

# Construction Industry Workplace Law Update – Winter 2022

By Michael R. Hatcher, Charles T. Jeremiah, Timothy J. Ryan, Poonam Sethi,

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### Construction Companies Become Latest Targets of EEOC

The Equal Employment Opportunity Commission (EEOC) promised in a March 2022 hearing to address what it considered to be “severe and pervasive” discrimination in the construction sector. According to EEOC Chair Charlotte Burrows, “[M]any women and people of color have either been shut out of construction jobs or face discrimination that limits their ability to thrive in these careers.” [Read full article ...](#)

### Avoiding Worker’s Compensation Retaliation Claims in the Construction Industry

Even with the strictest compliance with Occupational Safety and Health Administration (OSHA) regulations and best workplace safety practices, on-the-job injuries from time to time are inevitable in the construction industry. Many states have enacted powerful protections for workers filing worker’s compensation claims, or exercising related rights, to guard against retaliation by employers. These anti-retaliation protections may include both civil and criminal liabilities and strong remedial schemes. [Read full article ...](#)

### OSHA Inspection Dos and Don’ts for Construction Industry

When the Occupational Safety and Health Administration (OSHA) arrives at a construction site for an inspection, knowing the OSHA requirements for the industry is extremely important to keep business moving. OSHA targets the construction industry like no other because operations are often in clear view and because the industry accounts for more occupational injuries than any other. [Read full article ...](#)

### Survey Provides Recommendations for Recruiting, Retention in Construction Industry Using DEI Initiatives

The “Diversity, Equity and Inclusion in Design and Construction” report from the U.S. General Services Administration (GSA) and Dodge Construction Network (DCN) highlights the benefits for construction employers that engage in diversity, equity, and inclusion (DEI) efforts and provides recommendations for recruiting and retention using DEI initiatives. [Read full article ...](#)

### What Labor Board’s Return to Allowing Micro-Units for Bargaining Means for Construction Employers

The National Labor Relations Board has issued a decision that could be of significant aid to organized labor in reorganizing the construction industry. *American Steel Construction Inc. and Iron Workers Local 25*, 372 NLRB 23 (2022). Union membership among construction industry employees has been eroding for decades. At the zenith, in 1947, approximately 87% of non-supervisory construction industry employees were represented by a union. By 2000, that number was about 18%. In 2021, less 13% of construction workers were union members. [Read full article ...](#)

Please contact a Jackson Lewis attorney if you have any questions about any of these developments.

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