

Introduction to The Welfare Workforce: An Interdisciplinary Colloquium; and Organizing Workfare Workers

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INTRODUCTION TO THE COLLOQUIUM ON THE WELFARE WORKFORCE

DAVID L. GREGORY*

The Colloquium on the Welfare Workforce occurred live on-site in the Moot Court Room of the St. John's University School of Law on Thursday, April 23, 1998. It was presented under the auspices of the Speaker Series of the Labor Relations and Employment Law Society of the School of Law, which has brought to the School distinguished lecturers including, inter alia, the late Cesar Chavez of the United Farm Workers Union (November 2, 1987), then-Solicitor General of the United States, Drew S. Days III (March 2, 1996), and then-National Labor Relations Board Chairman, William B. Gould IV (April 24, 1996).

On August 22, 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act, abolishing federal entitlements to welfare¹ and the Aid to Families with Dependent Children ("AFDC")

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¹ When I think of a welfare worker, I am likely to think first of corporate executives and their corporations, the latter enjoying annual tax law subsidies of up to \$400 billion dollars. For example, here in New York City, ask yourself: Who owns the New York Yankees, the most storied team in the history of professional sports? I can assure you that it is not the people of New York, despite what the team's name suggests. Though they are not the corporate owners of the Yankees, however, the people of New York are being asked to provide billions of dollars in tax subsidies to build a new stadium for the team, and, not coincidentally, for the team's private owner. Profits generated by this stadium will go not to the people of New York, but—surprise!!!—to the team's owners. Ah, corporate welfare!

Thus, when I think of the welfare workforce, I think of some of the nation's corporate suits, and suites, and the New York Yankees. Of course, my eclectic personal perspective is not the prevailing view of welfare. Corporate welfare is also not the subject, at least not directly, of this Colloquium. See POST-WORK: THE WAGES OF CYBERNATION 56–58 (Stanley Aranowitz & Jonathan Cutler eds., 1997).

program.² Much of the New Deal's social safety net was cut away with this stroke of the Presidential pen, and a new, decentralized series of programs was endorsed. Under this post-New Deal architecture, most of the social and economic responsibility and authority is situated within municipal and state governments. Issues surrounding the welfare workforce are an important part of the congeries of intersecting policy issues flowing from the new legislation.³

Just as New York City is at the center of much of the nation's, and the world's, social consciousness, it is at the epicenter of the nation's welfare workforce experience. New York City has more welfare recipients engaged in its welfare programs than any other city in the country.⁴

St. John's University and its School of Law are physically situated in the middle of this City's challenging welfare workforce experiment. Queens has some of the most ethnically and culturally diverse neighborhoods in the world, and many of its residents are part of the welfare workforce program. As a result, our community has a fundamental stake in the policy debates and in the practical ramifications regarding the welfare workforce. Hence, St. John's is the perfect site for hosting this Welfare Workforce Colloquium.

Catholic priests of the Congregation of the Mission, the Vincentians, founded St. John's University in 1870 with special ministry to the poor. This Colloquium is fully

² 42 U.S.C. § 601 (1994 & Supp. II 1996). See generally David L. Gregory, *Br(e)aking the Exploitation of Labor?: Tensions Regarding the Welfare Workforce*, 25 *FORDHAM URB. L.J.* 1 (1997).

³ See, for example, the timely series of articles on welfare workforce issues, *Does Workfare Work?*, N.Y. TIMES, Apr. 12-15, 1998, at A1. See, e.g., Alan Finder, *Evidence is Scant that Workfare Leads to Full-Time Jobs*, N.Y. TIMES, Apr. 12, 1998, at A1; Vivian S. Toy, *Tough Workfare Rules Used as Way to Cut Welfare Rolls*, N.Y. TIMES, Apr. 15, 1998, at A1.

