

Back to the future: coercive conditionality in the jobactive era

Dr Simone Casey RMIT University

Abstract

It had long been established that coercion has been adopted in liberal welfare regimes in advanced capitalist countries to shift people from welfare payments to employment to reduce government expenditure. Dean (2007) associated this with a contractarian set of social obligations that displaced the entitlements of social citizenship. While the scholarly literature on the Australian marketised employment services had evolved into two major tracks using both governance and street-level perspectives, there remained few studies of the experiences of Australian unemployment payment claimants themselves.

This article reports the results of a survey conducted by the author on behalf of the Australian Unemployed Workers Union in 2019 of their members about their experience of coercion during the jobactive era. Jobactive is the main employment services program for Australian job seekers receiving income support. The program commenced in July 2015 and will run until mid-2022. While the data set may reflect the bias of the recruitment group, the size of the sample (n=935) is significant because of the extent of the coercion that was reported. While this coercion has been justified in the shift from passive to active welfare states, the article focuses attention to the ethical basis of the use of coercion in transformative social policy initiatives, particularly in relation to an emergent 'punitive' shift in welfare conditionality studies. It concludes with observations of potential openings for future research as Australia's marketised system undergoes another fundamental reform in 2022.

JEL Codes: E24, J64, P16

Keywords: Employment, Unemployment: Unemployment: Models, Duration, Incidence and Job search: Capitalist systems: Political Economy

Introduction

It had long been established that coercion has been adopted in liberal welfare regimes to shift people from welfare payments into employment so as to reduce government expenditure. Active labour market programs such as those delivered through Australia's marketised employment services are one such example of policies used to effect the transformation from a culture of passive 'welfare dependence' to active citizenship. By the 1990s these active citizenship policies evolved into a set of coercive welfare conditionalities called 'mutual obligations' and included a mandatory work activity called Work for the Dole.

While claimant experiences of coercive enforcement of mutual obligations requirements had been analysed in the *Job Network era* (1998-2009) (e.g. McDonald and Marston, 2005; Marston and McDonald, 2008) there were few studies that documented this in the subsequent *Job Services Australia* (2009-2015) and *jobactive* (2015-2022) eras. Therefore, it was important to observe claimant experiences of coercion in the *jobactive* era because in this stage the active society policies reflected 20 years of marketisation and the intensification of mutual obligation requirements. Consequently, this article reports the results of a large survey of unemployed claimants (n=935) conducted by the author on behalf of the Australian Unemployed Workers Union in 2019. The survey collection instrument was designed to examine the extent of coercion in the *jobactive* era.

In the UK, the introduction of coercion and punitive measures in welfare policy has been described by Wright *et al.* (2020) as 'state perpetrated social harm'. This conceptualisation builds on a growing body of empirical studies that have described the subjective impact of welfare conditionalities which function 'less to discipline poor and marginalised people and more to disqualify them from the entitlements of ordinary citizenship' (McNeill, 2019: 299). Grover (2019) extended this and applied the idea that harsh conditionalities can be conceptualised as a form of 'social murder' because the intentional infliction of poverty through disciplinary policy leads to the ill-health of the poor.

The article proceeds by situating the *jobactive* era within the intensification of coercive conditionality as it evolved in Australia over the past 20 years. It then explains the research methods and provides observations on the strengths and limitations of the survey. The survey results are presented alongside some typical comments that are used to illustrate the subjective harms experienced by the respondents. The discussion situates the survey results within the emerging literature on the punitive shift in welfare conditionality in advanced liberal welfare regimes. The article concludes with some observations about the relevance of the study to future research as Australian labour market programs undergo another era of radical reform with the New Employment Services model due to commence in 2022.

Coercive conditionality in the *jobactive* era

In Australia there was a shift to coercive conditionality in the late 1990s with the restructuring of active labour market policy, the privatisation of government employment services, and the introduction of onerous activities like Work for the Dole.

This shift to coercive conditionalities, or coercive welfare as Dwyer (2004) noted, occurred through waves of reform in which disciplinary labour market programs were initially used as tools for economic integration, but eventually became mechanisms for reducing welfare expenditure.

The Australian version of coercive conditionality had unique features that reflected tensions between competing discourses of choice and personal responsibility. For example, in the late 1990s, the privatisation of employment services was promoted with a vision that New Public Management (NPM) would provide a solution to ineffective public services and that this alternative approach that would provide consumers with ‘choice’ (Le Grand and Bartlett, 1993). This ‘third way’ orientation also originally conceived consumers as rational and reflective actors who could make decisions that reflected their economic self-interest, and when given such ‘opportunities’ would make progress towards self-improvement (Giddens, 1998).

While ‘choice’ was one of the informing principles of NPM and a justification for privatisation, this notion was soon undermined by the onset of ‘work-first’ contract conditions and mutual obligation requirements (Howard, 2012). In the Job Network era, the agencies contracted to provide services were subject to ‘triple activation’ (Van Berkel, 2013) which imposed stricter work first conditions in their contracts for services, which were then converted into targets for individual workers. By the Job Services Australia (2009-2015) and *jobactive* (2015-2022) eras, contractual controls on privatised providers led to so much standardisation that marketisation was described as a failure in the public policy evaluation (Considine *et al.*, 2011; 2018).

For the consumers, referred to as ‘job seekers’, choice was limited by coercive conditionalities including: a requirement to enter into a job plan, providing proof of active job searching; attendance at monthly appointments with job services providers or related support services; mandatory job search; and employability skills training—all as pre-determined by policy makers. These coercive conditionalities limited choice in favour of coercion because of the influence of new-paternalism in which welfare subjects are not trusted to make ‘good choices’ for themselves (Carney, 2007; Marston and McDonald, 2008). In Lawrence Mead’s New Paternalist view, sanctions were justified as tools to achieve behavioural change, that would ultimately lead to better outcomes when unemployed people gained jobs (Mead, 1997).

The Australian model of mutual obligation also involved the use of Work for the Dole, a form of mandatory work activity that was modelled on similar programs in the USA where neo-paternalism had a strong foothold. The adoption of Work for the Dole as a labour market program in Australia, was promoted by the libertarian Centre for Independent Studies (Mendes, 2000). For example, Peter Saunders argued that there was a moral obligation for people receiving unemployment payments to participate in activities that were equivalent to the inconvenience of work so as not to be ‘better off’ than people in paid work (Saunders, 2004).

