“Peoples’ lives are not a drop-down menu”: New Regulatory Technologies and Discretion at the Front Lines of Welfare
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*This paper explores how new regulatory technologies and front-line decision-makers reshape one another. Drawing on a recent qualitative study of caseworker decision-making in the Ontario Works program, it demonstrates the dialectical relationship between new case management software and caseworkers. While new technologies may attempt to deskill and centre front-line decision-makers, transforming them into data entry clerks, caseworkers learn how to expertly translate and input client data to produce decisions that more closely match their interpretation of clients’ needs and welfare laws. The ways in which workers “manipulate the system” to produce a particular decision, though common knowledge among their colleagues, are black-boxed to program managers, auditors, and benefits recipients.

The problem is that peoples’ lives are not a drop-down menu. [...] And that’s where we run into problems. And, you know, a system is making decisions, taking it out of the hands of the worker, right? And we have to manipulate the system to make the decisions that we want.

“Stephanie”, Caseworker
Ontario, Canada

Introduction

Information management technologies are subtly and fundamentally reshaping how front-line workers bring welfare laws to life. Scholars across disciplines have addressed important questions about the relationship between technological innovation, institutional design, and the regulation of front-line workers. Law and technology scholars, for instance, have explored how data collection and auditing practices can simultaneously reveal and obscure the phenomenon on which data is gathered, with complex and unintentional governance consequences (Austin 2012; Bevan and Hood 2006). Similarly, socio-legal scholars have analyzed how institutional design features influence how “street-level bureaucrats” use discretion to enforce regulatory standards (Bardach and Kagan 1982; Pires 2011) or deliver government services (Braithwaite 2002; Lipsky 1980). This work makes important contributions to how we understand the effects of data collection and different regulatory forms, but it has yet to closely examine the regulatory impact of new software that has become increasingly common within government agencies. Designed to collect extensive data about program users, intensify audits of front-

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line workers, and simplify administrative decision-making, these new regulatory technologies are reshaping discretionary decisions from the ground up and transforming administrative agencies in the process.

This article contributes to ongoing debates about the relationship between the tools of regulation and the discretion of front-line workers by examining one such tool – the Social Assistance Management System (SAMS) – and its effects on decision-making in Ontario Works (OW), Ontario’s welfare program. Those who deliver social benefits have long been the subjects of regulation to guide their interpretation and application of the byzantine legal frameworks that commonly govern such programs (Gilliom 2001; Soss, Fording and Schram 2011b). Information technologies such as SAMS are qualitatively different from previous regulatory tools, however. First, these regulatory technologies require caseworkers to fit benefits recipients into narrow drop-down menu categories and then use these data inputs to generate decisions about whether a particular individual is eligible for welfare benefits. In this way, this software is distinguishable from better-studied risk management technologies that guide criminal justice officials (Hannah-Moffat, Maurutto and Turnbull 2009; Ballucci 2012). Whereas risk management technologies use data inputs to produce quantified risk indicators, which corrections officials then use in their custodial and release recommendations, software such as SAMS itself generates decisions to grant or deny benefits. Second, new regulatory technologies reach across institutional and jurisdictional boundaries, networking client data between administrative agencies and standardizing front-line decision-making in a range of programs. For over 15 years, virtually identical software created by the same firm has been procured and introduced by national, provincial, and local governments worldwide, from Australia to Germany, North Carolina to Ontario (Pricewaterhouse Cooper 2015; US Dept HHS 2000). Designed as “off-the-shelf” platforms adaptable to many social benefits programs, these technologies have been introduced into programs as diverse as workers’ compensation, child protection, veterans’ benefits, health services, and welfare (IBM Corporation 2012).

At a moment when new regulatory technologies are increasingly prescriptive and pervasive, there is a need to interrogate the relationship between these technologies and discretion. My goal is not to propose policy solutions, though I do offer some closing thoughts on policy lessons. Rather, this article provides insights into the push-and-pull between human decision-makers and technologies that regulate through their decision-making performance. By closely studying the socio-legal effects of these new tools, this article offers an evidentiary basis for further work by policy makers, legal scholars, and social justice advocates.

Welfare, and OW more specifically, provides a useful context for this study. By “welfare,” I include historic and present-day state-funded programs that provide basic financial assistance to individuals who otherwise lack access to financial supports. The caseworkers who deliver these programs have long been subjects of regulatory initiatives to legalize, judicialize, and deskill their work and guide their interpretation and application of welfare laws. Despite this long regulatory history, until recently scholarship on welfare regulation largely focused on benefits recipients rather than front-line workers (Gustafson 2011; Wacquant 2009; Mosher and Hermer 2005). Contemporary scholars have begun studying the governance of front-line workers in the United States and United Kingdom, but this phenomenon remains underexplored in Canadian welfare programs.
Like its American and British counterparts, Ontario’s welfare program was dramatically reformed in the 1990s. These reforms reduced the number of people receiving assistance, cut monthly benefits by over 20 per cent, and imposed employment activity requirements for many other benefits. Nonetheless, today’s OW program remains vast, providing benefits to almost 450,000 people annually (AG Ontario 2015; Commission RSAO 2012). Program delivery costs are shared between the Province and municipalities, with the Province responsible for funding most benefits (AG Ontario 2015, 472). The Province also creates and amends OW legislation and regulations, but day-to-day benefits and services are delivered by 238 municipal offices. The legal framework governing OW is notoriously intricate and explicitly founded on competing objectives, such as effectively supporting the poor, promoting self-reliance and paid employment, and saving tax dollars. Consequently, both the provincial Ministry of Community and Social Services (MCSS) and municipal social services departments have developed an array of tools – policy directives, forms, checklists, flow charts, and data management software – to guide how caseworkers interpret and apply OW laws. OW benefits fall into two broad categories: basic benefits, which include shelter and food and are calculated based on the number of individuals living in one household; and supplementary benefits, which include benefits for “employment-related expenses” such as the cost of public transit, training programs, special clothing, and grooming. Because basic benefits do not come close to the actual cost of living in Ontario (CCPA 2016), supplementary benefits are crucial for OW recipients. To be eligible for OW benefits, applicants must have income and assets below provincially-set thresholds, consent to share their personal information with federal, provincial, and municipal agencies, meet regularly with their assigned caseworker, and complete and periodically update a Participation Agreement demonstrating their commitment to training and employment-seeking activities. OW laws have remained relatively unchanged since the 1990s, but the managerial tools regulating benefits delivery have evolved alongside shifting provincial and municipal priorities.

