AN EXAMINATION OF CULTURAL DIVERSITY DISCRIMINATION CLAIMS IN TEXAS CONSTRUCTION COMPANIES: A CASE STUDY
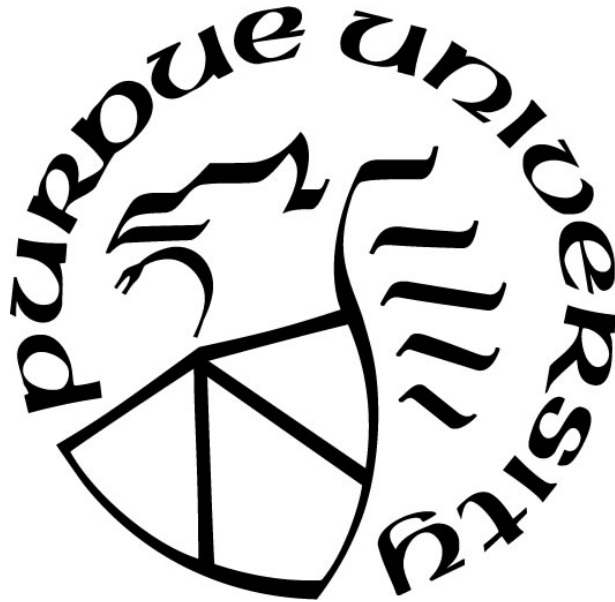
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GLOSSARY

Conflict resolution: "Conflict resolution is the process by which two or more parties engaged in a disagreement, dispute, or debate reach an agreement resolving it" (Grimsley, 2019).

Habeas Corpus: a common-law writ used to bring an individual before a judge in a courtroom to protect against unlawful and indefinite arrest practice to be sentenced.

Multicultural behavior: "is a phenomenon associated with accelerated novelty and creating cultural synergy. It stands alone in its concern with contentious problems such as ethnicity, race, gender, color, and religious faiths" (Dr. Kamal Dean Parhisgar, 2001).

Multicultural workforce: "A multicultural workforce is one made up of men and women from a variety of different cultural and racial backgrounds" (Multicultural Workforce Law and Legal Definition, 2019)

Organizational Culture: "a way people think and act within an organization" (Connors & Smith, 2011).

Prima Facie: a legal claim consistent with enough evidence to be admitted in a trial court.

Workplace conflict: an organizational state of disagreement between employees (Myatt, 2012)

LIST OF ABBREVIATIONS

ADA – Americans with Disabilities Act

ADEA – Age Discrimination in Employment Act

CRD – Civil Rights Division

EEOC – Equal Employment Opportunity Commission

TITLE VII - Title VII of the Civil Rights Act of 1964

TWC – Texas Workforce Commission

ABSTRACT

This case study investigated cultural diversity discrimination claims within the Texas construction industry. The research questions guiding this study were:

1. To what extent is there a pattern of discrimination based on cultural differences in the workplace within the Texas construction industry?
2. What changes in legislation, policies, or practices have been proposed or enacted in Texas to address issues of cultural diversity discrimination?

Using publicly available archival data, historical documents, and court records from the EEOC, Texas Workforce Commission and Civil Rights Division, and the Texas court system, this case study examined claims involving cultural diversity discrimination over a ten-year period, from 2010 through 2020. An analysis of the data revealed a clear pattern of ongoing cultural diversity discrimination within the Texas construction industry based on race/ethnicity, color, and national origin for the entire period under investigation. This study did not find new legislation, policies, or practices enacted by the state of Texas in response to the growing discrimination claims filed against the Texas construction industry. The study culminated with recommendations for future research and proposed the Goldstein Cultural Integration Model as one of several approaches toward embracing cultural diversity in the workplace.

CHAPTER 1.   INTRODUCTION

1.1   Multicultural Workforce

Multiculturalism refers to the presence of different cultural, racial, and ethnic groups living and working together within an organization or society. Multiculturalism reflects how we deal with cultural diversity, at the micro and the macro level. Studies have suggested that multiculturalism develops in one of two ways: a "melting pot" or a "salad bowl" (Longeley, October 15, 2020, retrieved November 22, 2021 from Thought.Co at https://www.thoughtco.com/what-is-multiculturalism-4689285).

Multiculturalism represents a tapestry of multiple cultures woven together and embedded in an organization, group, or society. In an article in the Washington Post, Volokh noted that "America is also founded on its own sort of multiculturalism" (Volokh, 2015, p.17). Whether multiculturalism in the United States has resulted in a societal melting pot or a salad bowl, it have been largely viewed as a "good thing". Proponents suggest that an organization and a society are greatly enriched by encouraging and respecting cultural diversity. This has led to policies and practices that promote diversity and inclusion in the workplace, in education, and in the community. The flip side of the coin is that when people from different cultures, racial, religious, and ethnic backgrounds are brought together, it will necessitate change and this can give rise to conflict, bias, stereotyping, and discrimination.

Globalization has increased cultural diversity in all sectors of society. As businesses have become more globally active, this has brought about changes in the workforce, products, and services, and broadened their customer base. This has required adaptation and change in the workplace as businesses seek to compete in dynamic and ever-changing international markets. Such markets cover territories worldwide, based on the organizational needs of procuring goods, services, and information to achieve their strategic goals and deliver products and services to business partners.

International enterprises are formed of a diverse workforce, recruited, and trained to achieve organizational goals. This is certainly true of the construction industry. Cultural diversity is the norm in today's workforce because global business spans across nations. How cultures interact with each other in the workplace makes all the difference between successful businesses

and struggling ventures. No construction organization can survive very long with internal disputes due to the mishandling of cultural diversity among its workforce personnel, especially discriminatory practices. The construction industry, like other industries, is learning to manage cultural diversity and flare-ups of multicultural conflict in the workplace. This is one market niche where the diversity of cultures is present at any organization level, including executive leadership.

1.2   Statement of the Problem

Effective integration strategies can address conflicts that arise within a culturally diverse workforce. Policies and visions espoused by leaders often affect organizational culture. The responsibility for cultural integration becomes a duty of everyone working together and not just one requirement coming from the top tiers of the organization (Gavin & Mason, 2004).

The construction industry in Texas has a large multicultural workforce, comprised of a large percentage of Hispanic and Latino workers, followed by Caucasians, African-Americans, and some foreign-born employees. Managing a culturally diverse workforce can often lead to poor communication, understanding of cultural nuances, different work practices, etc. Some project managers approach their culturally diverse teams with an overly simplistic view that everyone understands English, understands their job, and shares the same work ethic and values. Other managers believe that managing cultural diversity is someone else's problem and is not part of their job description. This can often lead to poor communication resulting in safety violations and injuries on the job (Lindsley & Braithwaite, 1996).

In some cases, a busy work schedule and an overloaded estimating department may seem to focus just on the steady flow of incoming projects. They may believe that managers have the knowledge and skill sets to address multicultural issues on the job. This may, in turn, foster an environment of perceived bias, inequity, conflict on the job, injuries and fatalities due to safety violations, and allegations of discriminatory practices.

A heavy weight is placed on sustainability, business growth, and the overall financial performance of investors/stakeholders (Lehto & Clark, 1991). The dependence of workshops and record-keeping often would not indicate that every employee has been made aware of their duties and rights during the onboarding process. They may not be aware of misunderstandings of workplace conflict and inefficiencies due to the cultural diversity of the workforce. However,

when severe conflicts disrupt the flow of operations and legal agencies become involved, organizations encounter deep disruptions, which can potentially halt their operations (Paul, 2012). Cultural bias can lead to inappropriate behaviors with the potential of fostering prejudice and discrimination in the workplace. This can lead to a host of legal issues and loss of public trust and employee morale (Holbeche, 2006).

1.3 Significance of the Problem

Organizational conflicts due to mishandling multicultural issues in the workforce are a real "gunpowder barrel" in the front yard of every organization, domestic or international. The organization's size, measured in business potential or the number of its workforce, would not change the destructive power of conflict generated by the mishandling of cultural diversity. Multicultural behavior results from the interaction between policy and procedures, or better yet, between what we teach and preach in organizations.

The loss of business opportunities and high employee turnover are equally destructive in small and large business ventures. Multicultural workforce conflicts are organizational core blows, very much like deep water volcanoes in oceans; they generate tsunamis, with a catastrophic outcome on both water and land (Plummer, 2003). One organization's fall could pose a "missing link" effect on other organizations' supply chains. While other internal organizational issues could be quickly addressed by adjusting to doing business methods, conflicts involving diverse cultures can't be avoided unless legality is restored as a basic practice at every organization level. Multicultural conflicts negatively impact the organization, the economy, and public trust. They often result in deep-seated hostilities, hidden biases, and broken relationships that continue to plague companies and communities (Lawler, 2010). When fully engaged, construction teams play an important role in helping to address cultural bias, poor communications, and workplace inequities. When the focus on construction operations replaces team cohesion need, this can result in major damage. Future control efforts can cost an organization dearly. Legality may impose hard-to-bear fees with consequences on the organization's ability to maintain payroll.

1.4   Purpose of the Study

The purpose of this study was two-fold. First, this study examined to what extent any cases or claims had been filed with state and federal authorities alleging cultural diversity discrimination in the Texas construction industry. Archival data were obtained from the Civil Rights Division in the Texas Workforce Commission, Texas court system, and from the Equal Employment Opportunities Commission covering a ten-year period from 2010 through 2020. This archival data represented primary source information on discrimination cases and claims filed with the state and federal agencies and the Texas courts by employees (former and current) of the Texas construction industry during this ten-year period. The archival data were aggregated and covered a range of discrimination bases, issues, and decisions. Information was extracted from the archival data specifically related to discrimination based on cultural diversity, as defined in this study.

The second purpose of the study was to ascertain what, if any, actions had been taken to address the problem. Specifically, this study examined public records for information regarding changes in Texas labor legislation, rulings from the court system in Texas, findings by the EEOC, and changes in policies and/or practices within the Texas construction industry itself.

The term, "cultural diversity, generally refers to similarities and differences among individuals based on race, gender, age, language, national origin, cultural background, religion, and disabilities. American society is a collective effort sustained by multiculturalism, which is individuals of different faiths brought in from different nations of various racial backgrounds. However, for the purposes of this study, cultural diversity was narrowly defined to focus on three distinct classifications: race/ethnicity, color (physical attributes, language, culture), and national origin (country of birth, familial heritage, cultural identity).

There are visible "red flags" that often generate cultural conflict in the workplace (Morrill & Rudes, 2010). Organizational settings can inadvertently create an atmosphere in which cultural differences lead to disputes and workplace conflict. In some organizational settings, disputes in the workplace are regarded as a normal part of work and as such, they are tolerated or largely disregarded. But when the disputes escalate and threaten to disrupt organizational activities, management may step in to resolve or mediate the conflict. In some cases, intervention may be too little too late and this is when things can turn to labeling, racial or

ethnic slurs, ongoing harassment, bias, discrimination, sabotage, disciplinary actions, and so forth.

A review of the literature revealed numerous articles identifying workplace conflict and some dealt specifically with multicultural conflict in the workplace. But few articles and studies dealt with multiculturalism or cultural diversity discrimination in the Texas construction industry. This study was conducted to shed light on this issue in the Texas construction industry and to learn whether or not the situation has improved.

1.5   Research Questions

The research questions guiding this study were:

1. To what extent is there a pattern of discrimination based on cultural differences in the workplace within the Texas construction industry?
2. What changes in legislation, policies, or practices have been proposed or enacted in Texas to address issues of cultural diversity discrimination?

