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Contract Compliance and Equal Employment Opportunity in the Construction Industry

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Contract Compliance and Equal Employment Opportunity in the Construction Industry

Abstract

Public testimony by Prof. Briggs given before the Massachusetts State Advisory Committee to the United States Commission on Civil Rights, Contract Compliance and Equal Employment Opportunity in the Construction Industry during an open meeting held in Boston, Massachusetts, June 25-26, 1969.

Keywords

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Comments

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**CONTRACT COMPLIANCE AND EQUAL EMPLOYMENT
OPPORTUNITY IN THE CONSTRUCTION INDUSTRY**

TRANSCRIPT OF OPEN MEETING

Before The
MASSACHUSETTS STATE ADVISORY COMMITTEE
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS

OPEN MEETING HELD
in
BOSTON, MASSACHUSETTS
June 25-26, 1969

December 1969

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PROFESSOR VERNON M. BRIGGS.

REV. DRINAN. This is Prof. Vernon M. Briggs of the School of Labor and Industrial Relations, Michigan State University in Lansing.

MR. GROSS. Prof. Briggs, how long have you been in your present position, and could you tell us generally what your academic interests have been?

PROFESSOR BRIGGS. Currently I am a visiting professor for the summer term at the Michigan State University School of Labor and Industrial Relations. My normal post is associate professor of economics at the University of Texas at Austin. I might add that during the year 1965-66 Prof. Ray Marshall and myself conducted a detailed study of Negro participation in apprenticeship programs in 10 cities in the United States. We tried to review the issue in general, with a specific study in urban centers. We subsequently published a number of articles and several monographs on the topic of lack of Negro participation in the apprenticeship programs.

MR. GROSS. In the course of your studies, you have had the opportunity to become familiar with the problems of the construction industry, particularly as it relates to nonwhite participation?

PROFESSOR BRIGGS. Yes.

MR. GROSS. I understand that you have a presentation that you will give and that in the course of it you will cover several points. I wonder if before you begin you could briefly summarize what those topics will be.

PROFESSOR BRIGGS. Very briefly, I would like these to be very general comments. I would like to discuss the issue as it pertains in general to minority participation in various apprenticeship programs in the labor movement. I would then like to turn to specific issues of discrimination, lack of aspiration

to the trades, some of the issues of lack of knowledge of apprenticeship positions, and some discussion of possible remedies that we might suggest to increase the minority participation in the apprenticeship programs.

MR. GROSS. Please proceed.

PROFESSOR BRIGGS. In general the history of the American labor movement, without reviewing that in detail, has been a non-ideological movement, not politically oriented, in the sense that it accepted a rather short-run economic view of its role. It has tended to accept the values of our society, both the good and the bad in toto. Consequently, it is not surprising that the labor movement in general has had a history of discrimination in its institutions as have many other institutions of our society. Consequently, it is also quite logical that we would be concerned with changing some of these institutional practices in the labor movement as we are today with most of our other institutions.

In discussing the issue of apprenticeship or entering the building trades, it is important to realize that the question of minority participation is not an issue with all unions. It generally tends to be much more concentrated in the craft unions rather than in the industrial unions. This is largely due to the fact that the craft unions have a tie between the union and the worker whereby the union members are much closer in the craft unions than they are in the industrial trades.

MR. GROSS. Excuse me, Prof. Briggs. When you say "craft unions," this is the construction field?

PROFESSOR BRIGGS. It could be construction. It could be printing, machinists. There are a number of others. These are the major ones, and in the industrial unions you are speaking of steel workers, automobile workers, and things of that line.

It is also important, and this is one of the great difficulties of working in this area, that there is great variation with local unions in various crafts throughout the country, so it is difficult to generalize about specific unions. This is largely due to the fact of the local autonomy of unions. This topic is not an issue in some unions, yet in the very same craft in an adjoining city, it may be a very controversial issue indeed. There is great variation between local practices.

The issue has generally centered in recent years around the area of apprenticeship. This has been mainly involved in the trades--in the printing trades, in the building trades, and the

machinist trades. These are the trades which make up the basic portion of the apprenticeship programs in the United States. Although there are other ports of entry into trade unions or craft unions, it seems that for nonwhite applicants seeking entry into these trades, apprenticeship seems to be the only way in, the major port of entry.

In our study of this issue, it is clear that there are two controversial issues involved: one is apprenticeship itself, and the other is minority participation in apprenticeship. The issue which is the focus today is with the building trades, and my comments will largely or almost exclusively pertain to the building trades. This issue has become especially controversial--the lack of minority participation in the building trades--for several reasons. First of all, because of the high visibility of construction projects in the ghetto areas, as opposed to other areas of activity which are not quite so visible in the ghetto areas.