⁴ See *Does Workfare Work?*, *supra* note 3. Since August 1996, 3.3 million workers nationally have left the welfare rolls due to the legislation; 900,000 workers have left the welfare rolls since September 1997, leaving 8.9 million people collecting benefits. See James Bennet, *900,000 More Leave the Welfare Rolls*, N.Y. TIMES, May 28, 1998, at A26. Mayor Giuliani's proclamation that he will require virtually all welfare recipients to work for their benefits will create the largest program in the country to have a universal work requirement. See Rachel L. Swarns, *Mayor Wants to Abolish Use of Methadone: An Unexpected Detour in Speech on Welfare*, N.Y. TIMES, July 21, 1998, at B1.

within the spirit and charisma of Saint Vincent de Paul, described by Pope John Paul the Great as one of the "marvelous men of action."⁵

This Colloquium should provide future generations with an engaging snapshot, capturing one exciting day in these challenging times. The core questions asked on such occasions are sometimes more important than the answers. In the finest Socratic tradition, everyone surely came to, and departed from, the Colloquium with a plethora of questions, and perhaps, more than a few answers. Everyone left the Colloquium with great food for further thought and action.

This is part of the timeless debate to determine the most equitable distribution of social, economic, and political resources to enhance human dignity. While the legal and policy issues surrounding the welfare workforce are crucially important, there is a larger animating purpose to the Colloquium. Jesus said of Saint John the Baptist, for whom this University is named: "He was a burning and a shining light."⁶ This spirit and enthusiasm infused the discussions at the Colloquium. All of the speakers were thoughtful and astute. They were also zealous, some even passionate, in their analysis of these new programs.

The first group of panelists focused on both strategic overviews and tactical approaches to welfare workforce issues. Benjamin Dulchin, the lead organizer for WEP Workers Together!, discussed the daily problems facing those in the welfare workforce. He described the approaches of those who seek to organize these workers to achieve the protections of the labor and employment laws. Jeff Fannell, the Associate General Counsel of the AFL-CIO, presented the "big picture" of workfare, from the national perspective of the AFL-CIO. Harry Murray, a professor of sociology, provided a historical perspective to the discussion, reminding everyone of the swirling debates on welfare workfare issues during the New Deal. Dr. Murray portrayed Dorothy Day, the great champion of the poor and the co-founder of the Catholic Worker movement, as wary of governmental

⁵ POPE JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* 88 (Vittorio Messori ed., Jenny McPhee & Martha McPhee trans., 1994).

⁶ *John* 5:35.

seduction of the poor into dependency and disavowal of personal responsibility.⁷ He sees evidence of this seduction in the contemporary welfare workforce program. Dr. Murray also emphasized that while there will always be poor amongst us, this discussion was a call to action, not a surrender to fatalism. The Catholic Worker movement and Dorothy Day embraced voluntary poverty to establish solidarity with the poor, consistent with faith-based hope. We who are Catholic believe we are judged by how we treat those least amongst us, seeing Christ in the poor, the hungry, and the homeless.⁸ By voluntarily embracing poverty, Dorothy Day encouraged noble aspirations, observing that we enter Heaven taking with us only what we have given away during our lives on Earth. Contemplation of her work enables a better understanding of how Christian practice of charity creates certain tensions with government programs.

The second panel featured presentations by Mary O'Connell, Associate General Counsel of District Council 37, the municipal labor union representing 120,000 non-uniformed civilian workers in New York City, and a paper by Nancy Hoffman, General Counsel of the Civil Service Employees Association, representing more than 200,000 New York State employees. Terence O'Neil, a partner with the prominent management labor and employment law firm of Rains & Pogrebin, which represents many major public and private sector employers, presented employers' perspectives. With thoughtful compassion, Mr. O'Neil eloquently reminded everyone of the need to integrate practicality and empathy. Many public officials from government were invited, but declined the opportunity to participate. The panelists repeatedly emphasized that the welfare workforce dynamic ultimately involves everyone, and is much more complex than any sort of "us-them"/"right-wrong" simplistic polarization.

