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WELFARE AND WOMEN'S POVERTY: REFORM OR REINFORCEMENT?

*Diana M. Pearce**

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INTRODUCTION

The demographics of poverty have changed a great deal over the last half century. Legislation targeting the roots of poverty among the elderly has dramatically reduced poverty within that group. The economic expansion of the 1950's and 1960's has alleviated poverty among the working poor by providing better jobs and wages. Economic growth, however, has not reduced, and legislation has not adequately addressed, women's poverty. The nature of women's poverty is fundamentally different from previous poverties and requires a different legislative approach. Welfare reform and other social programs at best only partially address the root causes of women's poverty.

I. THE POVERTY TRENDS

Over the past two decades there have been two opposite trends concerning poverty in the United States. On the one hand, several groups that have historically experienced disproportionate rates of poverty have been lifted out of poverty by postwar economic growth or by the development of targeted social programs. Workers who used to be labelled "the working poor" are now economically secure enough to be seen as the working class or the middle class. The poverty of older Americans has been at least partially alleviated by Medicare, housing targeted specifically for the elderly, and broadened and indexed Social Security benefits. As a result, the overall poverty rate for the elderly has actually become less than that of the population as a whole (12.2% vs 13.5% in 1987).¹

In contrast, poverty has increased among families maintained by women alone. Although compared to the sixties, a decreased proportion of these families experience poverty today², this gain has been overwhelmed by the large and

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1. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-60, No. 161, MONEY INCOME AND POVERTY STATUS OF FAMILIES AND PERSONS IN THE UNITED STATES: 1987 (1988).

2. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-60, No. 163, POVERTY IN THE UNITED STATES, 1987, at 7 (Table 1)(1988). In 1965, the 7.5 million female-maintained families below the poverty level made up 46% of all such families. Today, the 12 million female-maintained families below the poverty level make up 38.3% of all such families. The number of female-maintained families has almost doubled since 1965, increasing from 16.3 million to 31.6 million. *Id.*

steady increase in the overall number of woman-maintained families.³

The combination of these two trends—decreased poverty among the elderly and two-parent families, and the increased overall number of families maintained by women alone—has resulted in a “feminization of poverty.”⁴ In the last two decades, families maintained by women alone have increased from 36 percent to 51.5 percent of all poor families.⁵ During the seventies, there was a net increase each year of about 100,000 poor, woman-maintained families.⁶ Between 1979 and 1987, another 991,000 families maintained by women became poor.⁷ And of the increase in the number of poor families between 1986 and 1987, two-thirds were families maintained by women alone.⁸ There are now more than three-and-a-half million families maintained by women alone whose income is below the poverty level.⁹ If one simply extrapolated present trends and did not take into account any other factors, all the poor by the year 2000 would be women and children.

The relative economic status of families maintained by women alone has also declined, with average income of female-headed families falling from 51 percent to 46 percent of that of the average male-headed family.¹⁰ Once poor, the woman-maintained family is more likely to stay poor, 10 times more likely by one estimate.¹¹

The trends described above are even greater among minorities. Particularly in the seventies, the black community experienced a shift in the burden of poverty from two-parent families to families maintained by women alone, so that now about three-fourths of poor black families are maintained by women alone.¹² Because economic opportunities for minority women are even more dismal than those for majority women, this shift has increased minority poverty and exacerbated racial inequality.

Why is it that woman-maintained households have neither shared in the poverty-reducing prosperity of the fifties and sixties nor experienced the same poverty reduction as other high-risk groups? The answer is two-fold. First, women’s poverty is fundamentally different from that experienced by men and, second, poor women are subjected to programs designed for poor men. Poor women find that these programs are not only inadequate and inappropriate, but also lock them into a life of poverty.

II. UNIQUENESS OF FEMALE POVERTY

While many women are poor for some of the same reasons that men are poor, such as living in a job-poor area or lacking the necessary skills or education,

3. *Id.*

4. Diana Pearce, *The Feminization of Poverty: Women, Work and Welfare*, URB. & SOC. CHANGE REV. 28-36 (Winter-Spring 1978).

