

NATIONAL TASK FORCE ON TRADESWOMEN'S ISSUES

To: The White House Gender Policy Council

From: The National Taskforce on Tradeswomen's Issues

Re: National Strategy on Gender Equity and Equality/ Towards Women's Equitable Access to and Retention in High-Wage, High-Skilled Apprenticeship Training, and Trades Employment

Date: January 23, 2022

The National Taskforce on Tradeswomen's Issues is a coalition uniting the expertise and actions of local, regional, and national organizations, advocates, allies, and individual tradeswomen to support women in achieving access, opportunity, and equity in the construction industry, and other nontraditional occupations. The Taskforce promotes public policies and advocacy initiatives at the national, state, and local levels to improve, enforce, fund, and promote best practices towards equity in apprenticeship training, workforce development, career and technical education, nontraditional employment, retention, and promotion, and the job site experience.

The Taskforce commends the Gender Policy Council for identifying the tackling of occupational segregation and women's underrepresentation in high-paying, highly skilled male-dominated careers (and girls in related educational programs) as a strategic priority. We strongly support the strategic priorities stated in the White House Gender Policy Council's National Strategy on Gender Equity and Equality and its emphasis on identifying and tackling the intersectional nature of barriers to economic security, particularly for women of color.

We note and are excited by the emphasis on improving women's access to good jobs, including in climate change mitigation related opportunities, construction, and STEM fields, especially when those jobs include union representation. We are particularly excited by the outlined implementation process and the focus on measurable goal-setting by federal agencies. Such explicit and intentional efforts to ensure women's equitable access to good jobs are particularly relevant in the context of large public investments as a result of the Infrastructure Investments Jobs Act of 2021 (IIJA).

Women are severely underrepresented in the fields that are most likely to add jobs; without intentional efforts to improve and support their access to such publicly funded jobs, women, particularly women of color, are unlikely to benefit from these historic levels of investment.

Public policy impacts tradeswomen and the work they do every day – from the local level to state and federal rules, regulations, and laws. Such policies will enhance women's economic security, support employers, and enhance economic growth. When tradeswomen have access to sustainable careers, which includes adequate work hours, workplace policies that support work/family balance, comprehensive on-the-job training and freedom from sexual and racial harassment, the industry as a whole benefit from access to this skilled workforce.

In this document, the Taskforce offers recommendations to the Gender Policy Council for proven public policy considerations and practical, demonstrated best practice strategies that will make access, opportunity and equity in skilled trades, apprenticeships, workforce development, and employment a reality for women and girls across our nation in alignment with the goals outlined in the National Strategy on Gender Equity and Equality, including specific recommendations for ensuring women's equitable access to good jobs in construction, energy, and related fields.

Section I begins with recommendations that broadly apply to all of government, followed by Section II which provides recommendations that apply more specifically to the agencies that put out construction contracts and grants. These recommendations are based on best practices, demonstrated outcomes, and independent research from members of the National Taskforce on Tradeswomen Issues and others advocating for gender equity.

These strategies are proven, interconnected and intersectional but align with the Gender Policy Council's ten strategic priorities. The National Taskforce on Tradeswomen Issues urges the Council to consider adopting these as you further develop your action plan.

Section I: General Recommendations on Strategic Priorities

Strategic Priority (1) Improving Women's Economic Security:

We commend the Gender Policy Council for identifying the tackling of occupational segregation and women's underrepresentation in high-paying, highly skilled male-dominated careers (and girls' in related educational programs) as a strategic priority. We note that improving gender diversity in such fields has three main components: improving the supply of women by providing quality job training without the burden of debt, gender-equitable workforce development programs, such as registered apprenticeships and pre-apprenticeships, and programs that help expand pathways for women to enter or re-enter non-traditional occupations and STEM careers. And improving the demand for women by setting ambitious goals, monitoring progress, and enforcing compliance, and providing technical advice and building capacity among contractors, employers, and other industry stakeholders.

The experience of the state of Oregon and other regions where real progress has been made in increasing gender and racial diversity in nontraditional occupations shows that change can be generated, but doing so requires resources, technical advice, clearly stated goals and expectations, and regular monitoring and enforcement.¹ We recommend that infrastructure and related funds disbursed to states include clear set-asides for workforce development, including for support services such as child care and transportation stipends, as well as for enforcement and oversight.

We further recommend that all federal and federally assisted infrastructure and construction contracts contain the provisions outlined in Section II below. We additionally note that the Office of Federal Contract Compliance Programs, as the arm of the administration that provides oversight for all federal contracts to

¹ See *Report on the Use of Federal Funds to Increase Diversity and Prepare those Entering the Highway Construction Workforce* (ORS 184.866), Oregon Department of Transportation (2020) . <https://www.oregon.gov/odot/About/GR/Highway%20Construction%20Workforce%20Development%20Report.pdf> ; and *Untapped Resources, Untapped Labor Pool: Using Federal Highway Funds to Prepare Women for Careers in Construction* by Ariane Hegewisch, Jane Henrici, Elyse Shaw; Thomas Hooper (2014). Boston, MA: Jobs For the Future <https://www.jff.org/resources/untapped-resources-untapped-labor-pool-using-federal-highway-funds-prepare-women/>

address equity, needs adequate resources to carry out its mission. Importantly, this includes developing and using effective tools to measure and report on progress.