Much debate accompanied the introduction of Work for the Dole mutual obligations particularly during the Howard era of welfare reform (Mendes, 2000). While it was originally introduced in the 1986 by a Labor government¹, Work for the

1 As a voluntary labour market program for young long-term unemployed (Sawer, 2000).

Dole was expanded by Australia's conservative governments in the Job Network era to unemployment claimants up to the age of 40. The influence of neo-paternalism was apparent in the way the expansion was justified in contractarian terms, as an obligation on payment claimants to pay back the community for receiving unemployment benefits (Mendes, 2000). Australia's position as a coercive 'workfare' state was also cemented with the Welfare to Work reforms when onerous conditionalities were expanded to more payment recipients, (Carney, 2006; Dean, 2007; McDonald and Marston, 2005)².

The *jobactive* era of Australian workfare commenced in 2015, under the administration of a conservative Coalition government who expanded Work for the Dole significantly. When the *jobactive* era started there was an unprecedented expansion of Work for the Dole to unemployment claimants who had been on unemployment benefits for six months or more (DESE, 2020). Another change in September 2018 increased the number of hours of Work for the Dole from 15 to 25 hours per week for all people aged 50 and below for six months of the year³. This increase to 25 hours proceeded despite a government funded evaluation of a trial having warned that it could create problems in the quality of activities (Kellard *et al.*, 2015)

So, unlike the UK where the Mandatory Work Activity in the Work Programme was disbanded in 2015 amid a range of concerns about its efficacy (DWP, 2012), the Australian version grew larger than it had ever been in the past despite evidence that it did not significantly help people get jobs (Borland and Tseng, 2004). Indeed, the *jobactive* version of Work for the Dole was identified as a 'tree-shaking' policy by Department of Employment⁴ officials (Senate, 2017) – that is, a strategy for imposing onerous conditions on welfare recipients to incentivise them to get jobs quickly. Tree-shaking has its foundations in evidence which shows that referral to activities like Work for the Dole tends to cause exit from payments whether people had jobs or not (Borland and Tseng, 2004), with similar observations having been made about use of mandatory work activities in the UK's work programme (Wiggan, 2015).

At the start of *jobactive*, 150,000 job seekers were estimated to need place in a Work for the Dole activity in the first financial year (Senate, 2016: 88-89). This level of referral was remarkable, as Borland and Tseng (2004) noted in their analysis of the *Job Network* version, in 2002-2003 the federal government had provided funding for only 55,000 Work for the Dole places. Because of the unprecedented demand, a new service called Community Work Coordinators was temporarily funded to help source the Work for the Dole activities (DESE, 2020: 15). By the end of the first year 126,000 job seekers had been placed in Work for the Dole activities (Senate, 2017)⁵. The unprecedented demand for Work for the Dole activities continued the following

2 During the JSA era there was a break in the use of Work for the Dole, except as a voluntary activity for the long term unemployed, and to work-off 8 week sanctions.

3 Job seekers aged between 50-54 were also required to participate in Work for the Dole for 15 hours per week.

4 The Department of Employment has had frequent name changes. For convenience this article uses the Department of Employment in the text, while the bibliography refers to the abbreviation DESE.

5 To put this in context that represents about 10 per cent of the job seekers on the 'active' *jobactive* caseload (as approximately 20 per cent of job seekers had exemptions).

year and between 1 September 2016 and 31 August 2017, there were 118,056 *jobactive* job seekers referred to Work for the Dole activities (Senate, 2017b)⁶.

The contract for *jobactive* era employment services providers was used to ensure that Work for the Dole was expanded. This contractualism compelled *jobactive* providers to enforce workfare requirements at the street level. This contractual direction was policed by benchmarking individual provider performance relative to that of other *jobactive* providers. To drive the desired provider behaviour, the Department of Employment also introduced weightings for Work for the Dole performance in the Star Ratings, the performance framework that had been introduced in the Job Network era. The Department of Employment also provided payments to providers to draw on to recover costs related to the administration of Work for the Dole (DESE, 2020).

Employment services providers were also used to enforce participation in Work for the Dole by administering the job seeker compliance sanctioning system. Initially, failure to commence and attend Work for the Dole activities resulted in financial penalties of one day's benefit sanction for every day of non-attendance. At the beginning of the *jobactive* era, 83 per cent of financial penalties were for non-attendance at activities like Work for the Dole (DESE, 2017). In July 2018 a new sanctioning system called the Targeted Compliance Framework (TCF) was introduced (DESE, 2020a). Further analysis undertaken on the TCF data until the end of 2019 showed that financial penalties were applied at double the rate for Work for the Dole activities (Casey, 2020).

The extent of the sanctioning used to enforce Work for the Dole attendance is indicative of how coercive the *jobactive* era was. By the latter years of the *jobactive* era, endemic issues such as poor street-level relations, conflict between job seekers and employment services providers had been described as an abuse of human rights (Raffass, 2017; McKeever and Walsh, 2020). There followed research into how unemployed workers regarded *jobactive* agencies as unhelpful and harmful (O'Halloran *et al.*, 2019; 2020).

The Australian Unemployed Workers Union Survey

The conditions outlined above led to the revival of the Australian Unemployed Workers Union (AUWU) in 2014, which grew to become a large, organised interest group. As Peillon (1998) and Tyler (2015) argued coercive relations generate resistance, and this explains why the AUWU gained so much momentum in this late stage of mutual obligation in Australia. The AUWU contributed their members' experience's to reports (e.g. Bennett *et al.*, 2018) which identified experiences in which unemployed workers felt punished by Work for the Dole, and were instrumental in campaigning for a parliamentary inquiry into *jobactive* in 2018 (Senate, 2019).

6 It is also of note that 35,000 job seekers who were referred to Work for the Dole did not commence, meaning they either exited unemployment payments, found a job or were exempted on medical grounds.

Research methods

In the context of evidence on harms caused to job seekers in the *jobactive* era, the survey described in this study was conducted among AUWU member to examine the extent of coercion in relation to *jobactive* era mutual obligation requirements⁷. These 'mutual obligations' included establishing a job plan, regular face-to-face appointments with *jobactive* providers, proof of 20 job applications per month, mandatory employability skills training, and activities like Work for the Dole for six months every year⁸.