5. See *supra* note 2, at 11 (Table 3).

6. *Id.*

7. *Id.*

8. *Id.* There were 26,000 more families below the poverty line in 1987. Twenty-three thousand of these were women-maintained families. *Id.*

9. *Id.*

10. See *supra* note 1, at 4 (Table B).

11. M. Hill, *Trends in the Economic Situations of the U.S. Families and Children: 1970-1980* (Jan. 28-29, 1982) (paper prepared for National Academy of Sciences’ Committee on Child Development and Research Conference).

12. See *supra* note 2, at 13. In 1987, there were 2,149,000 poor black families. 1,593,000 of these were women-maintained. In 1967, by contrast, there were 1,555,000 poor black families but less than half (716,000) were women-maintained. *Id.*

much of women's poverty is due to two causes that are basically unique to women. The first has to do with children, particularly the economic burdens associated with having the primary responsibility for children, with or without child support. The second has to do with the labor market, where women experience discrimination, harassment, and confinement to low-paying and dead-end jobs often *because* they are women.

A. Child Rearing

In most cases, when a couple with children breaks up, the mother becomes the primary caretaker, bearing the majority of the financial and emotional burden of rearing the children. Households with children have always had a higher poverty rate than households without children,¹³ and this difference has always been greater for woman-maintained households.¹⁴ That gap is increasing: 46.1 percent of woman-maintained households with children less than 18 years old are in poverty compared to about 8 percent of households maintained by men or married couples that have children living with them.¹⁵

In many cases this income gap is largely, and at times completely, due to the fact that many single mothers do not receive the child support due them from the absent father, and many of the women who do receive support do not receive the whole amount due.¹⁶ For instance, in 1985, only 74 percent of women awarded child support actually received payments, and only about 48 percent received the full amount.¹⁷ The amounts paid were small as well, averaging only \$2,215 annually per family (not per child), at a time when the median household income was \$25,000 per year.¹⁸ Thus, this payment still would amount to less than 10% of the average household's total income. According to one study, conducted in 1979, an average father's child support payments averaged less than his car payment.¹⁹ To make matters worse, payments have not kept up with inflation. From 1983 to 1985, the real value of the average payment in constant, inflation-adjusted dollars fell 12 percent.²⁰

In addition, the poverty of dependent children is little assuaged by public support programs. We have always been more generous toward children in two-parent foster homes than toward children in their own single-parent homes.²¹ Over the last eight years, however, that ratio has become worse, and now instead of the foster parent getting three times what the AFDC parent gets, the foster parent gets four times that amount.²² In 1982, the average foster child payment was \$197 per month, while the average "extra" payment for an additional AFDC

13. *Id.* at 11. In 1987, 10.8% of all families in the United States were poor. But for families with children under 18, 16.2% were poor. *Id.*

14. *Id.*

15. *Id.*

16. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-23, No. 152, CHILD SUPPORT AND ALIMONY: 1985, at 1 (Table A) (Aug. 1987).

17. *Id.*

18. *Id.*, at 11 (Table 1).

19. L. Yee, *What Really Happens in Child Support Cases: An Empirical Study of Establishment and Enforcement of Child Support Orders in the Denver District Court*, 57 DENVER L. J. 21 (1979).

20. See *supra* note 16, at 4 (Table D).

21. *Supporting a Family: Providing the Basics: Hearing before Select Comm. on Children, Youth, and Families Task Force on Economic Security*, 98th Cong., 1st Sess. 3-55 (1984).

22. *Id.*

child was \$49 per month.²³ In some states, foster parents are paid seven or eight times what the child's own mother is paid to care for that child.²⁴

B. The Labor Market

The nature of the disadvantaged position of women in the labor market is well-known—the average woman still earns only about 65 percent of what the average male earns (for full-time work).²⁵ This figure has fluctuated in the past four decades, but overall has not changed for the better.²⁶ Thus, although between 1979 and 1986 the annual female-male earnings ratio increased from 59.7% to 64.3%, in 1955 the ratio had already reached 63.9%.²⁷ Although the latest upswing of the earnings ratio is mostly due to the growth of women's earnings, one-fourth of the improvement is due to a decline in men's earnings, resulting mostly from decreased employment in high-wage industries.²⁸ With such low wages relative to men, it is not surprising that in 1987, the average woman college graduate, working full-time throughout the year, earned less than the average male high school graduate.²⁹