⁷ For further discussion of Dorothy Day's views, see generally David L. Gregory, *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57 (1996) [hereinafter *Dorothy Day's Lessons*].

⁸ "And the king answering shall say to them: Amen I say to you, as long as you did it to one of these my least brethren, you did it to me." *Matthew* 25:40.

Reverend John A. Perricone provided the religious and philosophical foundation for the Colloquium, with his magnificent keynote opening address about the proper roles of work, leisure, contemplation, and worship. His address alerted us to the core goal of this Colloquium: The principled aspiration toward eternal, and not merely contemporary, relevance. The Catholic Church continues to be the world's most eloquent voice championing the natural law of human and civil rights for all persons, including all who work and who aspire to work, as well as those without meaningful work. Reverend Perricone wonderfully crystallized for the Colloquium the majestic sweep of the Church's teachings.⁹

⁹ See Pope John XXIII, *Mater et Magistra* (Mother and Teacher) (Aug. 21, 1961), reprinted in *MATER ET MAGISTRA: CHRISTIANITY AND SOCIAL PROGRESS: AN ENCYCLICAL LETTER OF POPE JOHN XXIII* (Donald R. Campion, S.J. & Eugene K. Culhane, S.J. eds., 1961); Pope John Paul II, *Centesimus Annus* (On The Hundredth Anniversary of *Rerum Novarum*) (May 1, 1991); Pope John Paul II, *Laborem Exercens* (On Human Work) (1981), reprinted in *ENCYCLICAL OF THE SUPREME PONTIFF JOHN PAUL II ON HUMAN WORK ON THE NINETEENTH ANNIVERSARY OF THE ENCYCLICAL RERUM NOVARUM* (Vatican Polygot Press trans., 1981); Pope John Paul II, *Sollicitudo Rei Socialis* (On Social Concerns) (Dec. 30, 1987); Pope Leo XIII, *The Condition of Labor* (May 15, 1891), reprinted in *FIVE GREAT ENCYCLICALS 1* (1939); Pope Paul VI, *Octogesima Adveniens* (A Call to Action) (May 14, 1971); Pope Paul VI, *Populorum Progressio* (Mar. 26, 1967), reprinted in *ON THE DEVELOPMENT OF PEOPLES: POPULORUM PROGRESSIO: ENCYCLICAL LETTER OF HIS HOLINESS POPE PAUL VI* (March 26, 1967); Pope Pius XI, *Quadregesimo Anno* (Forty Years) (May 15, 1931), reprinted in *AFTER FORTY YEARS: ENCYCLICAL LETTER OF HIS HOLINESS PIUS XI* (1931); Pope Pius XII, *Sertum Laetitiae* (Crown of Joy) (1939), reprinted in *SERTUM LAETITIAE: ENCYCLICAL LETTER POPE PIUS XII TO THE AMERICAN HIERARCHY* (1940); *GAUDIUM ET SPES* (Second Vatican Council 1965); see also GREGORY BAUM, *THE PRIORITY OF LABOR* (1982); MSGR. GEORGE G. HIGGINS WITH WILLIAM BOLE, *ORGANIZED LABOR AND THE CHURCH: REFLECTIONS OF A "LABOR PRIEST"* (1993); *CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE* (David J. O'Brien & Thomas A. Shannon eds., 1992); *CO-CREATION AND CAPITALISM: JOHN PAUL II'S LABOREM EXERCENS* (John Washington Houch & Oliver F. Williams eds., 1983). Catholic social teaching is an evolving body of ecclesiastical documents and has a rich tradition of particular, heterogeneous applications. Pope John Paul II was a powerful champion of the Solidarity movement, a labor union political initiative, which brought down the Communist government of Poland. The Canadian and United States Bishops also have been eloquent spokespersons for the rights of workers. See, e.g., *NATIONAL CONFERENCE OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY* (1986). I extensively discuss Catholic social teaching on labor in David L. Gregory, *Catholic Labor Theory and the Transformation of Work*, 45 WASH. & LEE L. REV. 119 (1988); David L. Gregory, *Catholic Social Teaching on Work*, 49 LAB. L.J. 912 (1998); *Dorothy Day's Lessons*, *supra* note 7; David L. Gregory & Charles J.