The topics covered in the survey were informed by existing research into aspects of the employment services that are relevant to critical welfare conditionality analysis of coercion. Consequently, the survey questions were designed to explore the extent to which respondents believed they had choice, whether the requirements were fair, if they received useful support from *jobactive* providers, whether the activities had helped them, and the accessibility of complaints processes. Three of the questions specifically explored perceptions of the fairness of payment suspensions and sanctions, and asked respondents to comment on how they had survived when they had lost payments because of sanctions.

The survey instrument consisted of 31 questions that used either the five-point Likert rating scale or a yes/no response, as well as 5 open-ended opportunities for comments. Respondents were able to skip questions and this led to irregular response tallies that ranged between 935 for demographic questions to 525 for questions on sanctions. The survey instrument was tested with AUWU members to ensure the questions would be understood by the intended audience and to avoid policy and academic jargon. As with any survey design there is room for improvement on the factors, semantics and expression if the instrument is to be drawn on in the future.

AUWU members were invited to participate in the survey via an email to an electronic mailing list of 17,000 members and this was also promoted on Twitter and Facebook social media accounts. The researcher adhered to ethical processes in relation to informed consent by explaining the purpose of the survey in the cover letter email and web postings, by identifying that the results would be published as a report, that participation was voluntary, and that responses would be de-identified. To maintain consistency with ethical processes relating to informed consent, only the data and qualitative responses that were published in the original AUWU report have been analysed for this article, and to preserve participant anonymity, only broad demographic data such as age range, gender, and type of employment service is reported.

Limitations

There were both strengths and limitations to this survey that may be of interest to other researchers, particularly those undertaking large scale independent research

7 The survey was used for a AUWU report that was presented to government officials to propose a review of mutual obligation (AUWU, 2019).

8 It should also be noted there were also increasing levels of online self-service involving a Digital Dashboard for monitoring job search, appointments and online reporting of attendance at activities like *Work for the Dole*.

with marginal populations. A key strength was a comprehensive survey sample was achieved as a result of the AUWU's trusted status with marginalised unemployment claimants. In that respect it is notable that there were more participants in this survey than in the Government's consultations on *jobactive* reforms (n=188) (McPhee, 2018).

Against this, a limitation to the study is that the respondent cohort was accessed solely through the AUWU's mailing list and social media sites. To this extent the sample has potential for bias as unemployed workers often sign-up to the AUWU mailing list because they have either already had a negative experience with employment services or know of someone who has. It is also worth noting that the reformation of the AUWU can be seen to have been a consequence of the shift to punitive conditionality which motivated otherwise disempowered individuals to collectivise by joining a social movement. This goes in some part towards explaining the overall negative weighting of the survey results on choice and empowerment, that temper claims of generalisation to the broader population of the unemployed.

However, there are two points to make in relation to generalisations around the AUWU survey. First, the overall weighting of negative experiences has been demonstrated in other small Australian studies and in evidence provided to parliamentary inquiries. Second, the scale of the data collected in this survey was large enough to facilitate secondary statistical analysis to assess the validity of the factors in the survey tool (O'Halloran *et al.*, 2021). This statistical analysis validated the recurrence and relevance of the themes of choice, fairness, disempowerment and coercion in the extensive respondent commentary collected in the survey. It also concluded that six factors are important elements of job seeker service experience: usefulness, client centredness, feedback and complaints, psychologically positive, fairness, and rapport. Through this statistical analysis it has been possible to develop a rating scale (O'Halloran *et al.*, 2021) that will be of interest to the international community seeking standardised measures through which to evaluate participant views of activation programs and employment services in diverse social policy settings.

Results and Analysis

Overall, the results indicated that most respondents were deprived of choice over the activities they were made to undertake, that these activities were not viewed as being useful or helpful, and in fact, they were perceived as being punitive. The survey results indicate the overall number of responses for each section of questions and discuss the dominant results. Examples from the free-text commentary are used to illustrate the respondent experiences.

In terms of broad demographics of the respondent cohort (n=935), 43 per cent were male, 54 per cent were female, and 3 per cent did not identify as either or preferred not to say. A broad breakdown by age indicated that 57 per cent of participants were aged under 55 and 32 per cent aged between 55 and 65. Analysis of the Qualtrics collection indicators suggested the respondents were distributed across Australia.

The Job Plan

The first group of questions related to the requirement to sign a job plan. The job plan serves three roles in the administration of coercive conditionality.

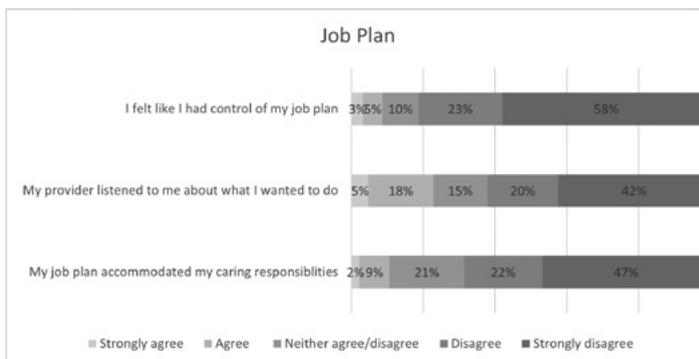
First, signing it is an administrative condition of payment eligibility. Not signing a job plan results in disqualification from unemployment benefits. In the *jobactive* era, job seekers were given 48 hours of 'think time' to sign the job plan, before their payment was suspended and if they continued to refuse to sign it, their payment was cancelled.

Second, the job plan acts as a social security law 'contract' that binds unemployment benefit claimants to meet activation conditions or face sanctions. Most of these conditions are pre-determined in policy made by the Department of Employment. For example, the minimum number of appointments the job seeker must attend a month, participation in pre-employment activities, a requirement to attend job interviews, and complete proof of job search, and at six-monthly intervals participate in an activity such as Work for the Dole. As such, the job plan is an instrument of enforcement and a mechanism through which sanctions can be applied under Australia's social security laws.

Third, the job plan is an instrument of notification under social security law. It communicates notification of the consequence of non-compliance under social security law. It therefore contains a written warning about the penalties for not complying and this notification is supposed to be reinforced whenever it is reviewed or updated.

