

ASSURING EQUAL OPPORTUNITY FOR WOMEN IN CONSTRUCTION: CHECKLIST FOR COMMUNITIES

Community negotiations with developers include securing economic opportunities for community members in the form of jobs. Construction work, especially union work, has long been a pathway to economic self-sufficiency. It is important for communities to differentiate between community members in need of workforce training and credentialed community members (including women and minorities) ready to work. Construction has a cyclical employment sequence. At any time, credentialed construction workers will be looking for work. To ensure that all community members can be a part of construction projects in their community, explicit goals, actions, reporting and accountability measures must be part of the negotiations.

SET GOALS FOR WORKFORCE PARTICIPATION, INCLUDING SEPARATE GOALS FOR WOMEN

The higher the goal, the higher the actual workforce participation. Without specific goals, measurements of success and failure are largely subjective. For women, many construction sites use the federal goal, set in 1968, of 6.9% for women's participation. Some recent New York City goals range from 10 to 15%. Minority goals are often set around 30%. Community hiring goals have been more variable and can range from 5% to 35%. Experience shows that goals for women must be stated separately to give women in the community genuine opportunities.

DETAIL THE STEPS NEEDED TO ACHIEVE THE GOALS

For community members in need of construction training, it will be necessary to link to existing workforce development programs or create programs with direct relationships to unions and/or employers.

For skilled workers, require developers and their contractors to:

- Identify and communicate with specific recruitment sources and provide periodic, accurate and up-to-date hiring timelines;
- Record all efforts to recruit community members, minorities and women, and keep records of all these applicants, as well as why applicants were rejected;
- Keep accurate records of the work hours and numbers of community members, women and minorities from each trade working on the job at any time; and
- Report their efforts and outcomes to the community on a regular basis.

INSTITUTE A DEVELOPER-FUNDED ON-SITE MONITORING AND REPORTING SYSTEM

Construction sites employ many subcontractors for different aspects of building. In order to ensure that all of them comply with the steps needed to attain the stated workforce goals, an on-site monitor who makes monthly reports to the developer, construction manager and the community is necessary.

The monitor:

- Helps locate qualified targeted workers;
- Maintains records of applications received;
- Regularly generates reports reflecting workforce composition, including decisions to hire, fire, promote, train, and assign workers;
- Promotes and assesses equal employment opportunity compliance with contractors and unions;
- Acts as a liaison with sources of qualified workers;
- Regularly walks the site to review work assignments and other workforce issues, and to communicate directly with workers and contractors;
- Ensures that supervisors and employees receive EEO training;
- Holds regular meetings with stakeholders to identify and resolve equal opportunity problems and challenges; and
- Receives complaints under the EEO policy, conducts investigations and resolves disputes.

ESTABLISH INCENTIVES FOR ACHIEVING WORKFORCE GOALS AND PENALTIES FOR FAILURES OF EFFORT

Developers must contractually bind all construction contractors and subcontractors to the community agreement to achieve the stated goals. This includes:

- Penalty and incentive provisions in the contract. If requirements intended to achieve the goals are violated, the developer must promptly impose the contractual penalties during the life of the contract;
- Financial penalties such as withholding payments, paying a subcontractor directly while withholding overhead and profits from the contractor, terminating the contract, reporting the contractor's perceived violations to administrative agencies for further investigation and/or barring the contractor from future contracts with the developer; and
- Achievement awards, public recognition and monetary awards including preferential bidding status for contractors exceeding goals.

Legal Momentum's Equality Works program assists public and private builders, contractors, unions, governmental representatives, community organizations and tradeswomen in order to ensure equal opportunity in the construction industry. Our work includes:

- *identifying and recruiting experienced tradeswomen;*
- *identifying and supporting training sources;*
- *developing equal opportunity contractual clauses and policies;*
- *supporting and training independent monitors; and*
- *representing tradeswomen when employers or unions violate their right to equal opportunity.*

*Contact: Françoise Jacobsohn
Equality Works Project Manager
(212) 413-7530
ffacobsohn@legalmomentum.org*