The Colloquium concluded with a lively exchange among the panelists and the audience, the latter of which included Eugene Orza, the Associate General Counsel of the Major League Baseball Players Association, Jane Sammon, the Editor of *The Catholic Worker* newspaper at *The Catholic Worker* Maryhouse in Manhattan, and many other union and community activists.

To honor and to remain faithful to the spontaneous and very dynamic quality of the live Colloquium, footnotes throughout have been kept to a minimum. The panelists, the audience, Rory Schnurr, who so ably moderated the Colloquium, his fellow student officers and members of the St. John's Labor Society, and the editors of the *St. John's Law Review*, all contributed magnificently to this endeavor. This resulting publication is the nation's first major academic colloquium on the welfare workforce to appear in a leading law review. I am confident the published Colloquium proceedings will serve as an important resource for future generations interested in the timeless issues of achieving and enhancing social justice.

Russo, *Overcoming NLRB v. Yeshiva University by the Implementation of Catholic Labor Theory*, 41 LAB. L.J. 55 (1990); David L. Gregory, *The Right to Unionize as a Fundamental Human and Civil Right*, 9 MISS. C. L. REV. 135 (1988). Catholic social teaching on the rights of workers became popularized in the academy-award winning film, *ON THE WATERFRONT* (Columbia/Tristar Studios 1953), inspired by Jesuit priest John "Pete" Corridan's work against labor racketeering on the New York City shipping docks. The Nobel Peace Prize for 1996 was awarded to Catholic Bishop Carlos Belí, the apostolic administrator of Dili, the capital of East Timor, for his courageous social justice advocacy on behalf of the persecuted population of Indonesia.

ORGANIZING WORKFARE WORKERS

BENJAMIN DULCHIN*

Currently, workfare poses several problems, however, it provides an important opportunity to organize workfare workers in a powerful way. Distinguished from welfare recipients because of their jobs, the success of these workers has the potential to establish the basis for important welfare reform.

When President Clinton signed the Welfare Reform Act in 1996, he mandated that every municipality across the country create a welfare work program. Two years prior, Mayor Giuliani had instituted a substantial welfare program, the Work Experience Program ("WEP"). By a factor of ten, we have in New York City the largest and most profoundly accomplished workfare program in the country. Our program will provide a road map for what will occur throughout the rest of the country, but it is not a completely successful road map. It is important that others clearly understand the problems with workfare in New York City so their states and cities can take heed and avoid the mistakes we have made.

In New York City, there are currently 75,000 workfare workers to fill 35,000 slots.¹ The new Human Resources Administra-

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¹ See David L. Gregory, *Br(e)aking the Exploitation of Labor?: Tensions Regarding the Welfare Workforce*, 25 FORDHAM URB. L.J. 1, 14 (1997) (reporting that in New York City 35,000 of 450,000 adult welfare recipients work for their benefits); Steven Greenhouse, *Judge Orders Assessments for Workfare Recipients*, N.Y. TIMES, Mar. 26, 1997, at B3 (noting that New York City's "35,000-person workfare program [is] by far the largest such program in the country"); Steven Greenhouse, *Workfare is Replacing Union Jobs, Lawsuit Says*, N.Y. TIMES, May 24, 1997, § 1, at 23 (reporting that "35,000 welfare recipients are required to work about 20 hours a week in return for benefits"); Farhan Haq, *United States-Labor: Welfare Workers of the World, Unite*, INTER PRESS SERVICE, Sept. 11, 1997 ("Unions and activist groups in New York are campaigning to organize what could be the city's most neglected workers: more than 35,000 welfare recipients who participate in New York's Work Experience Program (WEP)."); see also Lauri Cohen, Note, *Free Labor in the Name of Workfare: New York's Reaction to the Brukhman v. Giuliani Decision*, 64 BROOK. L. REV. 711, 729 (1998) (reporting that New York City has approximately 38,000 workfare participants).

