

The New Digital Governance of Welfare-to-Work: Workshop Report



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Introduction

For 30 years, successive governments have been reforming employment services to support ever more citizens from welfare-to-work while reducing welfare expenditure. This has garnered Australia an international reputation as being at the forefront of emerging governance trends in activation (or welfare-to-work) and employment services reform. For instance, with the introduction of Job Network in 1998, Australia became the first – and to date only - OECD country to procure its entire public employment services system through an open, competitive tender. This was followed by full privatization in 2003, when the only remaining public provider lost its contract. It remained that way until 2022, despite multiple changes of governments and two further major system redesigns (Job Services Australia in 2009 and Jobactive in 2015). However, despite repeated waves of reform, **labour market exclusion has remained a persistent policy challenge**. This is reflected in the rising proportion of participants who are very long-term unemployed (unemployed for 24 months or more), with **one in four jobseekers having been registered with employment services for at least five years** (Select Committee, 2023).

Workforce Australia and the ‘digital turn’ in welfare governance

The latest reform to address this issue is the move towards digitalised provision, harnessing online delivery channels to extend the reach of employment services while utilising algorithms and machine learning to streamline how participants are targeted for support based on more fine-grained assessments of their employment needs. Again, Australia has been at the forefront of what has been described as a new “‘digital turn’ in the governance of welfare’ (Papadopoulos and O’Keeffe, 2023). In July 2022, it launched one of the world’s first and most comprehensive ‘digital-first’ employment services systems. Known as Workforce Australia, the new model involves streaming job seekers between those who will be expected to self-service online (digital participants) and those who will receive more intensive face-to-face services (provider services). Addressing the poor performance of the system in supporting those with more complex barriers to finding and sustaining employment is a key motivation behind the Workforce Australia reforms. The decision to divide the unemployed into two categories—those capable of self-servicing digitally, and those in need of enhanced services—is hoped to offer private and not-for-profit providers more scope to deliver personalised services to this group of harder-to-help jobseekers. Policy designers hope that advances in digital and machine learning tools can be harnessed to provide more individualised assistance and a more accurate profiling of jobseekers’ needs. The objectives of this new digital model include both efficiency dividends (from automation) and the ambition of realizing “a user-centered digital and data ecosystem ... [to] deliver better connections between job seekers and employers, advanced analytics and insights, and integration with existing services and data” (DJSB 2018, 53).

Workshop overview

In February 2023 - just months after Australia had rolled out its new digitalised model - a group of national and international experts came together for two days with policy practitioners from the Australian Government and industry representatives to discuss how digitalisation reforms are reshaping the delivery of welfare-to-work and the implications of this shift for citizens’ access to social rights and the ‘classical model’ (Pedersen and Wilkinson, 2018: 195) of welfare provision by street-level workers.

The workshop was convened by Prof Mark Considine and Dr Michael McGann, from the University of Melbourne’s School of Social and Political Sciences, with their colleagues A/Prof Siobhan O’Sullivan from UNSW’s School of Social Sciences and Dr Phuc Nguyen from La Trobe Business School. Participants included an inter-disciplinary network of researchers from the fields of public policy, social policy, law, sociology, and social work as well as representatives from the Department of Employment and Workplace Relations, the National Employment Services Association, Westgate

Community Initiatives Group, and various civil society organisations including the Australian Council of Social Services and Per Capita. Participants were also drawn from a wide range of countries where digitalisation reforms are currently being enacted, including Denmark, Norway, Sweden, Indonesia, the United Kingdom as well as Australia.

The workshop sought to bridge the divide between policy, research, and practice in what remains a nascent and very dynamic area of welfare reform. Australia's move towards a 'digital first' system follows similar but less radical adaptations in several other OECD countries including Denmark, Norway, Belgium, and the UK – where participants are increasingly being expected to self-manage their activation online and new capabilities in machine learning are being deployed to streamline various administrative tasks from claims processing to eligibility and risk assessments, to monitoring compliance with the various behavioural conditions (Casey, 2022; Henman, 2022; Morris et al., 2020). **These digitalisation reforms raise critical questions about the extent to which welfare-to-work and employment services are amenable to automation** (Considine et al., 2022):

- Where along the service delivery supply chain can automated decision-making (ADM) be productively employed to enhance efficiency and flexibility?
- On the other hand, which aspects of service delivery will require human judgement and agency (albeit with the potential aid of digital inputs)?

