

# Point-based Activation in the New Employment Services

## Submission to Department of Education Skills and Employment

23 August 2021

### **About ACOSS**

The Australian Council of Social Service (ACOSS) is a national voice in support of people affected by poverty, disadvantage and inequality and the peak body for the community services and civil society sector.

ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas.

Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive.

### **Summary**

Australia's employment services have become an area of widespread concern. Employment services should be designed to help people to get paid work. However, they now rely excessively on compliance and surveillance rather than positive engagement and support. Compliance with activity requirements is increasingly digitised, often stripping out human interaction and failing to take into account the level of economic and psychological distress associated with being unemployed and living in deep poverty.

There is an over-reliance on digital and automated delivery and decision-making systems, in the absence of adequate protections to ensure timely access to decision-makers, the right to contest decisions, and loss of privacy.

Too many people report that their primary experience of employment services is that they do not improve employment prospects but more often are damaging to the health and well-being.

ACOSS welcomed a number of important aspects of the McPhee Review. In particular, ACOSS welcomed the Review calling for the introduction of more agency and choice, flexible and personalised employment services including reduced caseloads, more human support for people facing major barriers to employment and local partnerships.

The current employment services experience is a result of the accumulation of damaging policies that have prevented a more flexible, supportive and personalised approach

ACOSS highlights that any new approach to developing a job search plan including a “Points-based Activation” (PBA) model, will not succeed in improving a person’s employment prospects unless it is disconnected from other harsh compliance and payment suspension systems, including using automated digital decision-making processes.

We are concerned that the PBA is embedded in systems that are harmful including:

- The Targeted Compliance Framework (TCF) which effectively automates payment suspensions without the ability for the person to be heard on what is alleged to be the basis for the suspension.
- Unrealistic job search requirement requirements of 20 applications per month, auditing of ‘quality job search’ and the employer reporting line.
- Failure to budget more funds for Employment Services to support greater investment and help for people facing barriers to paid work and significant disadvantages in the labour market. Instead, the Federal Government announced cuts to the funding for Employment Services in the May 2021 Federal Budget, despite Australia already spending less than half of the OECD average.
- Cutting Jobseeker payments back to just \$44 per day and \$315 per week, well below the poverty-line and contrary to ACOSS advice calling for lifting working age payments up to a similar rate as pensions, with adjustments made to the requirements for people in receipt of different payment types.
- Failure to lift up the adequacy of other key essential income support payments including Commonwealth Rent Assistance and Family Payments.
- Pursuit of debt-collection by third party debt collectors, without providing people with an opportunity to be heard prior to debts being pursued.
- The failure to remove the Cashless Debit Card from about 15,000 people now on the Card across Australia, including during the pandemic, when people need maximum flexibility with their access to funds to meet essential needs.

The proposal to now introduce a “Points-based Activation” (PBA) model cannot be separated out from these other policies and systems. The combined effect of all these policies is that Centrelink and employment services negatively impact on the lives of people who are on the lowest incomes in the country, and trying to find paid work.

While these systems remain in place, the PBA risks facilitating higher levels of digitised surveillance on people looking for paid work to meet conditions which are unlikely to improve their employment prospects, whilst placing them at greater risk of suspension of essential income support when people are already typically in financial and often psychological distress.

In this submission, we set out our recommendations for what needs to be done to provide a more flexible, effective, personalised employment services system, with particular reference to the proposed PBA. We make reference to the interaction between the PBA and other policies that may make the situation even harder for people who are trying to get paid work.

In making recommendations about the PBA, our starting point is that:

1. People should have to the option to undertake and report their job search and other activities online and that this online system should be carefully designed with people who face barriers to employment.
2. Decisions that adversely affect people's income support should be made by a delegate of the Employment Secretary and be reviewable, not by an IT system;
3. The PBA system should be designed to enhance agency and protect privacy.

**If not carefully designed and implemented, the PBA will harm people**

The PBA has the serious likelihood of harming people, and reducing their prospects of employment, unless it is separated from the harsh payment suspension systems.