Nonetheless, one cannot get the full picture of how women stand in relation to men in the job market by merely examining annual earnings ratios for full-time workers. It is also important to look at the rates of unemployment and underemployment among men and women. About one-third of women heading families alone, compared to 20 percent of men householders, are not in the labor force at all.³⁰ Frequently, women who are employed are part-time or part-year workers, or both, either because they are unable to obtain adequate, affordable child care, or because they are new workers in a labor force where most new jobs are part-time or seasonal. Thus only about 40 percent of women maintaining households alone are full-time, year-round workers, compared to almost two-thirds of male householders.³¹

In addition, women are concentrated in a relatively small number of occupations, many of which are underpaid. Thus, women experience occupational segregation and confinement to the pink collar ghetto, with their opportunities for income and growth limited. In 1988, 97.3% of child care workers were women³² and 99.1% of secretaries were women.³³ The female dominance of such

23. *Id.*

24. *Id.*

25. *See supra* note 1, at 19-20 (Table 7). In 1987, the figure was \$26,722 for men, \$17,504 for women.

26. *Id.* In 1973, for instance, the median income of a male working full time was \$11,468 while only \$6,488 for women.

27. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES D-6, NO. 156, MONEY INCOME OF HOUSEHOLDS, FAMILIES AND PERSONS IN THE UNITED STATES: 1985, at 101-2 (Table 29) (1986).

28. National Committee on Pay Equity (with the assistance of the Institute for Women's Policy Research), Briefing Paper on the Wage Gap (September 18, 1987).

29. *See supra* note 1, at 19-20 (Table 7). These figures are \$23,406 and \$25,394, respectively.

30. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-60, NO. 161, MONEY INCOME AND POVERTY STATUS OF FAMILIES AND PERSONS IN THE UNITED STATES: 1987, at 37 (Table 19) (1988).

31. *Id.*

32. BUREAU OF LABOR STATISTICS, EMPLOYMENT AND EARNINGS, VOL. 36, NO. 1, at 185 (Table 22) (Jan. 1989).

33. *Id.* at 184.

low-paying occupations accounts for between 17% (college graduates) and 30% (high school graduates) of the wage gap between men and women.³⁴ Additionally, sexual harassment forces many women to leave jobs abruptly, disrupting their career plans and creating mistrust of new employers.³⁵

Because fewer female heads of household are employed full-time and because on each level of participation in the labor market women have higher rates of poverty, employment is often not enough to lift women and their families out of poverty. Of the families headed by a single black woman who worked full time in 1987, 15% were still poor.³⁶ By comparison, only 10% of all the white male householders who did *not* work at all were poor.³⁷ Altogether, about 8 percent of families with a working male householder are in poverty, while more than 22 percent of families headed by employed women have incomes below the poverty level.³⁸

III. SOCIAL PROGRAMS AND WOMEN'S POVERTY

In the past twenty years, poverty has declined in the United States, and the poverty of certain groups has been reduced drastically. In the fifties and sixties, an expanding economy reduced poverty among the "working poor." Targeted social programs reduced poverty among the elderly. However, economic growth has not alleviated women's poverty, and social programs (including welfare, unemployment compensation, child care, housing and the minimum wage) have failed to address women's poverty. Consequently, women-maintained families have remained poor.

A. Welfare Reform and the Family Support Act

The ambitious nature of the Family Support Act,³⁹ and its focus on job training, education and support services are commendable. The Act, however, does not adequately address the two primary causes of women's poverty: the economic burden of child rearing, and the discrimination that women face in the labor market.

1. Child Rearing Issues

The new provisions strengthening child support enforcement are a step in the right direction. Automatic wage withholding⁴⁰ will make it easier to obtain regular child support. The provision for the periodic review of child support orders⁴¹ is long overdue. Nonetheless, these provisions will at best mitigate, rather

34. National Committee on Pay Equity (with the assistance of the Institute for Women's Policy Research), Briefing Paper on the Wage Gap [analyzing the Survey of Income and Program Participation (SIPP) data from "Male-Female Differences" Report, UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-70, No. 10, HOUSEHOLD ECONOMIC STUDIES].