In the Model Cities program or an urban renewal program or building of schools or post offices or municipal buildings or freeways, there is more of a problem in the ghetto areas, when these jobs are done exclusively or almost exclusively by white unions. Moreover, the issue comes up again in that many of these Federal, State, and municipal assisted projects do involve tax dollars, and discrimination in the use of tax dollars, of course, cannot be tolerated.

There is another factor as well as to why this issue has come to the fore, and that is that in the construction industry there has always been a large number of blacks in various ways associated with the construction industry. That is, they have been concentrated in certain occupations; namely, in the trowel trades, in the laborer category and what have you; so there have been blacks on construction jobs and also in the nonunion sector, which by and large in many communities is residential construction. There has been black participation in the construction industry, and it is logical that they would be concerned about entering into the regular unions which do most of the commercial and government contracts.

Now, with this general background, it might be useful to explore for a moment the general issues explaining the lack of minority participation in the craft unions and in the building trades specifically. First of all of course has been the issue of discrimination itself. There can be no denial that there has been discrimination in the past through overt discriminatory practices. These have been done sometimes by employers, sometimes

who have felt that certain jobs are traditionally so-called "Negro jobs". There has also been toleration by employers who had fear that if they were to push too hard on entry of blacks into working on their jobs, if they were to take the leadership, this might lead to reaction by workers on the jobs protesting the push toward social change.

There has, of course, on the unions' side been racial discrimination in the past. Most unions will admit this has been a past practice.

But that is not the only issue itself. There are certain discriminatory practices in the simple operation of an apprenticeship system that are not necessarily based on race alone. By that I mean that historically in most of the building trades there has been a strong reliance upon nepotism so far as entry into the trades; that is, a tendency to pass jobs on to relatives, nephews, sons, and what have you. So nepotism has been a practice. This has sometimes been reflected in the craft unions as being strong in fraternal or social characteristics, in some cases even strong in ethnic basis. Terrazzo and tile are sometimes considered to be for Italians, in some cities bricklayers seem to be Irish only, and what have you. There is also the philosophy expressed quite often that we discriminate against everybody other than relatives. So nepotism itself has been an issue.

Also there is the concern, as far as the practice of apprenticeship, over the control of supply--entry into the trades. There is concern in this sense that the quality of entrants must be kept very high to justify demands for higher and higher wage rates. Also it is felt that relatives will tend to stay in the trades, especially when times get tough and industries have unemployment. There is probably no industry in which the members have greater insecurity concerning unemployment than in construction. There is a tendency to believe that relatives will stay with the trade, and that when times are hard, they will not seek jobs elsewhere.

Moreover, the higher the wage rates have become, the greater the tendency in most unions' apprenticeship programs for there to be more applicants than positions. There has been a long tradition in the craft unions of not asking anyone to become a member or join a union. The initiative must come from the applicant himself, and this is where more difficulty comes which we'll explore in a moment.

Aside from the issue of discrimination itself, then, we have racial discrimination simply in the practices built into the institution of apprenticeship. There is also a second consideration which might be the lack of power in the past in the black community to bring about change, to force change. It is well known in studying black participation in the labor market that black employment patterns tended to become institutionalized following emancipation. Blacks were concentrated in certain skilled trades in the South. We recall of course that 91 percent of the blacks in the Nation lived in the South until as late as 1910. There was a tendency in the slave economy to make plantations self-sufficient, so consequently there was training in the trades of the 19th century, that is, the trowel trades such as brick-laying, plasterers and cement masons, in carpentry and in jobs in which the skill level was relatively easy to pick up compared to others.

So, there has been this tendency in the past. In this sense when you study black participation in these trades, you will find black participation more prevalent in the trowel trades and in carpentry than in the more expanding occupations of today--electricians, sheet metal workers and plumbers, pipefitters, and what have you. There also has been a tendency for black persons, where they have entered into the craft unions, to be concentrated on some of the more dirty jobs such as roofing and some of the low-skilled jobs such as laborer. The question of course has been that these occupations have not been the ones in which the greatest expansion of opportunities in the construction trades are coming today. The greatest expansion is not coming in bricklaying, plastering, cement masons, and in carpentry. The great expansion and the greatest shortages are in the areas of electricians, sheet metal workers, plumbers, pipefitters, and what have you.