By exploring the evolution and effects of such tools, this article demonstrates that regulating front-line workers remains dialectical even as administrators implement prescriptive regulatory technologies. These technologies may seek to displace front-line workers as skilled decision-makers, but they also “black box” caseworkers’ response to displacement (Latour 2005). Caseworkers cleverly use discretion and adjust data entries so that these technologies produce decisions that are closer to their interpretation of clients’ circumstances and OW’s legal regime. To support these claims, I draw on my own qualitative study of OW decision-making. Based on semi-structured interviews with front-line staff, on-site observation, and analysis of internal policies, decision-making tools, and government reports, this article offers insights into the effects of regulatory technologies. The consistency of participant comments with documentary evidence suggests that, though SAMS may appear to deskill and decentre the caseworkers who bring OW laws to life, these workers become re-skilled and learn to, as one participant put it, “manipulate the system to make the decisions that we want” (“Stephanie” Interview).

This article proceeds in three parts. First, it examines a range of initiatives to regulate caseworkers, from the creation of multiple rules and policies (legalization), to the introduction of external review mechanisms (judicialization), to the more recent adoption of managerial strategies to transform caseworkers into data entry clerks (deskilling). Second, it considers how regulatory technologies such as SAMS uniquely deskill front-line workers by decentring them as decision-makers:
particularly, by increasing the burden of inputting client data and resolving software errors, and by fracturing and obscuring the notes caseworkers use to trace their reasons for particular decisions. Third, it explores how workers reassert themselves as skilled decision-makers by tweaking data inputs to soften SAMS’ prescriptive decision-making approach. While this article highlights SAMS’ success at redirecting caseworkers’ focus from their clients’ needs and OW’s rules to the software’s demands, it also traces how SAMS obscures, rather than eliminates, caseworker discretion. As I demonstrate below, SAMS conceals but does not entirely remove the means by which workers “manipulate the system,” eclipsing them from the view of program managers, auditors, and benefits recipients.

Regulating Front-Line Workers: Rules, Review, and Roles

Welfare programs have long regulated both the distributors and recipients of public benefits, yet scholars tend to examine welfare’s client-disciplining effects. Studies of early welfare programs typically consider how caseworkers disciplined people living in poverty by differentiating between the deserving and undeserving poor, but overlook how these programs regulated caseworkers themselves (Fox Piven and Cloward 1993; Handler and Hollingsworth 1971). For instance, research on single mothers’ allowances in Canada identifies how a small set of broadly-worded rules enabled caseworkers to use personal qualities, such as marital status, British subjectship, or being a “fit and proper” mother, to distinguish those who were deserving of state-funded assistance from those who were not (Gavigan and Chunn 2010, 53-57). These early programs relied on caseworkers to skillfully assess the homes and personal circumstances of sole-support mothers and provide some (but not others) with individually-tailored supports. By allowing caseworkers to penalize or reward individuals based on how closely they fit the normative model of a deserving benefit recipient, these programs used caseworkers’ discretion as a regulatory tool. Yet, this same discretion also empowered caseworkers to mitigate the effects of poverty by providing individualized supports to deserving welfare recipients.

Since the second half of the twentieth century, welfare programs have increasingly targeted both people living in poverty and front-line workers as subjects of regulation. As welfare rights movements gained momentum in the 1960s, caseworkers’ discretion became a central concern of rights advocates and policy makers (Nadasen 2005; Tani 2016), and broader critiques of administrative discretion gained traction (Davis 1969; Ontario 1968). Welfare rights advocates challenged caseworkers’ ability to deny benefits without using fair decision-making procedures or by relying on discriminatory notions of deservingness. Government officials, by contrast, were concerned with guaranteeing consistent caseworker decisions and preventing caseworkers from distributing public benefits to undeserving individuals, rather than ensuring that caseworkers provided aid to all eligible applicants (Handler and Hollingsworth 1971). Ultimately, between the 1960s and the 1990s, formal legal mechanisms were introduced to regulate front-line workers. Caseworkers’ discretion was thus “legalized”, as a large body of laws and policies was created to direct caseworker decisions, and “judicialized”, as front-line decisions became reviewable by tribunals and courts (Jowell 1975).

This legalization and judicialization failed to eliminate caseworker discretion, however, and instead created new space for discretion to flourish. Legalization’s lasting impact on North American welfare programs, including OW, is visible in their intricately-layered statutory provisions, regulations,
and policies. As a regulatory strategy, legalization presumes that discretion and law exist in a zero-sum relationship. Yet, as socio-legal researchers have shown, discretionary space often increase in proportion to the number of rules created to constrain it (Hawkins 1992). Regulatory language almost always contains vagueness or imprecision, and when vague rules overlap, discretionary room multiplies (Sainsbury 1992; Endicott 2002; Brodkin 1997; Prottas 1979). Moreover, reforms to social benefits programs often serve divergent, rather than unified, policy goals, which become embedded in legal rules. Rather than resolve the conflicts produced by this approach, legislators task administrators with ensuring benefits programs function despite their divergent goals (Baldwin and Hawkins 1984, 574; Brodkin 2008; Mashaw 1983). As noted in the introduction, OW laws bear the marks of this legislative practice, and research participants explained how they regularly balance conflicting objectives, such as assisting vulnerable individuals, promoting self-sufficiency, and minimizing government spending. Most participants did not identify OW’s many rules as significantly restricting their discretion; rather, rules offered creative interpretive space.

