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
- Latinx construction worker vulnerability predates the pandemic
- Construction designated “essential industry” by State of Texas, local override
- Construction identified as industry “hotspot” for COVID-19 in Austin
- Latinx and Black populations in Austin are disproportionately affected by COVID-19 across key metrics - cases, hospitalizations, deaths

---

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

By Andrew Weber | KUT - May 12, 2020

**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.
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.
Context 2: Construction Industry and Worker Vulnerability

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

US model of low investment in worker skills and safety training, high turnover 2

Cutting labor costs to enhance profit margin 3

Deferred safety net costs borne by society 4

Migration status and labor racialization 5

OSHA enforcement variable 6
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

- Rising local costs of living vs. “low cost of living” re national peer cities

Source: capmetroblog.com
Context 4: Stakeholder Universe

<table>
<thead>
<tr>
<th>Potentially Relevant Actors (Local)</th>
<th>Potentially Relevant Actors (Non-Local)</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Residents</td>
<td>● State Legislature</td>
</tr>
<tr>
<td>● City of Austin</td>
<td>● Transplant residents (prospective)</td>
</tr>
<tr>
<td>● Travis County</td>
<td>● Transplant firms (prospective)</td>
</tr>
<tr>
<td>● Ring counties</td>
<td>● Real estate/construction lobbying</td>
</tr>
<tr>
<td>● Ring municipalities</td>
<td>● Workers advocates</td>
</tr>
<tr>
<td>● Austin Chamber</td>
<td>● Texas Governor’s Office</td>
</tr>
<tr>
<td>● Firms (small, medium, large)</td>
<td>● Texas Department of Labor</td>
</tr>
<tr>
<td>● Community organizations</td>
<td>● US Department of Labor</td>
</tr>
<tr>
<td>● Worker advocates</td>
<td>● US Department of Homeland Security</td>
</tr>
<tr>
<td>● University of Texas at Austin</td>
<td></td>
</tr>
<tr>
<td>● Real estate/construction industry</td>
<td>● US Congress</td>
</tr>
</tbody>
</table>

[Logos of various entities]
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 1 + “low cost of living” narrative relative to national peer cities 2.

...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) 3
• 2) low regulatory burden (no workers compensation requirement, low OSHA enforcement) 4
• 3) state preemption of minimum wage laws 5
• 4) public investment in high-skilled knowledge economy 6
• 5) incentives for corporate relocation (e.g. Tesla) 7

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 8

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

By AUDREY MCGINCHY | 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 interacting with POC exodus from central city and displacement pressure on “eastern crescent”

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:
- multi-generational households
- multiple “essential” workers in the same household
- insufficient space for self-isolation/distancing
- digital household connectivity
Interventions: Mitigation efforts to-date, general + pandemic

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

Statewide advocacy for worker protections 2

Community benefits standards re tax incentives 3

Discretionary municipal authority:
- “freedom city” policy reducing ICE enforcement opportunities 4
- safety-net stop-gaps addressing federal/state exclusions 5

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

APH construction site rules issued July 2020 7
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 relief⁠¹, not current $17 million after recent increase⁠²)
- 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
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)