Another very important concern is **the risk of digital exclusion**, notwithstanding that online provision may increase access for some jobseekers due to being able to participate remotely. However, as services transition online, they may become inaccessible to those with low digital literacy, people living in areas with poor ICT infrastructure, and those who simply cannot afford the devices and broadband capacity needed to self-service. Related to this is a concern that 'digitalisation' may undermine access to social protection if it is primarily directed towards policing fraud and closer surveillance of citizens compliance with conduct conditions (Morris et al., 2020: 27). Hence the warning of the UN Special Rapporteur on extreme poverty and human rights of 'stumbling, zombie-like, into a digital welfare dystopia' obsessed by the pursuit 'fraud, cost-savings, sanctions, and market-driven definitions of efficiency' (Alston, 2019: 5).

The use of ADM also brings into view important questions about **the ethics and transparency of algorithms**, particularly when the result of these decisions can lead to payment penalties and the withdrawal of benefits (Eubanks, 2018). Automated decision-making in theory promises higher levels of consistency and fairness in policy implementation. This is comparison to the exercise of discretion by street-level workers, which is frequently accused of leading to potentially inconsistent implementations of policy that, in turn, can generate systematic patterns of exclusion in citizens' access to benefits and services. However, critics point to the often-hidden discretion of algorithms and their potential to encode biases that systematically discriminate against ethnic minorities and other disadvantaged social groups (Eubanks, 2018; Dencik and Kaun, 2020). Beyond the question of bias and discrimination, there is also a broader question about whether administrative justice in welfare decision-making should be judged by how consistent and reliable decisions are, or by other criteria such as whether decisions are ethically sensitive and personalised to the unique features of each case (Considine et al. 2022).

These and related questions were discussed in detail by the workshop participants, over a series of panels that sought to place the 'digital turn' in welfare governance in an historical and international comparative context, while addressing key questions about the accountability and transparency of automated decision-making and the degree to which digitalisation constitutes a new paradigm of governing welfare-to-work at the street level. A summary of the different workshop panels is provided on the pages that follow. Papers presented are also being developed into a special issue of the *Australian Journal of Social Issues* on 'Activation and the Digital Welfare State', which is due for publication in 2024.

Day 1: Digitalisation of Welfare to Work in Comparative Perspective

The first day was organised into a series of panels, which sought to place the latest wave of digitalisation reforms into comparative perspective. This was both in terms of international developments in employment services and welfare-to-work reform, and how leading OECD countries are implementing online self-servicing and automated decision-making in employment services. But also, the historical context of Australian employment services reform and the successive waves of marketisation initiatives that have unfolded since the early 1990s.



Innovating employment services for the harder-to-help: evidence from Denmark

The opening session juxtaposed the digital turn in Australia with Denmark's decentralised approach to employment services innovation, and the initiatives being undertaken in several municipalities to move towards **a service delivery model based on co-creation rather than digitalisation**. The session was led by Professor Dorte Caswell, Professor Flemming Larsen, and Associate Professor Tanja Dall from Aalborg University's Centre for Local Innovation in Social and Employment Services (LISES), who shared insights from their research on how municipal Job Centres in Denmark have been working to co-create employment services with more vulnerable groups.

Since 2016, the LISES team has been partnering with four Danish municipalities to implement mutual innovation learning platforms between researchers, Job Centres, and frontline staff to develop new practice models and approaches to working with the hardest-to-help cohorts of jobseekers. Key learnings from the history of the LISES project from 2016 have been related to the decentralisation of the program and increased control and greater freedom given to local municipalities. The first step was a series of reforms beginning in 2016 that acknowledged that the issues were of systemic nature which required complex solutions. Those solutions emphasized **a dual coproduction and cocreation model with service providers and users**. The research team became directly involved in this change, undertaking observational research and conversation analysis of meetings between frontline staff and jobseeker participants. The researchers then worked with the local Job Centres to harness learnings from over 150 recorded case management meetings with users. This ethnographic data was utilised to develop service provider staff into 'knowledge brokers' and build in changes in management of