1.6   Assumptions

The number of court cases filed each year has seriously burdened the Texas court system and appears to be negatively affecting the performance of construction organizations in the state. The number of monetary losses and sunk costs incurred by Texas construction firms dealing with cultural diversity conflicts in the workplace has been significantly large. Some leaders in the industry have begun investigating the need better methods to improve cultural integration and understanding. The courts have been handing out hefty fines where discrimination has been found. The Texas construction industry has been cited in a growing number of federal claims and this is affecting not only industry growth and performance. It is also creating an atmosphere in which skilled managers and employees are seeking employment elsewhere. Failing to address cultural diversity conflict within the organization has led to a growing awareness by state and federal agencies and the Texas courts that a problem exists.

In some cases, companies write off these claims of discrimination and cultural bias as nuisances, since they do not directly generate or affect revenue (Ojiako, Chipulu, Marshall, & Williams, 2018). Language barriers and differences in technical knowledge and skills are two of

the main challenges of the culturally diverse workforce involved in Texas's construction industry (Tenzer & Pudelko, 2015). The language barriers negatively affect communication in construction teams (Olanrewaju, Tan, & Kwan, 2017). Too many assumptions lead to misinformation, which turns into frustration. Over time, frustration turns into open arguments, complaints, and aggression, besides the bias, prejudice, discrimination, language barriers, and differences in technology, knowledge, and skills.

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1.7   Limitations
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Limitations are constraints placed on this research over which the researcher has little or not control. Data availability was essential to an understanding of the extent to which cultural diversity discrimination (i.e., cultural bias) existed within the Texas construction industry. Due to the sensitive nature of discrimination cases, some information was not made available for public disclosure. Although archival data are primary sources and therefore can strengthen the validity and reliability of the data and inferences drawn from it, if significant information has been restricted on legal or policy grounds, this could lead to errors in data analysis and interpretation.

This research was further limited by the availability of articles, journals, and studies on this topic which may reflect a political affiliation or particular cultural viewpoint that could bias the information provided. The political affiliation of ownership of the journals or media outlets used in this study may portray certain conflictual events as the outcome of one or more governmental entities in power when the study is conducted. Their political bias was not considered; therefore, no conclusions were drawn based on a correlation between cultural conflict and political agendas. Only published sources were used in this study.

The study was conducted using major law enforcement published material and material available at the Texas Supreme Court library. The cases filed based on the cultural discrimination spectrum (race/ethnicity, color, and national origin) were accessed directly from the respective websites. The focus was on the magnitude of the cases filed and whether the state of Texas has recently enacted any legislation enforcing the federal government provisions of the 1964 Act, Title VII.

The conclusions drawn from this study are limited to the material accessed and available at the research time. This study did not access private, sensitive, or restricted information inside the organizations whose names and referrals were cited in the court cases. Conclusions drawn

were based solely on the firm belief that the narrative was free of any personal bias by the court in rendering its judgment. The number of cases published by the law enforcement agencies reflected the total number at the end of that year.

When this study was conducted and analyzed, any information not publicly available was not included in the analysis. The literature review was conducted using major and known/established publications and relevant journal articles describing organizations' issues in dealing with cultural diversity conflicts in their workplace. The focus was on the number of cases filed each year of the ten-year period under examination.

When articles revealed contradictory content about the same findings, the analysis used both points of view to show the variety of situational conflict and resolution. The events depicted were consumed in different organizations and under different circumstances and timing. The researcher had no vested interest in any role organizations played in conflictual circumstances and had no bias or prejudice.

1.8   Delimitations

This research examined the occurrence of discrimination claims and cases filed against the Texas construction industry during the period, 2010 through 2020. Claims and cases that may have been filed preceding this time frame or after it were not considered.

Archival data, representing primary source material, was obtained from the Texas court system, Texas Workforce Commission, Texas Civil Rights Division, and the federal government's Equal Employment Opportunity Commission. The use of archival data from state and federal authorities minimizes researcher bias since the researcher was not present nor involved when the data were collected. Archival data represent firsthand accounts of events but it may be spotty or restricted and may be incomplete in some instances.

This research was further limited to examining cultural diversity discrimination only. While data relating to other areas of discrimination is presented in the tables, this research focused its attention on those cases and claims alleging discrimination based on cultural diversity factors such as race/ethnicity, color, and national origin.

This research focused only on the number of discrimination cases filed against the Texas construction industry. The timing of events included formal acknowledgment of the problem and

the impact on organizations. As a general rule of business, the construction industry is primarily focused generating a rapid return on investment (Oppong, Chan, & Dansoh, 2017).

CHAPTER 2.   REVIEW OF THE LITERATURE

2.1   <u>Introduction</u>

Little information was written about multicultural conflict stemming from poor integration efforts before the new millennium. This is especially true in the construction industry. Most of the studies about workplace conflict focused on differences of opinions and disputes that remained unsolved or conflicts that were behavioral/gender related. Seminal studies in workplace conflict included conflicts "based on human differences and diversity conflict based on oppression" (Plummer, 2003, p. 363).

With the Anglo-Saxon dominant work culture in the construction industry, other cultures involved in the daily activities onsite simply followed the dominant culture. Bias, prejudice, and stereotyping were explained as part of the normal "circumstances" of being involved in construction. Conflicts were not severe, and due to the small number of culturally diverse individuals, all parties accepted the resolution. The new millennium's population increase in Texas saw a gradual increase in the number of Latino origin, Asian, and African American culture as a steady presence in the construction sites across Texas. While the bias, prejudice, and stereotyping of harmful workplace practices went largely unnoticed or under reported, the scenario began to change when the number of cultural "minorities" in the construction industry workforce equaled or exceeded the dominant white culture in certain construction trades (Caudron, 1999; Cross, 2000). Managing cultural diversity was a new factor to consider in construction companies. The growing multicultural community favored companies known to treat diversity and inclusion legally and fairly (Fleisher & Zumeta, 2000; Gerwurz, 2001). However, the focus of construction activities within the industry continued to rest on expansion and increasing profit. Additionally, an increasingly uncontrolled number of immigrants (both legal and undocumented) made situation even more difficult to manage.

For the past two decades, the number of construction laborers (and their next few tiers in the chain of command) increased to the point where they became the cultural majority in their respective team or department (trade subcontractor). Yet, very few senior level management positions were held by culturally diverse individuals, women, and minorities. The "Glass Ceiling" and other well-known discriminatory practices made it difficult for culturally and

gender diverse individuals to reach top management and leadership positions in their company. Given the continuing adverse state of continuous bias and intentionally demeaning practice in the workplace, instances of conflict increased in number and severity (Isenhart & Spangle, 2000; Pearson, Andresson, & Porath, 2000).

Cultural diversity conflict in the workplace severely disrupted the daily activities at the job site and interfered with the supply of materials and manufacturing processes. Employees sometimes abruptly left their teams and abandoned their careers with that employer. The sudden loss of skilled workers did not allow for timely replacements. The "Employment-at-Will" type of employment is thus a double-edged sword. Trust in the organization and belief in equal opportunity were shattered. There was a further indication of a serious betrayal by those who believed in workplace equality and fairness. (Reina & Reina, 1999). When the resolution's news was made public, "betrayal's bitter taste" (Reina & Reina, 1999, p.35) was hard to overcome.

2.2   A Changing Workforce

Over the past twenty years, Texas has experienced an influx of immigrants flooding construction sites to fill low level jobs. As newcomers in a predominantly white Anglo culture, they reported feeling their dignity was continually under attack. Many felt unwelcome and quite "different" from others (Mende & Houlihan, 2007). As the construction industry is highly technical and the work is demanding, culturally diverse teams proved to be a good strategic move for the industry. Hispanics and Latinos were by far the largest cultural minority in the construction industry in Texas. They were disciplined and ambitious, cohesive, and driven to succeed in their daily duties. They blended well with the technical construction professionals, as many were technical professionals in their respective countries (Laroche, 2003; Bust, Gibb, & Pink, 2008).

The desire for industry growth, global expansion, and increased profitability gave little room for monitoring the work conditions of the culturally diverse workforce. (DiTomaso & Hoijberg, 1996; Fanga, Francis, & Hasan, 2018). A recent study revealed that "ethno-racial diversities prefer to be surrounded by same-shared values individuals accept when a group higher standard" (Bursell & Jansson, 2018, p. 68). In their study, Bursell and Jansson (2018) found there to be an implicit acknowledgment of the norms and a positive work environment where all peers are treated equally and with respect.

Language barriers were ongoing, unresolved, and hopeless, and communication difficulties exploded on construction sites. English-second language workers often misunderstood instructions and safety procedures, resulting in onsite injuries, fatalities, and significant project delays (Al-Bayati, Abudayyeh, & Albert, 2018). Other studies cited bullying in the workplace where employees of the dominant culture used language barriers to bully English-second language employees (Creasy & Carnes, 2017; Rassmusen & Lundell, 2012).

Whether the conflicts were due to language barriers, poor technical skills, lack of management support and understanding, inappropriate behavior/bullying, and bias prejudices, the construction job sites were riddled with multicultural conflict and cultural bias. It was accepted as the new "normal". The failure to understand that one employee's problem becomes a team's concern led inevitably to an escalation of the conflict. Under the excuse of self-regulating relationships between cultures, it was believed that cultures needed to learn how to live and work with each other. Certain abuses were accepted until events at the job site escalated to the point of violence, aggression toward members of other cultures, and job abandonment. Violence signaled that the situation had gotten out of hand and had been ignored for far too long (Neuman & Baron, 1998).

Job abandonment was the least severe form of conflict between cultures at construction sites. Physical harm or others' safety often is the aftermath (Pinto, Nunes, & Ribeiro, 2011; Purpura, 2008). Broken relationships between team members and the loss of business under various forms affected everyone. Court cases, fines, and bad press sullied the reputation of the Texas construction industry but did not appear to lead to constructive changes.

Corporate Social Responsibility (CSR) is the new term for corporate diversity-friendly conduct. The old paradigm of CSR was associated with community-friendly and environment-friendly corporate behavior. Today, the emphasis is on diversity and inclusion leading to a "blended" organizational culture (Zhang, Lano, & Lim, 2019). This is additionally important, as today's communities are increasingly culturally diverse; a diverse-friendly construction corporation is highly favored by those communities and highly likely to generate repeat business (Xia et al, 2018; Shore et al, 2009).

2.3   Cultural Diversity and Civil Rights

The history of cultural diversity is an outgrowth of racial diversity and the civil rights movement, arising from Martin Luther King's "I have a dream" speech (Nkomo & Hoobler, 2014). That page in the chapter of our nations' civil rights has generated this new reality: an increased cultural plurality in all sectors of society.

Ward & Gavin (2017) examined management's role in identifying the early signs of conflicts between cultures in construction sites. Understanding the team's texture was essential for daily professional interaction during construction work. Conflict usually began with a disagreement, a comment made by someone, and a decision perceived as unfair. The feeling of belonging to a team was found to be strongly related to how the construction team assigned roles and provided support to members. It was common practice for construction teams to engage in social meetings, pizza gatherings, bowling-friendly contests, dart competitions, and much more. This was a bonding effort for the team. In this socially friendly environment, team members had the opportunity to freely discuss concerns and suggest alternative solutions to solve problems.

Since the construction schedule was not designed to allow rework or a "second chance" in order to fix quality issues, such as poor craftsmanship, any conflict at the job site negatively affected the team's performance. This, in turn, impacted the overall performance of the team and held up the construction schedule.

Access to leadership positions with increased responsibilities and professional recognition is desired by nearly every culture. When opportunities for promotion within an organization are available to all members, there is less likelihood of multicultural conflict. This strategy has been known to address multiple cultural issues. In construction organizations where every culture was equally assessed against the opportunities for promotion, the likelihood of conflict was almost inexistent (Fitzimmons & Callan, 2019).