Given its overall importance in the enforcement of social security conditionalities, the survey explored questions about choice in the job plan, as reported in Figure 1. Respondents (n=814) were asked questions about control of the job plan, choice over activities in the job plan, and flexibility of the job plan in relation to caring responsibilities.

Figure 1. Choice in the job plan



Source: data derived from survey.

The results show that 81 per cent of respondents disagreed (Disagree/Strongly disagree) with the statement that they had control over their job plan, 62 per cent did not feel the *jobactive* provider listened to them about what they wanted to do, and 69 per cent indicated that the job plan did not accommodate their caring responsibilities.

These results indicate that the requirement to support a job plan is perceived by participants as restricting choice, especially as signing a plan is a precondition of receiving payments. It therefore functions as an instrument of coercion, wherein pre-populated requirements are used to enforce conditionalities. The respondent commentary suggested that for many, the job plan itself was signed under duress:

I was in the hands of a customer service officer who told me 'if you don't sign, you can't get paid'. I have signed under duress.

This duress reflected the lack of choice and disempowerment survey respondents reported about their ability to influence the kinds of activities they were required to do.

Appointments

In the *jobactive* era the frequency of appointments was determined by providers – except for job seekers under the age of 30, who were required to meet face to face at least once per month. However, *jobactive* providers could determine appointment frequencies based on the servicing strategies they developed when they applied for the contracts.

Figure 2. Provider appointments

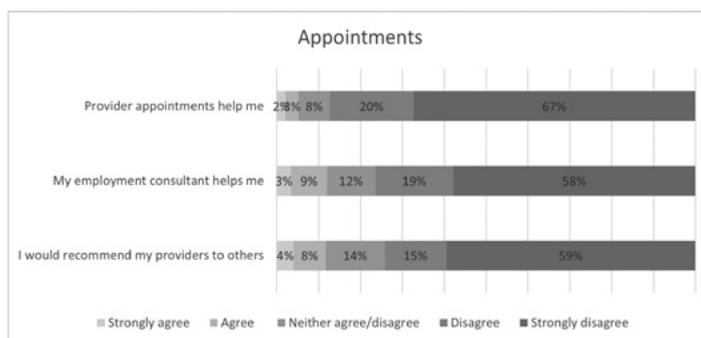


Figure 2 shows that of the respondents (n=782), 87 per cent did not find appointments useful, 77 per cent did not find their advisor helpful, and 74 per cent would not recommend their provider to others.

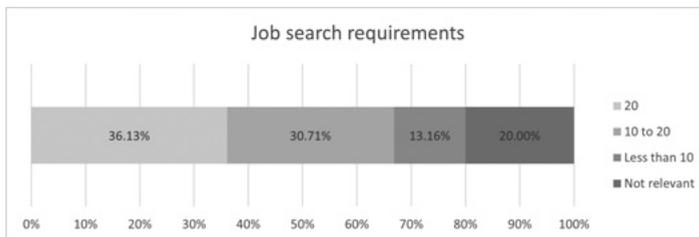
The results in relation to appointments reinforce O'Halloran *et al.* (2019) finding that participants saw little benefit in attendance at appointments. This view was expressed in commentary which highlighted how respondents believed appointments were a waste of time:

Appointments are a waste of time, and petrol. I've been with four different providers over the last 9 years and haven't felt helped, supported – hence the reason I am still unemployed. I had a consultant promise to do a practice interview with me at our next appointment, but then at the appointment tell me that anything I need to know about interviews, I can find online. I've had appointments cancelled five minutes beforehand, pity it takes 20 minutes to drive to an appointment.

Support for Job Search Activities

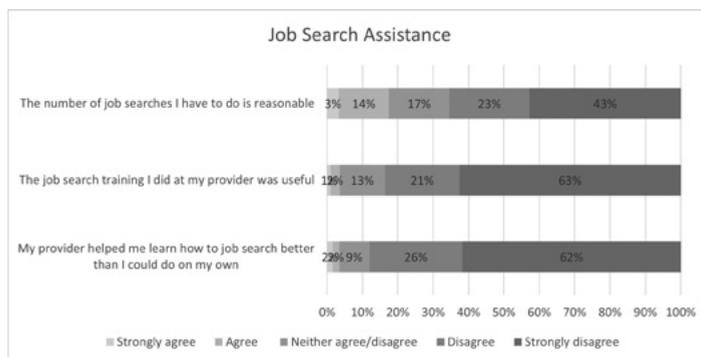
Proof that participants were involved in job search activities was a crucial requirement in the *jobactive* era. In 2019, job search requirements involved providing proof of up to 20 job applications per month, with evidence including email confirmations from employers or job application acknowledgement messages from job search websites. While providers were contractually directed to make nuanced decisions about the right levels of job searches, Figure 3 shows that of the (n=755) respondents, 66 per cent were required to provide proof of 10-20 job applications per month. The results are a concern because, as the Parliamentary Inquiry into *jobactive* (Senate, 2018) showed, onerous job search targets caused distress for unemployed workers in locations where there are few actual jobs to apply for.

Figure 3. Participants job searches per month



A series of survey questions assessed whether the number of job searches was reasonable and whether *jobactive* providers provided useful job search training and support. Figure 4 shows that of the respondents (n=769) to these questions, 66 per cent did not find the job search requirements reasonable, 84 per cent did not find job search training useful, and 88 per cent did not get assistance from their provider in learning how to conduct a job search that was better than the knowledge they already had access to themselves.

Figure 4. job search assistance



The fact that that job search benchmarks were not regarded as being reasonable means that there was a perception of unfairness. This unfairness was compounded by the fact that *jobactive* providers were not reciprocating this activity by providing practical assistance such as with job search training.

This lack of practical assistance was also reflected in the responses to the survey questions about receiving financial support that would enable them to achieve their employment goals or enable them to get work. Of the respondents (n=525), 64 per cent did not receive funding for their own employment goals.

Some examples of respondent commentary that practical assistance was not available included:

Have been refused each time I've asked for assistance – petrol voucher to be able to attend interview and for clothes for interviews... disgraceful and frankly inexcusable!!