Judicialization has also ineffectively restricted front-line workers’ discretion because so few of their decisions are legally reviewable and because benefits recipients are unlikely to challenge those decisions that can be reviewed. OW legislation, for instance, limits external administrative review of caseworker decisions to a small set of basic benefits decisions; virtually all supplementary benefits decisions are not reviewable. Courts, moreover, are loath to review administrative decisions that appear to be “policy” or “legislative” matters (Sossin 2004b). In addition, empirical research in the UK and US demonstrates judicialization’s ineffectiveness as a regulatory strategy because those who rely on government benefits rarely appeal decisions that reduce or eliminate their benefits (Lens 2005; Halliday 2004). Formal legal mechanisms thus doubtfully constrain caseworker discretion. If anything, the growth of legal rules and limits on external review ensure discretion’s centrality to OW and similar benefits programs.

From the early 2000s on, OW and similar programs have increasingly relied on managerial rather than legal reforms to regulate front-line workers, particularly reforms that deskill benefits delivery tasks. This deskilling is distinct from the deskilling wrought by new public management techniques in other contexts, such as those government agencies that enforce regulatory standards, as standards enforcement officers typically maintain their professional status even when performance targets and quantified output indicators are introduced to regulate their actions (Dunleavy and Hood 1994; Barzelay 2001). American scholars link the deskilling trend in welfare agencies to two phenomena: shifts in program delivery models, from a social work model to a legal bureaucratic model (Diller 2000); and changes in hiring and training practices that favour data entry clerks over professional social workers (Oberfield 2014). My research suggests, however, that Canadian programs such as OW have pursued deskilling largely through new regulatory technologies rather than program delivery models or hiring practices. Although OW legislation introduced new guiding principles for delivering last-resort benefits (i.e., promoting paid employment, conserving taxpayer-funded benefits), local offices’ approach to service delivery was mixed and, unlike some US welfare providers, did not replace caseworkers with data entry clerks. Front-line workers in the offices I have studied are highly trained and possess post-secondary diplomas or degrees in social work, social sciences, or public services administration, and
their employers encourage them to undertake graduate-level or continuing education.6 Further, many participants described taking a social work approach with their clients and striving to make client-centred decisions that do not create hardship, an approach that many management staff supported. Deskilling in the OW program still exists, but it is pursued primarily through seemingly-banal, ubiquitous regulatory technologies that caseworkers use in their daily client interactions.

While regulatory technologies may help caseworkers to manage the effects of legalization, specifically, the complex interplay between laws, regulations, and policies, they also promote deskilling because they redirect caseworkers’ attention away from clients and OW laws and towards check-boxes, flowcharts, and drop-down menus. Regulatory tools, from paper forms to computer programs, have ballooned since OW was introduced in 1997. For example, caseworkers must take every new OW applicant through provincial Application for Assistance and Rights and Responsibilities forms. Both documents prompt caseworkers to inform their clients of the range of benefits that they may be eligible for and of their obligation to participate in employment-preparation activities. Similarly, caseworkers are required to use a co-residency questionnaire to determine whether unmarried clients who live in shared housing are in a spouse-like relationship with their roommate. This form includes a series of questions that caseworkers must ask about the financial, social, and familial relations between a client and their roommate. Caseworkers must then decide, based on their client’s answers, whether they are in a dependent, “marriage-like” relationship with their roommate, a finding which will ultimately reduce or terminate a client’s OW benefits.7 Although many participants found these tools to be helpful guides to OW’s layered rules, some noted that form-filling distracts them from reading OW policies or spending time with their clients and that the questions on some forms do not capture either the nuances of OW laws or the realities of clients’ lives.

In addition to forms and questionnaires, computer software has become a popular tool for nudging caseworkers away from client-centred social work towards a role as data-entry clerks who manage large caseloads. For several decades, case management software has supplemented paper-based tools to guide the everyday decisions of those delivering social benefits. Rather than direct caseworkers to a particular outcome, however, early software regulated caseworkers’ decisions by organizing and showing caseworkers particular information about their clients while leaving substantive decisions about benefits eligibility to workers themselves (Sossin 2004a; Herd and Mitchell 2002). For instance, the case management software that preceded SAMS stored and displayed caseworker-entered data, enabling caseworkers to record notes about their clients, keep track of OW payments, and perform basic benefits calculations (Herd, Mitchell and Lightman 2005; “Rachel” Interview; “Bridget” Interview). This software managed client data and benefits payments, but eligibility decisions ultimately rested with front-line workers (though they were influenced by the ways in which this software stored and displayed data). Additionally, municipal social services departments have developed numerous other digital tools to help caseworkers manage large caseloads and determine which benefits and services best suit clients facing multiple barriers to stable, paid employment.6 These programs prompt caseworkers to enter specific information about their clients’ education, training, and progress towards securing employment, and then translate this data into percentage scores that inform caseworkers’ decisions about which benefits and services might best suit a particular client. To help caseworkers
manage their large caseloads, another program organizes client data, allowing workers to identify all of the clients in a particular office who seek a specific type of vocational training or employment so that they can inform these clients of relevant upcoming courses or job fairs (“Harriet” Interview; “Monica” Interview). These technologies subtly regulate front-line workers by shifting their role from social workers who develop individualized, client-supportive solutions to inputters and managers of massive client databases. However, caseworkers retain their role as gatekeepers of OW benefits, employment opportunities, training, and other community-based programs. As the next section demonstrates, the same cannot be said of the newest regulatory technologies, such as SAMS, which decentre the authority and expertise of those at the front-lines of OW delivery.