For the last two decades, cultural diversity has made many beneficial contributions in organizations. They strongly contributed to an atmosphere of collaboration and innovation. When consulted for feedback, individuals from various cultural backgrounds provided constructive ideas and essentially contributed to launching innovative practices in the workplace (Ostegaard, Timmermans, & Kristinsson, 2011). It also helped to create a healthy and happy work environment. The team spirit gravitated toward cohesiveness and common understanding and mutual support (Gavin & Mason, 2004).

Knowing your team(s) has always been essential for understanding how and when conflicts may start. Not everyone feels comfortable in speaking up or asking questions about how activities unfold during construction. A good strategy in recognizing the hard-earned value in the team has been the practice of promoting from within, with an equal chance given to everyone for the position (Fitzimmons & Callan, 2019).

2.4   Cultural Diversity in Texas

The state of Texas is known for its diversity of cultures represented by individuals of Latino, Asian, Caucasian, and African backgrounds, practicing different religions and coming from many different countries. The demographical percentages presented in Table 1 are based on a "registered total population of 28,995,881, as of July 1, 2019" (Bureau U. C., Texas, Quick Facts, 2019).

Table 1.

Cultural Diversity in the State of Texas, 2019

Race and National Origin	Population 28,995,881 (As of July 1, 2019)
White, alone	78.7%
Black or African American alone	12.9%
American Indian and Alaskan Native, alone	1%
Asian, alone	5.2%
Native Hawaiian or Other Pacific Islander, alone	0.1%
Two or more races	2.1%
Hispanic or Latino	39.7%
White alone (not Hispanic or Latino)	41.2%
Foreign-born persons	17%

Note: US Census Bureau, state of Texas statistical data as of July 1, 2019. (Bureau U. C., Texas, Quick Facts, 2019).

In Texas, the culturally diverse workforce is predominantly Latino, followed by African Americans and other cultural minorities, in small numbers. According to a study of Wallethub (2018) published by the daily Hays Free Press, Texas is the second most diverse state after the Golden State, California. In Texas, "more than a third of the state's population is Hispanic or Latino. Consequently, Spanish is spoken in almost 30 percent of Texas households," according

to Jill Gonzalez, an analyst at Wallethub (Arguello, 2018, p.3). In terms of "birthplace diversity, 60 percent of residents are born in the state, and almost 17 percent are foreign-born" (Arguello, 2018, p. 4).

When culturally diverse individuals were involved in conflict situations, the work process slowed down or stopped, until the issues were resolved (Cram & MacWilliams, n.d.). It is difficult to measure the magnitude of loss in a construction company due to workforce conflict. However, there are suggested methods to estimate it (Dana, 2020). Some researchers hold the opinion that some conflict is actually good for an organization. They believe conflict can encourage employees to collaborate to resolve the difficulties and get the group moving together as a team (Ensari, Anders, & Schlaerth, 2016).

2.5   Counting the Cost

Others hold that the cost of conflict can be quantified. The amount includes the fees of lawyers and other legal counselors, the lost opportunity to work under conflictual circumstances, and the cost of broken trust and relationships between individuals at work. It can also be expressed as the broken link between employees and other organizational links clients and community. The lost trust in the construction company's ability to complete a contract and be a part of the community with the project was also a quantifiable loss (Levine, 2010).

Perhaps the highest cost of cultural conflicts is the cost of individual health and safety at work, the cost of the emotional breakdown felt during and after the dispute is resolved (O'Slaikev & Hasson, 1998; Thomas, 2002). Language barriers are well-known sources of conflict and a safety risk where private construction organizations failed to address. When diverse cultural laborers (in most Latino ethnic backgrounds in Texas) cannot be trained in safety practices due to language barriers, the assumption of what is safe and risky becomes one synonym to one another (Staff, 2019). Support for the team was missing and not correctly understood.

Table 2.

Fatalities and Reported Safety Issue, 2011-2017

State	Type of fatality	Number of deaths	Notes
Texas	Crane-related	50	No OSHA department at the state level, no safety training or oversight
Florida	Crane-related	16	Out-of-state contractors
New York	Crane-related	16	Too many projects with no safety rules
California	Crane-related	14	Same as Texas
Illinois	Crane-related	14	Corruption at state level issuing permits

Note: Global Construction Review (2017)

The high number of fatalities recorded in Texas on construction projects was due to a lack of safety training for the laborers' tier. This was exacerbated by language barriers of the non-English speakers hired to work on construction projects. When accidents happened, the injured individual was forced to seek and pay for medical care without organizational support. This increased conflict and anger between the Latino laborers and other non-Latino team members, resulting in costly lawsuits and high employee turnover (Texas, Build a Better Texas, 2013).

In addition to the overwhelming lack of safety training due to language barriers, the second cause of conflict was wage theft. Fifty percent of workers reported not receiving overtime compensation, despite working up to eighty hours a week (Texas, Build a Better Texas, 2013).

Table 3.

Fatality Rate Comparison by State, 2010
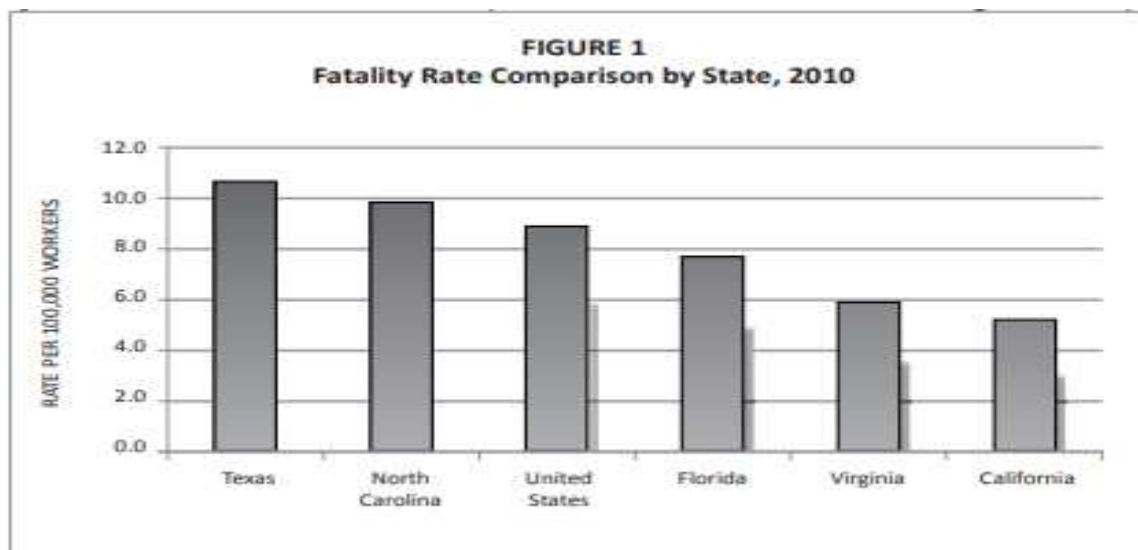
Note: The "Build a Better Texas" Project report (Texas, Build a Better Texas, 2013).

Hohns (1979) attempted to draft a document about how organizations could address multicultural workplace conflict. The book only recognized contractual issues as possible disputes between different cultures at work and not stand-alone organizational needs geared toward improving civil rights for all employees.

The "Workers Defense Project" (2013, p.24) identified a growing and immediate need for knowledge in managing the growing Latino and other cultures working at job sites across the state (Texas, Build a Better Texas, 2013). Even with members of the same culture in construction teams, most Anglos appeared to be quick to revert to words indicative of cultural bias when disagreements started in the workplace or on the job site. The more frequently this happened, the more destructive it became, and the less trust was felt between the team members while working on projects.

Table 4.

Median Annual Pay in Texas for Construction Jobs, 2018

5 most numerous construction jobs and median annual pay in Texas (2018 data)			
Occupation	Number of employees	Median annual pay	Pay relative to median
All occupations	12,113,810	$37,100	
Construction Laborers	111,250	$31,180	-16%
First-Line Supervisors of Construction Trades and Extraction Workers	75,230	$62,410	+68%
Electricians	62,180	$49,410	+33%
Plumbers, Pipefitters, and Steamfitters	43,490	$49,280	+33%
Operating Engineers and Other Construction Equipment Operators	42,880	$39,400	+6%

Note: Associated General Contractors of America (AGC) Association Fact Sheet for construction in Texas (State Fact Sheet - Texas, 2019).

The Fact Sheet above shows decreased pay for laborers during the 2018 survey, as employers only required minimal experience with no education requirements. This occupation segment is the most vulnerable to work injuries and payroll theft, as they are of Latino or African American origin. This segment generated the most cultural work conflicts. All other occupations recorded a pay increase, as an increased education level was required to perform the specific job duties.

Citing the Bureau of Labor Statistics (BLS), Michael Page stated that

only 9.9% of construction professionals were women. Regarding race, 30.7% of professionals in the industry were Hispanic or Latino, 6.2% were black, and a staggering 2% were Asian. ... Across the pond, only 2% of the construction workforce were members of the LGBTQI+ community (Page, 2019, p. 1).

The following figures and tables illustrate the racial, ethnic, and cultural diversity of workers.

Percent distribution of employed native-born and foreign-born workers 16 years and over by occupation, 2011 and 2015 annual averages
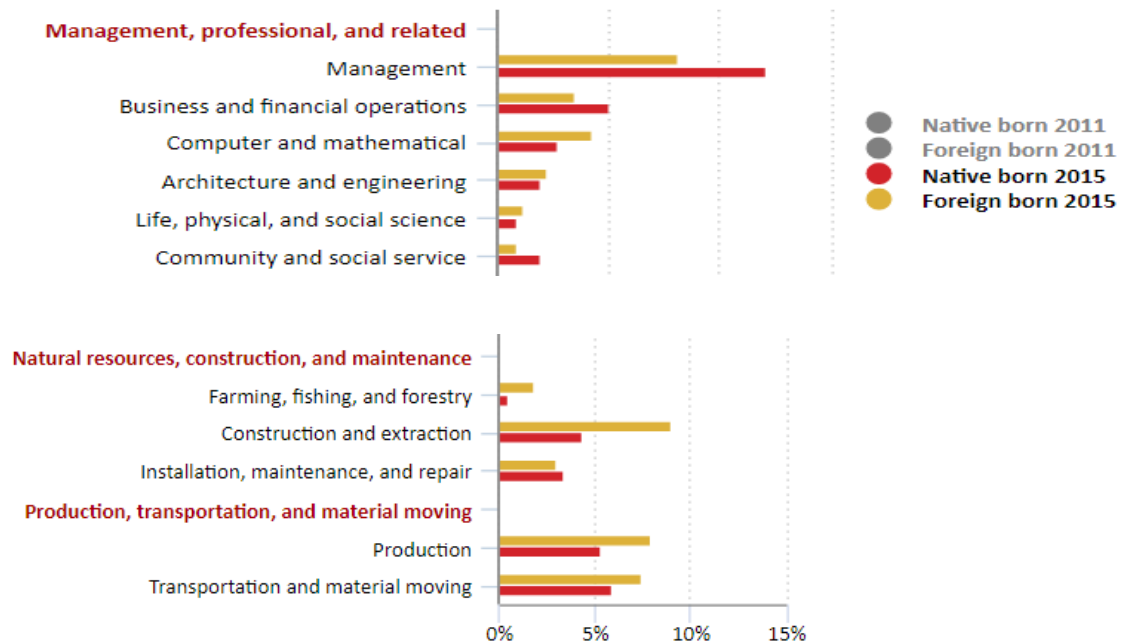
Note: U.S. Bureau of Labor Statistics, 2019

Figure 1. *Employed Native-born and Foreign-born Workers for 2011 and 2015.*

Figure 2 reveals the percent of employment of Hispanic and Latino workers by industry. Construction was by far the largest employer of Hispanic and Latino workers in the U.S.