Glasses renewed - required for everything further than 5cm from my face. Clothing after a house fire burned all my clothes – have been told funding for an interview outfit and/or shoes and/or training etc is only available if I am 100% guaranteed a job as a result

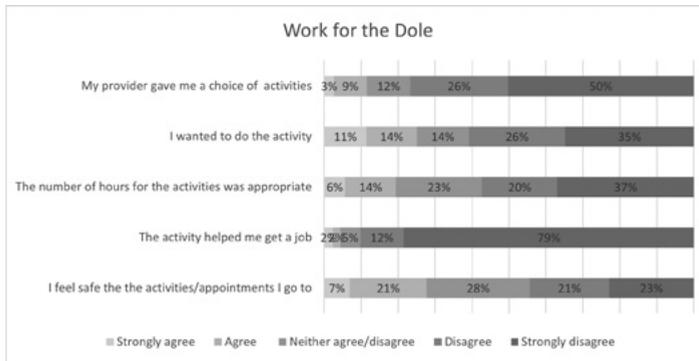
The current provider has already stated that they will not help me with any clothes or studies and will also not be referring me to any employers. I am therefore not sure what the purpose of seeing them is.

Work for the Dole

The survey questions on Work for the Dole focused on eliciting respondent views on levels of choice and whether the activities helped them get a job. Figure 5 shows that of respondents (n=783), 76 per cent did not get to choose activities, that 61 per cent

did not want to do the activities, that 91 per cent did not find the activity useful for helping them get a job.

Figure 5. Work for the Dole



These results reflect the extreme level of coercion that unemployment claimants experienced in the *jobactive* era. This extreme coercion was reflected in the respondent commentary about not having choice over the Work for the Dole activity, even when they were then expected to attend for 25 hours per week, for six months of every year:

They had already chosen my Work for the Dole activity with no consultation

Further, respondents commented on how Work for the Dole activities were not customised to their individual needs, how they were poorly resourced and did not help get people jobs:

The project is a sham, it provides no meaningful tasks, it has at least seven participants, the project is supposed to be a gardening project. This project takes place in the backyard of a house ... This project is being conducted on the cheap. Donated plants, clay soil, huge sods of soil that appear to have come from a construction site. Second-hand equipment, no gloves supplied... unless you are prepared to use pre-worn. It is a disgrace, nothing less than a sham.

For others, Work for the Dole was described as causing psychological harm:

My Work for the Dole experience gave me such anxiety that I developed heart palpitations and my job provider just told me I was being over dramatic!! We weren't given jobs to do just forced to sit in a basement doing nothing all day.

One respondent commented on how a *jobactive* provider had imposed additional requirements to get job seekers to do more hours, and for more than six months:

At one of my appointments they tried to extend my Work for the Dole to 24 hours a week and lengthen my six months to eight months because I came into my work for dole late.

This appears to have been because of confusion about policy rules without regard for the job seeker's rights or consent.

The respondents were also asked about whether they felt the activities they were required to participate in were safe. On this question 44 per cent indicated that did not find the activities safe, implying that nearly half of them were coerced to attend activities that they did not think met work, health and safety standards.

There is evidence of the dangers involved in activity participation. For instance, in 2016 a young man died in an accident at an activity (DESE, 2020c). This incident was subject to legal proceedings in which it was determined the risks of the activity had not been managed effectively and that the *jobactive* provider had been negligent. In response to that incident the Department of Employment introduced stronger risk management processes (DESE, 2020c) but these additional controls were not sufficient to make the respondent's feel safe:

I was injured on a work site while participating in a Work for the Dole activity. Every cost that I have had to incur for my ongoing recovery from that injury no matter the amount had to be paid by me first before the second in charge of the Work for the Dole scheme in Australia... I have NO confidence at all in this program. You are NOT I repeat NOT covered by standard workers compensation for accident on ANY Work for the Dole activity.

Respondents described how they believed lack of safety at Work for the Dole activities reflected the general disrespect with which they were being treated because they were unemployed. This disrespect was described as justified because being unemployed was regarded as on a par with being a criminal:

I felt that my Work for the Dole placement was inconsiderate of workers' reasonable access to amenities, or safety (my foot went through a badly-placed piece of plywood, and the incident was

disregarded). I was bullied, and mostly relegated to dusting shelves in very hot conditions, with nowhere to sit outside break times – very demoralising, and not very good for my health! The atmosphere of the place, and treatment of the workers, made us feel like juvenile delinquents.

These comments suggest that Work for the Dole the activities did not have to meet the standards of safety that are required in workplaces. The participants were assigned a lesser form of citizenship because the unemployed are regarded as being worth less than other citizens.

In summary, the results about the job plan, appointments, job search and practical assistance and Work for the Dole indicated the majority of the survey respondents had little choice over activities, that respondents were not listened to about what they wanted to do, and that these activities did not help them get jobs:

I am sick to death of being forced to apply for jobs that I know I will never get! I am sick to death of being forced to attend appointments with employment service providers who don't give a fuck about me! I am sick to death of being forced to do useless activities like Work for the Dole program, job club and Certificate II and III courses!

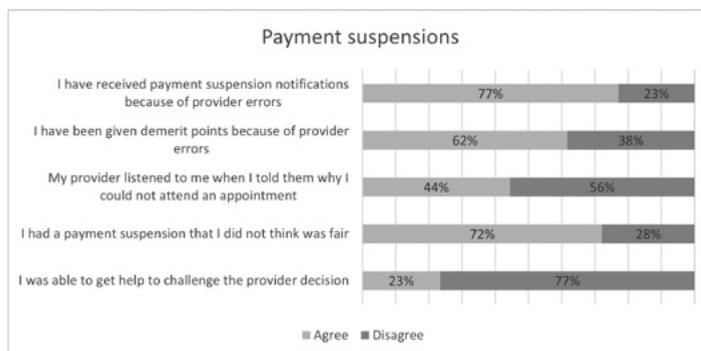
The respondent commentary indicated frustration at the lack of support and anger at the perceived pointlessness of the activities they were required to attend while being threatened with sanctions if they did not.

