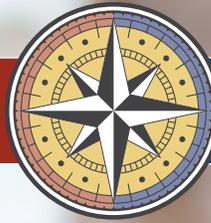


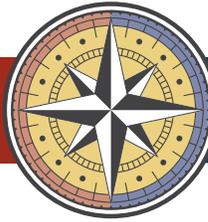
THE CONTRACTOR'S COMPASS



Building Her Legacy: Celebrating Women in Construction



THE CONTRACTOR'S COMPASS



EDITORIAL PURPOSE

The Contractor's Compass is the monthly educational journal of the Foundation of the American Subcontractors Association, Inc. (FASA) and part of FASA's Contractors' Knowledge Network. FASA was established in 1987 as a 501(c)(3) tax-exempt entity to support research, education and public awareness. Through its Contractors' Knowledge Network, FASA is committed to forging and exploring the critical issues shaping subcontractors and specialty trade contractors in the construction industry. The journal is designed to equip construction subcontractors with the ideas, tools and tactics they need to thrive. The views expressed by contributors to The Contractor's Compass do not necessarily represent the opinions of FASA or the American Subcontractors Association, Inc. (ASA).

MISSION

To educate and equip subcontractors and suppliers with the education and resources they need to thrive in the construction industry. Additionally, FASA raises awareness about issues critical to and about construction in the United States.

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Contributing authors are encouraged to submit a brief abstract of their article idea before providing a full-length feature article. Feature articles should be no longer than 1,500 words and comply with The Associated Press style guidelines. Article submissions become the property of ASA and FASA. The editor reserves the right to edit all accepted editorial submissions for length, style, clarity, spelling and punctuation. Send abstracts and submissions for *The Contractor's Compass* to communications@ASA-hq.com.

ABOUT ASA

ASA is a nonprofit trade association of union and non-union subcontractors and suppliers. Through a nationwide network of local and state ASA associations, members receive information and education on relevant business issues and work together to protect their rights as an integral part of the construction team. For more information about becoming an ASA member, contact ASA at 1004 Duke St., Alexandria, VA 22314-3588, (703) 684-3450, membership@ASA-hq.com, or visit the ASA Web site, www.asaonline.com.

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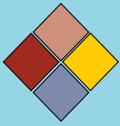
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Breaking Barriers: Women in Construction, Construction Law and Beyond

by Emily Martin, Saul Ewing

Introduction

In the long male-dominated construction industry, women have comprised only a small percentage of the trades workforce and leadership positions. Despite significant progress in broadening female representation in the industry, gender stereotypes, workplace discrimination, and legal barriers continue to hinder women's full participation in the field. However, as more women enter construction roles both on-site and in legal capacities, for example as construction attorneys, they are reshaping industry norms and challenging outdated perceptions.

Understanding this industry reshaping requires exploring the historical and ongoing challenges women face in construction and construction law, the legal framework supporting gender inclusion, and the strides women are making to break barriers in both areas.

Historical Barriers and Gender Stereotypes in Construction

For decades, social norms have framed construction as a field requiring physical strength, endurance, and technical acumen – qualities historically associated with men. These stereotypes have contributed to women's underrepresentation in skilled trades and construction management. According to the U.S. Bureau of Labor Statistics, women make up only 11% of the construction industry workforce, with even fewer working in on-site roles such as electricians, plumbers, and carpenters.¹

In addition to stereotypes, workplace discrimination, lack of mentorship, and

a culture of exclusion compound this underrepresentation. Many women in construction report experiencing gender bias, wage disparities, and a lack of opportunities for career advancement. For example, a 2023 article by the National Association of Women in Construction ("NAWIC") found that even today, a significant number of women in construction had faced some form of gender-based discrimination or harassment.²

The Role of Women in Construction Law

In recent years, the legal profession has witnessed a significant increase in the number of women graduating from law schools and pursuing specialized fields. Specifically, the profession started to noticeably shift as follows:

- In 2016, women became a majority of law school students.
- In 2020, women became a majority of lawyers in the federal government.
- In 2023, women became a majority of law firm associates.
- In 2024 or 2025, women will likely become a majority of full-time law school faculty members.

Beyond this, women attorneys specializing in construction law are also breaking barriers. Construction law encompasses contract negotiation, dispute resolution, regulatory compliance, and litigation, requiring attorneys to possess technical knowledge of the industry. Traditionally, male attorneys have dominated legal practice in this field due to their perceived connection to the construction business.

Women attorneys in construction law face unique challenges, including gender bias in negotiations, client skepticism, and limited representation in law firm leadership positions. Despite these obstacles, women have increased their participation and presence in the field. Organizations like the American Bar Association's Forum on Construction Law have worked to promote gender diversity by offering networking and professional development opportunities for women in the field.