ACOSS bases this view on our analysis of the ways that digitisation of welfare services without human involvement are likely to cause harm to people because of their reliance on IT systems to make decisions that affect people's welfare payments. Further, ACOSS does not believe that payment suspension or sanctions should be used to get people looking for paid work to meet unrealistic activity requirements. The suspension of a person's income support is a serious measure and engages a person's basic human rights including the ability to feed and house themselves. It should be considered a measure of last resort. The threat of sanction causes undue distress for people already experiencing poverty.

**The government should undertake a full review of compliance monitoring, enforcement and penalties including the use of automated decision-making**

While we challenge the shift towards digital management of compliance and payment suspensions, in this submission we focus on recommendations to improve the flexibility of the PBA model and mitigate the serious risks we have identified. Our key points are listed below.

**The PBA model should be co-designed with representative groups, using ethnographic methods and qualitative interviews, with transparency of research findings**

It is important that the model is subject to careful assessment for both flexibility and usability both during the current trials and after implementation. This is to ensure that both program participants, digital employment service users and workers can use the model effectively over time. To date the usability of the model has only been assessed with people closer to employment.

### **Adjustments are required to increase the flexibility of the points-based model**

Adjustments are required to the PBA to ensure that activities and tasks are weighted to reflect their significance to every individual employment service users' journey to employment.

### **Changes should be made to broader policy settings to prevent harm**

The PBA model cannot offer genuine flexibility for participants without changes to broader employment service and "mutual obligation" settings. ACOSS is concerned that the proposed mandatory activities at pre-determined intervals in the NESM are contrary the intent of the points-based model. These excessive and inflexible job search and mutual obligation requirements undermine the Expert Panel's vision of personalised employment assistance and agency.

## Recommendations

We make the following recommendations to realise the potential of PBA to improve choice and agency for people seeking employment:

**Recommendation 1:** The government should undertake a full public independent review of compliance monitoring, payment suspensions, enforcement and penalties including the use of automated decision-making

**Recommendation 2:** Remove automated and ongoing payment suspensions

**Recommendation 3:** Adopt ethical principles for a 'digital' employment services platform

**Recommendation 4:** Establish a standing digital services advisory panel comprising people directly affected

**Recommendation 5:** Ensure evidence of meeting targets is not onerous

**Recommendation 6:** The model should be co-designed with representative groups, using ethnographic methods and qualitative interviews, with transparency of research findings

**Recommendation 7:** The model should be tested with people from diverse backgrounds and facing a range of barriers to employment during the remainder of the trials and the results of shared with representative groups

**Recommendation 8:** The model should be carefully tested with people using digital employment services and the results shared with representative groups

**Recommendation 9:** The model should be phased in and evaluated carefully with transparency over evaluation results shared with representative groups

**Recommendation 10:** Part-time work should be more highly weighted, and points should be limited to employment preparation and training activities that directly improve employment prospects as distinct from social and health-related activities, which should not be mandated

**Recommendation 11:** Commencing employment should be more highly weighted

**Recommendation 12:** Reductions in points targets for people with partial work capacity, principal carers, people 55 years and over, and people in high-unemployment regions and slow labour markets should be automatic

**Recommendation 13:** Exemptions from meeting requirements should be automatic for people experiencing or recovering from crisis

**Recommendation 14:** The inflexible sequence of mutual obligation requirements after four and 12 months of unemployment should be removed.

**Recommendation 15:** Work for the Dole should be abolished

## Discussion

ACOSS's concerns about the use of digital employment service interfaces is based on our observation that Australia's employment services system has too long been informed by an obsession with surveillance and compliance, rather than genuine investment in the needs of people experiencing unemployment.

Through our everyday interaction with people looking for paid work, ACOSS knows that being unemployed is a cause of psychological distress, anxiety and depression, and that it exacerbates loss of autonomy, social and psychological capital. It is of utmost importance, that as employment services continue to be redesigned, that there is sensitivity to the experience of being unemployed and the best way to support people through the challenges of unemployment.

Based on our knowledge of the best pathways out of crisis and poverty, we recommend an investment approach where employment service users are empowered make their own choices and provided with real services and support across the different dimensions of their social, psychological, health and economic needs.