Regulating Generosity, Decentring Caseworkers

The new regulatory technologies introduced into social benefits programs perform a more forceful deskilling of front-line workers as they preoccupy caseworkers with data entry tasks and destabilize caseworkers’ decision-making authority. Although software such as SAMS is often touted as better regulating caseworkers by purportedly enhancing external review of caseworker decisions, its prescriptive design thwarts transparency goals and eclipses caseworker discretion. At this point in time, it is not these technologies’ auditing capabilities but their decentring of caseworkers’ interpretive and decision-making authority that has the greatest regulatory impact.

The impetus to displace caseworkers as influential legal decision-makers is traceable throughout the provincial Auditor General’s 2009 review of the OW program, which precipitated the procurement of SAMS (AG Ontario 2009). In its report, the Auditor General expressed fear that municipal caseworkers too readily believe their clients’ claims of financial need, too broadly interpret OW laws in their clients’ favour, and too easily distribute provincial funds to benefits recipients. These concerns raise deeper normative questions. How broadly or narrowly should OW legislation be interpreted, keeping its conflicting policy goals in mind? Relatedly, whose legislative interpretation should be taken as authoritative: front-line workers (many of whom are trained as social workers) or provincial auditors (who are accountants by training)? Answering these questions is beyond the scope of this article, but studying the Auditor General’s view of OW administration illuminates SAMS’ contradictory regulatory effects.

The Auditor General’s pre-SAMS report paints a picture of municipal social services departments gone wild. In this report, the Auditor General criticized caseworkers for interpreting and applying OW eligibility policies and documentation requirements too flexibly, for too often relying on their clients to provide them with the information needed to establish eligibility, and for too readily trusting the veracity of client-provided information. The Auditor General was not concerned that caseworkers might mistakenly fail to provide benefits to eligible individuals, but that they were interpreting OW laws too generously and distributing provincial funds too freely. Program managers were described as being lax with caseworkers, allowing OW rules to be waived, and condoning local practices that appeared to depart from provincial directives. The Auditor General was particularly alarmed by the existence of competing interpretations of broadly-worded OW laws and policies, which caseworkers read more charitably than MCSS officials (AG Ontario 2009, 260-63, 265). In contrast with 1990s-era reforms,
which aimed to eliminate an ostensible mass of fraudulent benefits claims (Mosher 2010), the Auditor General’s recommendations addressed a new threat to OW’s integrity: the overly-sympathetic, too-generous front-line worker.

The Auditor General set a baseline for what it would deem an acceptable response from the provincial MCSS. Amending provincial policies to make them simpler and fewer in number, while helpful, would not address the Auditor General’s underlying concern that municipal social services departments were innovatively interpreting provincial policies and liberally distributing OW benefits. This problem instead required a solution that would rein in caseworkers and enable the Province to verify municipal compliance with provincial OW rules (AG Ontario 2011, 388). To answer the Auditor General’s concerns, MCSS introduced a managerial-technical solution by procuring SAMS, a platform widely used by social benefits programs worldwide. SAMS promised more extensive remote auditing of caseworkers’ files (AG Report 2011, 386-87; AG Report 2015, 471, 474), and a “hands-off” approach to decision-making. By making its own decisions based on caseworker-entered data, SAMS would free up workers to meet with especially needy or complex clients (IBM Corporation 2012).

To say SAMS did not function as promised is an understatement. After going “live” in November 2014, SAMS began releasing benefits payments to individuals who were no longer eligible for OW and eliminating or significantly reducing payments to eligible OW recipients. Instead of freeing caseworkers to focus on their most vulnerable clients, SAMS demanded more of their time and attention by requiring workers to enter extensive client information into multiple data fields buried deep within the software and to “click” multiple times to perform even basic tasks (“André” Interview). To halt the havoc SAMS was wreaking on front-line workers and benefits recipients, one public sector union unsuccessfully sought a court injunction. SAMS remained, and front-line workers adapted their decision-making practices accordingly.

While SAMS’ initial, massive benefit payment errors were widely reported, its subtle and fundamental transformation of front-line decision-making remains underappreciated. Other software, described in the previous section, assisted caseworkers with the procedural elements of decision-making, such as navigating multiple OW laws, keeping track of benefit payments, and following up with clients, but SAMS attempts to homogenize the substance of caseworker decisions, deskilling and displacing caseworkers along the way. Like other off-the-shelf software, SAMS purports to be a “fully automated service delivery model” that generates its own legal decisions after caseworkers have input a wealth of client information into multiple data fields (IBM Corporation 2012). Though SAMS may better enable audits of caseworkers’ decisions in the future, external review has less of a regulatory effect on how caseworkers make benefits decisions. Instead, the core of SAMS’ regulatory impact is its attempt to transform OW caseworkers from social workers who “mediate” between OW laws, office policies, and clients’ needs (Prottas 1979, 149) into clerks who collect and input client data. In other words, SAMS regulates primarily by displacing caseworkers from their vital role as animators of OW laws.

SAMS decentres front-line workers by firmly directing them towards a particular decision and making it tricky for workers to perform other essential decision-making tasks, such as assessing how many benefits a client has received; locating and reviewing notes of why a previous decision was made;
and adjusting data inputs so that SAMS-generated decisions match a caseworker’s interpretation of client need and OW laws. As a software program, SAMS is designed to capture workers’ data inputs, analyze that data, and produce a benefits decision. As one participant described it, “[i]deally we’re supposed to input everything into that system and the system will then produce the outcome: eligible or ineligible” (“Anita” Interview). Not only does SAMS make its own decisions, but its design also makes it very time-consuming for front-line workers to insert themselves as decision-makers and influence SAMS’ outcomes. For instance, SAMS uses personal data to connect the files of present and previous OW recipients who at one time resided in the same household. It then uses this data to form families in ways that one participant described as being “almost like Ancestry.com” (“Martha” Interview). In doing so, SAMS decides that those whom it has linked together are dependent on one another and, accordingly, reduces the total value of benefits provided to all of the OW recipients it has connected as a family. As a result, SAMS may make sole-support mothers dependent on previous household members, such as former intimate partners or their parents, even where caseworkers have reviewed relevant evidence and determined that these individuals do not live together (AG Ontario 2015). Front-line workers have great difficulty disentangling the people that SAMS joins because, as one participant noted, “SAMS doesn’t tell you, ‘Hey, this [data input] is what is causing your problem” (“Stephanie” Interview).