Similarly, the Construction Lawyers Society of America ("CLSA") offers initiatives for female attorneys to connect, share insights, and promote professional growth within the industry. By fostering an inclusive environment for women in construction law, these groups ensure female practitioners have the tools and support necessary to succeed. These groups illustrate the advocacy, networking and education work by organizations nationwide to empower female attorneys to shape the future of construction law.

On a personal note, my experience breaking into construction law as a woman presented its challenges, but finding strong mentorship and seizing networking opportunities such as those outlined above made all the difference. Early on, I sought out experienced attorneys who were willing to share their insights, guide me through complex projects, and advocate for my growth. Their support not only helped me navigate the technical and regulatory aspects of the field but also reinforced my confidence. Beyond mentorship, I prioritized building relationships with colleagues, industry professionals, and clients – which opened doors to meaningful project

and leadership opportunities.

Through connections and a commitment to continuous learning, women are certainly able to carve out a successful path in construction law.

Legal Protections and Policies Supporting Women

Several laws and organizations aim to promote gender equity in construction and construction law, such as:

- Title VII of the Civil Rights Act of 1964 prohibits gender-based discrimination in employment, including in the construction industry. Employers cannot deny women access to job opportunities based on stereotypes or biases.
- The Equal Pay Act of 1963 mandates equal pay for equal work, addressing the wage disparities that persist in construction.

Further, organizations such as Tradeswomen, Inc. and NAWIC offer training, advocacy, and mentorship for women entering construction careers. Contractors are also turning to legal initiatives such as diversity clauses in construction contracts and gender-inclusive hiring practices to promote female workforce participation.

Breaking Barriers and Changing Industry Culture

Through such legal and structural changes, the construction industry

is confronting the challenges faced as they continue to make inroads in construction and construction law:

- Increased Representation in Skilled Trades: Programs like the Nontraditional Employment for Women (“NEW”) initiative and apprenticeship programs specifically for women have helped increase female participation in skilled labor.
- Leadership in Construction Law: More women are rising to leadership roles in law firms specializing in construction law. Some are even establishing their own firms to create more inclusive environments.
- Workplace Inclusion Efforts: Companies are implementing zero-tolerance policies for harassment and increasing access to mentorship and leadership training for women.

Conclusion

Women’s steadily increasing presence in both construction and construction law is dismantling long-standing gender stereotypes and improving workplace diversity. Legal protections, advocacy efforts, and shifting industry culture are crucial to ensuring that women have equal opportunities in these fields. As women continue to break barriers, they are not only reshaping construction but also strengthening the legal frameworks

that govern it – in fact, eliminating barriers to women’s participation in the industry will lead to a broader, and thus likely more talented, applicant pool.

While challenges remain, the future is promising both for women building structures and for the women attorneys who help shape the legal landscape of the industry.

About the Author:

Emily Martin represents construction industry clients in litigation involving public and private projects. Her experience includes matters involving construction and design defects, contract and change order disputes, lien and bond claims, delays, unforeseen conditions, and out-of-scope work claims. She handles cases in both state and federal courts as well as in alternative dispute resolution settings for general contractors, engineering firms, owners, developers, subcontractors, design professionals, material suppliers, and other parties. She also represents clients in complex commercial litigation matters.

¹ U.S. Bureau of Labor Statistics. (2023). Women in Construction. Retrieved from <https://www.bls.gov/cps/cpsaat18.htm>

² National Association of Women in Construction (NAWIC). (2023). Gender Discrimination is a Safety Issue. Retrieved from <https://nawic.org/discrimination-against-construction-women-is-a-safety-issue>

³ American Bar Association. Retrieved from <https://www.americanbar.org/news/profile-legal-profession/women/#:~:text=In%202023%2C%2055%25%20of%20all,legal%20workforce%20in%20those%20years>

⁴ American Bar Association, Forum on Construction Law. Retrieved from <https://www.americanbar.org>

⁵ Construction Lawyers Society of America, Women’s and Diversity Initiatives. Retrieved from <https://www.constructionsociety.org/about/womens-and-diversity-initiatives>

⁶ U.S. Equal Employment Opportunity Commission (“EEOC”). Title VII of the Civil Rights Act of 1964. Retrieved from <https://www.eeoc.gov>

⁷ Equal Pay Act of 1963, 29 U.S.C. §206(d) (1963). Retrieved from <https://www.govinfo.gov/content/pkg/USCODE-2020-title29/pdf/USCODE-2020-title29-chap8-sec206.pdf>

⁸ Nontraditional Employment for Women. Retrieved from <https://www.new-nyc.org>