tion ("HRA") Commissioner Jason Turner has announced that the City is going to fully implement welfare reform.² This means that there will be upwards of 130,000 workfare participants, doubling the number of workfare slots required within the next nine months. This type of expansion of the welfare workforce is taking place across the country. When the program is fully implemented, there will be six million workfare workers.³ This new workforce will have an impact on the natural workforce.

WEP and welfare work are not job training programs. The workers learn nothing new. The great majority of workfare workers are employed by either the Department of Sanitation or the Department of Parks. They get up by five o'clock in the morning and spend the next four hours sweeping trash. The average workfare worker arrives at a sanitation depot and is assigned a forty-block radius in the neighborhood to sweep. He or she is given a garbage can and told to push it, sweeping along the way. At lunchtime, workers untie their lunch, sit down on the curb and, with no place to wash their hands, sit and eat. Working conditions are terrible. Health and safety law is pretty much nonexistent, though theoretically, health and safety law is applicable.

To make things worse, the WEP workers are in constant fear of sanction by the supervisors. The supervisor can say, "you are sanctioned" and they automatically lose sixty-days worth of benefits.⁴ The workers are, not surprisingly, rather timid about pur-

² See Douglas Feiden, *New HRA Boss is on the Way*, DAILY NEWS (New York), Jan. 7, 1998, at 6 (reporting Turner's plan to dramatically expand the workfare program while removing significant numbers of people from the welfare rolls); David L. Lewis, *Welfare Boss' Aim: Put 65,000 to Work*, DAILY NEWS (New York), Mar. 8, 1998, at 4 (reporting Human Resource Commissioner Jason Turner's view that the new recruitment effort for workfare participation is only the first step in planned extensive reform of the welfare system); Rachel L. Swarns, *Wisconsin Welfare Chief Chosen for New York City*, N.Y. TIMES, Jan. 8, 1998, at B5 (noting that Turner "has been dreaming about reforming the system since his junior high school days in Darien, Conn.").

³ See Judith Havemann, *New York's Workfare Picks Up City and Lifts Mayor's Image*, WASH. POST, Aug. 13, 1997, at A1 ("New York's workfare model, the largest and most comprehensive in the nation, provides an almost irresistible beacon for states to follow as work requirements become more stringent.").

⁴ See Paul Moses, *Job Unfinished: NYC Lags Behind State in Making Workfare Work*, NEWSDAY (New York, Queens Edition), Nov. 25, 1996, at A7 [hereinafter *Job Unfinished*] (reporting that while 25,703 were cut from the welfare rolls for violating program rules over a period of one year, only 8,493 left for documented jobs); Paul

suing their rights with management, though conditions are quite nasty. They cannot afford to lose their benefits.

Overall, workfare assignments in the Sanitation Department are the worst. The Parks Department is probably second worst. There are a number of workfare workers who work for City agencies, performing clerical duties where there actually is an opportunity for skill enhancement. You can only get a clerical WEP job, however, if you already have clerical experience. There is no opportunity to learn how to type or use a computer. A workfare worker must already have these skills in order to get a clerical job in the first place. So, they are learning nothing new. As for sweeping in the parks and sanitation departments, most WEP workers report they knew how to sweep as children.

Clearly, WEP has absolutely failed as a skills building program. Skills building, an original justification of WEP,⁵ is a bold-faced lie.⁶ There were never any skills programs implemented as part of WEP.

