payments are not made where a person has not attended WfD and the provider has not reported non-compliance to DHS. Provider KPIs are also linked to reporting noncompliance to DHS.</p>

Sources: Department of Employment, Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline, v2.2 effective 1 June 2017 (jobactive); PM&C Mutual Obligation Requirements User Guide v1.1 effective 8 March 2016 (CDP).