programs from target-based measures (sanctions) to municipalities measuring success. This represented a shift from single interventions to system innovations with an evidence base created on the ground in partnership with municipalities. The system innovation in response was to practice social work in action, working closely with local service providers to not focus on solutions, but bring 'relevant disturbances' using problem-based learning methods. This included developing case managers and knowledge brokers to use transformational management techniques to develop user case studies. User successes are developed into case studies detailing the innovative ways they have navigated the system as active participants in conjunction with case managers. Rather than decentralisation presenting more issues; the combination of long-term trust and relationship building between local knowledge brokers, users, researchers, and government has harnessed the hybridity of municipality governance logics for better outcomes. This continued system innovation, the emphasis on local responses and the coproduction model has encouraged a shift in political thought in Denmark from punitive contractual values to valuing systemic change through LISES as a positive social investment strategy.

Australia's evolving trajectory of employment services reform

The second session focused on the ongoing reforms to employment services in Australia, and the degree to which the new Workforce Australia model represents a break from the past. With contributions from Prof Gaby Ramy (Sydney University), Prof Greg Marston (University of Queensland), and Dr Sarah Ball and Profess Jenny M. Lewis from the University of Melbourne, the panel discussed how the governance of employment services has evolved at the street-level since the 1990s.

Prof Ramia opened with a discussion of the history of marketised employment services from the introduction of Job Network in 1998 to Job Services Australia (2012 – 2015) and Jobactive (2015 – 2022), until the rollout of Workforce Australia just months before the workshop. Drawing on research into participants' experiences of activation undertaken with Dr Michelle Peterie, A/Prof Roger Patulny, and Prof Greg Marston, he discussed how participation in employment services had become characterised by stigma and feelings of shame. He argued that marketisation had had a degrading impact on human rights, which was aggravated by ineffective policy settings and lack of political will to make socially just changes. This led to a shift to a renewed look at issues of governance and a 'giving up on government' as the bearer of solutions. In their research, Prof Ramia and his colleagues drew on social network analysis approaches to examine whether trust building by frontline service providers could help compensate for the hostile policy setting and market environment experienced by jobseekers. This qualitative research concluded that case managers who provided "care infused collaborative" services with personalised approaches contributed to more positive experiences for the job seekers interviewed. This may not have directly increased employment outcomes, but it enhanced the experience of engaging in employment services and built participant capacity in more positive and meaningful ways. Prof Ramia posed a question to the workshop participants that if government is not the answer and the emphasis is placed on service providers, what were the ethical implications for future digitisation of services?

Prof Marston continued with a discussion of the continuities and intersecting program logics between various iterations of job services provision. He detailed **the basis of these program logics as a continuing stigmatisation of poverty** - as an issue of character deficit rather than economic policy deficit. He argued that the continuous line of poor policy outcomes could be revolutionised by a concerted shift away from the work first model to an emphasis on social networks and care infused case management models. Another continuity discussed was that service provider discretionary powers were useful, but also provided both positive and negative outcomes when applied in a policy space inclined to see participants' deficits first. Prof Marston highlighted the usefulness of discretionary powers being used to build participant capability rather than limit it to existing skills.

Instead, discretionary powers could be used to focus on skills transitioning through experimentation and personal development in a participant led manner. He expanded on the potential for better information sharing, less emphasis on commercial in confidence parameters, and an increased commitment to participants through social networking. Prof Marston reflected on the historical Commonwealth Employment Services (CES) and the stronger notion of procedural rights for participants in the past through each step of the process. He made the comparison to recent service provision with weakened opportunities for procedural fairness and the challenges that presents for the digitisation of services. He advocated for greater emphasis on what has worked in terms of responsive service provider practices and better examination of the underpinnings of what is **a hostile policy environment for jobseekers**. Professor Marston discussed the digitisation challenges considering the rapidly changing world (including a pandemic). He examined the need to change the way the market is conceptualised around the role of caring and unpaid work versus old industrial labour market models and its appropriateness for the future. In terms of continuity, he reiterated that **successive government rebrands of employment services without any significant change to the substance of service delivery has not gone unnoticed in research with jobseekers**. Prof Marston emphasised the need for myth busting to promote better care infused policy models, participant led models and continuing to focus on best practice by frontline services.

