

**COVID-19, Inequality,  
& the Past and Future  
of Low-Income  
Latinx Construction  
workers in  
Austin, Texas**



Presentation by

**Michael Bass**  
Northeastern University, School of Law

**Jacob Blas**  
University of Texas at Austin, College of  
Liberal Arts

**Samuel Tabory**  
Harvard University, Graduate School of  
Design

July 2020

Advisors:

**Karen Engle** and **Neville Hoad** - University of Texas at Austin  
Rapoport Center for Human Rights and Justice

# Articulating the problem

- Latinx workers predominate Texas' construction workforce; >50% of that population is estimated to be undocumented <sup>1</sup>
- Latinx construction worker vulnerability predates the pandemic <sup>2</sup>
- Construction designated “essential industry” by State of Texas, local override <sup>3</sup>
- Construction identified as industry “hotspot” for COVID-19 in Austin <sup>4</sup>
- Latinx and Black populations in Austin are disproportionately affected by COVID-19 across key metrics- cases, hospitalizations, deaths <sup>5</sup>



## Latinx Austinites With COVID-19 Are Twice As Likely To Be Hospitalized

By ANDREW WEBER | KUT • MAY 12, 2020



CORONAVIRUS

## Austin health officials seeing spike in COVID-19 cases among construction workers

May 6, 2020

# Articulating the problem: core working questions

-What leads to a scenario where private construction work gets designated as “essential”? Does it matter (e.g. did work stop regardless)?

-How did the decision on “essential” status for construction industry converge (or not) with existing patterns of Latinx construction worker vulnerability in Austin?



-What was done/has been done to mitigate Latinx worker vulnerability, specifically related to the pandemic? How are Latinx workers accessing support?

How to understand allocation of “responsibility” for Latinx construction worker precarity in multi-level governance environment?

# Articulating the problem: legal and political drivers

*Four broad frames of analysis as potential drivers:*

1) Anti-immigrant law & climate (rhetoric, surveillance, enforcement) interacting with access to relief services

2) Growth politics and regulation interacting with questions of whose prosperity is subsidized at whose expense

3) Household-level living conditions and economic security

4) Dynamics of preemption and multi-level governance

These are not the only frames that are relevant, they are also not new areas of concern unique to the pandemic.

# Context 1: Contribution to Ongoing Advocacy Work

Pandemic represents *an entry point* for highlighting the high levels of Latinx worker vulnerability

Attempting to be of service to ongoing worker advocacy efforts in Texas.



Geoforum 45 (2013) 145–155

Contents lists available at SciVerse ScienceDirect

**Geoforum**

journal homepage: [www.elsevier.com/locate/geoforum](http://www.elsevier.com/locate/geoforum)

---

**Building Austin, building justice: Immigrant construction workers, precarious labor regimes and social citizenship**

Rebecca Torres <sup>a,\*</sup>, Rich Heyman <sup>b</sup>, Solange Munoz <sup>b</sup>, Lauren Appar <sup>c</sup>, Emily Timm <sup>d</sup>, Cristina Tzintzun <sup>d</sup>, Charles R. Hale <sup>e</sup>, John Mckiernan-Gonzalez <sup>f</sup>, Shannon Speed <sup>g</sup>, Eric Tang <sup>h</sup>

<sup>a</sup>Department of Geography and the Environment, College of Liberal Arts, The University of Texas at Austin, 1 University Station A3100, Austin, TX 78712, United States  
<sup>b</sup>Department of Geography and the Environment, College of Liberal Arts, The University of Texas at Austin, 1 University Station A3100, Austin, TX 78712, United States  
<sup>c</sup>Department of Sociology, Indiana University-Bloomington, 744 Bellfleur Hall, 1620 E. Kirkwood Ave., Bloomington, IN 47405, United States  
<sup>d</sup>Workers Defense Project, 5024 Manno Road, Austin, TX 78723, United States  
<sup>e</sup>Teresa Jacquez Long Institute of Latin American Studies, The University of Texas at Austin, College of Liberal Arts, 1 University Station D2800, Austin, TX 78712, United States  
<sup>f</sup>Department of History, College of Liberal Arts, 1 University Station R7900, Austin, TX 78712, United States  
<sup>g</sup>Department of Anthropology, College of Liberal Arts, 1 University Station C2300, Austin, TX 78712, United States  
<sup>h</sup>Department of African and African Diaspora Studies, College of Liberal Arts, J51 A2326, D2200, Austin, TX 78712, United States

## Context 2: Construction Industry and Worker Vulnerability

Subcontracting + dispersed, small-scale work sites are difficult to regulate and monitor <sup>1</sup>