Percentage of industry employment that is of Hispanic or Latino ethnicity, 2014 annual averages

Industry	Percentage
Construction	~27%
Agriculture, forestry, fishing, and hunting	~23%
Leisure and hospitality	~22%
Other services	~19%
Mining, quarrying, and oil and gas extraction	~18.5%
Transportation and utilities	~17%
Wholesale and retail trade	~16%
Total, all industries	~16%
Professional and business services	~15.5%
Manufacturing	~15.5%
Education and health services	~11.5%
Public administration	~11%
Financial activities	~11%
Information	~10.5%

Note: Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics.

Note: US Bureau of Labor Statistics, 2019

Figure 2. *Industry Employment of Hispanic and Latino Workers, 2014*

Table 5 depicts the unemployment rate for 2016 by race and ethnicity.

Table 5.

Unemployment Rate by Race and Ethnicity for 2016

Unemployment rate and employment–population ratio by major race and ethnicity groups, 2016 annual averages

Race or ethnicity group	Unemployment rate	Employment–population ratio
Total	4.9%	59.7%
Black or African American	8.4	56.4
Hispanic or Latino	5.8	62.0
White	4.3	60.2
Asian	3.6	60.9

Note: US Bureau of Labor Statistics, 2019

Table 6.

Labor Force Data for 2016

Texas Economy at a Glance:

Data Series	Back Data	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020
Labor Force Data							
Civilian Labor Force[1]	📈	14,180.8	14,199.6	14,004.5	12,960.7	13,498.3	(P) 13,839.8
Employment[1]	📈	13,686.4	13,707.1	13,288.7	11,216.7	11,745.0	(P) 12,643.9
Unemployment[1]	📈	494.4	492.5	715.8	1,744.0	1,753.2	(P) 1,195.8
Unemployment Rate[2]	📈	3.5	3.5	5.1	13.5	13.0	(P) 8.6
Nonfarm Wage and Salary Employment							
Total Nonfarm[3]	📈	12,973.9	13,016.8	12,926.9	11,604.7	11,854.8	(P) 12,080.0
12-month % change	📈	2.3	2.4	1.7	-8.9	-7.1	(P) -5.4
Mining and Logging[3]	📈	236.3	236.9	234.1	213.2	198.2	(P) 191.8
12-month % change	📈	-7.8	-7.5	-8.3	-16.6	-22.1	(P) -24.0
Construction[3]	📈	796.4	797.0	791.5	729.3	741.7	(P) 745.2
12-month % change	📈	4.8	4.4	3.5	-5.0	-3.6	(P) -3.5
Manufacturing[3]	📈	908.2	911.5	906.2	863.7	873.5	(P) 873.0
12-month % change	📈	0.9	1.0	0.3	-4.5	-3.6	(P) -3.8
Trade, Transportation, and Utilities[3]	📈	2,547.8	2,548.6	2,541.6	2,354.6	2,378.7	(P) 2,422.9
12-month % change	📈	1.7	1.8	1.5	-5.9	-5.0	(P) -3.4
Information[3]	📈	209.9	209.8	210.2	194.9	193.5	(P) 193.3
12-month % change	📈	1.7	1.2	1.0	-6.6	-7.3	(P) -7.5

Note: US Bureau of Labor Statistics, 2019. Legend: P = Preliminary data

In the state of Texas, construction and related industries were among the highest "most complained about" categories listed in the 2019 Annual Report of the organization Better Business Bureau, 2019).

Table 7.

Top 10 Complaints and Inquiries by Industry

10 Most Complained About Categories		10 Most Inquired about Categories	
Car Sales	1,760	Roofing Contractors	299,023
Banking & Loans	1,610	Home Builders	147,095
Insurance	858	Construction Services	146,033
Builders	609	General Contractor	102,840
Property Management	531	Plumber	90,844
Roofing	379	Insurance Companies	87,323
Auto Repair	372	Used Car Dealers	84,007
Movers	331	Air Conditioning Contractor	83,777
Furniture	310	Financial Services	77,127
Restaurants	285	Property Management	54,037

Note: Better Business Bureau Annual Report, 2019, p. 12

2.6   Benefits of a Culturally Diverse Workforce

When construction teams did not engage in cultural bias, the work performance reached its peak, and the team's cohesion in all aspects increased to high levels. Organizational policies

and procedures were designed to describe the roles of employees holding various positions with the departments, and one of the roles should include the care for the team's wellbeing.

A workplace where equity and respect are promoted has consistently been described as an ideal workplace. In construction companies with less than 150 employees, a General Manager or President has an equivalent authority of a CEO. Medium-size companies (minimum of 500 employees) and large corporations (over 1,000 employees) have an appointed CEO. This role oversees the organization's entire activity, and the work manner deployed should be directed equally toward business growth and employees' wellbeing. Organizational vision statements, codes of conduct, and HR policies should include statements about diversity and inclusion, mutual respect, and orderly processes for addressing disputes. This is especially important when working with a culturally diverse workforce. All members of construction teams should receive the appropriate training in recognizing cultural diversity, understanding the specific cultures present in their department, and the legality and fairness of working with cultural pluralism daily.

There is a direct relationship between successful performance and organizational growth. The low employee turnover is one such indication. Poor decisions about teamwork relationships are expressed in the number of lawsuits filed against the organization, high employee turnover, and employee reviews using social media outlets. The teams are often neglecting the role of cultural diversity and are not aware of the destructive potential the law can bring upon the stakeholders. The news of employees abruptly leaving their teams and lawsuits filed are morally impacting the entire organization.

2.7   Generational vs Cultural Differences

Construction cultural diversity conflicts are severe and take a long time to heal, leaving behind broken relationships and a crippled workforce unable to complete any project. Conflict is always present in the construction industry. The senior generation holds the senior position, while the matrix below their range is the next younger generation. Senior positions are claimed by the Baby Boomers age segment, where their experience and career achievements are individual efforts and not collective team success (Brinckerhoff, n.d.). The laborer positions are mostly held by the youngest adult generation, the millennials. Cultural conflict in construction companies threatens the entire organization's Health and Safety (H&S). Studies conducted (2019,

p.680) among construction companies onsite found that "Construction frontline leaders are in a multi-leveled, fragmented and complex context" (Oswald & Lingard, 2019).

Development of high-performance team players model returned brief conclusions and a large gap ready to be filled with future study findings. In the Lone Star state, ownership transfer and succession management processes full swing but lengthy ones. As baby boomers are preparing to gradually pass the torch of experience (and with that, the ownership), the new generation of seniors faces a more complex challenge in managing cultural diversity than the baby boomers faced during their start time as leaders. In the June 2017 edition of the FMI Quarterly, the authors delivered the opinion that "there should be no barriers in career progression opportunities across backgrounds," leaving the clear understanding that the role of seniority must be equally made available to cultural minorities (Tokarczyk, Ramsay, & Livorsi, 2017).

In today's construction industry, the labor force spans four generations (Lyons, Schweitzer, & Ng, 2015). Haeger and Lingham (2013) noted that different generations perceive different age group leaders (Haeger & Lingham, 2013). With varying perceptions of the role of a construction senior team member, the tendency of stereotyping is about the country of origin or religion (Finkelstein, Ryan, & King, 2013). Stereotyping is one of the behaviors leading to workplace conflict between cultures in the construction industry (Becton, Walker, & Jones-Farmer, 2014). Younger generations tend to rush in making decisions and claim to allocate more effort toward the recorded progress.

In contrast, the senior age seems to slowly deliver the expected decisions involving more depth of thought and knowledge (Lyons & Kuron, 2014). Past studies attempted to bring the theoretical concept of intergenerational work conflict into organizational performance (Parry & Urwin, 2011). The number of cases rationalized intergenerational conflict in the workplace, where cultural plurality fueled the feud between generations.

Generational differences are continuous disagreements in ways of conducting business between individuals of different generations. In contrast, cultural differences are issues about how individuals of different cultures interact with each other or with the predominant culture in the workplace (Deyoe & Fox, 2012) and (Madera, Kapoor, Kapoor, & Solomon, 2011).

Cultural differences generate work conflicts severe in nature and negatively affect the organization. The recognition of the great benefit diversity brings in the workplace is the

organization's top leader's attribute but not only (Montalvo & Querol, 2014). Commonly, there are employees of Latin culture, Asian culture, and African American culture in a typical construction company working together on projects at any point in time. To date, those cultures form a diverse minority, as their number is smaller than the Caucasian culture, known as the predominant culture. Each of the minority cultures' different traditions involves egos and pride and a difference in religion and ethnic background (Cross Cultural Differences in Construction, 2019) and (Nash, 2004).

Generational differences are productive work-related disagreements about how business should be run. Older generations have a lengthy career, while the subsequent generations have high technical skills and are computer literate. They are also called the "laptop generation" due to their frequent use for almost every task performed at work (Applegate, 2017). As the work disagreements can sometimes become severe, they end with a general agreement to move the organization forward. Generational differences are not known to bring any monetary losses or negatively affect the organization, as cultural differences do (Manufacturers, 2019). There is no civil rights violation in any generational differences. Still, there are severe penalties for poor management of any cultures (religion, country of origin, ethnic background), which are a part of a diverse workforce.

Bridging cultural differences in a construction environment is a challenge many teams solve by actively involving diverse cultural individuals to work with other cultures. This method enabled all cultures to know about their strengths, weakness, and compromising for the team's benefit (Kagerer & Herrera, 2017). Interchanging cultures in construction environments is beneficial to the onsite teams as the cultural differences easily and rapidly replace the team's work culture (Glass, 2020). Employee-owned construction firms are better at blending cultures due to the individual vested interest in the business; the compromising behavior is a choice of everyone.

There are generational differences among culturally diverse individuals. Usually, every culture has a well-respected informal individual, typically senior and very experienced, and has a long employment record with the company. Cultures have their own accepted rules regarding seniority and respect; even the younger generations are raised in that custom. A work-related difference in opinions is not escalating in severity, as cultural conflicts do, because the final decisions are an agreement among the team/department members. Working with several

generations in teams requires a certain work-needed discipline (Deyoe & Fox, 2006). Intergenerational work conflict can lead to unhappy employees, high employee turnover, low employee satisfaction, and low trust in relationships, typically comprised of individuals of different generations (Pryor, 2019).

Generational differences are not generally based on discrimination and bias prejudices. It is conflict between generations and their perceptions of how decisions should be made in the workplace (Rodriguez, 2019). The National Association of Home Builders (NAHB), in a 2105 Report, determined that the average age of U.S. construction workers was 42. The average age for the overall U.S. workforce was 41 (Slowey, 2015). Based on the same report (2015, p.1), "the age of workers also varied by region, with median ages highest in the Northeast and parts of the Midwest" (Slowey, 2015, p. 1). States with the highest median age of 45 were Maine, New Hampshire, and Connecticut, while the youngest median ages were in Utah (36) and North Dakota (38) (Slowey, 2015). Texas labor force age was included between the upper and lower age range (Slowey, 2015).

The senior generation is now a part of the executive management or leadership tier (baby boomers), while the X-Generation appears to be middle managers. The Millennials and the Z-Generation are newcomers in the labor force; many work in labor trades and entry-level management upon graduation from college. Every generation has different characteristics and integrates into the workforce under different attributes. Every generation includes cultural diversity, with less diversity in the top senior positions tier and the largest field trades. With the largest number of culturally diverse individuals in the lowest tiers (trades), the likelihood of conflict rests with this workforce segment. There was also an indication that the higher levels of management interacted less frequently, were the fewest in number, and had the highest formal education level. Generational differences were usually resolved during work meetings. They were more likely to be resolved without negative effects. Generational differences involved fewer individuals in disagreements than the ones involved in cultural discrimination conflicts.