The undeniably negative findings of the 2019 jobactive Senate Inquiry and the McPhee review reinforce the message that the needs of people who are unemployed have for too long been sidelined.

The Government must consider the proportionality of its use of surveillance and sanctions in employment services from a Human Rights perspective. The findings of the Parliamentary Joint Committee on Human Rights inquiry into ParentsNext<sup>1</sup> on proportionality of payment sanctions in relation to the purported improvements to economic well-being provided by employment services programs should be heeded. In particular the Committee found it is not necessarily proportionate to withhold payments when people have not met employment services requirements.

### **Ethics and digital employment services**

The government's plan to introduce 'digital employment services' for around half the population of people on unemployment payments is a serious and major change in the use of digital technology in the provision of Commonwealth government services. This was recommended by the Expert Advisory Panel on Employment Services as a way to increase agency and choice and divert resources to invest in people who are disadvantaged in the labour market.

These digital employment services originally took the form of the Targeted Compliance Framework (TCF) which uses a system of automatic payment suspensions and demerit points as a form of punitive compliance and surveillance.

ACOSS has repeatedly urged the Federal Government to cease the TCF because it relies too much automation, and that payment suspensions occur on a 'hair trigger', which puts those affected under constant stress. The Federal

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<sup>1</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/ParentsNext/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/ParentsNext/Report)

Government has since introduced a two-day 'resolution time', but despite this there are still around 200,000 payment suspensions per month. This is an alarming rate of payment suspensions inflicted upon people who are already in deep poverty and often significant psychological distress. We are also concerned about the extent to which this focus on surveillance of job seeker requirements has trumped investment in employment services that are effective.

The use of automated decisions introduces risks for people, including invasion of privacy, denial of timely access to decision-makers and explanation of decisions, barriers to administrative review of decisions, and delays or reductions in payments. It introduces risks for those affected include prescription of activities without human intervention, lack of information to exercise effective choices, algorithmic bias, expansion of automated payment suspensions, and privacy risks.

This is well documented in a series of detailed reports on digital servicing and automated decision-making, including a recently-released report from the Australian Human Rights Commission, an earlier report from the Ombudsman on automated decision-making, and the Senate Inquiry into the 'Robodebt' debacle.<sup>2</sup> We must be careful to avoid a 'digital dystopia.'<sup>3</sup> We have seen the tragic results of digitisation of decisions regarding debt and overpayments through Robo-Debt. We must ensure that the drive to use digitised systems under the guise of "cost savings", removing does not trump careful regard for human welfare.<sup>4</sup>

### **Recommendation 1:**

#### **Undertake a review of the compliance and mutual obligation system involving automated decisions**

The government should undertake a full public review of compliance monitoring, enforcement and penalties including the use of automated decision-making.

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<sup>2</sup> Australian Human Rights Commission (2021), *Human Rights and Technology Final Report*. Sydney; Commonwealth Ombudsman (2007), *Automated Assistance in Administrative Decision Making Better Practice Guide*, February 2007

<sup>3</sup> Alston, P. (2019). *Report of the Special Rapporteur on Extreme Poverty and Human Rights*. [https://www.ohchr.org/EN/newyork/\\_layouts/15/WopiFrame.aspx?sourcedoc=/EN/newyork/Documents/GA74/A\\_74\\_48037.docx&action=default&DefaultItemOpen=1](https://www.ohchr.org/EN/newyork/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/newyork/Documents/GA74/A_74_48037.docx&action=default&DefaultItemOpen=1)

<sup>4</sup> Carney, T. (2019) *Robo-debt illegality: The seven veils of failed guarantees of the rule of law?* 10.1177/1037969X18815913

## If not carefully designed and implemented, the PBA will harm people

We are concerned the Points-based activation model could result in more harm than the current system because of:

- its greater complexity compared with the current system;
- the use of automated payment suspensions;
- the limited capacity of people with low levels of literacy (including familiarity with the English language) to engage with complex systems;
- the power imbalance between providers and participants; and
- unfamiliarity with online platforms.