US model of low investment in worker skills and safety training, high turnover <sup>2</sup>

Cutting labor costs to enhance profit margin <sup>3</sup>

Deferred safety net costs borne by society <sup>4</sup>

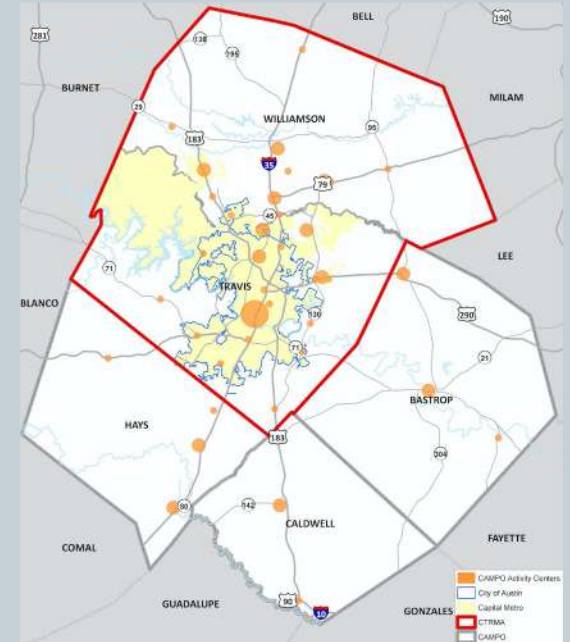
Migration status and labor racialization <sup>5</sup>

OSHA enforcement variable <sup>6</sup>



# Context 3: Greater Austin as Urban-regional Unit of Analysis

- High growth region, “**boomtown**” narrative
- Metropolitan fragmentation** + political diversity across 5-county region
- Segregation and redlining** + **contemporary gentrification** and POC displacement from central city 1
- Rising local costs of living** vs. “**low cost of living**” re national peer cities 2



Source: capmetroblog.com



# Context 4: Stakeholder Universe

## *Potentially Relevant Actors (Local)*

- Residents
- City of Austin
- Travis County
- Ring counties
- Ring municipalities
- Austin Chamber
- Firms (small, medium, large)
- Community organizations
- Worker advocates
- University of Texas at Austin
- Real estate/construction industry

## *Potentially Relevant Actors (Non-Local)*

- State Legislature
- Transplant residents (prospective)
- Transplant firms (prospective)
- Real estate/construction lobbying
- Workers advocates
- Texas Governor's Office
- Texas Department of Labor
- US Department of Labor
- US Department of Homeland Security
- US Congress





# Drivers Analysis: Anti-immigrant Law and Climate

Contextualizing Latinx labor & racial capitalism in US as an *expendable* labor force - 20th century historical overview

2020 Latinx workers are “**essential**” and “**heroes**” during the pandemic vs. scapegoated/targeted/attacked in times of stability

Latinx Surveillance and Enforcement

- Workers are **more afraid of state violence** (i.e. deportation) as opposed to labor exploitation
- Latinx communities, especially UndocuFolx, **reluctant to pursue resources**, medical treatment during the pandemic
- Fear of confirming a **stereotype**: Latinx and/or immigrants as “public charge”
- **ICE** interventions, TX Senate Bill 4, Sensitive Locations Policy



## ***‘We’re Petrified’: Immigrants Afraid to Seek Medical Care for Coronavirus***

Trump administration policies that discourage immigrants from coming forward could hamper efforts to contain the epidemic.

The People’s Community Clinic in Austin, Texas, a city with a handful of confirmed coronavirus cases, had already been struggling to manage spikes in no-shows among undocumented patients intimidated by recent ICE arrest activity, as well as by the public charge rule, when the first cases began to appear.

# Drivers Analysis: Urban-Regional Growth Politics

“**Progressive**” “**creative**” and “**knowledge economy**” identity as competitive advantage <sup>1</sup> + “**low cost of living**” narrative relative to national peer cities <sup>2</sup>.

*...Who pays the actual cost when fully accounted for?*

## Pro-growth/business friendly subsidies (micro and macro):

- 1) low tax burden (e.g. no personal income tax, favorable property tax assessment challenge process) <sup>3</sup>
- 2) low regulatory burden (no workers compensation requirement, low OSHA enforcement) <sup>4</sup>
- 3) state preemption of minimum wage laws <sup>5</sup>
- 4) public investment in high-skilled knowledge economy <sup>6</sup>
- 5) incentives for corporate relocation (e.g. Tesla) <sup>7</sup>

## Why the Austin region?



Austin is a one-of-a-kind place that defies stereotypes. It is progressive and fiercely entrepreneurial; pro-business and pro-environment; easy going and hardworking. The Austin region won't just welcome your business; it will make it better.