The cultural differences can be differentiated from the generational differences by considering only the conflicts where working teams failed to integrate the cultural diversity (religion, racial background, and country of origin) in organizational work culture. This could result from a failure to adopt organizational policies and poor judgment. The separation could also consider only the conflicts where federal government law enforcement agencies (EEOC and

Civil Rights Commissions of other federal government agencies) found evidence to prosecute organizations for violations of individual civil rights violations for discrimination based on religion, racial background, and country of origin in the workplace. Generational differences conflicts are work-related decisional discords between individuals of different age groups without civil rights infringement.

Generational conflict is likely due to "shortages of experienced labor, advances in health and life expectancy, and deteriorating retirement benefit plans" (Wolski, 2006). The most senior generation currently active in the workplace (baby boomers) has a much different life-work view than the subsequent younger generations. The "live to work" view of the baby boomers is regarded as "work to live" by the Millennials or younger generations. With children currently on their own and employed, the baby boomers are comfortable working as many as 80 hours per week, which does not sit well with the other generations, who have a different view on the overtime concept. Highly computer literate and with a strong teamwork ethic, the younger generations consider the workplace anywhere they can use laptops. In contrast, the baby boomers would only consider the workplace as the organizational brick-and-mortar office environment. Those differences in work views are the potential for generational conflict. Reputable organizations and governmental agencies are considered a reliable source of information used to validate the existence of cultural discrimination (Radhika, 2018). The professional content collected and retained for analysis from private parties' online websites was verified for content, author reliability, and relevant published work (Kluwer, 2017).

2.8   Damage Control

When confronted with claims of mistreatment on the job and potential legal liability, most organizations enter a "damage control" phase. Depending on the nature of the wrongdoing and its severity, the corporation counseling team fiercely defends its clients. The defense follows the "innocent until proven guilty" provision of the American courts' justice practice. In preparation for the argument, corporate lawyers are carefully assessing the facts and gathering exculpatory evidence. Legal complaints against civil rights infringement are very damaging to any organization. In certain cases, the corporation considers a public apologize hoping to ease the tensions created by time-lengthy unresolved work disputes (Cels, 2017). While the public apology may help diffuse the tensions, the apology is also understood as a sign of guilt of the

employer. However, corporate lawyers are willing to defend the organization's members and shield them from the responsibility of the wrongdoing (Schroder, 2019). Based on the evidence presented before a jury, when the evidence is frequent in time and severe in nature, the defense lawyers are rapidly considering the settlement option, hoping to avoid facing the moment when the guilty verdict is handed down to their client.

The Public Relations department and its public speaker are on the same team as the legal department. Their mission is to carefully evaluate the employer's formal stance and release the official response to the public. The image of the business, the credibility, and trustworthy feeling desired to remain in the hearts of the people, and the aura of innocence (or at least total control of the situation) is the official mission of the public relations officer (Arendt, LaFleche, & Limperopulos, 2017). Perhaps the most difficult task of the public relations team is to explain to the public the reason why the organization retaliated against a whistle-blower (Downs, 2012; Miceli & Near, 1994). In such circumstances, the "employment-at-will" willfully termination becomes a good weapon used by those discriminated against the employer.

Corporate morality is a phenomenon yet to be proved credible and a part of daily reality (Waters, 1978). The increasingly competitive construction business certainly makes investors believe there is such a "shortcut" to success. While that dream has not yet become a reality worth believing in, the only road to organizational success is a legal and ethical performance of daily duties. Shaping morality in the workplace has its rewarding side, a trustworthy leader worth following. The workplace's cultural diversity conflicts with the need to restore the honesty in those teams where wrongdoing was ignored; it comes with a tag named embarrassment (Warrena & Smith-Crowe, 2008).

The behavioral act of the whistle-blower is to reveal intentional wrongdoing. This includes voicing opinions, forwarding convincing documentation/proof, and volunteering to become a part of the authorities' forensic work in enforcing the legality. Most of the time, the whistle-blower uses social media outlets due to the impact this communication has on the credibility and the public image of such methods in revealing corporate wrongdoing. Besides, disclosure of cultural discrimination events through social media receives prompt attention from the intended recipients and triggers the appropriate investigative action.

Most of the cultural workplace conflict details are revealed using social media accounts. The whistle-blower uses such methods because of its attention from recipients and potential help

from legal authorities. Journalists and writers follow the messages, share communication, and initiate an objective study to inform the public about the truth of events. The articles published are accurate if the writer includes factual data and photographic material of the facts. This is the hardest defense for which a legal team must prepare.

Developing an ethical corporate culture takes time, effort, and appointing the right person for the job (Schwartz, 2013). Construction teams are responsible for work conflicts, where cultural diversity receives inappropriate treatment, and their voices are ignored (Goldman, 2011). Graphic material released through social media outlets is very hard to dispute. The employees involved are identified as the ones discriminated against. The identity of the employees who are ignoring legality and fairness is also revealed. Other details such as the location and timing are revealed. Law enforcement at the federal level is gathering the details and preparing the lawsuit. It is widely known that the Equal Employment Opportunity Commission (EEOC) would not decide to follow suit unless the facts and the evidence are consistent and directly related to the violation. Legal departments of construction firms are hardly defending a lost cause when credible evidence surfaces on social media about discrimination-civil rights violations. Both the business owners and their clients become susceptible to the accusations that emerged in public communication channels (Thoroughgood, Padilla, Hunter, & Tate, 2012). Corporate wrongdoing news is traveling unrestricted, despite the legal efforts of curtailing the available information (Liu, Aharony, Richardson, & Yawson, 2016).

Evidence of construction workplace discrimination, especially instances involving cultural diversity discrimination, acts as a heavy hammer against organizational performance. While certain media outlets tend to inflate the conflict's details and present them in very dramatic colors, public disclosure intends not to obtain a resolution but to attract law enforcement's attention about the violation. This disclosure is in the form of plain language communication with minimal details. Legal counselors, each for their respective clients, collect the mainstream of evidence. The plaintiff's representation gathers evidence of wrongdoing to provide the prosecution with needed material for trial. The defendant's representation is gathering evidence of innocence, minimizing the allegations. Their responses to both media/public and the legal case are carefully worded and make the case of partial acknowledgment of the issue while describing that the conflict is an early impatience action against the "work-in-progress" (Jaffar, Tharim, & Shuib, 2011). Every party involved in the litigation process assumes responsibility for the

accuracy and credibility of the evidence presented to legal authorities. The materials of a public nature are open-records available to be verified by any present and future inquiries. In contrast, corporations' public relations statements are just informative statements, meant to avoid liability and not contrary evidence against the plaintiff.

There is always the suspicion of fabricated evidence by the ones claiming discrimination actions by the employer. Sometimes, language barriers and certain emotional behavior coordinated with demanding workday stress may contribute to the employee's perception of being treated differently. Even if isolated and not frequent, those circumstances may add to the overall image of bias, prejudice, and discriminatory action allegations. There is a difference between the employer's actions against unsafe work behavior or performance failure and purposefully biased judgment (Guoa, Zhang, & Ding, 2019). Construction activities are a mixture of office (planning, meetings, and audits) and job site environments. It is well-known that culturally diverse teams often excel in decision-making and innovation (Langer, 2018).

2.9   Litigation

The number of lawsuits, lost profits, and CEO turnover can be used to measure organizational failure and the cost of cultural conflict on the job. As the construction industry is nicknamed the synonym of conflict, the cultural conflict's side seems to be the most destructive due to the federal statutes infringed (EEOC, National Origin Discrimination, 1964). The number of litigations in the Texas construction industry is constantly growing due to private corporate poor understanding of the benefit of integration and the damaging outcome of exposed wrongdoing. The main allegations are wage theft, payroll fraud, and unsafe working conditions. A recent study published in 2013 (p.45) by the University of Texas, Division of Diversity and Community Engagement, "Workers Defense Project," found that wage theft losses due to illegally made decisions amount to $117 million, costing the state of Texas close to $8.8 million in loss of tax funds (Texas, Workers Defense Project, 2013). Payroll fraud adds to the cultural discrimination cases because the plaintiffs are of diverse cultures, in the minority within the respective company. The estimated fraud amounted to $54.5 million, with over 40% of laborers labeled as independent contractors or paid "under the table" to evade the payroll taxation dues (Texas, Workers Defense Project, 2013). The unsafe working conditions are unfortunately famous across the country. Organizational decision-makers sometimes chose to ignore OSHA regulatory

compliance safety rules. The outcome left many laborers with permanent work disabilities and no financial compensation/responsibility because those employees were labeled as independent contractors or paid with "cash under the table."

Reported cases revealed that decisions made inside the company were made intentionally to reduce overall construction costs and increase the profit margin. As the construction industry (pre-COVID-19) was the fastest growing in the country, the time needed for specific trade training delayed the completion of projects and the ability to start new projects. I some cases, construction companies decided to start the daily operations without a work permit and without the federal requirement of legal right to work in the country (Texas, Workers Defense Project, 2013). The decision was made to hire anyone who would desire to work without legal formalities. Employment was accepted for less than the state's minimum hourly wage for the type of work. (Editor, 2016).

2.10   Strategies for Moving Forward

As the construction market continues to grow in need of services and the size of organizations servicing the market, the workforce becomes increasingly diversified in cultural background. With that, the science and strategies construction teams must use to manage and motivate cultural diversity are based on every organization's particular nature. There is no formula, yet, with the precise and direct approach in how the ones making decisions must (or should) act in their interactions with the workforce, they lead along the time of their tenure (Wang, 2018).

The impact of conflict in the construction companies where the culturally diverse workforce is poorly managed and led severely disrupts the company's work and its ability to continue providing services. Loss of a loyal and motivated workforce, legal issues that persist, and the risk of losing clients were among the very few outcomes arising from conflicts among cultures in the workforce (Sibble-McLeod, 2018). The news of legal consequences against the investors/owners caused some concern. Still, the announcement of the loss of business due to multicultural conflict or discrimination in the workplace shifted attention from business as usual to business survival. The organizational policies must "speak one language for all" (Lonsmann & Kraft, 2018).

Residential construction activities mean specific work performed by teams. Those teams are individuals aligning together their skills and knowledge toward the erection of structures.

Their focus is on delivering the schedules' output within the budget's variance, the expected quality, and zero work incidents as safety compliance. No construction team would shift their daily focus from projects' deliverables to deal with cultural differences. Unless the team's existence is in peril, the team loses its cohesion, and the team faces challenges that it can't solve alone. Team cohesion and bonding does not happen overnight, and it is built upon positive traits; every minute, that team is working. It becomes the team's responsibility, and it is within its power to ensure that the differences in the cultural background are an asset and not a risky liability (Smith, Merna, & Jobling, 2006). Managing a team in a construction environment is not easy. Besides the general traits of prosperity and good management of the workforce involved, the entire team must understand the potential impact of the diverse cultures engaged in daily activities. Most of the construction workforce is a mixture of Caucasian, Latino, and African American cultures (Labor, Labor Force Statistics from the Current Population Survey, 2019).

Due to cultural diversity mismanagement in construction companies, the impact on organizational teams is translated into a loss of dollars per day. With tight schedules due to immediate need/use of the structure and regulatory constraints, handling cultural diversity becomes a real challenge for managers trying to keep up with the timing. Quite often, the teams work on inside organizational problems besides the construction *per se* tasks. Multicultural conflicts are not on the work agenda of any construction team, but small work disagreements can lead to bias, prejudices, and open disputes where the group's work is minimized or restricted (Tabassi, Bryde, Abdullah, & Argyropolou, 2017).