ACOSS is particularly concerned about the interaction between the PBA and the Targeted Compliance Framework (TCF). Payments will be suspended when points targets are not met, and that participants will be required to meet re-engagement requirements that are similar to those in jobactive, such as meeting the required number of job searches or other activities as designated in the job plan.

This aspect of the PBA must be carefully designed so that any payment suspensions and ensuing demerit points are fair, protect human rights and consistent with social security law on mutual obligation failures. The automation of these decisions opens an entirely new area of welfare governance using digital interfaces.

ACOSS believes that the use of threats of or actual payment suspensions as a routine method of so-called “re-engagement” undermines the spirit of the PBA and are harsh and damaging for people already experiencing distress or with poor literacy/digital literacy.

### **Recommendation 2: Remove automated and ongoing payment suspensions**

Pending the review in Recommendation 1, payments should not be suspended before the person has been given reasonable opportunity to respond to an alleged participation ‘failure’ and the suspension is a proportionate response after all other rights-restricting measures have been exhausted. Any decision to suspend must be made by the human delegate of the responsible Secretary and that decision should be reviewable. Payment suspensions should never occur by way of automated systems.

Scenarios in which a participant’s payment are suspended for prolonged periods should also be avoided, including when ‘prior notice’ or ‘reasonable excuses’ have not been provided.

### **Recommendation 3: Adopt ethical principles for a ‘digital’ employment services platform**

We have been concerned about these issues for some time. In 2019, ACOSS proposed to DESE that a set of ‘digital services ethics’ be developed specifically



for employment services (Attachment A). We believe this or similar framework should be adopted and provide an avenue through which users of digital employment services can pursue review of digital decisions, as well as protect their rights to privacy.

**Recommendation 4: Establish a standing digital services advisory panel** comprising people directly affected, relevant peak bodies and experts to monitor the impact of the use of information technology in employment services, including automated decision-making, and publish advice to government to prevent and eliminate any harms arising from this.

**Recommendation 5: Ensure evidence of meeting targets is not onerous**

One risk of introducing a more nuanced and complex system of activity requirements via the PBA is that reporting requirements may become more onerous.

Further evidentiary requirements to report and record compliance with activities and tasks should be minimised. The process must be simple so that it is easy to report and record attendance or participation in the required activities – without jeopardising people’s privacy (for example, through location tracking).

In this regard, there are lessons to be learned from the ParentsNext program<sup>5</sup> which required participants to perform unrealistic levels of activity reporting as these were scheduled in their calendars.

## **The model should be co-designed with a diverse range of workers and employment services users**

It is important that the model is subject to vigorous stress testing for both flexibility and usability both during the current trials and after implementation. This is to ensure that both program participants, digital employment service users and workers can use the model effectively over time.

**Recommendation 6:  
The model should be co-designed with representative groups, using ethnographic methods and qualitative interviews, with transparency of research findings**

ACOSS suggests that ethnographic methods offer the best way to collect observations of the model’s flexibility and usability. The evaluation of the PBA should be based on a qualitative ethnographic semi-longitudinal approach so that the concerns with the digital interfaces and PBAs can be identified over a reasonable period.

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<sup>5</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/ParentsNext/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/ParentsNext/Report)

**Recommendation 7:****The model should be tested with people from diverse backgrounds and facing a range of barriers to employment during the remainder of the Trials and the results of shared with representative groups**

During the trials, DESE should establish trial groups of people who are likely to experience difficulties. These categories include those people who will be in both digital and Enhanced Services, mature-aged people, people of Non-English Speaking Background, First Nations people with low levels of literacy, and people with cognitive disability or physical disabilities.

**Recommendation 8:****The model should be carefully tested with people using digital employment services and the results shared with representative groups**

It is important that digital employment services users are not overlooked when it comes to using the PBA. While it is easy to survey digital employment services users or use administrative data from DESE systems to assess the extent to which the points-system is being used, it is also important that the experiences of these users are captured using ethnographic methods.

**The model should also be stress tested with employment service workers**

Worker capability in customising the points model should be tested in simulated environments so that issues relating to training and guidelines can be considered before the model is implemented.

Again, this testing should be undertaken using ethnographic methods that will allow for observation of unanticipated scenarios and complexities in implementing the model.