A third factor in considering the paucity of Negro participation in the apprenticeship program has been the lack of knowledge by blacks about apprenticeship. School counselors have tended in the past to be aware of the fact that there has been discrimination practiced, overt discrimination in the past, and so they are hesitant to recommend people for careers in the trades. This is especially true of those black youngsters who have high school diplomas, which is usually the requisite for entering into the apprenticeship trades. Hence they encourage these young people to go on either into college or other occupations, white-collar occupations if possible. The tendency is to downgrade the blue-collar occupations. There is this tendency unfortunately on the part of all school counselors, the tendency, since they themselves have college diplomas, to try to encourage youngsters to go into white-collar occupations.

The point is of course that blue-collar occupations seem to be dead ends, which is not true of course in the construction industry. They are not dead ends in the sense that the wage rates are extremely high, and also the fact that apprenticeship oftentimes affords opportunities for advancement into supervisory positions and sometimes into draftsman positions and sometimes even the ownership of companies--as small contractors.

Another factor that is tied up with the lack of knowledge about apprenticeship is the lack of role models in the community. If there are no black plumbers or black sheet metal workers in a community, it is difficult for youngsters to aspire and learn of these trades. This has been especially demonstrated when crafts are not commonly known, such as sheet metal workers or operating engineers.

The Workers Defense League in New York tells a story of one instance where it pre-tested young people about their knowledge of different trades. They asked a group what they thought operating engineers were, and over half concluded that operating engineers were involved in running subway trains.

I remember in one interview in Pittsburgh talking to a black youngster who had applied to the painters union because he wanted to become an artist. He became quite disillusioned when he found out that painters simply painted walls and were not artists. So the lack of knowledge of just what is apprenticeship is a very serious one. This is logical, given the past denial of opportunities.

Another more subtle issue is the fact that whites quite often, especially those who have relatives in the trades, are able to have summer placements, oftentimes as helpers, on these jobs. In this sense they pick up early in their career, even before thinking about leaving high school, the opportunity to be exposed to certain tools, certain techniques, and certain jobs. Who gets these summer jobs is quite often tied up with political policies within the unions.

Then, of course, another issue has been the lack of aspiration to the trades, especially by high school graduates. This goes back to a basic institutional problem throughout the Nation; namely that there is a much higher black dropout rate in schools, and that blacks tend to go to poorer schools in the ghetto communities and therefore have difficulty passing examinations which are oftentimes required for entry into the apprenticeship programs. Sometimes they are not able to pick up the math and

physics required in some cases to enter into the electricians union or into the sheet metal workers union, which require the teaching of a certain amount of theory as well as practical application in the apprenticeship program. The schools have not prepared for this through the teaching of a physics program and mathematics and geometry. This can create an entry difficulty.

Another factor of course has been the secretness of the apprenticeship establishment itself. By apprenticeship establishment I simply mean the unions, the employers, the Government institutions--the Bureau of Apprenticeship and Training--and the State institutions concerned with apprenticeship as to what are the standards for admission. What are the dates when applications can be accepted? Where can they be accepted? When do you actually get into a trade? This has been somewhat taken care of by the development of apprenticeship information centers and apprenticeship outreach centers, which we'll discuss a little bit later, but by and large this is still a difficult problem for blacks.

There is also the problem, especially for youngsters from low-income families, that, when they graduate from high school, there is a tendency for apprenticeship programs not to begin for many months, and the difficulty is one of being able to subsist, to find a temporary job. Oftentimes the tendency is when they find a job and the apprenticeship class does open, to stay with the job they have rather than face the uncertainty of seeking an apprenticeship position.

The last factor I might explore or mention is the issue of tests themselves. This varies again very widely between unions and between locals within the same union. Sometimes there is a requirement for aptitude tests, sometimes written examinations, sometimes oral examinations, or sometimes combinations of all three. This has partly been the result of a growing tendency of some State laws, to set up objective standards that limit latitude for deviation. The tendency is to set up objective standards which frequently allow very little latitude for variation.

The real issue of course is to assign the weights to these factors which I have ticked off--which are the most important ones. All of these are considerations; some are more important than others.

In our study we concluded that there are, of course, a number of things required to increase minority participation in the apprenticeship program. Some of these are quite general, one being the maintenance of full employment. A tight economy does tend to mollify some union apprehension about expanding

apprenticeship classes, offering continuing classes, and what have you.

There is a need for the pressure of law and judicial decisions, but Prof. Marshall and I are both somewhat suspicious of the power of the law to bring about more than token changes, the power to really bring about major flows and continuing flows of minority participants into the apprenticeship programs.