Payment suspensions

The final three survey questions explored respondents' perceptions of the fairness 'job seeker compliance system' which consisted of automatic payment suspensions, demerit points and benefit payment sanctions. Automatic payment suspensions had been part of the job seekers compliance system for many years. Demerit points were introduced with the TCF in 2016 and in this new system demerits led to financial sanctions that increased severity from 1, 2 and 4 weeks. It is important to note in the early stages of TCF, there was an increase of 70 per cent increase in payment suspensions which were generated because of changes in the automation of attendance reporting processes (Henrique-Gomes, 2019).

Figure 6 shows that of the 511 respondents to these questions, 77 per cent had automatic payment suspensions caused by provider errors, 62 per cent had received demerit points because of provider errors, and 72 per cent indicated they had received unfair payment suspensions. A further 77 per cent of respondents disagreed with the statement that they were able to get help to challenge a provider decision.

Figure 6. Payment suspensions



While the results do reflect the early implementation and training problems with the TCF, they also indicated an overwhelming perception among respondents of unfairness in the system. The respondent commentary provided examples of the way in which errors and unfairness were prevalent and led to the perception that the compliance system itself was punitive:

I have been suspended several times in the last 12 months, even when I notified them of non-attendance.

The commentary also showed how providers forced job seekers into resolving problems that were generated by the new information technology (IT) system's requirements for online reporting:

When the demerits system came in, I called the agency and I had to resubmit job searches that were missing (they weren't missing, I met the search for that month, but I still had to do it all anyway).

The onus of correcting IT system errors was borne by job seekers even when providers agreed that the job seeker had not been at fault:

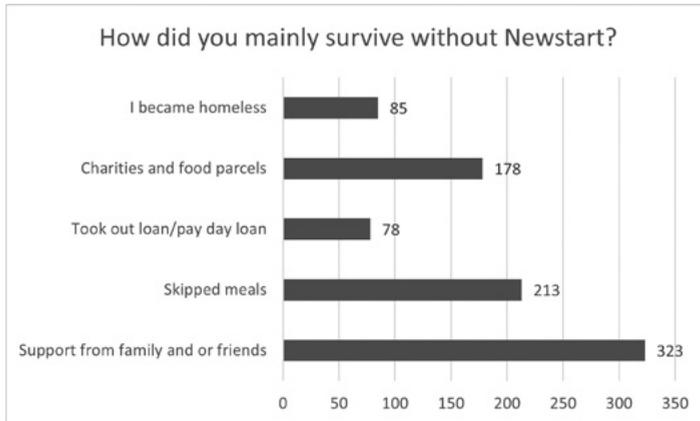
I got fined for not attending an event I had proof I was at the job provider agreed with this I still lost money. I spent over 8 hours on the phone over 2 days trying to sort it out.

The impact of financial penalties

The survey question on the impact of financial penalties enabled respondents to select from the list of values indicated in Figure 7. These values were used because of

knowledge about the impacts of sanctions and the question also included a free text commentary field. Figure 7 shows how respondents (n=525) indicated they survived when their job seeker payments were sanctioned or cancelled. While the majority indicated they relied on support from family and friends and skipping meals, a significant number of respondents indicated they had become homeless.

Figure 7. Consequences of financial penalties



The commentary showed how respondents developed a range of strategies to cope with the loss of payments:

Sell belongings, stop paying bills, didn't renew licences and tickets, cut back to bare minimum essentials.

Used an equity facility on my mortgage and put my super into retirement mode to withdraw from it.

Used up my savings.

Used whatever I had saved to get by, skipping meals, working out which bills I could afford to not pay.

I actually lost \$50 of my Newstart, which meant I then had to go and borrow that money from a payday lender or ask family and friends. Most of the time, I tried to just skip meals.

Some of the respondents described their view that it was better to cancel unemployment payments so as to avoid being treated 'like a criminal':

Will be all of the above when I cancel the payment myself. I literally cannot meet my obligations going forward and the stress of being treated like a criminal for that may kill me.

This kind of commentary highlights the extent to which respondents experienced forms of suffering also expressed as despair:

I absolutely despair. I'll be cancelling my own payment in the future for my own health and the health of my career. I cannot meet my obligations because of ill health and caring responsibilities. Sooner or later every provider I have had has been aggressive to the point of driving me to suicidal ideation, or deliberately impose requirements that cannot be met... I've literally been told by others I'm worthless, that Work for the Dole is about the best I can aspire to (I have a PhD). It's designed to break us.

Complaints and the Right to Social Security

Questions about access to complaints processes were included in the survey because they are an indicator of empowerment as well as of administrative fairness. The survey interrogated this by asking respondents about how easy it was to make complaints about employment services.

Figure 8 shows that of the respondents (n=765), 69 per cent did not find it easy to make a complaint, 69 per cent did not find the National Customer Service Line (for complaints) easy to get through to, and 70 per cent did not find it easy to find information about how to make complaints.

Figure 8. Access to complaints



Further, there were numerous comments that indicated that complaints processes were not promoted by *jobactive* providers, and that respondents were deterred from complaining because it would not yield any positive results:

Didn't know I could complain but doubt any of it would help anyway

Easy to make a complaint, but to get action or feedback it was impossible

The overall levels of disempowerment were reflected by the respondents commentary that making a complaints would lead to retribution:

I attempted to lodge a complaint and was advised to take it up at the job agency where the only person manning the office was my job support provider. There is no accountability and Centrelink clients are passed back and forth between two agencies who have no interest in them.

In order to complain about the jobactive provider I had to get a form from their office! Totally unacceptable when they are bullies. My payments would have got cut off, there is no help for abused unemployed workers.

Fear of retribution exists.

I feel uncomfortable with the complaint system because I first have to make the complaint to the person the complaint is about.

Fears of retribution i.e. loss of income has a silencing effect.

These survey results suggest there have been highly problematic effects of privatisation on access to the review of social security decisions. That survey respondents believed they would be subject to retribution shows that they believed that *jobactive* providers were unregulated and abused the state power which had been delegated to them.

Discussion

The results of this survey provide evidence that in Australia, many unemployment claimants' experiences of the *jobactive* era initiative can be conceptualised as a form of structural coercion, characterised by symbolic violence and state-perpetuated social abuse. The results showed that punitive conditionality can be understood not only as an experience that arises from the use of harsh sanctions, but also as disempowerment through lack of choice and when there is lack of reciprocity and support. The punitive nature of coercive conditionalities was expressed in the respondent comments about despair, frustration, and marginalisation.

