

Acceptable Worksites



Seattle
Finance &
Administrative Services

CITY PURCHASING AND
CONTRACTING SERVICES (CPCS)

Who we are

Nancy Locke, Director, CPCS

Miguel Beltran, Manager – Contract Compliance, CPCS

Carmen Kucinski, Deputy Manager - Contract Compliance, CPCS

Anita Adams, Deputy Manager – Labor Equity, CPCS

What is it?

A mandated contract provision that requires contractors of all tiers to maintain a worksite free from inappropriate behaviors such as harassment, inappropriate slurs or remarks, improper training of women or people of color, disproportionate turn-arounds and other similar issues.

- Provides a standard of behavior and reconciliation or resolutions when behaviors arise.
- A violation is not necessarily the poor behavior; it is the failure to manage, respond and resolve the poor behavior.

Our shared mission.

- Support the rising workforce diversity on City and regional construction projects.
- Support productivity by reducing stresses and distractions.
- Support safe work environments.
- Achieve higher retention rates for women and people of color.
- Support the collective mission of a safe, acceptable and appropriate environment for everyone on the jobsite.
- Support WMBE contractors who interact at the job site.

Why is this needed?

- Instances of inappropriate behaviors do occur on City jobsites, as on others.
- Owners and primes often are unaware, and therefore unable to quickly solve issues.
- The City did not have a robust explanation of our expectations.
- The City did not have visibility into our intent to instruct, monitor and enforce.
- The City as owner did not have a contractual obligation from the prime to the city. We respect that the prime likely already has some type of contract language to their sub-tiers.

Why do we all care?

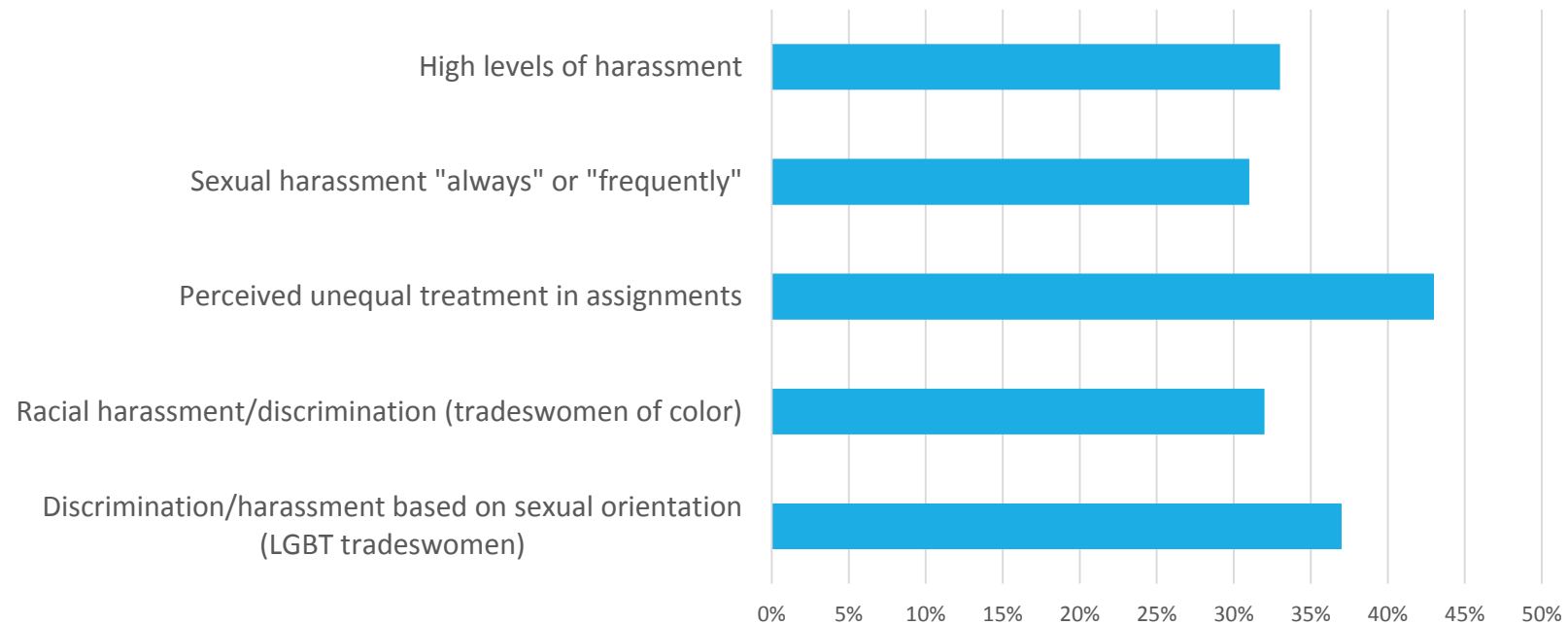
- It's the right thing to do.
- It is good business.
- It promotes productivity and safety.
- It reduces or provides shared management of conflict and disputes.