Studies and previously published articles show a positive balance toward a benefit and not a loss of multiculturalism in today's economic activities in the US. However, there are published articles where managing multiculturalism in the workforce is never to ignore and not optional for decision-makers. Diverse societies can affect countries' economic development levels, where the residential construction industry is just a small part of the entire mechanism (Montalvo & Reynal-Querol, 2014).

Among the cultures present in the residential construction industry sector, a growing number are Hispanic. All construction trades involving manual labor and small-motorized equipment use different cultures, and Hispanics are the majority. Their culture is focused on intense work and long working hours. According to an article published in the Journal of Safety Study, the growing incoming Hispanic culture in the construction industry is also subject to work

injuries (Al-Bayati, Abydayyeh, & Albert, 2018). Thus, teams are challenged to seek a better work formula, where Hispanic culture can learn regulatory safety compliance and help reduce the growing number of work injuries. Construction companies have a safety record folder within the industry. An increasing number of work-related injuries will negatively impact its overall performance if a poor safety record is maintained on file. Organizations can look for safety training ways and include Hispanics in diverse teams with good work safe records to help form safe work habits. Besides, safety incidents at the construction job sites affect safety and the project's overall run. This is referred to as the project's schedule, cost, and quality. Project owners may encounter work delays and face late completion with business consequences. Projects are becoming obsolete if long delays are due to investigations of safety issues (Oswald, Ahiaga-Dagbui, Sherratt, & Smith, 2020; Al-Bayati, Ahmed, & York, 2018).

Going further, the organizations where diversity positively impacts are proven to stay longer in business (Cross & Gilly, 2017). A positive result from great multiculturalism interaction is believed to help organizations stay longer in business and help the communities of the minorities integrate with other cultures in neighboring communities better and smoothly. This brings an extremely positive work environment, and it is believed to have been supported by the positive social impact outside of the work environment. The organization has an increased production record when the community's well-being supports a positive and friendly work environment. There is an indication that "family composition and conceptualization" is directly related to the family environment. This becomes a strong support for construction activities, hard labor, and challenging daily tasks.

A two-year study found that cross-cultures can directly affect project performance and employee satisfaction (Henderson, Stackman, & Lindekilde, 2018). The authors launched the term "cultural intelligence (CQ) " to refer to cultural diversity's ability to impact high-performing teams ready to take on global projects positively. The study highlighted role clarity, communication efficiency, and interpersonal trust as the most important factors directly related to cultural intelligence. Employees from multinational companies included were studied from the three perspectives, and the results found were strongly related to the existent cultural pluralism. It was determined that communication during projects, while labeled as efficient, led to good interpersonal relations between culturally diverse members.

Access to the higher responsibility positions and roles is not easy to reach for culturally diverse individuals. The well-known glass ceiling (a gender-discriminatory practice) seems to have its equivalent in the culturally diverse workforce, where promotion to higher organizational levels is significantly less than for minority cultures and races in the US construction industry. The Leadership Quarterly periodical recently published an article about what is believed to be a critical shortcoming in current organizational leadership theories (Fitzimmons & Callan, 2020). The article raised a red flag on the practice of preventing culturally diverse individuals from accessing top corporate positions based on old protectionism and preconceived practices that existed in our workforce during the start of the century. There is a benefit for organizations when their managers are a part of the cultural diversity in that organization, which is believed to increase employees' loyalty and performance.

The first benefit is that there will always be an easiness of understanding, working with, and conflict avoidance between cultures. The second benefit is that culturally diverse management is already a part of the diversity and is known to be pro-coexistence between cultures, opposite to divide-and-fit efforts other teams work on, frequently trying to find fit members in diverse teams. When culturally diverse individuals do not get recognized at the middle management level, there will be fewer opportunities for further recognition. In organizations where there is no recognition for equality in opportunities for promotion for all employees, the challenges of poor representation of cultures along the management ladder will negatively impact employee relations (Awojide, Hodgkinson, & Ravishankar, 2018). Going one step further, it is beneficial for the organizations to have their cultural representation at every management level, with zero conflicts.

During 1990-2010, there was a development of "cultures-within-culture," with obvious reference to the Latino culture's Hispanic cultures. A recent study by Lee, Martin, & Hall, 2017) found that "Mexican culture is a predominantly Hispanic culture within the Latino general culture in most major urban areas in the US" (p. 9). The article pointed out that even if they all speak the same language with slight country jargon, conflict may arise in communities and workplaces due to strong national origin feelings or individual perceptions of self-esteem. In an organizational environment, conflict between Latino community members were known to be severe and intense. Close communication and interaction based on fair treatment of all parties would be a good start for leaders facing such challenges in their organizations.

Previous attempts to draft, test, and implement programs aimed at appropriate training programs for the culturally diverse workforce in the construction industry have fallen short of addressing the details leading to conflicts and communication. The effort to draft such training programs faced the dilemma of pursuing cultural integration and training or performing training separately with different cultures. The scenario of an American supervisor and a Hispanic laborer was used in a study published by the Safety Science periodical to debate the dilemma. Jaelskis et al (2008) concluded that diverse cultures communicate differently from the predominant culture. When it comes to safety compliance at construction sites, management favors the "one communication for all" type (p. 17). Safety is a team effort, not only an individual thought.

Language differences may also contribute to different levels of comprehension as to expectations and requirements on the job. The risk of workplace injuries may escalate because of incorrect interpretations of basic safety protocols. The risk further increases when the need for combining teams arises. With different understandings of how safety should be complied with, those teams would first face the challenge of establishing their work language, safety, and coordination between cultures instead of going straight to work. Even with a strong and experienced leader, such a shallow work environment would risk the chance of conflictual situations between members of the team, even within the same culture.

The size of the construction organization does not matter when it comes to conflicts due to cultural misunderstanding of safety (Guo, Yu, & Gonzalez, 2018). The article states that both culturally diverse workers in small and large construction companies equally observed safety regulations when a common understanding exists between team members; this points to good communication. As time is essential during construction projects, culturally generated work conflicts are never considered contingencies, not even constraints. This is the responsibility of managers and is not services to be included in contracts' terms and conditions. No project owner would accept this risk.

The roles of project managers and project superintendents largely overlap in duties and responsibilities and only differ in outcomes. Management is focused on production/construction, whereas the superintendents oversee smaller work groups with increased opportunities for cultural integration. The work of smaller groups is easier to connect and bond into cohesion. Inter-cultural bonding is believed to be faster in time and longer lasting than large construction teams.

One of the often-encountered site conflictual occurrence situations is the language barriers between English-speaking and non-English-speaking workers or English-second-language workers. With a non-English background manager, the occurrence of conflict thus generated increases greatly than with an English-speaking manager trying to communicate efficiently with all other non-English speakers. Trajkovski & Loosemore (2006) examined language barriers and cultural work conflict potential at construction sites. They found a number of safety concerns, and a high level of frustration among the culturally diverse members of a construction team (particularly where its members spoke different languages) as issues arose several times a day. From here, the likelihood of open conflict was high. A leader in this role would have to know when to enforce the official language and allow the no-English speakers the privacy of using their native language, ease tensions, instill respect for every cultural background, and maintain the team's focus unaltered performance.

Construction organizations are diversity-based workplaces. All work teams gather cultures from construction services to maintenance and warranty repairs to manufacturing materials and assemblies used in the construction process. Working together has benefits and challenges and blending in such diverse cultural pluralism environments is not easy to start with. Different opinions lean toward a formal educational background needed for every individual to aid in getting along. Psychologists believe it is our nature to try to get along, i.e., to promote harmony. Scholars conclude that it could be both. The understanding of the environment around us makes us different.

Communication tends to inform individuals during construction activities and trigger certain actions expected to be a team effort. Different cultures perceive-understand-act in different ways if the same language is not a common way of communication. Disagreements start followed by open displays of frustration. Bias is a norm in work teams where communication struggles to find its way in every member's mind. It becomes hard to tell who is right and wrong when workers do not share a common language and do not know how to communicate their frustrations. Management would have to shift focus from routine tasks to assess the risk potential, its impact on the project (and often on the organization itself) and mitigate accordingly. Depending on the size of the team, the number of teams, and the size of the project, mitigating cultural issues on large construction sites become a stand-alone project with a

damaging outcome while no one pays for to be taken care of (Farrah, Elias, DeClercy, & Rowe, 2019).

Construction business owners or investors are known to set the work culture and behavioral norms in organizations. An executive officer is being selected to set management policies concerning how the diversity of cultures is impacted and dealt with daily to maintain the organization's viability and effectiveness. Everything seems to be in its righteous place until rumors reach up the chain of command that the organization has conflicts among cultures, and its performance is hindered by its outcome (Groysberg, Lee, Price, & Cheng, 2018).

The differences in cultures are first perceived as a diversity benefit in construction companies. But management knows that the "perceived" benefit could quickly become a nightmare, not going away easily from an outsider point of view. Differences influence the way individuals work, understand work requirements, and regulate safety compliance. With the difference in culture and language spoken, safety practices vary deep. The United States is known to follow safety guidelines during the construction of other cultures with little or no experience, tend to understand and react differently to safety rules (Chen, Partington, & Qiang, 2009). Chen et al (2009) pointed out that Asian cultures "need intense safety compliance training" when hired for work in construction companies in the US. (Chen et al, 2009, p. 23).

Building trust between cultures involved in construction activities is a lengthy and sensitive process. Work trust is building up daily, with every task where the team is involved. Some cultures would embrace the old-school way of building trust, whereas others would use the daily trial-and-trust method (Vaux & Kirk, 2018). Performance and productivity are impacted when the relationship between cultures is not pro-performance and team cohesion. Building trust in work teams is essential for managers in assessing the status and risk involved in the project's deliverables. Cohesive teams message the management that performance is a matter of time, not an "if." Managers translate cultural relationship issues as "high external risk" and set aside projects for later troubleshooting.

Among the solutions, eliminating the language barrier seems to be the start. Ensuring a good understanding of the daily tasks, expectations, and the specific way the work needs to be performed is essential. Good communication comes from personal and impersonal interaction with the parties' knowledge and accepted communication rules. Cultural conflict seems easier to avoid when all team members speak the same language and understand what they are expected to

accomplish. With that, the bias of prejudice occurrence remains low. Team meetings would ensure that all team members are equally important. Respect reciprocates every time communication is exchanged between team members or between teams working at the same site. Reciprocating respect and building trust are the second important task on the leaders' list when dealing with cultural diversity in construction organizations. Respect and trust are widely recognized as positive traits on diverse teams. It goes a long way with every culture.

Published literature pointed to safety as a starting point of a psychological state of willingness to collaborate with a culturally diverse team. Belonging to a team of diverse cultures involves "recognizing patterns, quick reaction, and delivering the right signal at the right time; like any skill, it comes with a learning curve" (Coyle, 2018). Communication aids in a safe environment; inappropriate, confusing, misunderstood, or incomplete dialogue can send the wrong signals to different cultures. Jokes and funny comments are perceived and responded to in different ways across cultures. Nonverbal communication plays the same role as verbal communication. Simple gestures and head nodding, for example, could mean acknowledgment and agreement to the message received. The skill of listening is important, and every culture universally recognizes it**.** According to Laszlo Bock's (2015, p.85) book, when this becomes one of the house rules, team members will manage to accomplish more and, with increased quality, fewer stress works (Bock, 2015).

Cultural influences on working teams depend much on the off-work life of its team members. While some would pursue online evening education classes for personal-professional advancement, others would enjoy time with family and friends. Social life around cultures is different perceived. Participation in off-work activities varies depending on the type and time required to attend. Leaders have recognized that their organizations would benefit from organizing off-work activities where teams can gather around tables with mutually accepted food and informal conversations. Outdoor activities performed as teams are known to allow better cohesion among team members. More common ground is established, and better professional bonding is achieved, as Charles Duhigg wrote his book about habits and social-business life (Duhigg, 2012). Teaming for organizational tasks becomes vital for the success of the business. Business decision-makers recognized that the art of forming work teams is one important milestone on the company's strategic road ahead. Teams who learn, innovate, and compete in the knowledge economy will move the business against increasing competition (Edmondson, 2012).