Dr Sarah Ball introduced new research by the University of Melbourne's *Getting Welfare to Work* team **on the distinct varieties of digitalisation involved in welfare governance**. Dr Ball began by outlining the Workforce Australia system that jobseekers navigate, including the application process through MyGov or the government's online employment service portal. This is followed by an online assessment process which streams participants into Digital First or Job Ready jobseeker streams, on the one hand, or face-to-face services for those with greater barriers to work. Dr Ball outlined that the team's research aims to look at digital services interfaces for job seekers, which are often viewed quite uncritically. The in-depth research examines the complexity of these digital 'servicing encounters' based on how much information technology is being used. Dr Ball explained a shift from 'technology assisted bureaucracy' with interaction between an advisor and client of the past to the current 'screen level bureaucracy'. Screen level bureaucracies involve both clients and advisors interfacing with a system to engage in services. Dr Ball then explained new models of 'machine bureaucracies', where clients almost exclusively engage in services through information technology with minimal support or full self-servicing. Three key areas of digital engagement were identified as **virtual engagement (welfare at a distance), automation (welfare by oneself), and AI/predictive technologies (welfare targeting)**. Virtual engagement is an extension of past in person client and advisor relationships mediated by technology such as zoom. The kinds of automation that involve automation of forms and systems online has been going on for a decade and is considered quite benign and low risk. AI and smart algorithms for predicting the right course of action for job seekers was cause for more concern as it involves complex human behaviours. It was deemed only useful for supporting case management. Dr Ball outlined issues with opportunities and challenges and ethical dilemmas presented in the comparison between automation and predictive AI. The risk of digital exclusion was high in process automation and the risk of bias and loss of transparency high in AI/predictive processes.



Continuing the focus on digitalisation and street-level governance, **Prof Jenny M. Lewis** discussed whether the idea of so-called Digital Era Governance can be viewed as a paradigm of public governance and coherently differentiated from previous modes of bureaucratic, market, and network governance used to steer the delivery of employment services. Prof Lewis introduced the latest work of she and her colleagues, which revisits earlier typologies of street-level governance that she had developed with Prof Considine in the late 1990s and early 2000s. The latest work, which draws on exploratory interviews with policy practitioners and leading experts from countries at the forefront of digitalisation reforms (Belgium, Denmark, UK, Norway), assesses whether digitalisation constitutes a new mode of governance, with a distinct logic, rationality, set of administrative values and steering instruments. Prof Lewis outlined how digital era governance is associated with various claims about reintegrating services based on the principle of needs-based holism and the capacity of digital technologies to enable such holistic service reintegration. Prof Lewis concluded that digital governance is conceptually identifiable and clearly distinct from some aspects of New Public Management and some aspects of network governance. The interviews with international experts revealed some value in the collection of more detailed information to tailor service delivery, but the information was often imperfect, and more is not necessarily better. The key issue is enabling integration in a holistic way, rather than digitalisation being primarily pursued to achieve cost reductions and tighter control of frontline provision as appears to be the priority in many actual cases. The early conclusion from the latest study is that a hybrid approach will likely overcome the issues that have been raised so far.

Digitalisation in employment services: international perspectives

Day One concluded with a **panel on international trends in digital activation**, featuring contributions from A/Prof Jo Ingold (Deakin University), Prof Rickard Ulmestig (Linnaeus University, Sweden), Dr Fadilah Putra (Brawijaya University, Indonesia), and Marthine Thogersen (Oslomet University, Norway). Panellists examined how online delivery channels and digital tools are being utilised to deliver welfare-to-work programs in a range of counties including the United Kingdom, Norway, Sweden, and Indonesia, and how the experiences of these countries compares to Australia's reform trajectory.

A/Prof Ingold began with an overview of research that focusses on welfare digitisation in the UK and Australia, drawing on interviews with employment service providers and technology providers. A key outcome of the research was the challenges of defining digitalisation, but also the need to examine issues around process control, workflow streamlining and cost versus benefits to advisors of using digital tools. Several concerns have come out of this research, **mainly relating to the digital divide and digital exclusion**. The impact of COVID and an associated need for acceleration in digital services cannot be underestimated; combined with an overarching concern that digital platforms could be exploited to park some participants. The differing temporalities between tech providers and employment services organisations was another major point of tension, with the latter being accused of having unrealistic expectations about how long a feature would take or the cost and time spent in development. A/Prof's research also identified concerns about digitalisation creating new silos in already fragmented systems in both countries, while noting several points of difference between how digitalisation was being utilised in the UK and Australia. She discussed how the UK had an overriding focus on using digitalisation to process universal credit claims and manage jobseeker compliance, rather than as a platform for delivering employment support services. She described the UK Government as having an 'overly cautious' insistence on the face-to-face provision of employment services. This was in comparison to Australia's hybrid model, which was more advanced in automating some elements of job search services while similarly retaining a heavy compliance focus for both providers and jobseekers.