Moses, *Rudy's Record: Is Mayor's Workfare Program on the Job?*, *NEWSDAY* (New York, Queens Edition), June 15, 1997, at A22 (reporting that New York City's own records indicate that heavy sanctions for violating the program's strict rules have led more than a quarter of welfare recipients to lose their welfare benefits); see generally, Vivian S. Toy, *Tough Workfare Rules Used as Way to Cut Welfare Rolls*, *N.Y. TIMES*, Apr. 15, 1998, at A1. In the first eight months of 1997, 16% of workfare participants were cut from the rolls for violations ranging from lateness to refusing work assignments. See *id.* Single adults who are sanctioned can lose from three to six months of benefits, and then must undergo the "newly rigorous application process." *Id.* Workfare mothers alone are given a chance to avoid sanction for a first-time violation, by complying with the work requirement. Any subsequent violation, however, automatically results in a three to six month suspension. See *id.*

⁵ See Mayor Rudolph Giuliani, Speech Before the House Comm. on Gov't Reform (Mar. 1, 1997) (stating that the "Work Experience Program [WEP] in New York City is designed to help public assistance recipients find employment"); Feiden, *supra* note 2 (reporting HRA Commissioner Jason Turner's goal of making job centers out of welfare centers).

⁶ See Alan Finder, *Evidence is Scant that Workfare Leads to Full-Time Jobs*, *N.Y. TIMES*, Apr. 12, 1998, § 1, at 1. The *New York Times* examined the Workfare Experience Program and "found scant evidence that workfare has accomplished one of its central goals: moving a significant number of people from welfare to full-time work." *Id.* Workfare provides limited job training for many of the poorly educated and poorly skilled on public assistance and offers little if any job placement assistance. See *id.*; see also *Job Unfinished*, *supra* note 4 (stating that because workfare does not build the skills necessary to acquire permanent employment, the city "needs to expand efforts to train welfare recipients and find jobs for them"); Paul Moses, *Long Odds: Only 5% of Workfare Cases Land Other Jobs*, *Stats Show*, *NEWSDAY* (New York, Queens Edition), June 14, 1996, at A3 ("[T]he Giuliani administration's claim that workfare was leading many people to employment [was]

The most significant impact of WEP, rather, is that in the last four years, some 24,000 City workers have been downsized from their jobs due to WEP.⁷ WEP workers have replaced regular workers. This is what WEP is really about.

The Parks Department, over the last six years, has lost a full 40% of its workforce.⁸ Currently, 6,500 workfare workers in the Parks Department are performing the same jobs the former full-time paid staff used to do.⁹ You will find similar numbers in the sanitation, hospital, and welfare agencies. There has been dramatic downsizing in every city agency.¹⁰ Workfare workers are performing the work instead. It is illegal to do this, but that is the reality of workfare.

Ultimately, this replacement of salaried workers by workfare workers is the great benefit of workfare to Mayor Giuliani. He is able to cut the City workforce, yet City services do not suffer, because the jobs are still being performed, albeit by an unpaid workforce. In New York City, the WEP workers are paid based on the minimum wage and take benefits divided by the minimum wage. The City pays only a small portion of these benefits. For example, if I were out on the streets performing a workfare assignment, the City would only be paying \$1.59 of my salary, as compared to paying \$11.50 per hour for a regular worker.¹¹ WEP is a dramatic cost savings program for the City.

'wildly inaccurate and self-serving . . . 4,000 are documented. The rest are hyperbole.'") (quoting councilman Steve DiBrienza of Brooklyn).

⁷ See Cohen, *supra* note 1, at 729-30; Steven Greenhouse, *Many Participants in Workfare Take the Place of City Workers*, N.Y. TIMES, Apr. 13, 1998, at A1 (reporting that the approximately 34,000 people in the Work Experience Program form a low-cost workforce to fill positions that had previously been held by municipal workers before Mayor Giuliani reduced the city payroll by about 20,000 employees).