The findings on financial penalties drew attention to ethical concerns about the harms caused by sanctions on people already experiencing financial insecurity. The serious adverse consequences of sanctions were supported by commentary that identified additional marginalising effects. These forms of marginalisation were described in respondent commentary that they had turned to illicit activity such as selling drugs, sex-work and crime as ways to survive. The respondent commentary also illustrated the ‘violence’ that exacerbated poverty, health issues and homelessness.

From the perspective of the political economy of labour market programs, the levels of coercion and despair illustrated in this study show how state power is abused in the enforcement of advanced capitalist commodification imperatives. In this respect the study reinforces the view that advanced capitalism differentiates social rights by the capacity to participate in the means of production, and that punitive treatment is used ‘to punish those fractions of the working class who buck precarious jobs’ (Wacquant, 2001: 406). This is a contradiction between choice and the commodification imperatives of neoliberal oriented welfare reform that has now existed in Australia for over 20 years.

Indeed, the punitive nature of *jobactive* era mutual obligation can be interpreted by drawing on Bourdieu’s concept of symbolic violence (Bourdieu, 2000), as adapted by Peillon (1998) to describe advanced liberal welfare regimes as structures of domination (Peillon, 1998: 221). Survey findings showed that punitive conditionality had created a crisis of despair, which may be regarded as a form of structural and symbolic violence for many in the unemployment claimant population adversely affected by these coercive relations. This crisis is a matter of socio-political and historical significance because it graphically illustrates the human suffering that has accompanied neoliberal welfare reform in Australia.

In a normative sense, the findings indicate that policy makers should be concerned about the effectiveness of mutual obligation in the *jobactive* era, particularly if the overall intent of labour market programs is increasing economic integration. On indicators like job search support, attending appointments, and activities like Work for the Dole, the results showed that these requirements did not help unemployment claimants get jobs. Further, the results suggested that significant numbers of respondents indicated problems in the administration of employment services by privatised agencies, who were regarded as abusing their power. This was evident because the respondents indicated that they had been unfairly sanctioned, that they were unable to complain and would cancel unemployment payments to avoid the threats and activities they regarded as punitive. While this may lead to a reduction in unemployment claimants it provides evidence that punitive activation increases levels of marginalisation. Finally, it is important to have documented the coercion of the *jobactive* era as it informs scholarship about the form active labour market programs might take in the future.

The research findings lead to two immediate considerations in the context of the next stages of the reform process of the privatised employment services system. This reform process has led to the development of a New Employment Services model which has been trialled since 2020. In the New Employment Services which commences in July 2022, much of the administration of routine employment services

requirements will occur online in the digital service stream. A new market of privatised employment services will provide a new stream of 'Enhanced Services' to fewer but harder to place job seekers.

In both streams (Digital and Enhanced services) some elements of the existing coercive conditionality policy settings will continue, including the requirement to enter into a job plan, activities like employability skills training and Work for the Dole and threat of sanction. But there will also be change, due to the increasing use of automated systems and a new model of 'points-based activation' that will replace job search targets, that will be used for the future surveillance of mutual obligation. These changes in the mutual obligation framework will provide opportunities to explore future shifts in the experience of coercion in Australian employment services.

References

- AUWU [Australian Unemployed Workers Union] (2020), *Mutual Obligation: Independent job seeker Satisfaction Survey*, online report retrieved from <https://unemployedworkersunion.com/wp-content/uploads/2019/11/IndependentSurveyMOAUWU2020FINAL.pdf>
- Borland, J., Tseng, Y. (2004), *Does Work for the dole work?* Melbourne Institute of Applied Economic and Social Research. Parkville, Australia.
- Bourdieu, P. (2000), 'The politics of protest. An interview by Kevin Ovenden', *Socialist Review*, 242, 18-20.
- Carney, T. (2006), 'Welfare to Work: Or Work Discipline Revisited', *Australian Journal of Social Issues*, 41, 27-48.
- Carney, T. (2007), Reforming Social Security: Improving Incentives and Capabilities? *Griffith Law Review*, 16(1), 1–26. <https://doi.org/10.1080/10383441.2007.10854580>
- Casey, S. (2020), "Job seeker" experiences of punitive activation in Job Services Australia, *Australian Journal of Social Issues*.
- Casey, S. (2020), *Mutual obligation after COVID-19: the work for the dole time bomb*, Per Capita, Melbourne.
- Considine, M., Lewis, J. and O'Sullivan, S. (2011), 'Quasi-Markets and Service Delivery Flexibility Following a Decade of Employment Assistance Reform in Australia', *Journal of Social Policy*, 40(4), 811-833.
- Considine, M., Nguyen, P., and O'Sullivan, S. (2018), New public management and the rule of economic incentives: Australian welfare-to-work from job market signalling perspective, *Public Management Review*, 20(8), 1186-1204.
- Dean, H. (2007), The ethics of welfare-to-work, *Policy and Politics* 35: 573-589.
- DESE [Department of Employment] (2017), Job seeker compliance data July 2015- June 2016.
- DESE [Department of Employment] (2020a) *Evaluation of jobactive Interim Report*. Retrieved from <https://www.dese.gov.au/uncategorised/resources/evaluation-jobactive-interim-report>
- DESE [Department of Employment] (2020b) *Performance Framework Guideline*, Work for the Dole Participation and Time to Commencement, p.6-8, Retrieved from <https://www.dese.gov.au/jobactive/resources/performance-framework-guideline>
- DESE [Department of Employment] (2020c), Special Assurance Project – Neato, Confidential Report tabled to the Australian Parliament, Retrieved from https://parlinfo.aph.gov.au/parlInfo/download/publications/tabledpapers/ab99382e-40dd-4e4a-8e1c-9fd2590ff127/upload_pdf/workplace%20health%20and%20safety.pdf;fileType=application%2Fpdf#search=%22publications/tabledpapers/ab99382e-40dd-4e4a-8e1c-9fd2590ff127%22
- DWP [Department for Work and Pensions] (2012), *Evaluation of Mandatory Work Activity*, Research Report No. 823 Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/193330/rrep823.pdf
- Dwyer, P. (2004), Creeping Conditionality in the UK: From Welfare Rights to Conditional Entitlements? *The Canadian Journal of Sociology / Cahiers Canadiens de Sociologie*, 29(2), 265–287. <https://doi.org/10.2307/3654696>