***Are corporate incentives appropriate amidst dramatically escalating community need where demand for relief is far outstripping available funds? <sup>8</sup>***

**11,000 Austinites Applied For Rent Assistance From The City. 1,000 Will Get It.**

By AUDREY MCGLINCHY | KUT • MAY 12, 2020



# Drivers Analysis: Preemption and Multi-level Governance

Four major categories:

- Vacuum
- Floor (may supplement)
- Ceiling (may not exceed and/or deviate)
- Capacity to coerce through levying fines, and/or conditioning or withholding resources.

Express or Implied, higher authority occupying the field, or conflicts direct or tangential

- Texas Governor Greg Abbott issued an EO to rescind local authority to impose local restrictions inconsistent with his executive orders.
- After much criticism and a surge in new infections, the Governor issued a new executive order to mandate face masks and restore local autonomy.

Preemption of local self-determination predates the pandemic, from zoning to optional workers comp

# Drivers Analysis: Household-Level Conditions

Accrued legacy of **segregation** and **redlining** <sup>1</sup> interacting with **POC exodus** from central city and **displacement pressure** on “eastern crescent” <sup>2</sup>

Different **Gentrification Contexts:**

- Longstanding Black & Latinx neighborhoods in central east Austin
- More recent Latinx immigrant enclaves around East Riverside

Federal **housing law** & state preemption of **inclusionary zoning**

**Living conditions** and **covid-19 vulnerability**:<sup>3</sup>

- multi-generational households
- multiple “essential” workers in the same household
- insufficient space for self-isolation/distancing
- digital household connectivity <sup>4</sup>

**Uprooted:**

**Residential Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It**

**TEXAS**  
The University of Texas at Austin  
Center for Sustainable Development

The University of Texas at Austin  
Entrepreneurship and Community  
Development Clinic  
School of Law



# Interventions: Mitigation efforts to-date, general + pandemic

Innovative labor co-enforcement (e.g. WDP/COA wage theft task force, Better Builders Program) <sup>1</sup>

Statewide advocacy for worker protections <sup>2</sup>

Community benefits standards re tax incentives <sup>3</sup>

Discretionary municipal authority:

- “freedom city” policy reducing ICE enforcement opportunities <sup>4</sup>
- safety-net stop-gaps addressing federal/state exclusions <sup>5</sup>

Relief access without direct gov’t interface (e.g. RISE funds) <sup>6</sup>

APH construction site rules issued July 2020 <sup>7</sup>



**FREEDOM CITY**  
**POLICIES**

# Interventions: Shorter-term (no less challenging)

## Local:

- Increase public relief funding commensurate with community need (e.g. community groups proposed \$40 million in city rent relief<sub>1</sub>, not current \$17 million after recent increase<sub>2</sub>)
- Community vigilance re fast shifting federal law enforcement measures, attention to sensitive locations

## Local/State/Private Partnerships:

- Address immediate economic incentive to work while sick

## Federal:

- Lobby for OSHA Emergency Temporary Standard
- Lobby and litigate contours of corporate liability protection as part of federal stimulus aid
- Increase uniformity/regulatory floor of state-level OSHA enforcement



# Interventions: Wider Framings for Action

**Second- and third-order worker vulnerability** induced by firms' role in driving region-wide growth, not just first-order

Challenging **city/regional-branding** re “progressive values” + “low cost of living”, w/o addressing who bears costs

Tools and communication for **connecting externalized and internalized costs of growth.**

Advancing **action research on dismantling white supremacy** and **centering worker experiences**, cooperating across academic-practice-advocacy partnerships



DID SOMEONE DIE WHILE BUILDING YOUR OFFICE SPACE OR CONDO?

WAS THE PERSON WHO BUILT YOUR HOME ACTUALLY PAID FOR THEIR WORK?



**Workers Defense Project**  
*Proyecto Defensa Laboral*



The Bernard and Audre  
**RAPOPORT CENTER**  
For Human Rights and Justice

# Pathways Forward: Centering Worker Perspectives via Informant Interview Protocol

**General Information** (demographics; dependents)

**Worksite Conditions** (employment configuration; risk perception; safety precautions; worksite tests; access to employer-based assistance)

**Economic Situation** (economic impact of pandemic; processes and experiences of accessing relief support/services)

**Housing** (living conditions; household configuration; total household exposure via “essential work”)

**Economic Opportunity** (experiences of growth in Austin; perceived future in the region; locational choice)