A Washington State L&I study found that men and women in the trades were more likely to become injured if they experienced high levels of gender discrimination, over-compensation, bullying and financial hardship.

(Source: Curtis and Seixas. 2016. "Addressing the Health and Safety Need of Washington Women in the Trades.")

Are poor behaviors a likely risk?

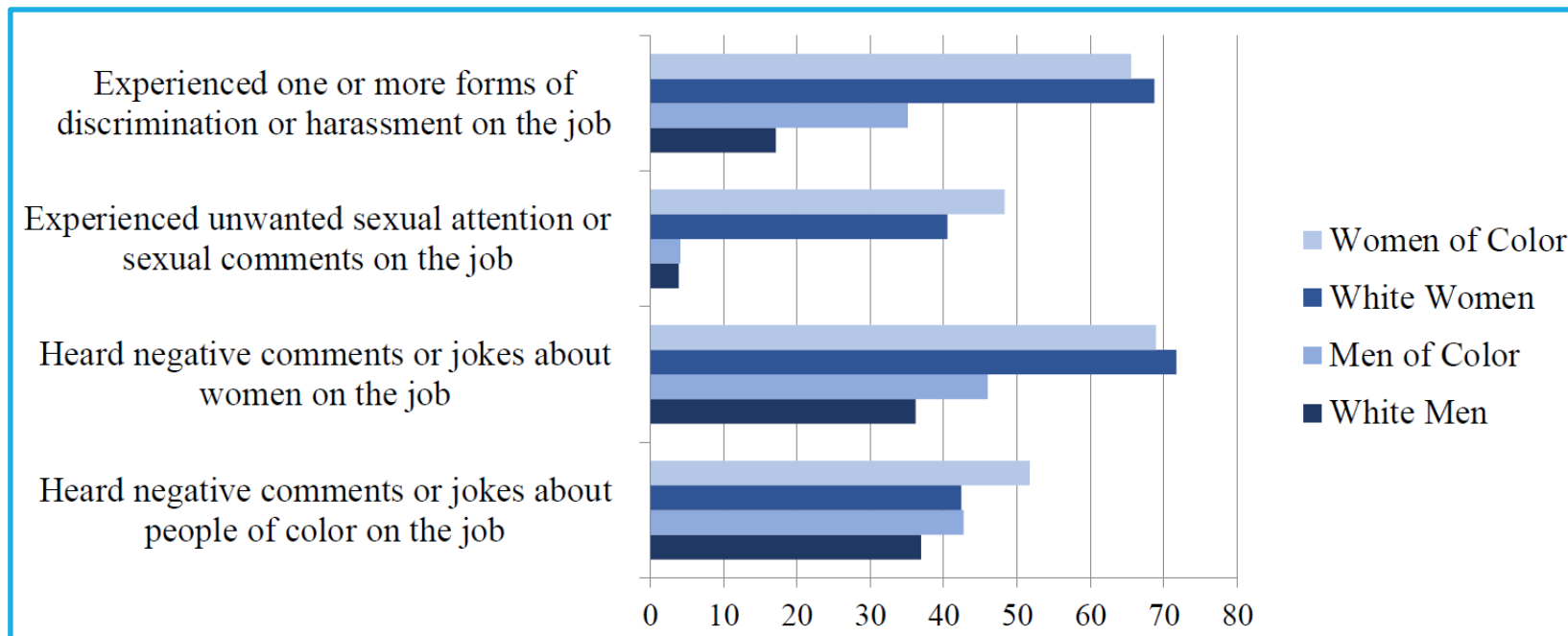
Across the nation, women in the trades are reporting experiences of harassment and discrimination. A 2013 study found tradeswomen experiencing:



Source: Hegewisch and O'Farrell. 2014. "Women in Construction and the Economic Recovery: Results from the 2013 IWPR Tradeswomen Survey."

Are poor behaviors a likely risk?