SAMS also enforces a narrower interpretation of OW laws and demands time-intensive interventions by caseworkers who read OW laws more broadly. For instance, as noted above, OW laws require benefit recipients to sign a Participation Agreement when first applying for assistance, but the contents of these documents are not specified in OW legislation or regulations. Participation Agreements represent, in paper form, an individual’s commitment to participate in employment-preparation activities (i.e., job training, community service, addictions treatment), and OW laws permit a broad range of activities to satisfy this requirement. However, if a caseworker indicates in SAMS that a client has signed a Participation Agreement but fails to select a drop-down menu option identifying the specific employment-preparation activity that client agrees to perform, SAMS will refuse to issue OW benefits. Similarly, SAMS will not generate more than one supplementary benefit payment (i.e., transportation funds, clothing allowances) per client within a 24-hour period, even though OW laws and policies empower caseworkers to provide clients with as many supplementary benefits as they are eligible for at one time. One office manager noted the particularly stark outcomes that result from these conflicting interpretations of OW laws. She described an individual who had requested funds to purchase a shirt for an upcoming job-shadowing exercise. One day earlier, this client had received funds to buy a shirt but had since discovered that the used shirt he purchased would not meet the requirement that he attend work in a crisp white shirt:

Because money was given to him the day before, SAMS wouldn’t allow authorizing the funds, so the worker and her supervisor, who is very by-the-rules, came to me. I told them we had to work something out because this guy was employment-ready and does it make sense to not give him $25 so he can buy a new shirt at H&M for an interview that will likely get him into a job? We had to call in [an in-office SAMS expert] to figure out how we could issue him the funds. [W]e had to “trick the system” to get money to the guy. (“Tracy” Interview, emphasis in interview)
While front-line workers may be able to “trick the system” so that SAMS provides benefits to legally eligible clients, this task requires workers to enlist a team of colleagues, from supervisors to office managers, to work around or override SAMS. In other cases, workers may be able to wait 24 hours to issue benefits, but this means they must return regularly to a client’s SAMS file to issue one supplementary benefit at a time (“Rachel” Interview; “Cheryl” Interview; “Bridget” Interview). Given their large caseloads, caseworkers cannot tweak the system for every client; they must selectively ration their efforts.

SAMS also fractures, multiplies, and obscures client information, denying clients’ benefits if data is missing from its many evidence fields. These SAMS-generated decisions are very difficult for front-line workers to deviate from because the reasons for SAMS’ decisions are often hidden from caseworkers’ view. SAMS requires that caseworkers input the same client information into numerous boxes and screens, and clicking or not clicking a box can mean the difference between a client receiving or not receiving benefits. Yet, when SAMS denies benefits to an individual whose caseworker has determined should be eligible for those benefits, workers must struggle to locate which data input is causing the problem. As one participant described:

[C]licking a checkbox means the difference between someone getting their cheque and someone not getting their cheque. So, if you don’t click into 17 different pages to actually find that checkbox, you won’t be able to figure out what is happening with this case. (“Julie” Interview)

Further, SAMS buries data detailing the exact benefits payments that an individual has received while simultaneously preventing caseworkers from recording and saving notes to explain their reasons for particular benefit payments. The same participant explained:

[SAMS will] tell you the case name, the case id number, who did it, and the date, but it won’t tell you the amount. So, you actually have to click into the case and go through to determine what amount was issued and then, if somebody lumped a payment together, like Transportation [Funding] with another fund[...], you have to try and decide, “Ok, what is this $350 for? Is it for what I think it is? Is it different?” (“Julie” Interview)

Other participants noted that SAMS can make it unclear whether someone is even receiving assistance, as “[l]t’s sometimes very difficult to see whether or not their file’s on suspend or if it’s closed” (“Jameela” Interview). Front-line workers cannot easily see which types of benefits OW recipients have already received or the dates when these payments were made. This data is crucial for caseworkers to determine which benefits their clients might presently be eligible for. By obscuring such basic information, SAMS bars those at the front-lines from assessing whether individuals might be eligible for additional benefits and discourages caseworkers from issuing additional benefits.

In addition to storing and displaying client data in a way that fractures and obscures benefits decisions, SAMS also challenges caseworkers’ position as skilled decision-makers by hindering their ability to record reasons for a particular benefits decision and multiplying the places where they might find one another’s notes. For instance, one participant observed:
I find that, I think, because of the complexity of the system workers are doing less documentation than they used to. I find a lot less information in SAMS, and I think it just has to do with all of the screens they have to go to in order to add a note, and different things like that. So, it makes it much more difficult. It is harder to find information, as well, in SAMS, because unlike our old system there are multiple places where workers can put notes. There are business practices where notes should be in one place, but like anything else as long as there’s three options you’re going to have people using option one and three even though they shouldn’t be using it, right? (“Jameela” Interview, emphasis in interview)

Not only can notes be recorded in multiple locations, but SAMS has character limits built into its notes fields, suggesting through its design that detailed reasons for decision are not required. In response to these limits, front-line workers may divide their notes across different fields, producing fragmented lines of reasoning that can be difficult for them to revisit and for other workers to locate and review. Participants identified notes as a key obstacle to determining why previous benefits decisions had been made because the notes explaining a decision could be scattered throughout SAMS, recorded in a central notes database (the “Person Page”), or linked to one of many check-boxes, drop-down menus, or evidence fields associated with a particular benefit.