**Recommendation 9:****The model should be phased in and evaluated carefully and transparently**

DESE should be responsive to potential confusion and allow for time for participants to become accustomed to the points-based model. ACOSS suggests that the points-based model should be implemented in a gradual way. For example, during the initial stages of the points targets might be introduced at a lower number than ultimately intended. Once DESE is confident that the transitioned caseload of participants has learnt to use the points system, it may then transition to the implementation of the intended points targets.

DESE should continue stress testing during and after the transition to the NESM in July 2022. This is so that iterative adjustments can be made to reflect variations in the flexibility and usability of the model across the country.

## Adjustments are required to increase the flexibility of the points-based model

Adjustments are required to the PBA to ensure that activities and tasks are weighted to reflect their significance to every individual employment service users' journey to employment. This section outlines the adjustments ACOSS believes are needed to ensure access to reduced (part-time) activity requirements, make the model more flexible for people facing non-vocational barriers to employment or who are starting employment; and in relation to automatic exemptions from points-based requirements.

The model is currently weighted to reward participation in employment related activities, but many participants in enhanced services will be undertaking a range of prevocational and non-vocational activities that are necessary to improve their skills or stabilise their personal circumstances so that they are in a position to undertake job searching or training.

### **Recommendation 10:**

**Part-time work should be more highly weighted, and points should be limited to employment preparation and training activities that directly improve employment prospects as distinct from social and health-related activities, which should not be mandated**

Part-time work should be more highly. Once people have stable employment, an assessment on ongoing points requirements should be made to reflect whether the work meets a sufficient work test<sup>6</sup>. This test must acknowledge the extent to which part-time work contributes to long term employment, and participants should not be required to quit any work they have obtained for themselves, or that they have been referred to be providers of DESE, to undertake other activities, including other jobs with slightly more hours.

### 1. **Recommendation 11:**

**Commencing employment should be more highly weighted**

ACOSS believes that activities such as starting a job, should be more highly weighted to 50 points, as this would increase the reward for people who commence employment where one was available, while also releasing them from other activity requirements that might detract from that.

Preparing to start employment may also take significant time and be included as a task or activity in the model. In digital services, participants who find their own employment will also have more responsibility for checking if the job is

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<sup>6</sup> The definition of [sufficient work](#) in the Social Security Guide and guidelines may need updating to reflect this

suitable, and to source. their own pre-employment supports, such as blue, white and green cards, and personal equipment.<sup>7</sup>

There should be standardised reductions in points targets for parents, people with disability, for mature aged people 55+, and for people in areas with high unemployment.

These reductions should be automated to the extent that it is possible by using job seeker dashboard information or the standard classification of payment recipient types.

## 2. Recommendation 12:

**Reductions in points targets for people with partial work capacity, principal carers, people 55 years and over, and people in high-unemployment regions and slow labour markets should be automatic.**

People with partial capacity to work (PCW), Principal Carer Parents (PCP), and participants aged 55+, should be able to satisfy points targets when they meet 15 hours of work, volunteering activity or part time study.

These rules about automatic reductions in requirements should be published in guidelines and accessible fact sheets, for both participants and workers.

## 3. Recommendation 13:

**Exemptions from meeting requirements should be automatic for people experiencing or recovering from crisis**

It is important to ensure that exemptions from meeting points-based requirements are accessible. Exemptions from points should be automatic in some circumstances such as for people experiencing homelessness; post-prison release, reporting mental illness episodes, newly arrived migrants and refugees, receiving emergency treatment or other hospitalization and experiencing or seeking support for domestic violence.

It is easy to underestimate the extent to which people experiencing unemployment may already be suffering from a range of health conditions or disabilities, which combined with the very low rates of welfare payments, result in extreme stress and debilitation. This example shows how dire the circumstances of some participants can be, and the extent to which poverty and illness combine to make social and economic participation challenging:

*After rent I had \$120 a fortnight to go towards food, medication, transport, and trying to keep a phone and electricity on. You can't get a job without a phone on, so I tried to prioritise that over food just to get out of the rut. Some days I would just cry on the floor from the pain, but*

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<sup>7</sup> The definition of suitable work should also be made readily available to all employment service users.