⁸ See Cohen, *supra* note 1, at 729-32 (describing the impact of the WEP program on the Parks Department and other city agencies); Greenhouse, *supra* note 7 ("Under Mr. Giuliani, park employment has dropped 40 percent . . . Th[is] void is filled by more than 6,000 workfare participants, who rake leaves, pick up trash and do other tasks."); New York City Parks Comm'r Henry Stern, Address at the New York Law School City Breakfast (Sept. 27, 1996).

⁹ See Greenhouse, *supra* note 7.

¹⁰ See Cohen, *supra* note 1, at 730-31 (noting that "agencies throughout the city" have been downsized); Greenhouse, *supra* note 7 ("In many municipal agencies, the city has shrunk its regular workforce and increased the number of workfare participants.").

¹¹ See Gregory, *supra* note 1, at 15; Steven Greenhouse, *City Labor Director Backs Effort to Organize Workfare Participants*, N.Y. TIMES, Feb. 9, 1997, § 1, at 39

A member of our executive committee worked for the Parks Department for five years before he was downsized. Once his employment benefits ran out, he went on WEP and was assigned to the Parks Department. He knows from firsthand experience that the work WEP workers are doing is exactly the same as what regular workers do. With WEP he did the exact same job, but this time earning only \$0.59 an hour from the City's coffers, instead of \$9.50 an hour he earned prior to being laid off.

The irony of this is that when he wanted to apply for a job in the Parks Department, believing that he had the necessary skills and was a good employee, there were no job openings. There is a hiring freeze. Why? Because he is already doing the job for less. The City does not need to hire anybody else. WEP workers are currently doing all the work that has to be done.

City employment has long been one of the essential steps out of poverty for the urban poor, particularly for low-income people in the City. WEP has effectively ended hiring in the municipal workforce and removed this critical first step up the economic ladder. In short, the Mayor has used WEP to saw off the bottom of the economic ladder.

The City has somewhat disingenuously refused to supply sufficient data on WEP's impact. The only numbers we have come from a report recently issued by the State, which stated that of the 320,000 people who left welfare in the last year, 29% of those found part or full-time work.¹² These numbers suggest that the majority of the people who are being forced off welfare are not getting work.

A study done by Newsday, a New York newspaper, two years ago suggested that a person on public assistance, but not on workfare, had an 11% chance of finding public employment. A person on public assistance in workfare had only a 5% chance.¹³

(reporting that workfare participants receive as little as \$68.50 in cash and \$60 in food stamps every two weeks).

¹² See Swarns, *supra* note 2 ("More than 300,000 people have left the welfare rolls in the last three years, although city officials have not followed them to see if they have found jobs.").

¹³ See Moses, *supra* note 6 ("Only 5 percent of the participants in a city workfare program aimed at giving welfare recipients employment . . . are documented as later getting jobs."); see also Paul Moses, *Does it Work? Workfare a Barrier to Employment, Participants Say*, NEWSDAY (New York, Queens Edition), Nov. 24, 1996, at A3 (reporting that only 5% of Parks Department welfare participants found work).

In other words, it is harder to find work while in workfare. Furthermore, thousands of people who are pursuing relevant and important educational opportunities, such as taking the General Educational Development exam or attending nursing, apprenticeship, or college classes, have been forced to suspend their education in order to go out and sweep streets. Apparently, the Mayor considers that more important than pursuing education.

This mindset has caused irreparable damage to countless thousands of lives. New York City is lagging behind the rest of the country, with a 10% unemployment rate,¹⁴ 900,000 welfare recipients,¹⁵ and few jobs in the City. According to the Department of Labor, only 91,000 jobs have been created this decade.¹⁶ There is a tremendous job gap, between the number of jobs needed and the number of jobs available. The Mayor is taking people out of public assistance, thrusting them into the labor pool, flooding the labor market. He is making things worse for everyone and making it impossible for the workfare worker to find a job.