Finally, SAMS redirects front-line workers’ attention away from their clients to focus on SAMS as a decision-maker. Many participants describe how they are now overwhelmed with administrative work and forced to use time they would prefer to spend meeting with clients or reviewing their caseloads to instead wrestle with SAMS (“Carys” Interview; “Dawn” Interview; AG Ontario 2015). For example, form printing is now so difficult that some caseworkers will suggest that their clients step out of a meeting so that they can ensure the proper forms print (“Sharon” Interview; “Rachel” Interview). This situation is antithetical to many caseworkers’ commitment to client-centred decision-making. As one participant put it, “Somebody’s crying and you have to say, ‘I have to ignore you for 10 minutes and focus on this’ [makes typing sound with fingers on table]” (“Sharon” Interview). Additionally, because SAMS interprets client data unpredictably and may reduce or cancel OW benefits unexpectedly, caseworkers often must review and try to correct SAMS-generated errors throughout their workday (“Nancy” Interview; “Stephanie” Interview). By demanding the undivided attention of time-pressed caseworkers, SAMS continually undermines them as skilled, client-focused decision-makers and repositions them as form-printers, data-inputters, and troubleshooters. As the next section suggests, however, by decentring and deskillling caseworkers SAMS obscures rather than eliminates their discretion, prompting caseworkers to re-centre and re-skill themselves with complicated results.

Front-Line Discretion: Re-centred and Black-boxed

Front-line workers in the OW program respond to new regulatory technologies by asserting themselves as skillful social workers who are (or who become) adept at adjusting the data input into these technologies to produce particular results. A dialectical relationship exists between SAMS’ performance as a regulatory tool and caseworkers’ response. As SAMS asserts itself as a decision-maker and transforms professional social workers into data-entry clerks, these workers adapt, re-skill, and re-position themselves. They learn to creatively interpret and input client data so that SAMS generates
outcomes that better match caseworkers’ perception of clients’ need and their interpretation of OW laws and policies. Scholars have for some time now observed that regulatory technologies do not sufficiently control workers’ behaviour to preclude being subverted by the subjects that they seek to regulate (Soss, Fording and Schram 2011a, 229). Consequently, while these tools may black box caseworkers’ discretion by making it appear that workers conform to rules and algorithms, in practice caseworkers find innovative ways to work with and around SAMS. As one participant put it, “It’s just the system – you have to know how to make it work to issue those funds” (“Dawn” Interview). Yet, although front-line workers may re-skill and re-centre themselves as professional decision-makers, they are not free to make decisions according to their own preferences (Baumgartner 1992; Mashaw 1983, 213). Rather, caseworkers are repositioned in relation to SAMS; SAMS continues to function as a unique and powerful institutional force governing their everyday decisions.

Front-line workers learn to adjust their decision-making practices so that their data inputs generate outcomes that more closely match caseworkers’ own assessments of which benefits and services a particular client is eligible for. Thus, even as SAMS directs caseworkers towards particular decisions and displaces them as decision-makers, they find ways to work with SAMS so that their clients will receive the benefits they are eligible for under flexibly-worded OW laws. My data suggests three ways in which caseworkers creatively use SAMS to produce particular outcomes: first, by entering placeholder data where SAMS requires information that is impossible to provide; second, by adjusting dates forwards and backwards to soften the harsh effects of SAMS’ exacting interpretation of dates; and, third, by strategically categorizing clients’ needs so that SAMS will find these clients eligible for benefits.

First, caseworkers input placeholder data in fields where SAMS demands information that clients cannot provide. Some areas of SAMS require that specific client data be entered, even though OW laws do not make this data a prerequisite to issuing benefits. If these fields are left blank or if a drop-down menu option is not selected, SAMS will stop issuing benefits payments. To prevent SAMS from deeming clients ineligible for OW, front-line workers input placeholder information into these fields even if such information is inaccurate. For instance, SAMS requires that every adult OW recipient be enrolled in or have graduated from high school and that every dependent child be attending school, regardless of age. Similarly, SAMS requires every OW recipient to have an address, even those who are homeless or precariously housed. In response to these requirements, front-line workers have established a practice of marking all adult OW recipients as high school graduates, even if they have not yet received a diploma, and entering “fake school” into the school data field for children who are too young to be enrolled as students (AG Ontario 2015, 487). For clients who are homeless, caseworkers will input a fictitious address so that SAMS issues basic benefits (“Sharon” Interview; “Dawn” Interview). SAMS also requires that clients have a specific employment activity selected from the drop-down menu options in its Participation Agreement screen (which SAMS refers to as an “Outcome Plan”) as a condition of receiving benefits. As noted above, OW laws only require that individuals make a general commitment to engage in activities that will prepare them for paid employment, but if specific details about a client’s activities are not input into SAMS by a set date, the software will deem that individual ineligible for OW and stop issuing their monthly benefits. To counter this effect, participants describe
selecting any activity from SAMS’ drop-down menu options – life stabilization, finding employment, training, maintaining employment, restriction, deferral, and so on – to ensure benefits are issued, even if their selection misrepresents a client’s circumstances (“Bridget” Interview; “Stephanie” Interview). According to one participant:

[W]e have to make sure all of our Outcome Plans are up-to-date because the cheques are going to be held in September. [...] Again, so the system – so I might put an activity in, “independent job search,” and then I’ll put a note, “client needs to be assessed.” So again, just satisfying the requirement without seeing [my client], but I’m putting in the note that this is what needs to happen. (“Nancy” Interview)

Given their high caseload numbers, it is impossible for caseworkers to meet with all of their clients before the date on which SAMS will suspend payments. Front-line workers thus tweak the data input into a client’s computerized file and make a reminder note to update this data at a future meeting with their client. To an auditor, this caseworker’s file would likely appear to be in compliance with SAMS’ requirements; the caseworker’s creative use of placeholder data would remain obscured unless an auditor examines the caseworker’s note. Because these notes are scattered throughout SAMS, however, it is almost impossible for outsiders to comprehensively review this sort of decision.