*there was nothing else I could do for it. I saved \$10 a fortnight for almost a year just to see someone to find out what was wrong.*

*It was so hard, I couldn't use public transportation easily due to the injury and couldn't afford to put fuel in the car some weeks to even get to the supermarket. (Respondent to ACOSS survey on job seeker payment)*

## **Changes should be made to broader policy settings to prevent harm**

ACOSS is concerned that the proposed mandatory activities at pre-determined intervals in the NESM will undermine the intent of the points-based model. These excessive and inflexible job search and mutual obligation requirements undermine the Expert Panel's vision of personalised employment assistance and agency. They include the government's announcement earlier this year that the default job search requirement will be restored to 20 applications per month and that providers will be audited on compliance with new 'quality of job search' requirements.

*Because I live so remotely, obviously work is next to impossible to find. When we come out of lockdown, I'm expected to apply for 20 jobs per month that don't exist, do 'work for the dole' (slavery) or apply for an online course. Respondent to ACOSS survey on job seeker payment)*

In particular:

- The default requirement to apply for 20 jobs a month is excessive, especially when combined with tighter monitoring on the 'quality' of job searches.
- The strict sequence of activity requirements outlined in the proposed New Employment Services Model *Request for Proposals* is too prescriptive in requiring people to undertake regular mutual obligation activities.
- Payment suspensions are imposed too quickly and frequently, often in cases where people have misunderstood the requirements or are unable to meet them, or where the error lies with the provider.
- There is insufficient investment in activities that could make a real difference to the employment prospects of people who are disadvantaged in the labour market, such as wage subsidies, vocational training and demand-led approaches.

This leaves most participants and their providers to rely on a narrow set

- of choices that are either punitive (such as Work for the Dole) or less effective (such as employability skills training).
- The flexibility and appropriateness of activity requirements in Enhanced Services also depends on the skills and caseloads of employment consultants.

In our previous submission on the New Employment Services Model<sup>8</sup> we made recommendations to improve those broader policy settings, including those that follow.

**Recommendation 14:  
The inflexible sequence of mutual obligation requirements after four and 12 months of unemployment should be removed.**

These proposed mutual obligation requirements would greatly reduce the flexibility of the new employment services model to respond to individual needs and local conditions. They would also deplete provider resources that could be used to offer people more tailored pathways to employment.

We understand that, for these reasons, providers and participants responded favourably to the removal of 'annual activity requirements' in the New Employment Services Trials (NEST). Those findings do not appear to have been considered in designing the new model. Instead, the proposed mutual obligation sequence recalls the old compliance-based approach.

In our submission on the NESM Exposure Draft, ACOSS recommended that a more flexible system of mutual obligation be designed, with input from representatives of those affected as well as employers, providers and experts. This should offer much greater flexibility in both the timing and content of activity requirements.

**Recommendation 15  
Work for the Dole should be abolished**

An over-reliance on Work for the Dole and Employability Skills Training programs to fulfil mutual obligation requirements will limit the range of genuine paid work experience options in the NESM.

ACOSS has heard repeatedly from Work for the Dole participants how negative their experiences have been.

*I was made to go on work for the dole again.*

*This time I was sent to a plastic recycle plant. They took plastic bottle caps that people donated to community centres which they get cleaned and melted down to make plastic wire to sell for 3D printing. In there, I always smelt burning plastic that a few weeks ago when I did smell burning plastic when out and about somewhere, I got mentally transported back to that place. I was made to clean the caps, as in take a box full of them and remove the white polystyrene wafer inside the caps and did that all day. It was repetitive and boring work so I brought in*

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<sup>8</sup> <https://www.acoss.org.au/wp-content/uploads/2021/08/ACOSSNESMEDSubmissionFinal.pdf>

*Bluetooth headphones and listened to podcasts and audiobooks from borrowbox so I felt like I had some mental stimulation*

ACOSS appreciates the NESM will change the duration of Work for the Dole for 2 months and that efforts are being made to provide participants with training at activities. Nevertheless, this shift is unlikely to remove the stigma from the program, and the associated disrespect that means that people are not paid for their work and activities are not resourced at a level that ensures genuine work experience is provided. Further, choice of activities has always been constrained by this lack of proper investment in work experience.