Cultural diversity is entirely lined up with the team's mutually agreed work culture, and its members act toward the established goals. Also, there are far fewer cultural conflictual occurrences in highly cohesive teams than in teams where leadership would not adopt cohesive approaches.

Leading teams is certainly an attribute of refined management skills. Cultural diversity adds up to the challenge, but not always. Grant (2013) wrote about the skill of "give and take" in leadership when it came to the management of cultural diversity in the organizational workforce (p. 120). Perseverance to achieve cohesion and passion for nurturing good team relations are one solution to the conflictual occurrences (Duckworth, 2016). Construction teams which would include good relationships among all active personnel in their daily tasks would be less surprised by cultural conflicts. Even so, Hackman (2002) posited that teams would need to invest an appropriate amount of time and resources (inside or external) to build (or change to better) an organizational culture appropriate for the business type they manage (p.37).

Cultural changes should include (and be based on) the appropriate work environment best suited to the type of business and accommodate the needs of the individuals forming the culturally diverse workforce of that business. Continuous changes with appropriate perseverance, passion, and a thorough understanding of changes are needed for the business; the cultures working together will have realistic chances of being embraced. When changes are explained, and the benefits of those changes are proved to help individuals perform better, organizations are far less likely to develop cultural conflicts. Organizational change is not "easy to implement without a proper understanding and general acknowledgment of its need" (Heath & Heath, 2010 p. 47).

Large enterprises are using their delegation method of decision-making. The executive authority establishes its strategy and delegates authority to regional teams to implement and carry out the sub-plans. Alfoldia, Cleggb, & McGaughey (2012) found that

> mandating authority results in the ability to balance integration and responsiveness at levels below the efficient scale for dedicated regional headquarters; the exploitation of local operational expertise on a regional level; and relieving headquarters of the burden of monitoring remote peripheral agents (p. 278).

Combining the easiness of making decisions with the top executive officers' risks when delegating authority to others, legality, and ethics is the most challenging attribute. Trickling

down decision making can lead to many misunderstandings, misperceptions, and everything else associated with our inability to read minds.

Moreover, a delegation of authority must include a plan of execution on top of the checks needed to document accomplishments; these places an additional burden on the leader's shoulders, not always easy to carry, on multinational enterprises. Main offices or headquarters are the main places of business for large enterprises, and decisions made there are meant to drive the organization into growth, both revenue and personnel. The decision is most likely descriptive, with details only regarding what needs to be accomplished and the desired timeline. When a multinational enterprise has multiple headquarters, the complexity multiplies to a level of challenge leaders may find it hard to control (Ciabusch, Dellestrand, & Holm, 2012).

Language barriers are an obstacle that construction teams must consider, mitigate, and finally resolve; this strongly hinges on the teams' ability to function properly and deliver when a common language is a challenge bigger than the team's mission. In multinational companies or foreign-based corporations engaged in business in a different country, teams must carefully decide on the business's official language and become flexible in allowing other cultures the courtesy of using their language when the business is not negatively impacted (Luo & Shenkar, 2011). While the focus is on increasing the investors' share value, the internal well-being of the employees in the organization becomes a primary duty of other departments, different from the operations branch.

Several factors contribute to the conflict among culturally diverse employees in construction workplaces. From the language barriers to technical skills and bias, each element has the destructive potential to generate a battle; the size and duration depend on the issue and root cause. Employees are placing their professional performance on the line, as expected. The relationship between individuals in teams becomes better when all continue to give each other real reasons for their continuance. For this reason, support, train, and praise the hard work of the employees who, in return, follow their assigned role within the team.

Bias, prejudices, and bullying at the workplace are a part of the ongoing disparaging practice in organizations where managers do not recognize the importance of cultural diversity as beneficial for the organization. According to an article published in 2014 (p.118) by Chua Zi Leng and Dr. Rashad Yazdanifard, the authors found that "It is important for the top

management team to neutralize and reduce bullying among cross-cultural employees" (Leng & Yazdanifard, 2014).

Culturally, the construction industry remains a high-risk business due to the various trades involved in the project, often for a long period. Safety regulatory compliance begins with the moment field activities start and end with the commissioning of the structure. Cesarini, Hall, & Kupiec (2013) found that language barriers among culturally diverse members of teams (and often, among groups) contributed to "safety issues since the danger is perceived and communicated differently between members of the team and between teams (p. 41). They recommended training key leaders of culturally diverse teams or entire single culture (homogeneous teams in safety, using the same language as others, so awareness is perceived and communicated efficiently (p. 27).

As daily activities in construction companies mean mostly fieldwork at the job site where the structure is a daily work-in-progress, workers of all ranks and trades are scheduled for daily work. Culturally diverse individuals are a part of teams in all construction trades and labor. The labor texture in the southern part of the United States is mostly Latino, but other backgrounds are present, even in much smaller percentages. Understanding the dos-and-don't of every culture is paramount, as blanket inclusion policies may often fail to include the specific procedures based on the nature of the organization (Gilbert & Ivencevich, 1993-2005). Managers of every tier know (or should) the specific cultures that comprise their subordinates' teams. The first step toward avoiding conflicts occurred when equal respect was given to all team members.

The culture of diversity must be built on a solid foundation of trust. The art of communication comes to aid in building strong relationships on long-lasting grounds. Speaking different languages and having different perspectives is a part of being American. In an article published in the Journal of Business Ethics, Pless & Maak (2004) identified the management of cultural diversity with the act of naturally balancing opposites. They stated that "diversity is about balancing differences in various organizational and cultural settings (p. 31).

Several options are available to managers in handling cultural diversity in construction teams. Motivation is one of the options. In a recent study conducted in India, Johari & Jha (2020) found clear evidence that motivation increased the performance of construction crews. Social motivation came after material motivation. It became psychologically accepted that monetary

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gain, quantitative-wise, was directly proportional to the level of interest in the work required, and the increased performance justified it. Hard labor trades involved more labor with less equipment. In this case, there was a tendency for gradual labor pay, according to the length of work experience.

Many laborers fail to gain much work experience, either because they choose to leave the harsh working conditions or they find ways to avoid exposure to bodily harm associated with the nature of their work. Managers must know the matter or gain insight into this detail and frequently award laborers extra pay and additional time to recover their physical strength. Failure to recognize and help the practice's additional effort will backfire with high employee turnover, work-related claims against the insurance, and legal action against the organization. The key cultural individual who speaks out on behalf of many from that culture must be the point of contact/liaison. They raise alarm signals early when communication flows frequently and efficiently. While public recognition may seem a strong motivator for the construction crew's performance, the article points out that monetary compensation remains the strongest motivating factor for the construction crews (Johari & Jha, 2020).

Work attitudes depend on personalities and the nature of communication between cultures at work. Construction crews have their jargon based on the kind of work they are performing. When different cultures have language barriers, this may trigger bullying. The individual or group of individuals targeted by bullying actions responds in defense according to their perceived threat and personality type. Anger, frustration, disappointment, and aggression are the most likely to occur. This could lead to individual or group separation from the rest of the team or retaliation in other forms. Both lead to work conflicts with a negative impact on everyone's work and morale. A study published in the Journal of Management in Engineering found "a high positive correlation of compatibility of personality and crew productivity"(Florez et al, 2020, p. 26). The manager's role is to train the management personnel in methods of handling different personalities working together. It becomes an ethical approach by management to ensure that personalities would not conflict among any team members. Managers must also ensure general and mutual acceptance and a consensus, forming a strong bond between all employees. Work conflicts due to the clash of personalities are rapidly escalating in severity. Suppose the resolution to such disputes by leaders does not include immediate training on the

topics of divergence. In that case, there is a strong possibility that the solution becomes only a temporary fix.

In a recent book dealing with the role of management of cultural diversity in corporate America, Marquis et al (2008) found that "a broad swath of the US industry – including mining, construction, agriculture/forestry, and administrative/supply - had no representatives on Fortune's lists of best diversity. Interestingly, there was very little overlap between best diversity and best integration efforts" (p. 21). Best diversity firms are classified by the employees' well-being, given that the respective firm has a significant diverse representation in cultures and ethnic backgrounds. Top managers are empowered by our equal rights and norms that everyone has the same freedom and privileges. Employees' well-being in the construction firms is the responsibility of the ownership, from top management to the hourly trade newly hired. Diversity recognition should not become a burden or a shameful acknowledgment in public speeches within the organization. Every public speaking opportunity can be used to recognize the benefit of having a culturally diverse workforce, regardless of the address's topic. Wellbeing starts with recognizing the role cultural pluralism plays in the construction teams and continues with the daily achievements.

Motivation may very well flood their hearts, making them culturally diverse individuals feel appreciated and welcomed in their teams. Their sacrifice for a better life was the right choice they made. Cultural integration in working teams is very important in the construction industry, given the quality expected of the finished work and the OSHA safety compliance. With the managers' choice of culture flowing down to every level, the diverse cultural ones are experiencing the acculturation process, which is defined as the integration in the organization's overall work culture, most of the time different from their cultural ethnical background. Given the difference in personality brought in by the difference in culture, the likelihood of conflict is high if the construction company does not consider several steps equally important.

Fluent communication and a good rationale for cultural integration for the organization good are among the first steps. No construction company can survive without constant revenue to support its payroll burden. Cultural conflicts in construction teams are severe and dangerously, rapidly affecting the business. The client (when different from the construction company owners) would see such disputes as a great risk against the investment, and the reaction is a loss to

everyone, including the cultural diversity workforce. Such conflicts are often not left to the construction company for resolution; they end up in the defendant's row in federal courts.

The mishandling of cultural diversity is a breach of the civil rights federal law. Even if the judgment favors the organization, there will be a permanent record of the event that the respective construction organization was brought in a court of law for allegations of violation of the civil rights law. This record may hinder the organization's ability to pursue bids for federal, state, or municipality projects. Future prospective clients may decide to shake hands with other companies who would have a new image. The image of the organization and the civic responsibility toward good for the community is at stake here. Many municipal public projects are the masterpiece of great builders known for their part in the communities they are building; the repeat business would just become a continuous acknowledgment of their goodwill status. When allegations of cultural diversity issues become public, it becomes difficult for that organization to secure work in the public sector for a long time in the future. While private investments in construction projects are small, public funding is guaranteed good profit.

Nguyen stated that "while differences in opinions are a source of the problem, cost, risk, danger and difficulties, cultural gaps are a source of conflict than of synergy and often disaster" (Nguyen, 2017, p. 249). The description was pointed at the evolution and importance of cultural diversity as "strategic goals to be set by leaders" as a right start toward organizational healthy growth and longevity in business (Nguyen, 2017). It was largely agreed that the benefits of cultural diversity outnumber the issues encountered when mismanaged. The benefits of employing a culturally diverse workforce are always there to serve the organization; conflicts generated by mishandling are not a must-have item on any leader's daily agenda. Top managers must wisely divide their time between organizational growth and profits and all employees' harmony and homogeneity.

The gunpowder barrel philosophy is acknowledged by the large diversity in cultures present in the construction industry; any conflict generated by mishandling such a large diverse workforce will surely spark an explosion. But as culturally diverse individuals were identified by their personalities and ability to integrate among other cultures in teams, so were the team's managers and management. Management's work ethic must be oriented toward a consensus and mutual acceptance of all differences. Cultural conflicts can be resolved by collaborative effort

before they will rapidly surface as hostile against diversity. Social media outlets and word-of-mouth remain powerful tools for denouncing wrongdoing. It does not have to become headlines in national media, and it can be resolved internally with minimal effort. Many individuals of different cultures are inclined toward a peaceful resolution of misunderstandings and unintentional harm. E*rrare humanum est,* and if there is a will, there will always be a way to eliminate conflicts arising from cultural diversity mismanagement in the workplace.