35. See generally, *Sex Discrimination in the Workplace, 1981: Hearings before Comm. on Labor and Human Resources, 97th Cong., 1st Sess.* (1981).

36. See *supra* note 2, at 88-9 (Table 20).

37. *Id.*

38. *Id.*

39. Family Support Act of 1988, Pub. L. No. 100-485, 102 Stat. 2343 (codified as amended in scattered sections of 42 U.S.C.).

40. 42 U.S.C. § 666(b)(3) (Supp.1989).

41. 42 U.S.C. § 666(a)(10)(B) (Supp.1989).

than end, women's poverty. In 1985, even if all absent fathers had paid the total child support due, this would still only amount to \$2,495 per household.⁴² Women with incomes below the poverty level received a mean child support payment of \$1,383, as compared with \$2,215 for all women.⁴³ These amounts are simply too low to raise a significant number of women's incomes above the poverty line.

Child support is not the answer to every woman's poverty, or even most women's poverty. First, even if the full amount awarded is received, for most families it is insufficient to make the difference between being poor and not being poor. Second, child support is not the answer for everyone: if the absent parent is unemployed, impoverished, or in jail, there will not be any child support. Third, the pursuit of child support is often inappropriate and even dangerous in cases of domestic violence. Finally, child support is often very difficult to obtain if the father flees to another state.

Child-support-level guidelines must be raised and should take into account both regular and additional costs (child care expenditures and college) so that, as much as possible, the child is not punished economically by the absence of one parent.

The Family Support Act does address one of the unique causes of women's poverty by making changes in policy concerning child care. By transforming child care payments into an entitlement program, all women receiving public assistance must be given the child care they need to receive education and job training, and the provision for transitional child care will facilitate the move from welfare to paid employment.⁴⁴ However, since in many states there is a severe shortage of child care available, and little or no resource, referral and licensing infrastructure, initially there will be a large number of mothers who, however eager to participate in education and training programs, will be unable to obtain child care. There is a need for legislation which not only provides the finances for the establishment of a child care infrastructure, but is also able to respond to changing child care needs.

Furthermore, with the freedom to set the market rate for child care, some states could feasibly set their rate so low that it would be virtually impossible to secure child care at such a level. It would not be in the best interests of the state, in the long run, to do so, since the lack of child care would prevent women from leaving welfare and would ultimately cost the state more money than it would save.

Finally, mandating AFDC-UP⁴⁵ in all states is an important first step towards decreasing the incentive to become a single-parent family in order to qualify for AFDC. But because the Family Support Act allows states to limit AFDC-UP assistance to as little as six months,⁴⁶ these families are still left vulnerable, and with an incentive to become single-parent families the other six months of the year.

42. See *supra* note 16, at 6 (Table F).

43. UNITED STATES BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-23, No. 152, CHILD SUPPORT AND ALIMONY: 1985, at 11 (Table 1) (Aug. 1987).

44. 42 U.S.C. § 602(g)(1)(A) (Supp.1989).

45. 42 U.S.C. § 607(b) (Supp.1989).

46. *Id.*

2. *Issues Concerning the Labor Market*

The inequalities faced by women in today's labor market are largely left unaddressed by the Family Support Act. While the Act provides for Job Search, Community Work Experience, and education and training services,⁴⁷ these programs are destined to be shallow in their approach. This is true because the Act requires the states to enact only two of these four named programs. But because funding is so low, states will inevitably choose the cheaper Job Search, which merely helps applicants look for work, and the Community Work Experience Program, which makes benefit receipt conditional on applicant participation.⁴⁸ Amidst these fiscal preoccupations, the states will neglect more important—and more expensive—education and training programs.