Marthine Thogersen from OsloMet University gave an overview of recent digitalisation reforms implemented by the Norwegian Labour and Welfare Administration (NAV). The NAV was established in 2006, merging two state level organisations (Employment Services and Social Insurance Administration) with local government units (Municipal Social Services). In so doing, the creation of NAV essential integrated benefits administration and employment services into a 'one stop shop' model. Since 2010, a number of digitalisation projects have been implemented by NAV beginning with the transition from paper applications to electronic forms and the use of automated decision making for assessing eligibility for retirement pensions. Under the 'Modernisation Project', begin in 2012, many more benefits have become automated. In the period 2012 – 2015 the modernization project suffered cost overruns and was subjected to intense public scrutiny. There have been improvements since 2015 and it has won several national and international awards for web solutions, such as YourNAV, which grew incrementally from basic forms and applications to a bigger platform between 2015 – 2017. Participants can now send messages to case officers, apply for benefits, plan CV's, browse for jobs and look at their activity plans and more. The current system includes participants being able to communicate digitally with their casework via a system known as Modia, with a response time of two days. The system also stores minutes of conversations but does not include any other conversations in other social services systems, which is an issue they are currently trying to overcome. In 2017, a digital wizard to guide participants was introduced along with new Digital Activity Plans where service users can propose activities and work with case managers on those plans. However, unlike in the Australian system, jobseekers are still connected to human case managers in the Norwegian system. Physical meetings still occur where a topic is sensitive or complex. However, however municipal offices are only open six hours a week and the digital system acts as the funnel to those services. There more than 58 million logins now and extensive self-servicing, although it is still most common for jobseekers to experience a combination of face-to-face interaction and digital communication.

Professor Rickard Ulmestig from Linnaeus University (Sweden) presented on a pilot study he has been undertaking with colleagues on the optimization of social assessments in two municipalities of Sweden. The study involved interviews with frontline workers and applicants in two municipalities that have been experimenting with using automated decision-making to assist with performing means- and eligibility-tests for social assistance claimants. In the Swedish system social assistance is provided to those that are unable to support themselves for reasons of ill health or disability. The system is based upon the Swedish archetype of a form of social insurance or unemployment

insurance connected to ideas of social rights. The system now in place is legislated upon a poor law logic of governing claimants towards becoming active liberal subjects like other international examples in a work first model. There are 290 municipalities in Sweden with a total population of 10 million. Social assistance is strictly means tested (if you own a car, you would be required to sell that car before accessing social assistance) and regulated through the Social Welfare Act. This is a 'framework law' with few detailed instructions while municipalities are afforded a high degree of administrative discretion in how they interpret and apply it. As a consequence, there is large local variation both in how the means test is performed but also in how applicants' duties are understood and what obligations they are required to meet to satisfy 'work first' demands. The two municipalities in the study have used ADM in different ways. Each municipality has a job centre that uses an automated system to manage support decisions, but in one municipality the technology has the capacity to autonomously determine if claimants have satisfied the means-test and then refer them to job coaches for employment assistance. This closes off claimants' access to social workers rendering the nature of their interactions case officers almost entirely work-focused. In the second municipality, case officers use the technology (labelled "the robot") to integrate data from different registers but remain responsible for making the ultimate decisions about the means-test. Importantly, in Sweden, all case officers must be social workers by law with at least a Bachelor's degree in Social Work, and the ability to provide advice to claimants about issues such as mental health, parenting, recovery from addictions, and labour market integration. A key concern in the Swedish case is that ADM will be used to immobilise social workers from decisions about benefit applications. However, the pilot study suggests that by reducing time spent on performing the means-test, ADM can actually free social workers to spend more time on tailoring supports to participants' individual needs. Moreover, automating the means-test can help to mitigate the stigma experienced by claimants when meeting with social workers to discuss their financial circumstances and eligibility for social assistance. However, **these benefits of ADM depend on the institutional context** and whether automation is used to enable social workers to refocus their attention on tailoring support to participants needs or to sideline social workers by shifting responsibility for activating claimants towards job coaches with no formal training in social work.