Apprentices, particularly apprentices of color and women apprentices, experience even higher levels of bullying and harassment. A study on apprentices in Oregon found:



Source: Burd-Sharps, Sarah, Kristen Lewis, and Maura Kelly. 2014. "Building a More Diverse Skilled Workforce in the Highway Trades: Are Oregon's Current Efforts Working?"

Business impacts of poor behaviors.

Apprenticeships are the critical stepping stone to a career in the trades, but harassment and discrimination are amongst the reasons why women and people of color complete apprenticeship at lower rates than white men.

| Apprentices Washington State Tri-County Annual Averages 2011-2015 | Men | Women | White | People of Color |
|---|------------|--------------|--------------|------------------------|
| Completion Rate | 41% | 32% | 43% | 33% |

Source: Washington State Department of Labor and Industries, 2016; Community Attributes Inc., 2016.

So what has actually happened?

Instances and anecdotes of poor treatment – whether unintended, uninformed or intentional.

- WMBE contractors and their workers have reported actions that are perceived as disrespectful, harassing and unequal, including yelling that was described by others as “fits” and “rampages.”
- Workers have reported slurs to the City.
- During a 2015 King 5 investigation, WSDOT tunnel project workers alleged sexual harassment, including inappropriate texts, requests and pornographic visuals.
- Through payroll data, the City has evidenced apparent disparate layoff of people of color.

What is an Acceptable Worksite?

- Appropriate, productive and safe for all workers.
- Free from bullying, hazing, harassment, slurs, and intimidation.

Violations could include:

- Jokes about race, gender or sexuality that a reasonable person may perceive as offensive.
- Name-calling, cursing or unnecessary yelling.
- Assigning undesirable tasks or dangerous work in disproportionate degrees to apprentices, women, or workers of color.

NOT to be confused with reasonable management action and feedback to help workers improve performance.

Contractor Responsibilities

- Establish, maintain, supervise and watch.
- Communicate the policy as needed, so workers are aware.
- Display the City poster and provide materials to explain to workers, foreman, and supervisors.
- Consider preventative measures such as:
 - Offering training on managing difficult situations.
 - Ensuring worksite assignments that promote positive mentoring and worker guidance.

CPCS Responsibilities

- Educate bidders and winning contractors and subcontractors at pre-bid meetings, pre-construction meetings, and union pre-job meetings.
- Provide education materials.
- Conduct site visits to observe and interview (including workers and WMBE contractors).
- Foster collaboration between the City staff, union reps, contractor ombudsmen.

Worker Roles

- Be aware of acceptable behaviors.
- Mentor and guide co-workers.
- Speak up and/or defuse inappropriate activity.
- Report poor behaviors or risks to supervisor, superintendent, HR department, project manager, union or CPCS as appropriate and confidentially.

What if we find something?

The City might learn of a complaint or concern. We will:

1. Inform prime as soon as practical (confidentiality).
2. Research to learn magnitude and validity.
3. Collaborate with prime and sub on solutions.
4. Impose immediate solutions based on severity and risk of situation.

Prime will:

1. Report situations to CPCS and talk about positive solutions.
2. Provide access to CPCS to monitor and/or research.
3. Quickly complete remedial action (to be approved by CPCS) for complaints.

Enforcement

CPCS may direct contractors to remove personnel if immediate remedy is necessary.

Contractors can propose remedial action plan within 5 business days of notification of violation.

Failure to successfully resolve or respond:

- Although we have contract remedies, we find that the described approach is more likely to reduce the risks of poor behaviors and lead to positive collaboration with primes on solutions.
- If we had a particularly egregious situation that evidenced very poor management of the expectations or solutions, we would likely escalate our contract responses. The most likely result is a poor performance review, although other things such as delayed invoice payment are possible.

Phase II: Our 2018 steps

The construction culture can be productive, safe and responsive.

Pilot bystander intervention training program:

- Proactive behaviors that establish intolerance of bullying and harassment.
- Ongoing worksite talks.
- Leadership training for foremen and supervisors.
- Relationship building with contractor to secure top-down partnership and commitment to cultural change.
- Program development guided by baseline data and local and regional experiences.

Positive Results

When the City has engaged to ensure an Acceptable Worksite, we have found:

- Contractors to be collaborative and ready to take action to meet the shared goals.
- Workers reporting that, afterwards, the worksite felt “refreshed” and that they had renewed productivity and an increased desire to continue pursuit of a construction career.
- A positive outcome for the project with reduced risk of future violations.

Questions