Our conclusion was one which would place great stress on the use of various community-oriented groups; our special interest was with the Workers Defense League project in New York. Community-oriented groups, we felt very strongly, should be dominated by blacks themselves and people from the minority groups in the community whose concern is with getting results, as has been the practice of the Workers Defense League, rather than direct confrontation per se with trade unions, although this may be sometimes necessary. The Workers Defense League has had as its major objective the goal of getting results, which means taking the time to study the mystiques of apprenticeship, try to gain the confidence of various apprenticeship sponsors and joint apprenticeship committees in the community, and then do the actual recruiting, counseling, and assisting people through the labyrinth of apprenticeship mystiques. We felt this was the most successful type of venture.

There is the need for cooperation from the unions themselves. There is a great need possibly in some cases for more pressure from the international unions on the various recalcitrant locals, where they do exist. Trusteeship power should be used, and we have recommended at times its use to bring about pressure on recalcitrant locals that tend to darken the name of the entire labor movement by some of their overt discriminatory practices where they do occur. And, of course, we recommend a continuing reliance upon contract compliance and these types of devices to bring about continuing pressure.

These are the general comments, and I have tried to be somewhat brief.

REV. DRINAN. Thank you very much, Prof. Briggs.
Mr. Gross, do you have some questions for the professor?

MR. GROSS. Yes, two if I may. In your emphasis on special community groups and on supplementing the apprenticeship program with these, would you say that given the history of the

apprenticeship program and the exclusion of nonwhites, that the great bulk of the nonwhites who might be reached by this program would in many cases be unable to qualify under prevailing apprenticeship standards of high school graduation and age limitations? And if so, do you feel that it is absolutely necessary to supplement the apprenticeship route with special programs such as the journeymen trainee programs about which we will be hearing later?

PROFESSOR BRIGGS. Just to speak in terms of the Workers Defense League, it has not taken on the issue of standards themselves as a barrier to black participation in this program. It has recognized that there are a vast number of qualified blacks in these communities. Whites tend sometimes to question the availability of qualified applicants. There are far more qualified blacks in these communities than people on the outside tend to realize. A lot of times the experience of the Workers Defense League has been with high school graduates who have all the paper requirements and are being underemployed in the community--messenger jobs and jobs of this nature in the ghetto community--who oftentimes can be reached through an outreach and recruitment program that is community oriented and can find these people who do have the paper requirements.

The standards themselves are a separate issue. The Workers Defense League has tried not to take on that issue directly but has rather tried to find the qualified applicants who can meet the standards by working through its own recruitment and outreach efforts and there are quite a few in these communities who are available, if there is a serious effort made to find them.

MR. GROSS. Just one other point. In your book that you wrote with Prof. Marshall, I think you indicated that the historical norm has been that approximately 10 percent of the trade union labor force acquires its skills through formal apprenticeship training programs. Could you describe what the avenues have been for the other 90 percent, looking now at the labor force as it is presently constituted?

PROFESSOR BRIGGS. Yes. It is very difficult to know exactly how people get into the crafts themselves. This varies from trade to trade of course. In the trades where the greatest concern has been manifested--electricians and sheet metal workers for example--in these trades the tendency is for a higher proportion to go the apprenticeship route. On the other hand, as to exactly how people bypass the apprenticeship programs, in many cases the statistics reflect the fact that following World War II, when there was a desperate labor shortage, many people were taken into trade unions in which the standards were set aside, and actually became journeymen directly. Some of them had acquired this experience in the war themselves, in the military. Some

of them had acquired it in various special Government programs to meet housing shortages during the war. This was one route in. By and large for black youngsters and minority groups in general, apprenticeship has tended to be the only way. And especially in the trades in which the greatest interest has been manifested, in the electricians and in the skilled trades, a greater proportion, maybe up to 30 or 40 percent, may go through the apprenticeship route, and it is a growing proportion today.

The tendency is to emphasize apprenticeship entrance because this is typically the only way you can become a foreman. One of the best ways actually to move into one of the white collar or supervisory positions in these crafts is to go through the apprenticeship route, which combines both working on the job and training theory.

MR. GROSS. Thank you. I have no further questions at this time.

REV. DRINAN. Prof. Briggs, I listened very carefully to your exposition which was very learned and you said in the past employers and unions had in fact discriminated. Are we to infer that in your judgment now there is no overt or subtle or unconscious discrimination on either the part of the employers or the unions?