- Giddens A. (1998), *The Third Way: The Renewal of Social Democracy*, Cambridge: Polity Press.
- Grover, C. (2019), Violent proletarianisation: Social murder, the reserve army of labour and social security 'austerity' in Britain. *Critical Social Policy*, 39(3), 335-355. doi:10.1177/0261018318816932
- Howard, C. (2012), The contradictions of individualized activation policy: Explaining the rise and demise of One to One Service in Australia, *Critical Social Policy*, 32(4), 655-676. doi:10.1177/0261018311430456
- Kellard, K., Honey, N., McNamara, T., Biddle, N., and Gray, M. (2015), Evaluation of Work for the Dole 2014-15, report prepared for Department of Employment by the Social Research Centre, ANU Downloaded, 19, 15.
- Le Grand, J., and Bartlett, W. (1993), *Quasi-markets and social policy*, Houndmills, Basingstoke, Hampshire: Macmillan Press.
- Marston, G. and C. McDonald (2008), 'Feeling Motivated Yet? Long-term Unemployed People's Perspectives on the Implementation of Workfare in Australia.' *Australian Journal of Social Issues*, 43(2): 255.
- McDonald, C. and Marston, G. (2005), 'Workfare as welfare: governing unemployment in the advanced liberal state', *Critical Social Policy*, 25, 374.
- McGann, M., Nguyen, P., and Considine, M. (2019), Welfare Conditionality and Blaming the Unemployed, *Administration and Society*, doi:10.1177/0095399719839362
- McNeill, F. (2019), Penal and welfare conditionality: Discipline or degradation? *Social Policy and Administration*, 54(2), 295-310. doi:10.1111/spol.12549
- McKeever, G., and Walsh, T. (2020), The moral hazard of conditionality: Restoring the integrity of social security law, *The Australian Journal of Social Issues*, 55(1), 73-87. doi:10.1002/ajs4.101
- McPhee Expert Panel (2018), 'I want to work, Employment Services 2020 Report', Australian Government Canberra.
- Mead, L. (1997), *The new paternalism: Supervisory approaches to poverty*, Brookings Inst Press.
- Mendes, P. (2000), Eliminating Welfare Dependency Not Poverty, *Policy, Organisation and Society*, 19:2, 23-38, DOI: 10.1080/10349952.2000.11876724
- OECD (2005), Labour Market Programmes and Activation Strategies: Evaluating the Impacts. OECD Employment Outlook.
- O'Halloran, D., Farnworth, L., and Thomacos, N. (2019), Australian employment services: Help or hindrance in the achievement of mutual obligation? *Australian Journal of Social Issues*. doi: 10.1002/ajs4.82.
- O'Halloran, Farnworth, L., and Thomacos, N. (2020), Australian unemployed workers' experiences of being parked and creamed by employment providers, *The Australian Journal of Social Issues*. <https://doi.org/10.1002/ajs4.131>
- O'Halloran, D., Thomacos, N., Casey, S., and Farnworth, L. (2021), A secondary analysis to develop a scale for measuring unemployed workers' experiences of Australian employment services. *Work (Reading, Mass.)*, 10.3233/WOR-205120. Advance online publication. <https://doi.org/10.3233/WOR-205120>

- Parliament of Australia. (2019a), *Jobactive: failing those it is intended to serve*. Retrieved from https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024217/toc_pdf/Jobactivefailingthoseitisintendedtoserve.pdf;fileType=application%2Fpdf
- Peck, J. and Theodore, N. (2000a), “Workfirst’: Workfare and the regulation of contingent labour markets’, *Cambridge Journal of Economics*, 24, 119-138.
- Peck, J. and Theodore, N. (2000b), ‘Beyond ‘employability’’, *Cambridge Journal of Economics*, 24, 729-749.
- Peillon, M. (1998), ‘Bourdieu’s field and the sociology of welfare’, *Journal of Social Policy*, 27, 213-229.
- Raffass, T. (2017), ‘Punitive activation’, *Journal of Social Policy*, 46(2), 349-365.
- Ramia, G., and Carney, T. (2001), Contractualism, Managerialism and Welfare: The Australian Experiment with a Marketized Employment Services Network, *Policy and Politics*, 29(1), 59-80.
- Saunders, P. (2004), *Australia’s welfare habit and how to kick it*, Duffy and Snellgrove/ Centre for Independent Studies.
- Sawer, H. (2000), *One fundamental value’: participants’ views on work for the dole*, paper presented to Australian Political Science Association conference, Australian National University, Canberra.
- Senate Australia Parliament, Education and Employment Estimates Committee, (2016), Hansard Budget Estimates 11 Feb 2016,
- Senate Australia Parliament, Education and Employment Estimates Committee, (2017), Hansard Budget Estimates 29 May, viewed 23 July
- (2016). Department of Employment Answers to Questions on Notice, Question No. EMSQ16-000153
 - (2017b) Department of Jobs and Small Business Answers to Questions on Notice, Question No. EMSQ17-004469
- Soss, J., Fording, R. and Schram, S. (2011), ‘The Organization of Discipline: From Performance Management to Perversity and Punishment’, *Journal of Public Administration Research and Theory* 21(2): 203–32.
- Tyler, I. (2015), Classificatory Struggles: Class, Culture and Inequality in Neoliberal Times. *The Sociological Review*, 63(2), 493–511. <https://doi.org/10.1111/1467-954X.12296>
- van Berkel, R. (2013), ‘Triple activation: introducing welfare-to-work into Dutch social assistance’, in E. Z.
- Wacquant, L. (2001), ‘The penalisation of poverty and the rise of neo-liberalism’, *European Journal on Criminal Policy and Research*, 9, 401-412.
- Wiggan, J. (2015), Reading active labour market policy politically: An autonomist analysis of Britain’s Work Programme and Mandatory Work Activity, *Critical Social Policy*, 35(3), 369-392. doi:10.1177/0261018315588231
- Wright, S., Fletcher, D. and Stewart, A. (2020), Punitive benefit sanctions, welfare conditionality, and the social abuse of unemployed people in Britain: Transforming claimants into offenders? *Social Policy and Administration*, 54(2), 278-294. doi:10.1111/spol.12577

