

# How many Black workers take to build a light rail?



## A: None?

If we sit back and do nothing, it could happen. The first monthly workforce utilization report for the MTA's first targeted-hire project showed that 93% of the work hours were performed by Latinos, 7% by Whites, and 0% by Black workers—despite the fact that the Crenshaw district where the project took place, is over 65% Black. Under significant pressure, Black workers were hired and performed 8% of the work in the next month.

These statistics are common in construction and across many industries. There is a great opportunity in union construction jobs to fix this, given the billions in public dollars that will be invested in the industry over the next few years. Unlike good manufacturing jobs that disappeared from South LA, these construction jobs cannot be taken overseas.

We need to keep the pressure on. Here's why...

**THE LA BLACK WORKER CENTER**

**Fighting for Real Jobs, Real Skills, Real Protection, Real Change.**

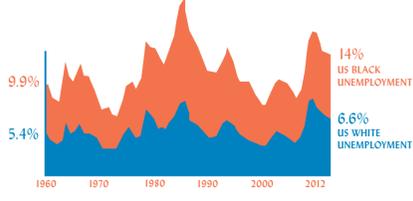
The mission of the BWC is to increase access to quality jobs; reduce employment discrimination; and improve industries that employ Black workers through action and unionization.

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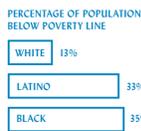
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## The Black Jobs Crisis: Unemployment and Underemployment

We are in the midst of a bona fide Black jobs crisis. Black people have consistently been unemployed at twice the rate of Whites, and the gap is widening—not narrowing. In 2012 White unemployment was at 6.6% and Black unemployment at 14%.



Nationally, a full third of all Black people live below the poverty line (almost three times the rate for Whites).



In Los Angeles, only 28.2% of Black working-age adults are working in jobs that pay more than \$12 per hour.



## THE PAST 100 YEARS

The exclusion of Black workers from quality work is no accident. An historic legacy of public policies, corporate practices, and union opportunism have produced economic inequalities for Black workers.



**1930s THE NEW DEAL**  
The New Deal produced a divided American public, lifting many up but leaving many behind. Home ownership was subsidized but excluded neighborhoods where Blacks lived, and discriminatory employment deepened racial segregation by providing economic and social mobility only for White men. Labor leaders who called for racial unity had to fight against union segregation and for the full inclusion of Black workers in the labor movement.



**1950s POSTWAR BOOM**  
The construction industry played a vital role in building America's middle class during the postwar boom. But access to this newfound prosperity was not shared across racial lines, and Black unemployment actually increased during this economic peak. Black workers who did find employment were deliberately excluded from skilled, higher paying work by unions and contractors.



**1960s & '70s AFFIRMATIVE ACTION**  
Affirmative action law emerged out of Civil Rights Movement protests against federal construction contractors whose discriminatory hiring policies were defended and often administered by the powerful building trades unions. While some Black workers were hired onto construction job sites as a result of affirmative action enforcement in the construction industry...

**PROP 209:** In 1996, California's Proposition 209 prohibited affirmative action or consideration of race in state-funded policies and programs. Proposition 209 has made it difficult to demand equitable representation of Black workers and women on projects and in apprenticeship training programs.

**AND REACTIONS**  
...access to work was blocked again when the policies began to be dismantled in the 1980s and '90s. Some trades unions framed affirmative action and integration programs as anti-union and falsely blamed the inclusion of Blacks for the high rates of unemployment in the industry in the 1970s, creating division rather than shared solidarity and strength.



**TODAY'S CHALLENGE**  
Black power labor activism is pro-union and is advancing "social-justice unionism" to fight the Black jobs crisis. However, conservative forces' use of racialized and gendered terms to explain changes in the economy makes many White workers feel threatened by policies like affirmative action. High unemployment rates, and cultural and racial tensions in the workplace also limit unions' ability to organize members to support policies that would create more access for underrepresented workers. Far too few building trades unions seek to build common ground among women, Black workers, and other underrepresented communities. The building trades unions can play a decisive role in reducing contractors' power to violate worker equal opportunity and civil rights protections on the job.

## THE PRESENT

Black workers commonly face discrimination in hiring and a hostile environment on the job.

I left a job in accounting to become a sheet metal worker in 1998 because it was an opportunity to have a real career that offered good wages, health benefits, and a pension. In the apprenticeship training program, I earned straight A's, and several certifications and was never unemployed in my four years in the training program. Then in 2003, I graduated to journeyman. With my experience, half a dozen certifications, and my record as a top performing apprentice, I had hopes of working continuously and living the American dream like the others who had come into the union at the same time. But since reaching the journeyman level, I haven't worked ONE full year as a sheet metal worker. Now, after 12 years in the union, I'm still not vested in the pension program because I haven't worked enough to earn the full credits toward my health and retirement benefits.

— BWC member

I've been unemployed on the out of work list for almost a year. I'm number 325. As a woman in this industry and as a Black woman, they don't know where to put me. They are not used to seeing women on the job and don't know what to do with us. You are always first to be fired from the job. About 2 years ago, I was working on a job and was injured. I decided to continue working with my injury because I really needed the job. I was afraid to report it because I didn't want to give them any ammunition to fire me or to think that I, as a woman, couldn't cut it.