PROFESSOR BRIGGS. I would not want to say that as a blanket statement. Certainly there are instances in which local unions today--there is no doubt about it--practice overt discrimination; and as I say I think it behooves the entire labor movement itself to move against these recalcitrant locals where they occur. In the building trades the tendency is much more for the unions to dominate the joint apprenticeship committees than the employers. I wouldn't want to take the onus off the back of the employers themselves, but we probably are not by putting more pressure for change on the unions. All of our institutions are going to have to bring about significant change. The labor movement in the construction industry cannot be exempted from this if we are to proceed lawfully to build up pressure within our system. All of them must bear some responsibility. But I think the issue should be put in perspective as to the fact that there are a number of reasons, and there is great variation. There are some unions and employers who are quite sincere in their efforts to alter past practices. There are some of those who are simply practicing overt discrimination, and there is no way to deny it.

REV. DRINAN. Prof. Briggs, I realize you are from the nice quiet town of Lansing and not from Boston, but as we begin to develop the testimony that we are seeking here, could you give us any help as to those national trade unions which are involved heavily in federally assisted construction and which have poorer records than others, particularly with regard to the millions of dollars that are being spent here and the hundreds of millions that will be spent in the next 5 years on Federal and federally assisted projects in this area?

PROFESSOR BRIGGS. There has not been a great deal of concern regarding entry into certain trades such as the trowel trades, carpenters and these types of building trades. The greatest concern in recent years has been in the areas dealing with the electricians, sheet metal workers, ironworkers, pipe-fitters, plumbers unions and, in some cases, the operating engineers. In other words, the occupations that tend to be the most highly skilled and those that are in the greatest demand today as far as the changing technology of the industry. These jobs are more difficult to pick up than the carpenter-type jobs or the trowel trades themselves. These occupations are very highly used in construction work and in all types of federally supported programs.

REV. DRINAN. Professor, one question before the others have questions. You indicate that you believe that the law can bring about only token change. I am wondering what you would evaluate the present situation to be in view of the fact that there are 1,700 construction projects assisted by Health, Education, and Welfare throughout the country--1,700 federally assisted projects; and yet we have in the entire country only three people who are assigned to monitor these 1,700 construction projects. You can't indict the law if the law is not being enforced.

PROFESSOR BRIGGS. That is quite correct. I don't mean to say I have no hope for the law. My concern is that reliance upon the law itself oftentimes--this is sort of a phobia I suppose that Prof. Marshall and I both share concerning the ability of the law itself to bring about social change. It's got to be there. I am not saying it shouldn't be there or efforts shouldn't be stressed to pass or enforce these laws. There is no question about the fact that they are not being enforced. The question again is largely the will of men. We like to talk about being a society of law. Unfortunately, most of us know it takes men to interpret laws and men to enforce laws, and not to enforce laws, and men to do the things that we have mentioned here about not providing sufficient compliance reviews. Our concern was largely that if we tried to rely solely on the law to bring about change, we would get nothing more than

token change. We must begin to open up channels, to establish flows. This comes through the use of pressure and largely through the use of setting up channels of supply. I certainly agree that that's a disgraceful figure, and that the laws ought to be enforced and enforced vigorously.

REV. DRINAN. Thank you, Professor. And to make it more graphic, right here on the NASA project in Cambridge as of June 9, 1969, a total of 167 whites are employed and seven blacks are employed, three of whom are laborers.

Are there questions from other members of the Committee?
Mr. Segal?

MR. SEGAL. I would like to ask if you could give us any insight as to what education at a secondary level might be doing, especially in the case of schools. Is there any indication that some of the educators are beginning to realize that extra effort has to be expended to help gear young people into the kinds of segments of industry that you have been talking about?

PROFESSOR BRIGGS. It varies again from community to community. There has not been a great stress by our school systems on vocational education. Vocational education in most areas is quite deficient. In fact our study tended to show, especially in New York City, that the greatest number of applicants were coming to apprenticeship programs from academic schools as opposed to vocational education schools, which was a sad commentary on the status of vocational education in that particular city, and it is followed up throughout most of the rest of the Nation. There has been a tendency to neglect vocational education and a tendency not to place much stress on preparation and school counseling as to the opportunities that do exist in the construction trades, which as I say is one industry that is expanding as far as employment occupations are concerned and will likely expand for a good number of years.

REV. DRINAN. Thank you. May I introduce a member of the Advisory Committee who was not here when I introduced the others. Mr. Eric Butler, Vice President of the First National Bank. He and Mr. Wilmore have had a lot to do with structuring the two open meetings that we shall conduct here today and tomorrow.

Are there any other members of the Committee who would like to ask questions of the professor?

[NO RESPONSE]

Thank you very much, Professor. We will get this into the record.