Dr Fadillah Putra (Brawijaya University) discussed **how Indonesia is harnessing digitalisation to deliver welfare-to-work services in the context of its pre-employment card program**, Kartu Prakerja. The program was launched in April 2020, to address regional exclusion due to COVID-19 when many Indonesians were forced to move back to regional areas from the city and main island and lost their employment. The program, which was being accessed by 15 million people at the end of 2022, is run entirely online. Participants register online for the pre-employment card which, in turn, gives them access to training and job matching services that are delivered digitally. The program is a major shift in Indonesia's approach, sharing characteristics of active labour market policies commonly used in OECD countries with private contractors. One significant and more radical departure is that the service provider can apply to exit from the program at any time, unlike, for example Australian contracts which have time commitments before a provider can exit. The provision of training services is delivered via two layers of providers: seven digital platforms (one of which is owned by the Government) and numerous providers who register with those platforms to deliver training as part of the pre-employment card program. Digital platforms, upon checking providers' eligibility in line with governments standards, approve or reject providers request to become registered to deliver the program. If approved, providers upload their training courses to the platforms which review and curate the suite of courses offered to card holders.

The Pre-Employment Card essentially acts as a voucher scheme that participants can use to access approved online training, encompassing the features of a quasi-market approach. Participants also receive an additional payment (through a digital wallet) upon completion of at least one training course, providing a further financial incentive to engage in the program. In this way, Indonesia's pre-employment card program blends elements of marketisation and digitalisation and is emblematic of the hybrid governance approaches to steering welfare-to-work discussed in the previous session by

Prof Jenny M. Lewis. Early evaluations of the program in collaboration with Dr Phuc Nguyen (La Trobe University) and Prof Mark Considine (University of Melbourne) indicate positive training outcomes while also identifying several concerns about the risk of digital exclusion. The online registration process presented some challenges, with the digital platform only having a 10 per cent success rate due to eligibility criteria. Digital exclusion became an issue for those with low education standards and for those living in remote areas. Similarly, some courses were only partial because some of the skills could not be taught wholly online. However, from a training point of view, respondents were happy that the program offered paid training opportunities that have led to self-employment opportunities.

Day 2: Workforce Australia and Automated Decision-Making

The second day moved away from a comparative perspective on the digital governance of welfare-to-work to more closely examine the rollout of Australia's new Workforce Australia model and reflect on the accountability challenges posed by the use of ADM in welfare delivery.

Roundtable on Digitalisation and Personalisation in Employment Services: Industry Perspectives

The day opened with panel discussion on lessons emerging from the rollout of Workforce Australia, which was facilitated by Prof Mark Considine. The panel included representatives from government and the employment services industry, including Sally Sinclar (CEO, NESAs), Andrew Hills (WCN Group Manager, WCIG), George Dimopoulos (Employment Group Manager, WCIG), and Bruce Cunningham (Assistant Secretary, Employment Evaluation, DEWR). To facilitate frank discussion, the panel discussion operated on the basis of Chatter House rules. The discussion focused on the challenges of implementing personalised approaches to employment services in the context of a broader system model that continues to prioritise the enforcement of mutual obligations and intensively monitors' not just jobseekers but providers' contractual compliance.

Service Users' experiences of employment services

The panel on industry perspectives was followed by a session exploring emerging research on jobseekers' experiences of online employment services, with contributions from Shelley Evans from the Department of Employment and Workplace Relations and Dr Simone Casey from the Australian Council of Social Services.