That is the bad news on workfare; most of the news is bad.

Real wages in America have stagnated since 1973.¹⁷ The economy is doing well, and the stock market is up, but working people are doing badly, in large part because of what is termed the "flexibility of labor." People who used to have good full-time jobs with benefits are more likely now to be contingent part-time workers or provisional workers. It is much easier for management to control both the terms and the pay rate of these workers.

¹⁴ See Editorial, *For Mayor, None of the Above*, DAILY NEWS (New York), Sept. 7, 1997, at 46 (noting New York's 10% unemployment rate).

¹⁵ See Joe Sexton, *Welfare Rolls Show Fewer Recipients*, N.Y. TIMES, Apr. 14, 1997, at B6 (reporting the number of welfare recipients in New York City as 925,188). But see Gregory, *supra* note 1, at 19 (noting that approximately 13% of the population of New York City, about 450,000 people, currently receive welfare).

¹⁶ See Gregory, *supra* note 1, at 19 ("Since the recession of 1990-1991, there has been a net gain of 90,000 jobs.") (citing Clifford J. Levy, *Wall St. Profits Lead a Recovery in New York City*, N.Y. TIMES, Oct. 21, 1996, at A1). Very few workfare participants will be able to find permanent jobs because a mismatch exists between skill and education level of the participants and the sectors of the economy that are growing. See *id.* at 18. Whereas most welfare recipients are poorly educated and unskilled, the sectors of the economy that are growing, specifically business, services, and the computer industry, require educated and skilled employees. See *id.*

¹⁷ See Joel Kurtzman, *Business Forum: Raising the Minimum Wage*, N.Y. TIMES, Aug. 14, 1988, § 3, at 2; Jeffrey Madrick, *If We're So Tired, Why Aren't We Rich?*, N.Y. TIMES, Jan. 16, 1996, at A17.

This flexibility of labor has been the key factor in the restructuring of the American labor market. Workfare in New York City, and across the country, is the ultimate flexible labor. From my point of view as a workfare organizer, that is the essential element of workfare.

The good news about workfare, from an organizer's point of view, is that it creates potential for tremendously powerful organizing. People initially may not consider organizing around welfare, but workfare organizing has great potential.

If you go out and talk to workers in the Departments of Sanitation or Parks or any of the City agencies, you will find that they are proud of what they are doing. They are proud of the fact that they are working hard and doing essential City work. They are upset that they are not getting the proper respect, let alone the proper pay for the work they are doing. They want to stand up and say, "as a workfare worker, I deserve respect." For the first time, welfare recipients find it possible to organize. Overnight, they have been recreated as workfare workers with potential to organize.

By making welfare recipients workers, a broader opportunity for organizing the welfare population has been created. Also, the possibility for a national alliance between organized labor and workfare workers is apparent.

There has been tremendous interplay between unemployed poor and working poor, but in the past there has always been a great political and organizing divide between the two groups. The working poor are sometimes reluctant to identify with their less fortunate neighbors, the non-working poor. For the first time, by recreating welfare recipients as workers, there is the possibility of an alliance between these two groups. The issues are essentially the same, and the lower end of the working class and the non-working poor have the same concerns of adequate pay, health, and safety. Organizing to achieve these tangible goals has great potential.

As dreadful as things are, there is potential for progress. The labor movement across the country will begin to recognize this tremendous threat to labor. In order to remove compulsory welfare work, labor must embrace and ally itself with the workfare workforce. Hopefully, that is beginning to happen.

People have heard recently about the layoffs affecting workers at Harlem Hospital. For the first time, the municipal union stood up and said our members are being displaced, and we are going to file a lawsuit. District Council 37 is looking seriously at the opportunity to organize workfare workers. As workfare is implemented across the country, six million welfare recipients will become workfare workers. Hopefully, labor across the country will recognize both the problems and the opportunities that will arise, and make workfare workers full participants in the labor movement.