Additionally, we recommend that all federal agencies pay particular attention to the gender, race and ethnic composition of their construction, technical and other STEM jobs, including through stepping up their efforts to meet affirmative-action goals, transparency, respectful-workplace programs, and enforcement.

Given the severity of women's underrepresentation in many of the fields that are projected to receive substantial new funds, we urge you to recommend that the White House convene a Commission on Women in the Trades and bring tradeswomen directly into the policy considerations either through the Gender Policy Council or the Department of Labor.

Strategic Priority (2): Eliminating Gender-Based Violence:

The Taskforce applauds the Council for highlighting the long overdue need to eliminate harassment and other forms of discrimination in the workplace. Sexual and racial harassment act as barriers to women's full participation in high-paid men-dominated fields; proactive policies such as those recommended below can help to reduce if not eliminate the pernicious effects of harassment and remove this barrier to entry.²

We recommend that all contracts let by government agencies include a respectful-worksites provision. Such a provision should require the Contractor to adopt workplace anti-harassment policies including clear complaint processes, training for managers on how to manage complaints, and effective, on-going respectful-workplace training. These policies should be accompanied by a social campaign designed to create inclusive and diverse work sites for all the employees working on the project, including bystander intervention techniques. Unions should be involved in the process where appropriate.

Strategic Priority (8): Promoting Gender Equity in Mitigating and Responding to Climate Change:

The Taskforce commends the Council for identifying the disproportionate impact of the climate crisis and environmental degradation and pollution on women, particularly women of color, and for highlighting the priority of tackling women's under-representation in negotiations and leadership positions on climate change. We also commend the Council's emphasis on ensuring that women have access to the jobs of the future in clean energy; a substantial body of research shows that women are particularly attracted to climate change related fields³, including to jobs in green construction.⁴

We recommend that all government contracts in the clean energy and climate related sectors include goals, monitoring, transparency, respectful workplace, and enforcement mechanisms for gender equity to ensure that new job creation includes women and members of other underserved communities, promote inclusion, and counteract discrimination and bias in access to jobs.

² See *A Future Worth Building: What Tradeswomen Say about the Change They Need in the Construction Industry* by Ariane Hegewisch and Eve Mefferd (2021). Washington DC: Institute for Women's Policy Research <https://iwpr.org/iwpr-publications/a-future-worth-building-report/>; and *Paying Today and Tomorrow: Charting the Financial Costs of Workplace Sexual Harassment* by Ariane Hegewisch, Jessica Forden, and Eve Mefferd (2021). Washington DC: Institute for Women's Policy Research and Time's Up Foundation <https://iwpr.org/iwpr-publications/paying-today-and-tomorrow-report/>.

³ See for example NTO LITERATURE REVIEW.

⁴ See *Women in the Construction Trades: Earnings, Workplace Discrimination, and the Promise of Green Jobs* by Ariane Hegewisch and Brigid O'Farrell (2015). Washington DC: Institute for Women's Policy Research <https://iwpr.org/iwpr-publications/report/women-in-the-construction-trades-earnings-workplace-discrimination-and-the-promise-of-green-jobs/>

Strategic Priority (9) Closing Gender Gaps in STEM Fields:

We commend the Council for highlighting the creation of new career paths for women in high-wage STEM fields, including technical programs to connect women to in-demand sectors. As shown by research from the Brookings Institution, half of all STEM jobs are available to workers without a four-year college degree, on average STEM jobs pay 10 percent more than jobs with similar educational requirements.⁵

We recommend that any definition of STEM careers explicitly include work in technical and trade jobs not requiring a four-year college degree, and that funding for equity in STEM education explicitly include the construction trades and other skilled blue-collar careers. For almost three decades, the Department of Labor Women’s Bureau has supported capacity building and technical advice to increase gender diversity in nontraditional occupations through the Women in Apprenticeship and Non-Traditional Occupations (WANTO) program; to date this grant program has operated on a small scale. Funding for the WANTO grant program should be increased substantially and should include funding for Women- and Girl-Led Organizations so that capacity can be brought to scale.

Finally, we ask that the budget of each agency is sufficient to build capacity in order to implement, monitor and report on the activities of each goal and that results are tied to Senior Executive Service performance plans and appraisals as stated in the current strategy plan.

Section II Recommendations for Federal Agencies Funding Construction Projects under the Infrastructure Investment and Jobs Act:

We recommend the following provisions that will implement **Strategic Priority (1) Improving Women’s Economic Security**. These provisions should be included in every IJIA-funded construction project Notice Of Funding Opportunity and/or Project Bid Solicitations.