Shelley Evans, Director of DEWR's Enhanced Employment Services Evaluation, presenting findings from the Department's Online Employment Services Trial (OEST) and New Employment Services Trial (NEST), both of which were piloted in the years leading up to the national rollout of the Workforce Australia model. The NEST was undertaken between July 2019 and June 2022 in two geographic regions (Mid-North Coast NSW and South Adelaide) to test policy settings in an online (Digital Services) and provider-based (Enhanced Services) context, including relating to referral and assessment, more flexible activation models, alternative provider payment structures and digital safeguards. The evaluation collected eight waves of client longitudinal data with approximately 30 participants in each wave. Additionally, approximately 5,000 jobseekers were surveyed about their experiences of employment services as part of the Participant Experiences of Employment Services Study covering the OEST, NEST, as well as the wider jobactive program. Ms Evans described how the findings on participants' experiences of digital services were broadly similar across the OEST and NEST evaluations. Specifically, both evaluations found that most digital participants were streamed into the most appropriate (i.e.) service and 'appreciated the convenience (and cost saving)

of digital servicing'. Notably, the evaluation found that participants primarily used the online employment services portal for managing their mutual obligations reporting. Also, 'opts outs' from digital servicing were less with fewer than 10 per cent of jobseekers choosing to exit online services for a face-to-face service offer. However, it was also observed that not all participants were aware that they the option to opt-out of Digital Services while participants' awareness and use of available supports for training through the Employment Fund was also low. MS Evans also explained that the Department had intended to compare the experiences of participants in digital services to similarly matched cohorts receiving face-to-face employment services. However, when the Covid-19 pandemic happened, all jobactive participants who would otherwise have been eligible for digital services were moved online. So, this was not possible. Nonetheless, the NEST continued to trial enhanced services for highly disadvantaged participants during the pandemic in order to pilot new system design features ahead of the rollout of Workforce Australia. Initial results from the evaluation indicated that participants with high levels of disadvantage were more likely to exit income support after six months than similar participants in mainstream jobactive services. Similarly, providers participating in the NEST achieved higher (and more sustained) employment outcomes than providers delivering employment services to similar cohorts under jobactive. Other notable findings from the NEST evaluation included that jobseekers were less likely to incur payment penalties of suspensions for breaching mutual obligations than similar participants in jobactive, and that higher amounts of Employment Fund expenditure are being spent by providers to address their labour market needs.



Dr Simone Casey provided a counter-perspective on participants' experiences of online services, which she likened to be being a form of 'digital dole parole'. This was insofar as digital services primarily functioned as a surveillance platform for monitoring compliance with mutual obligations rather than a supportive service that provided practical assistance with finding employment. Responsibility for reporting is shifted onto individuals in conjunction with the automation of a wide range of social security decisions that problematised access to administrative review. Dr Casey expressed particular concern about the automation of payment suspensions under the targeted compliance framework, and the removal of discretion around mutual obligations with decisions about payment suspensions no longer subject to human review. She reported on results from a survey of

almost 300 jobseekers conducted by ACOSS in late 2021 about their perspectives on payment suspensions and the impact that payment suspensions had on health and ability to meet essential needs. A third of those surveyed reported that they had experienced high levels of stress or anxiety from having their payments suspended, with 1 in 10 reporting that they were not able to pay rent on time and 7 per cent claiming they were unable to buy food. Of those who had experienced payment suspensions, the vast majority (61%) claimed that the suspension of their payments was unfair. Dr Casey also presented data showing that payment suspensions are disproportionately experienced by Indigenous jobseekers, ex-offenders, and participants who are homeless or have a disability. Dr Casey argued for urgency of a Digital Protections Framework for online employment services, to safeguard the transparency and accountability of social security decision-making and to protect participants' rights.

Accountability and transparency of automated decision-making

One of the key purported benefits of automated decision-making is the potential for algorithms and machine learning to enhance the fairness, accuracy, and consistency of policy delivery by reducing bias and discrimination. This was the focus of the final workshop session, which featured contributions from leading legal and social policy scholars working on the nexus between digital technologies and social security law about the implications of ADM for accountability in welfare administration and citizens' privacy.

Prof Paul Henman from the University of Queensland and ARC Centre of Excellence for ADM and Society, opened with a discussion of the ongoing challenges of ADM particularly in the context of an overt governmental focus on compliance and punitive applications. Australia's Robodebt scandal and the large numbers of penalties and debts generated, many of which participants did not incur, is a case in point. He discussed the potential for inbuilt bias from the building of digital systems based upon administrative law outcomes primarily and with suspicion of welfare fraud at the core of algorithms. Prof Henman posed that accountability in ADM is not just a technological problem but also a political and organisational problem. He described Robodebt as a failure of governance processes that raised the issue how we might start thinking about addressing algorithmic transparency. There are a range of legislations (such as the European Union General Data Protection Regulation) and in Australia, the proposed Artificial Intelligence Ethics Framework. New South Wales has introduced a means of protecting data from third parties claiming commercial in confidence rights over personal data to avoid scrutiny. There is a definite need for legal innovation around the ethical issues of AI and to clarify the roles and responsibilities of third-party providers, including freedom of information capacity around the code of AI to protect the uses of personal information. Prof Henman cited a growing number of innovations in this area and called for policy designers to think about algorithmic risk assessment tools and incorporating privacy-by-design from the beginning of the development process.