The Family Support Act also fails to address the problems of sexual discrimination and sexual harassment. There is no requirement that female graduates of training programs with equal grades or performance evaluations be placed in a job with pay equal to male graduates. There is no specific mandate that states offer women participants the non-traditional training which would lead to breadwinner's wages and benefits. In this respect, the Act contrasts sharply with the War on Poverty, which recognized that black poverty resulted from widespread racial discrimination, and that civil rights laws were essential to remedy black poverty.⁴⁹ In welfare reform, such an acknowledgement of sexual discrimination and its impact on women's poverty has not occurred.

In order to sufficiently invest in our human resources, the federal government must allocate sufficient funds to allow for comprehensive job training and educational programs for women in poverty or receiving welfare. States should be required to provide programs which pay equal wages and include opportunities to train for non-traditional jobs. Such elements are essential if these programs are to lead to financial security and self-sufficiency for women and their children. In addition, the federal government should require equal pay between men and women graduates of job training programs.

B. Unemployment Compensation

Unemployment insurance was historically developed as a program to help workers, particularly breadwinners (usually male), who were victims of the vagaries of economic cycles or the capriciousness of individual employers. Because it has changed little to accommodate the changing nature of the labor force, unemployment compensation remains structurally biased against women workers. To qualify, the worker must demonstrate, as measured by hours worked or earnings, a substantial "attachment to the labor force"⁵⁰ and must show that the job loss was through "no fault of [his] own,"⁵¹ i.e., that the worker was neither fired nor quit voluntarily. To continue to receive unemployment compensation, the worker must be fully able, available, and willing to work at all times.

47. 42 U.S.C. § 681-86 (Supp. 1989).

48. *Id.*

49. Although this principle was appreciated theoretically in War on Poverty programs, such programs in practice insufficiently addressed racial discrimination.

50. 42 U.S.C. § 3304 (1987).

51. *Id.*

There are three sources of disadvantage that women workers, especially those who are mothers of young children, face in terms of unemployment insurance eligibility. First, since women are disproportionately represented in part-time and temporary jobs, their participation in the labor force is treated by unemployment insurance as "casual" rather than "regular" work. Yet the majority of women are employed out of economic necessity, and are forced to choose part-time employment, either because they are primary caretakers of children and are unable to accommodate a full-time work schedule, or because a large proportion of newly created jobs are part-time or temporary jobs. Second, women's assumption of primary responsibility for home and family work often leads to their leaving employment, e.g., to take care of a sick child, for reasons which are designated "voluntary." Third, due to these responsibilities, women may be characterized as not "fully available" for work when unemployed, because they are attending to the needs of their children. Fourth, while a small number of states now officially recognize sexual harassment as a valid reason for quitting a job, many do not.⁵² If sexual harassment is not recognized as a valid reason, then the quit is "voluntary" and the worker is not eligible for unemployment insurance.

Not only are women less likely to be eligible for unemployment insurance, but a consequence of part-time work and low pay is that it takes them longer to qualify for such insurance. When women do qualify for unemployment insurance, they receive lower benefits: only 3 percent of women compared with 22 percent of men receive the maximum benefit.⁵³ Finally, unlike in many other countries, newly entering or re-entering workers are not treated as "unemployed"; thus, when a woman enters the job market after being a housewife, she does not receive the job training, job location assistance or unemployment insurance support accorded unemployed or displaced workers.

For all women workers, married or single, mothers or not, the fact that they lack unemployment insurance coverage causes them to face increased economic vulnerability. Unlike the insured worker, they cannot refuse hazardous work or unsafe and unhealthy conditions without risking impoverishing themselves and their families. Workers without unemployment insurance have no security against harassment or arbitrary employer actions. They face the double jeopardy of unsafe work and exploitation on the job, and poverty if they lose their jobs.

C. Child Care

Child care is not simply an issue for those on welfare. The poverty line is built on the model of a two-parent household's ability to meet its needs with its available resources. Yet a substantial basic need for single parents is child care, which averages \$3000 per year for a pre-school child. If this expense were included in the calculation of the poverty thresholds, many more women with children would be considered to be in poverty.

52. See generally, Comment, *Inadequacies in Civil Rights Law: The Need for Sexual Harassment Legislation*, 48 OHIO ST. L. J. 1151, 1163 (1987).

