US agency charges New York City with violating civil rights of workfare participants

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The US Equal Employment Opportunity Commission (EEOC) ruled last week that the administration of New York City Mayor Rudolph Giuliani violated the civil rights of women on public assistance who were forced to work for their welfare benefits and subjected to sexual harassment on the job.

In a case which sheds a good deal of light on the nature of New York's massive workfare program, as well as on the outlook of those charged with enforcing it, the federal officials found reasonable cause to believe the city had subjected a homeless mother of two to sexual harassment and sex discrimination when her supervisor in the welfare-to-work program pressured her for sex, and dismissed her when she refused. The woman was forced to fight to keep her welfare benefits.

The supervisor picked out the woman from an orientation session for fifty welfare applicants. He made unwanted advances over the next several weeks.

The poor and homeless now receive their subsistence benefits only on condition that they work at the equivalent of minimum wage rates in city clerical jobs and other positions which would normally be filled by civil service workers earning two or three times their wage, plus benefits.

The city argues that they are not legally city employees, and are thus not entitled to protection under Federal civil rights laws, such as Title VII of the Civil Rights Act of 1964, barring discrimination in employment on the basis of race or sex.

The Giuliani administration has bragged for years about the supposed achievements of the workfare program, which is the largest in the country and enrolls about 40,000 participants at any one time. Now it is apparent that these workers are not only denied decent wages and any benefits, they lack basic legal rights accorded to other workers.

There are up to ten pending cases before the EEOC, and undoubtedly many other cases of sexual harassment and other abuses experienced by workers who are afraid to complain. One of the women with a case before the EEOC, Maria Gonzales, told a press conference that she had complained without result to two levels of supervisors about a boss at the city's Human Resources Administration who grabbed her genitals, demanded sex, stole her time cards and threatened her life when she refused his advances.

“I don't think it's right that the city should treat women who need their help like this,” said Ms. Gonzales. “I have nightmares and I still cry when I talk about this, and I'm still very afraid of that man.”

When federal officials sought to investigate this case and others, the city refused to cooperate, maintaining that the EEOC had no authority in the matter because the welfare recipients were not city employees. When the EEOC went to federal court to enforce subpoenas for city records, the local authorities made the argument that supplying the information would violate confidentiality requirements.

Marc Cohan is a lawyer with the Welfare Law Center who has been involved in the case just adjudicated by the EEOC. He said, “Why should she have less protection just because she's poor? We have a supposedly law-enforcement mayor who is hiding behind legal technicalities instead of addressing what is a horrendous situation. It's absolutely outrageous that the city is claiming its program mirrors the world of work, and then it denies these women the basic rights that are available to other workers.”

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