— Barbara Jones, recent apprenticeship graduate and mother of three.



## THE GAP BETWEEN LAW AND JUSTICE

Laws are only as good as their enforcement—and the numbers are not good.

Federal and state laws prohibit discrimination in the workplace:

- The Civil Rights Acts of 1866
- Title VII of the Civil Rights Act of 1964
- California's Fair Employment and Housing Act

To enforce these laws, California workers can do one of two things:

- Sue in state or federal court** (for those able to obtain attorneys)
- File with a government agency**
  - Department of Fair Housing and Employment (DFEH)
  - United States Equal Employment Opportunity Commission (EEOC)
  - Office of Federal Contract Compliance Programs (OFCCP)

### FEW LAWYERS

Because success requires proof of intent to discriminate, these cases are very hard to win, and finding a lawyer who will take on such a case is very difficult.

Blacks in California have half the chance of their White counterparts of obtaining a lawyer for employment discrimination cases. Other people of color fare only slightly better.



### PROVING DISCRIMINATION

The vast majority of race discrimination cases never see their day in court, and those that do face a nearly insurmountable legal obstacle: the burden of proving discrimination.

Our anti-discrimination laws require "intent" to discriminate or if intent cannot be demonstrated, a workplace with racist attitudes and patterns severe or pervasive enough to create a hostile work environment. But what is severe or pervasive enough to make a construction site hostile to Black workers?

The answer is bleak. In 2007, a group of Black construction workers were subjected to racist graffiti, including depictions of nooses, in the porta potties they had to use every day, as well as racial slurs from their supervisors. The judge found that the remarks and graffiti on-site were not sufficiently severe or pervasive enough to show a hostile work environment for Black workers. Other cases fail for purely technical reasons, a consequence of the difficulty of finding good legal advice and representation. In 2005 for instance, Black construction workers who were told by their supervisors, "You monkeys go to work or go to the rope" lost a case for failing to exhaust administrative remedies before suing.

In reality, these laws provide very little protection against workplace discrimination.



Real diversity, including racial and gender equity on the construction job site, can be accomplished in Los Angeles. In the case of the Martin Luther King Jr. hospital construction projects, the County of Los Angeles established local worker hiring policies in a strategic move to create and retain good jobs in one of the county's most economically challenged communities. The County expected that the project would equally represent the people who live in the local area. The County Supervisor clearly represented those expectations were met by expanding oversight of the project to include community.

## DOING IT RIGHT—the MLK HOSPITAL

example

This could mean GOOD JOBS for poor and working-class communities of color.

30 years. JOBS over the next 270,000

an estimated \$70 billion is planning to spend

building and improving our city's infrastructure is work that pays well.

Union construction careers building and improving our city's infrastructure is work that pays well.

The Los Angeles MTA

hiring and enforceable diversity policies.

Los Angeles has an opportunity to buck these trends by requiring PROJECT LABOR AGREEMENTS with targeted or local hiring and enforceable diversity policies.

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# RISING UP for Black Workers JUSTICE, EQUALITY, and DIGNITY!

**GROCERY STORE**  
**BARBER SHOP**

Workers and their communities

Work together to hold policy-makers, contractors, and unions accountable for a fair, equitable, and representative workforce.

- Get the word out about employment requirements and opportunities
- Organize worker centers, union caucuses, and other support networks to increase access and job retention pipelines at the neighborhood level
- Build qualified construction worker pipelines at the neighborhood level

**BWC**  
 LA Black Worker Center

Unions

Promote diversity, fairness, and unity among workers, and include Black workers in mentorship and leadership training

- Include Black workers in mentorship and leadership training
- Continue to expand good jobs and quality apprenticeship training
- Develop direct organizational links to underrepresented communities to build knowledge of apprenticeship eligibility and enrollment requirements

Public Agencies

Hire and train sufficient staff to enforce policy requirements.

- Articulate expectations for diversity and equal opportunity so that projects reflect community priorities
- Require prime contractors to prominently erect name and contact information of prime contractors and subcontractors
- Facilitate partnerships among enforcement staff, contractor, and organizations linked to underrepresented workers in the construction industry
- Collect workforce data and report gender, race, and subcontractors
- Require trainings in OFCCP regulations and civil rights protections for workers, foremen, and superintendents
- Make data available to the public online

Prime Contractors

Follow the law. Monitor and strengthen compliance of all Project Labor Agreement requirements, anti-discrimination guidelines, and diversity goals.

- Partner with community-based organizations to recruit qualified workers and minority contractors
- Require subcontractors to assign staff members to act as community liaisons
- Partner with the LA Black Worker Center to provide opportunities for workers to participate in peer support networks and training to increase employment retention
- Require anti-discrimination law compliance training for all key management staff (including EEO officers, subcontractors, jobs coordinators, foremen, and superintendents) and workers

Unions, PUBLIC AGENCIES, AND CONTRACTORS

Participate in bimonthly targeted-hire success meetings to track utilization reports and problem solve to meet goals with other key stakeholders

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555-555-5555  
 JOJO BUILDERS  
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 SUBCONTRACTOR

Contractors, unions, workers, and together to create real fairness in the economy and equitable access for all