Dr Lyndal Sleep from the Central Queensland University presented on research she is undertaking to 'counter map' automated decision-making processes and end user experiences of automation in social services delivery. The motivation for counter mapping ADM stems from the fact that automated technologies, like chat bots, risk prediction calculations and recommender systems are being used at an increasing rate in social services delivery across the globe. But it is not always clear where, how and on who these technologies are being applied. This makes transparency and accountability in decision making difficult, especially for service users and those advocating on their behalf. Dr Sleep argued that making automated technologies visible in e-government is essential for transparency and accountability, and fundamental to the legitimacy of our political and administrative processes. One way is through (counter) mapping the use of automated technologies on government and to provide registers of the use of ADM by government. For example, Stats New Zealand has conducted a survey of the use of artificial intelligence for the New Zealand government. Algorithm Watch has been working with EU on matters of algorithmic justice and with lawmakers to

drive reforms and prevent misuse of algorithms by powerful corporations and governments. Dr Sleep described mapping as ‘an inherently political act’ in the sense that who does this mapping, for whom, and to what end is both socially shaped and shaping. One example of counter-mapping is The Anti Eviction Project in San Francisco, which mapped rates of eviction and the stories of those impacted, area by area, as a form of resistance to ongoing gentrification and the issues of poverty created by gentrification. In the context of welfare and employment services, a counter mapping project can be observed in the Australian Unemployed Workers’ Union Employment Services Provider Real-time Automated Tracking Service (ESP RATS). This is a platform that gathers real-time social media data from jobseekers about their experiences of providers in specific regions in order to rate those providers along a series of dimensions. In her counter mapping work, Dr Sleep is conducting case studies of 28 social services that use ADM, as well as conducting interviews with end users. The experiences counter mapped thus far document how the most vulnerable service users are often those most adversely impacted by ADM. She gave one example of people living with disability who had subjected to punitive and exclusionary practices because of automated decision-making processes that did not allow for the diversity of their experiences.

Professor Jeannie Paterson, Co-Director of the Centre for AI and Digital Ethics at the University of Melbourne, concluded the session with a discussion of the implications of ADM for governance, and whether ADM merits unique treatment in terms of administrative governance. Prof Paterson argued that automated decision-making processes need to be considered as unique rather than continuations of previous decision-making processes. What is purported to be individualised is countered by the processes themselves being so large, using technology to scale down inappropriately. These processes also come with inbuilt bias relating to protected attributes that are then inappropriately correlated, while the accuracy of algorithms can also be affected by missing data and the use of proxy data. Often there are even whole cohorts that are not reflected in the data. Data is collected in such huge numbers, that it cannot be called a data set in a reliable way and data becomes impossible to extract. Drawing on examples from the New South Wales Ombudsman, Prof Paterson demonstrated how discretion and delegation also become problematic in ADM. Governments are effectively operating with immunity, with no obligation to disclose their use of machine technology in areas such as policing, child protection, and benefit assessment. The upshot is a system that creates decisions where are not fully understood, or potentially biased against particular cohorts, or even sometimes not in compliance with law. Prof Patterson elaborated on the need to audit the use of ADM by government agencies, and to more closely scrutinize the technologies and data involved in automated processes.

Special Issue on ‘Activation and the Digital Welfare State’

A special issue of the *Australian Journal of Social Issues* on ‘Activation and the Digital Welfare State’ is currently being developed from the papers presented at the workshop. Following the workshop, the convenors were invited by the AJSI editors to develop a special issue proposal, which was accepted in May 2023. Six of the workshop papers have been submitted for inclusion in the special issue, along with four additional papers received in response to a call for papers announced in June 2023. It is anticipated that the special issue will be published in mid-to-late 2024 and will be the first journal issue dedicated specifically to the digitalisation of welfare-to-work and employment services rather than the ‘digital welfare state’ more broadly.

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