53. D. PEARCE, 'UNEMPLOYMENT COMPENSATION': THE WOMEN'S ECONOMIC JUSTICE AGENDA: IDEAS FOR THE STATES (1987).

Some states acknowledge the need for child care by providing support enforcement guidelines which factor in child care costs. In addition, state and federally subsidized child care is helpful in meeting the needs of single parents. However, what is needed is a public program, similar to public education, which recognizes the universal need and importance of child care and acknowledges *society's* need for *quality* child care. Such a program should be financed with the understanding that the burden of child care—as is the burden of old age—should be distributed more equally among the population, instead of expecting young parents, especially single parents, to bear such a burden alone at a time when their incomes are relatively low.

D. Housing

Low-income women and their children face the same housing problems that all low-income people face, such as unaffordable rent, cuts in public subsidies for low and moderate income housing, and a severe lack of multi-family housing that is reasonably priced. But in addition, they are burdened by gender and anti-child discrimination. Single mothers are also faced with problems of safety for their children. Because low-income neighborhoods and high rise buildings can be unsafe, for teenagers as well as younger children, mothers often feel compelled to cut short their work to be home at the end of the school day and during school vacations to assure their children's safety.

The Fair Housing Law was expanded in 1988 to outlaw discrimination against families with children.⁵⁴ However, building owners are already finding ways to get around that law, by placing restrictions on the number or age of children, or by claiming their apartments are unsafe for children because of lead paint or low balcony railings. The effectiveness of this legislation will depend to a large extent on its vigorous enforcement at local, state and national levels.

E. Minimum Wage

Even if a single mother is able to obtain a job, this is no guarantee that she and her children will escape poverty. Twenty-one percent of the female heads of household who worked in 1986 were still living below the poverty level, and of those who were able to juggle parenting and a full-time, year-round job, 10% were still below the poverty level.⁵⁵ Many of these women earned wages at or near the \$3.35 minimum wage.⁵⁶ By contrast, in 1986, only 8% of male-present households, where the householder worked, were still below the poverty level, and only 2.6% of those who worked full-time year round were below the poverty level.⁵⁷

Since 1981, the cost of living has increased about 40 percent, yet the federal minimum wage, at \$3.35 per hour, was the same in 1989 as it was in January 1981. Throughout the 1960s and 1970s, full-time work at the minimum wage would have lifted a family of three out of poverty, yet in 1989 that same family

54. The Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, 102 Stat. 1619 (codified as amended in scattered sections of 42 U.S.C.).

55. See *supra* note 2, at 88-9 (Table 20).

56. *Id.*

57. *Id.*

would earn wages of approximately thirty percent below the poverty level. For a mother of two children to bring her family just up to the poverty line, she would have to work 57 hours a week at the current minimum wage. Even with the increase to \$3.80 in 1990 and \$4.25 per hour in 1991,⁵⁸ she would have to work about 54 hours in 1990 and 50 hours per week in 1991, just to reach the poverty line.

IV. CONCLUSION

Women's poverty cannot be eliminated by a single approach. The foundations of the feminization of poverty must be directly addressed and effectively combatted to bring an end to poverty for women and their children. This can be accomplished through legislation, social policies and economic strategies.

Pay equity and an end to gender segregation in the labor force (through non-traditional job training and anti-discrimination legislation and enforcement) will insure that women have the opportunity to earn as much as men. Flexible work hours, universally available and affordable child care, and a more egalitarian unemployment insurance program will allow women to participate in the work force with the full benefits and protections possessed by other workers. An increased minimum wage will enable all low-income workers to earn an income that will bring many of them and their families above the poverty level.

And more generally, social programs, such as welfare, must effectively target the root causes rather than the symptoms of women's poverty. Just as the effort to end racial inequity and black poverty required (and still requires) civil rights legislation that seeks equal opportunity for blacks, any effort to end women's poverty must address the fundamental causes of that poverty, and of women's inequality, by creating the means to equal access to education, training, income support, employment, and housing.

58. Pub. L. No. 101-157 (codified at 29 U.S.C. §§ 201 et seq.).