Federal agencies funding construction projects under the Infrastructure Investment and Jobs Act of 2021 should include the following provisions in their Notices of Funding Opportunity (NOFOs) and/or project bid solicitations. In these cases, the federal agency funding the project is the Project Owner.

For state construction projects that have federal financial assistance the federal agency should require every state grantee to include these provisions in their bid solicitations. In these cases, both federal agency and the state is considered the Project Owner.

For construction projects funded by IJIA where the total project cost exceeds \$10 million, the Funding Opportunity Notices, federal bid solicitations, and state bid solicitations shall include the following:

1. The notice informing potential contractors of the affirmative action requirements imposed by Executive Order 11246 should be specifically called out to bidders, including the specific goals for minority and female participation required by 41 CFR 60-4.2(d) (i.e., the “NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)” reproduced at Appendix G of OFCCP’s Construction Contractors Technical Assistance Guide (TAG), <https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf> .

⁵ See *The Hidden Stem Economy* by Jonathan Rothwell (2013), Washington DC: Brookings Institution <https://www.brookings.edu/research/the-hidden-stem-economy/> .

2. Include and call out to bidders the “STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)” that is set out at 41 CFR 60-4.3(a) (and also reproduced at Appendix G of the TAG).
3. A supportive-services requirement that the General Contractor spend at least one-half of one percent (0.5%) of the overall project budget on supportive services for project workers to maximize opportunities for women and people of color. The supportive services eligible for funding under this requirement are pre-apprenticeship; childcare; tools; workwear; retention services (including support groups, mentoring, and peer networking); and application fees and other costs of entering registered apprenticeship programs and required pre-employment training.
4. A respectful-worksite provision requiring the General Contractor to adopt workplace anti-harassment policies and to provide effective, on-going respectful-workplace training accompanied by a social campaign designed to create inclusive and diverse work sites for all the employees working on the project.
5. A transparency provision requiring the General Contractor to report the participation rates for women and minorities working on the project, alongside the applicable goals, to the public on an accessible online site, to Office of Federal Contract Compliance Programs (OFCCP) in the U.S. Department of Labor (DOL), and to the state DOT; and to update those reports twice per month.
6. A community-engagement provision requiring:
 - (a) the Project Owner to convene a meeting of representatives of community-based organizations and the labor unions that will represent workers on the project as the bid solicitation conditions are being developed; and
 - (b) once the contract is awarded, the General Contractor to convene meetings with a committee of the Project Owner, community-based organizations, relevant labor unions, relevant government officials, and the subcontractors on the project to review the Contractor’s and subcontractors’ implementation of these requirements; to require subcontractors’ participation in these meetings in the contracts; to host these meetings at least monthly, beginning at least 90 days before any hiring for the project begins; to provide the committee members with necessary records; and to provide an OFCCP representative, a representative of the Project Owner, and an ombudsperson from the community committee with open access to the work site to monitor conditions, provide support and assistance, and mediate issues.
7. A robust-oversight provision requiring the General Contractor to consent to twice-monthly compliance reviews by OFCCP.
8. A sanctions provision applicable if the Project Owner or OFCCP finds that the General Contractor is not in compliance with these requirements, requiring the General Contractor to agree to the following sanctions in addition to those already available under law: mandatory suspension of progress payments (that is, the Owner shall suspend progress payments on the contract until such time as the General Contractor comes into compliance); a discretionary fine (that is, the Owner may impose a civil penalty of [up to \$14,502 per violation and \$145,027 per day for failure to comply after the effective date of an administrative order or OFCCP compliance agreement]), and compensatory and where warranted under current legal standards, punitive damages if such non-compliance results in monetary harm to an individual or class of individuals because of unlawful discrimination (that is, the Owner may require the General Contractor to pay compensatory and/or punitive damages to the aggrieved individual(s)).

9. A flow-down provision requiring the General Contractor and the subcontractors working on the project to include these requirements in all their subcontracts.
10. A requirement that the General Contractor dedicate at least one-half of one percent (.5%) of the overall project budget to the administrative expenses of implementing these requirements.
11. An apprentice utilization requirement of 20% by trade.

Thank you for your work on gender policy and equity, and for the opportunity to provide these recommendations. Please don't hesitate to ask if you have any questions or would like more information.

Sincerely,
National Taskforce on Tradeswomen's Issues

Connie Ashbrook, Co-Chair
503-381-8212
Connie.ashbrook@outlook.com

Leah Rambo, Co-Chair
718-440-0568
qrambo@local28edfund.org

The National Taskforce on Tradeswomen's Issues mission is to unite local, regional, and national expertise and action to support tradeswomen and women in achieving access, opportunity, and equity in the construction industry, and other nontraditional occupations. For more information on the National Taskforce on Tradeswomen's Issues, please visit our website at:
www.tradeswomentaskforce.org