Second, to temper the exacting way in which SAMS interprets event data, caseworkers will modify the dates they enter into SAMS so that their clients receive the maximum amount of benefits possible or so that benefits erroneously paid to a client are not clawed back from that client’s future OW payments. For instance, when a client has a new child, front-line workers may backdate when they add the infant to their client’s file as a dependent so that their client receives a larger benefits payment. One participant described this process as follows:

I think I use discretion quite a bit. [...] Like when I’m adding a shelter amount in, adding a baby – so I use discretion, like, with dates. So, if a person had a baby on the 16th of August, let’s say, or – where are we – August 4th, I might add it August 1st so that she gets her full entitlement. (“Nancy” Interview)

Other front-line workers noted situations where they would adjust dates forward to protect a client’s benefits. When faced with a decision about whether to issue an overpayment to a client, participants described balancing provincial overpayment policies, SAMS’ data requirements, and an office norm to not create unnecessary hardship for their clients. According to one participant:

If the client was over-issued money, there’s an overpayment. But we look at extenuating circumstances, always. [...] So, let’s say the client, you know, we issued $400 for rent to the client for October. The client comes in October 5th and says, “I moved. My rent is now $300.” We will not set up an overpayment. Like, you know? Because people – our clients have, like I said – for a lot of our clients, it’s hard to function, right? So, we might not set up an overpayment.

Q: So, when you’re inputting the new information, then, about the client’s circumstances, for their residence and their rent, what would you do?
We would start it as of November. I would decrease the rent as of November so that there’s no overpayment that’s created.

Q: Yeah, because if you input it for October –

The system will set up an overpayment. Or if we issued the money, the system will say, “Oh we issued $400, now he’s only eligible for $300, so he was over-issued.” So, in that case we would change it starting in the following month. [...] We just adjust it. And we would make a note explaining why we made a decision like that, we should. ("Stephanie” Interview, emphasis in interview)

These adjustments to client data may lead a client to receive a small amount of additional benefits. If OW law is read through the eyes of the provincial Auditor General, these data tweaks are problematic. However, the participants who described making these adjustments noted that OW benefits do not come close to covering the actual costs of rent, food, and clothing, and that small additional payments could mean that clients are able to purchase groceries, pay utility bills, or remain housed. Though many participants described being guided by a general principle of not creating hardship, they also saw their data adjustment decisions as supporting clients’ progress towards self-sufficiency and paid employment, one of the goals underlying OW legislation.

Finally, front-line workers become adept at rearticulating their clients’ needs in language (or data) that SAMS recognizes so that SAMS will issue supplementary benefits. In such cases, workers negotiate with SAMS to ensure that clients receive the supports that their caseworkers judge to be in harmony with OW’s competing aims, such as providing clients with necessary assistance, promoting self-sufficiency, and spending public funds accountably. In some cases, this rearticulation may require clients’ collaboration so caseworkers can provide them with much-needed benefits or services. When clients request funds to pay for an everyday item – clothing or school supplies for their children, for example – that OW benefits do not cover and that SAMS will not issue, caseworkers may look for alternate benefits that these clients are eligible for. After locating these benefits, caseworkers will input the data SAMS requires to grant these benefits on the understanding that the clients will use these funds to pay for the items their clients initially sought assistance for. One participant stated:

[I]f someone’s in trouble and they haven’t used any [Housing Funding] and they have a 3-year-old, they might not need a bed, but if we were having a conversation, we always try to – I try to look at wherever I can pull money from. Like, that’s there. They’re eligible for it. You can make a note that the toddler is transitioning into a bed and issue money, that’s an option. Some workers – which is good, it’s the Province’s money – will stay within, like they won’t look outside for an alternate means to help. But you can, you can. [...] You’re not really breaking the rules, you just have to look outside the box. [...] It’s not like we go auditing how they spent the [money] for the bed. I just say, “You know what? I’m issuing this now, so you won’t be able to request money for a bed,” right? But at the same time, we have a discussion about how are you going to prevent this next time. Why did you spend your Child Tax Benefit when you know that school’s starting? You don’t want to blame, but if you need help with budgeting what little finances you have then you can talk to your worker about a referral. It’s not just constant, “How can I give you more money?” There still has to be some sort of discussion about next time. ("Kelly” Interview)
In these situations, front-line workers demonstrate their proficiency as navigators of the numerous supplementary benefits available within the OW program and their skillful balancing of competing norms such as preventing client hardship and promoting participation in paid employment. Similarly, OW recipients in addiction treatment programs may require clothing funds that do not correspond with the drop-down menu options available in SAMS. In such cases, front-line workers may choose the next-best drop-down menu selection so that their client will receive some funding. In the words of one participant who works with clients in addictions treatment:

[N]ow you say “Employment”, but employment for what? Here’s seven categories. Mine don’t fit any of them so I just choose any. [... F]or example, I have a client who this is the third time that I’m giving them clothing allowance because they’ve had such dramatic weight gain, but I don’t have a specific [corresponding benefit in SAMS] – I actually have to go into “Employment”. They’re not in a job, they’re not in training, and I have to issue them that money and I just put it under “Employment-Related Expense” but it’s not. It’s actually something that’s more medically-related because they’re no longer using [intravenous drugs]. They’re eating and they’ve put on, you know, 60 pounds. ("Sharon” Interview, emphasis in interview)

Addictions treatment is one of the employment-preparation activities that legally entitles an OW recipient to supplementary benefits, such as a clothing allowance. However, because SAMS categorizes benefits more narrowly than OW laws, its interface makes it appear that certain funds are unavailable. Caseworkers who aim to provide clients with as many benefits as they may be entitled to under OW legislation must become adept at learning SAMS’ language, obtaining the evidence that SAMS requires from their clients, and cleverly inputting this data into the appropriate fields so that SAMS will generate a particular decision. In this sense, SAMS black boxes front-line workers’ discretion as the reasons for a caseworker’s decision are not easily discernable by office managers, auditors, or even other caseworkers or OW recipients.

