

Case in Point: Government Benefits

Massachusetts Human Rights Bill

The Massachusetts Human Rights Bill (House Bill 706) is an innovative piece of legislation currently under consideration by the Massachusetts legislature. The aim of [House Bill 706](#) is to initiate a process to integrate international human rights standards and protections into state law. [House Bill 706](#) would authorize state legislators to investigate human rights abuses in Massachusetts through a series of public hearings. The bill would also authorize a technical review of state law.

CEDAW: A Bill of Human Rights for Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a comprehensive bill of human rights for women that endorses the adoption of proactive measures to ensure gender equality and prevent discrimination. CEDAW requires that governments respect, protect and fulfill the full range of women's human rights and freedoms. [House Bill 706](#) would measure Massachusetts state law and regulations against the standards of non-discrimination developed by the committee overseeing compliance with international treaty law. This "case in point" offers a preview of what the legal reviews requested by [House Bill 706](#) might discover about one area of urgent concern to Massachusetts women: Government Benefits.

Applicable Articles of CEDAW

The prototype review commissioned for the area of Government Benefits identified gaps between current state law and the following human rights standards guaranteed by CEDAW:

- Article 11(1) – the right to work, the right to free choice of profession and employment, the right to job security, the right to education and vocational training, and the right to receive payment for work performed.
- Article 11(2) – the right to receive supporting social services that enable a parent to combine family obligations with work responsibilities, and the right to receive special protection in types of work that are harmful during pregnancy.
- Article 13 – the right to gender equality when it comes to the right to family benefits and the right to participate in all aspects of cultural life.

Measuring the State Welfare Laws Against the Standards of CEDAW	Yes	No
Does this report describe the gaps between the welfare laws of the Massachusetts Transitional Assistance to Families with Dependant Children ("TAFDC") program and the international human rights standards of CEDAW?	X	
Do the provisions of the TAFDC teen parent program meet the international human rights standards of CEDAW?		X
Do the provisions of the Employment Service Program ("ESP") and the "work first" approach to employment meet the international human rights standards of CEDAW?		X
Do the following policies carry the risk of turning back the clock on poverty in the Commonwealth: the Family Cap rule, the elimination of the time limit and work requirement exemption system, and the Caseload Reduction Credit?	X	

Government Benefit Findings

Social and economic rights are not guaranteed by the United States Constitution. To ensure that welfare recipients fully realize their right to live in dignity and free of poverty, the state welfare laws must protect, respect, and fulfill the international human right to earn an adequate standard of living.

- The ability of a woman to have free choice of profession and employment is directly related to her access to education and vocational programs:
 - The demands of parenthood prevent some teenaged welfare recipients from completing high school, which severely impacts their long-term earning potential.
 - Adult recipients are forced to accept the first job opportunity that presents itself under the “work first” approach. Many of these jobs are unpaid community service positions, offering nothing in terms of job training or job security.
- To attain gender equality in the right to work, state welfare laws must be drafted with the specific needs of the welfare mother in mind, and protective legislation must be reviewed periodically to ensure that new rules do not turn back the clock on poverty:
 - The Massachusetts Department of Transitional Assistance (“DTA”) policy of denying cash assistance for babies born to women on the welfare rolls under the Family Cap rule prevents some welfare mothers from adequately supporting their families.
 - The elimination of time limit and work requirement exemptions will impose unattainable standards on certain categories of welfare recipients, including the disabled, primary caretakers of the disabled, pregnant women in their third trimester, and teenaged mothers.
 - The Caseload Reduction Credit offered by the federal government creates an incentive for the Massachusetts DTA to terminate the cash assistance benefits of recipients who cannot meet federal time limit and work requirements.

The annual cost of living for a single parent with one child living in Boston is approximately 36,000 dollars.

The average yearly salary of former recipients who left the welfare rolls for work is approximately 7,100 dollars.

The percentage of welfare recipients who currently hold time limit and work requirement exemptions is approximately 73.3 percent.

The percentage of welfare recipients who are expected to fulfill federal time limit and work requirements starting in October 2005 is 100 percent.

Case in Point

Jane Smith entered the welfare system at the age of seventeen. As a teen parent and high school student, Jane struggled to balance the duties of motherhood with the demands of her school work. Eventually, Jane dropped out of high school, and began looking for a job that offered flexible hours and an adequate wage.

Twenty-five years old now, Jane is struggling to survive. While Kate, Jane's sister and neighbor in the housing unit, is willing to take care of Jane's son while she goes to work, Jane can't find a steady job. With only a GED, Jane has limited marketable job skills. And even though she actively participates in the Employment Service Program, her placements have been dead-end, non-paying community service jobs.

While she once dreamed of going to college, Jane's thoughts are now occupied with how Kate will make ends meet when the exemption system is eliminated in September 2005. Kate is the mother and primary caregiver of a severely disabled child, and she has relied on a time limit and work requirement exemption to maintain eligibility for the past five years. Kate is worried about meeting the impending work requirement. She doesn't think she can hold down a job and provide adequate care for her daughter at the same time. Jane feels helpless.

The international human rights asserted by CEDAW provide that the welfare laws of the state must protect, respect, and fulfill the right to earn an adequate standard of living and, ultimately, the right to live in dignity. Therefore, welfare laws must be drafted with the specific needs of mothers in mind.