## Conclusion

ACOSS has advocated a more flexible approach to activity requirements and compliance. It is now imperative that the vision for flexibility is realised as the Points-based model progresses through the next stages of development. The key to the success of the points-based model is that it is both flexible and usable, for both workers and participants in enhanced and digital employment services

For this to vision for flexibility to be realized, it must be designed in such a way as to genuinely promote personalization, and this must be supported by flexibility in the accompanying rule and guidelines.

For participants in Enhanced Services, this must also be administered by professional and skilled workers who have the authority and autonomy to negotiate an appropriate mix of activities. It must be easy for workers to reduce requirements when personal circumstances change, and these reductions should also be made available and accessible to digital employment services through the Digital Contact Centre.

Finally, program participants must be offered choice, from a suite of genuinely supportive employability programs. The variety of activities and tasks available to participants should be genuinely customizable.

Further, to genuinely promote choice and agency, the design of the whole NESM must include:

- Realistic caseloads and employment consultants with appropriate capabilities;
- Adequate investment in paid work experience and training programs;
- Annual rather than one-off credits to the Employment Fund.

There is time to adjust the model settings to better realise the potential of the PBA before and after the final details of the model are locked in for commencement in July 2022.

# Attachment A – Principles for a “digital” employment services platform

The following is a suggested set of principles to guide the development of a digital employment services platform, and more broadly, the use of online connections, data and machine learning to improve the effectiveness of employment services.

## **1. A clear purpose for online platforms and use of data:**

These should have a clearly articulated employment-related purpose.

For other purposes, personal data should be de-identified unless the user expressly agrees.

## **2. Promote agency, empowerment and responsibility rather than centralised control:**

Maximise user access to and control over data (especially personal data).

Develop digital tools to explain options available to users and facilitate informed choice rather than detailed control over behaviour.

Benefit compliance arrangements should be clearly explained but sit in the background until required.

## **3. Privacy and user control of data:**

Collection and use of personal and business data should be based on informed consent. Sensitive data should only be collected as required to meet employment objectives, and with clear agreement of users and understanding of the purposes to which it will be put and with whom it can be shared.

Implement the ‘five safes’ to ensure data security.

Personal data should be visible to the jobseeker concerned, and they should have opportunities to change incorrect information.

Online monitoring of activity should be limited to that required to meet employment objectives, should be transparent, and should not be intrusive (e.g. facial recognition, location tracking).

## **4. Responsible use of machine learning:**

AI should guide and not supplant or bias discretionary decision-making.

Users should have direct and timely access to decision-makers, and review and appeal mechanisms.

## **5. Transparency and use of data for public purposes:**



The purpose of online services and the options available to those who use them should be clearly visible to users (including the purpose of assessments and other information requested from users).

The uses to which personal and business data are put should also be visible to users.

Data sets derived from information collected from users should be listed publicly and their purposes clarified.

Confidentialised data should, as far as possible, be available for research with a public benefit.

Source code should be open and accessible.

## **6. Accessibility, face to face back-up and support:**

Assess each user's capacity to use an online platform and assist people to make effective use of it and/or adjust the service offer accordingly.

Ensure use of digital platforms is affordable, accessible (in all senses, including for people with disability and people with limited literacy), and supported by a timely and accessible back-up service (including training in use of the platform, and face to face services as required).

## **7. Use online systems and data to strengthen service networks:**

The online platform and data should (subject to informed consent as required) connect jobseekers with employers and other services, while guarding against inappropriate referrals (e.g. providers still have a key role to play in screening for vacancies).

Online systems and AI should facilitate partnership working (especially among local community services and employers to assist people with complex needs).

## **8. As with the new employment services system generally, apply co-design principles to construct, and continuously review and evaluate, digital components of the service:**

The establishment of new online and data systems should be informed by co-design principles including on-going user panels, mechanisms for continuous user feedback, and iterative systems development.

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