Through their responses to SAMS, front-line workers re-skill and re-centre themselves as decision-makers, yet their discretion is distinctly shaped by and exercised in relation to SAMS. In the dialectical back-and-forth between caseworkers and SAMS, caseworkers cannot easily dismiss or evade SAMS’ centrality as a decision-maker. The lengths that caseworkers will go to in their creative responses to SAMS seem to depend on their commitment to social work norms (such as not creating hardship, or reaching client-centred decisions), but an equally important determinant is the limited time that workers have available for each client, especially as any deviation from a SAMS-imposed decision requires caseworkers to engage in more onerous data entry tasks, diverting their attention away from their other clients. Further, because SAMS threatens to cancel the benefits of individuals whose data is incomplete, it forces caseworkers to continue to engage with its check-boxes and drop-down menus and uses caseworkers’ commitment to not cause hardship against them by threatening to withhold benefit payments from vulnerable OW recipients if caseworkers overlook one data entry. The regulatory pressures that this technology places on front-line workers, especially those who are committed to professional social work principles, leads workers away from their clients to the system itself to learn its language and adjust clients’ data so that they can more effectively “manipulate the system” ("Stephanie” Interview).
Conclusion

Though case management software may appear to restrict front-line workers’ discretion through its prescriptive data-entry fields and its displacement of caseworkers’ decision-making authority, my findings reveal a more complex reality in which SAMS “produces its own effects” (Lascoumes and Le Galès 2007, 3). SAMS simultaneously marginalizes and reaffirms the centrality of front-line workers, who must still decide what evidence to collect, how to characterize it in SAMS, and which client requests merit seeking coworkers’ help to “manipulate” the software. Yet, this software fundamentally challenges front-line workers’ position as skilled social workers by forcing those who are most committed to client-centred decisions to spend more time tweaking data and wrestling with its interface rather than meeting with clients. These findings may be unique to benefits-delivering agencies that still employ a critical mass of workers committed to meeting professional standards. At the very least, they suggest a need for comparative research on off-the-shelf software’s effects in other administrative contexts, especially as this software is fast becoming a conventional regulatory tool.

While this article does not aim to provide policy solutions, it does offer useful insights for policymakers. First, any regulatory mechanism’s effects depend on how well it addresses the phenomenon it attempts to regulate. When it comes to discretion, regulators can learn from socio-legal researchers who reveal that discretion, though endemic, rarely exists in a law-free vacuum, especially at agencies’ front lines, and that front-line workers often sophisticatedly balance the contradictory program purposes that legislators leave unresolved. Second, while automation may be the future of administrative decision-making, policy-makers must consider who retains and who loses access to human decision-makers, and with what effects. Software that requires individuals to fit into pre-set menu options may never be sophisticated enough to deliver complex social benefits to a population as diverse as those who receive OW. Rather than re-regulate discretion or increase automation, policymakers should consider alternative mechanisms to address persistent poverty, such as a basic liveable income and accessible affordable housing.

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2 The term “basic benefits” includes income assistance and other benefits that OW legislation identifies as mandatory benefits; “supplementary benefits” includes the many other supports within the OW program.
3 At the time of my research, basic benefits for a single person in Ontario were $681/month; for a sole-support parent with one child they were $951/month: OReg 134/98, Part VI. Supplementary benefits are caseworkers’ greatest source of flexibility when clients request funding for essential items, such as clothing for their children, dental care, or equipment needed to begin a new job. Because benefits have remained virtually stagnant over a 20-year period while the costs of basic necessities have increased, OW recipients today live in deeper poverty than they did after the dramatic benefit cuts of the 1990s (CCPA 2016).
4 Research was conducted in the social services offices of two southern Ontario municipalities. Semi-structured interviews averaging 2-hours were conducted with 25 front-line workers, audio-recorded, and transcribed. My participants varied in age, citizenship status, ethnicity, vocational experience, and approaches to OW; the majority self-identified as women. Additional meetings were held with management staff, who provided contextual information about research sites. Reports reviewed included provincial Auditor General reports, provincially-commissioned studies of social assistance and SAMS’ implementation, and public-sector union reports of SAMS’ effects on front-line employees.
Unappealable decisions include the “prescribed decisions” listed in the *Ontario Works Act, 1997*, section 26(2), para 8 and *OReg 134/98*, section 68.

All participants had some form of post-secondary education, from college diplomas to graduate-level social work degrees. Management staff confirmed that a college diploma is a prerequisite for caseworkers.

The “Questionnaire” (“Bridget” Interview), or “Form 2764” as it is referred to in policy documents, must be used in all cases where a OW recipient lives in shared accommodations with another adult who is not listed as a spouse on the recipients’ documents (MCSS 2008).

Caseload numbers vary depending on the characteristics of a caseworker’s clients. Workers whose clients are deemed to need more supports, such as clients with addictions, precarious housing, or sole-support parenting responsibilities, typically have caseloads of 50-80 clients. Caseworkers whose clients are deemed to be “close” to the labour market (i.e. who had paid employment in the past two years) have caseloads of 110-140 clients.

The Auditor General’s value-for-money concerns diverge from those identified in a contemporaneous Commission review of Ontario’s social assistance programs (Commission RSAO 2012). Many of the Commission’s 108 recommendations in its *Brighter Prospects* report identified the need to simplify the legal framework governing social assistance. *Brighter Prospects* also noted that simpler rules would give caseworkers more time to work with their clients to address job training, housing needs, and employment plans.

*OReg 134/98*, sections 18(1), 30.

*OReg 134/98*, sections 25-29.

*OReg 134/98*, section 26.
References


Legislation, Regulations, Policy Directives
OReg 134/98 – General Regulation