Organizational changes are often needed as a matter of flexibility and adaptability to the business needs. The mechanisms of the offer and demand require organizations to respond very quickly to changes. Managers are evaluating and estimating the cost and impact on the organization due to changes. However, changes are not always seen as beneficial. They thus are not welcome by many employees who perceive the changes as either additional duties needed to perform without a pay increase or real job security threat. Organizational changes do not always focus on business outcomes but often on performance, as a continuous audit of the business' performance parameters. Cultural diversity can improve teams' work performance and overall organization if management interaction with groups aims to support and train.

Interethnic conflicts are easy to spark and are leaving behind hard-to-heal scars. When legality comes to restoring the statutory provisions in the workplace, relationships are affected. According to Equal Employment Opportunity Commission (EEOC), the Texas-based Lone Star Community College agreed to settle a lawsuit alleging cultural discrimination in hiring practices and creating hostile work environments for named cultures (Significant EEOC race/color cases, 2017). The college leadership failed to train, and monitor hiring bias and failed to trust the public funding placed in its ability to obey the laws.

Cultural diversity in the construction industry has a strong impact on every project. Either as a subcontractor using a culturally diverse workforce or as diverse in-house teams, cultural pluralism has the power to make or break any construction firm, anywhere. In Texas, the culturally diverse workforce is predominantly Latino, followed by African Americans and other cultural minorities, in small numbers.

Race & Ethnicity

MOST COMMON RACE OR ETHNICITY OF CONSTRUCTION LABORERS

1. White
2. Other
3. Black

71.1% of Construction laborers are White, making that the most common race or ethnicity in the occupation. Representing 16.3% of Construction laborers, Other is the second most common race or ethnicity in this occupation. This chart shows the racial and ethnic breakdown of Construction laborers.

Data from the Census Bureau ACS PUMS 1-Year Estimate.
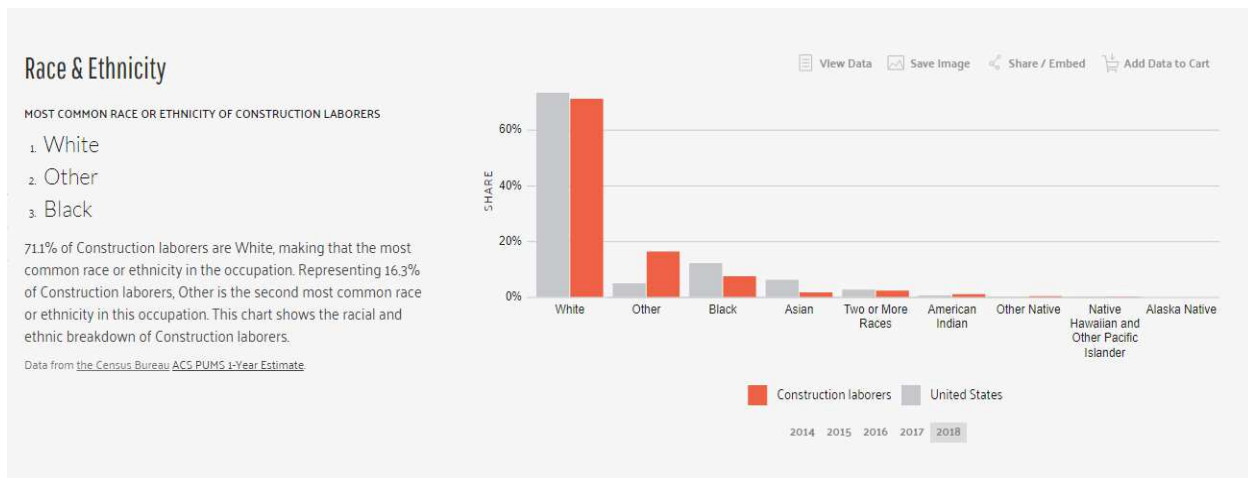
Note: Construction Laborers, 2020

Figure 3. *Race & Ethnicity Among Construction Workers*

"Build a better Texas" (2013) was the publication of a joint study between the University of Texas at Austin and the University of Illinois at Chicago. The project's name is "Workers Defense Project" and includes aspects of the construction industry in the Lone Star State. The study revealed the true aspects of the construction industry and the challenges the state faces in dealing with dangerous working conditions, stolen wages, and lack of opportunities to be trained (Build a Better Texas, 2013). Confronted with such severe shortcomings, Texas's state fails to enforce legality in the workplace by policymakers and community leaders. The paper makes recommendations to leadership about "guaranteed safe working conditions, ensure honest pay for honest work and green jobs" (p. 6).

As most of the construction laborers in Texas are of Latino origin, management must carefully handle this culture's heights, honesty, and fairness. Together with the shortcomings, the likelihood of conflicts is high. Dangerous working conditions lead to many work injuries bringing safety regulatory fines and high costs in workers' compensation claims and unemployment benefits. Construction firms facing these challenges must ensure their work sites are in full compliance with the safety laws. Unsafe working conditions lower the trust of employees receiving the message of disrespect in the organization. The number of lawsuits due to work injuries in the Texas construction sector surpasses the national average (Build a Better Texas, 2013). Payroll fraud is the second biggest challenge. Many laborers filed suits against their employers for receiving late payments, bad checks, and no overtime pay. Loss of

employment benefits is a direct outcome: laborers cannot keep up with medical benefits payments. They cannot follow the unemployment benefits rules when they leave the employer with no pay. With no ability to receive regular medical care, many laborers suddenly quit the employer. Teams who suddenly face a shortage of personnel cannot meet the daily construction output and often deliver the project late, with budget overruns and quality red flags. Managers face the dilemma of losing the client or admitting the challenges in delivering the work as contracted.

The ongoing issue is the "friction generated by organizational and operational functions, along with the consideration of and integration of different cultural values and perceptions into the mission of an organization" (Parhisgar, 2001, p. 35). The loss of business opportunities and high employee turnover are equally destructive in small and large business ventures, and multicultural workforce conflicts are severe disruptions (Plummer, 2003). One organization's fall could pose a "missing link" effect on the global supply chain of other organizations. While other internal organizational issues are quickly addressed by adjusting business methods, conflicts involving various cultures cannot be resolved unless legality is restored as a basic practice at every organization level. Multicultural conflicts cost the American economy, the taxpayers dearly and leave nothing else behind than sunk costs and broken relationships (Lawler, 2010).

More work needs to be done, as the diversity in construction organizations is constantly increasing. Owners and contractors openly admit that conflicts are "the number one factor affecting project cost" with a "maximum cost per individual related to a monetary loss involved in the workforce conflict of $ 367,000" (Brockman, 2012, p. 4). The final numbers identifying the losses incurred by organizations significantly increase as the number of culturally diverse individuals grows as part of the workforce (Barnes-Slater & Ford, n.d.).

Previous studies in articles, books, and speeches/dissertations lack the depth of analysis of the root cause and reality of the work environment created when bias prejudice occurs before conflict settles in teams. Many articles published seem to rush into signaling the issue but are falling short of real solutions organizations can start looking into, with realistic hopes to put down the fires. The minority workers often lack legal representation, as the case against the organizations is often hard to present in courts. The EEOC is severely understaffed, and today's cases are being investigated the following year. When physical harm and property damage are not a part of the conflicts' outcome, lawyers often pass on the opportunity to represent clients,

citing uncertain business monetary success. Issues encountered in the previous study, ambiguity, and confusion on the management's side in mitigating conflict, scarcity of concrete evidence found in survey responses open the door to this study, and new findings in a multicultural conflict in the construction industry workplace.

Table 8.

EEOC Cases

EEOC Filed Charges Won Cases				
YEAR	Total Charges	National Origin	Religion	Color
2009	93,205	11,132	3,386	2,943
2013	94,087	10,641	3,721	3,144
2018	76,505	7,104	2,859	3,166

The above analysis shows that for the last decade, the overall number of filed-and-won cases with the Equal Employment Opportunity Commission (EEOC) has slightly decreased due to increased efforts of appropriately managing the culturally diverse workforce (EEOC U. , 2019).

2.11   Summary

The major themes of this literature study were focused on identifying cultural discrimination in the construction teams in Texas. Reviewed literature pointed to many instances where the majority Anglo-culture has used its dominance to demean and belittle other individuals with different cultural backgrounds. From slurs and derogatory terms to threats and physical violence, cultural discrimination is present in many privately-owned construction companies in Texas. The workforce is not very accommodating about other cultures and indicates a certain hostile attitude toward integration efforts. With no one to turn to for help, the discriminated employees left the employer and filed claims with law enforcement agencies, seeking justice and recovery of their lost pay.

Costs were high for both the construction companies and the employees. The benefits of a culturally diverse workforce were discussed as well as generational differences and how these

differed from culturally based differences. A detailed discussion of strategies and approaches suggested by numerous authors and researchers pointed to the need for more studies and policy development in the area of cultural diversity discrimination.

CHAPTER 3.   METHODOLOGY

3.1   A Qualitative Study

This was a qualitative research study to examine the extent to which a pattern of discrimination based on cultural diversity of the workforce was present in the Texas construction industry. One of the first psychologists who conducted a qualitative study was Wilhelm Wundt. His first description was published in his 10-volume study, "Völkerpsychologie," between 1900 and 1920. He used the qualitative study to study human social interactions, systems, and processes and "an in-depth understanding of the ways people come to understand, act and manage their day-to-day situations in particular settings" (Brinkmann, Jacobsen, & Kristiansen, 2014). The origins of qualitative study "come from anthropology, sociology, the humanities and evaluation" (Creswell, 214, p. 22).

Corbin & Strauss (2008) were among the first to employ grounded theory in a qualitative study. Grounded theory is a study design originating in sociology in which the researcher derives abstract theories of interactions between the participants in the study (p.28).

The ethnographic procedures and study strategies of ethnography discussed by Wolcott (2008) as "more than just a set field of methods" and introduces the study of shared patterns and behaviors and communication of individuals of a cultural group in a larger environment, like the construction organizations (p. 12). The use of ethnographic data collection methods includes personal study and research, and such methods were used to collect data and draw conclusions and analyses.

3.2   Research Design

Using a case study approach, this research relied on archival data as primary sources for information related to cases and claims of discrimination filed against the Texas construction industry during the period 2010 through 2020. The archival data came from Texas court cases, the Civil Rights Division of the Texas Workforce Commission and the EEOC (Equal Employment Opportunity Commission).

Archival data, which are considered primary source material, avoid the problem of researcher bias since the data were gathered without involvement of the researcher. Record keeping via archival data, document analysis, and court records represents one of the five Qualitative Design methods for collecting data. A qualitative study was defined by Creswell (2014) as "an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem" p.39). Record keeping involved collecting relevant data from reliable databases, official state and federal records, and documents.

3.3   IRB Approval

Since this study focused on reviewing archival data, documents and court records that were publicly available, there was no human subject involvement. Thus, the study did not require prior IRB approval.

3.4   Data Collection

Data were collected from the EEOC and court records in the state of Texas, as well as from the Bureau of Labor Statistics and other federal and state official sites. The unit of analysis was the case or discrimination claim on file with the state and federal agencies and court system.

3.5   Data Collection Procedures

Records published within the last decade (2010 through 2020) were examined and selected based on their relevance to the cultural discrimination issue, multicultural conflict, and allegations of discriminatory practice within the construction industry in Texas.

The study was conducted using the following steps:

- reviewed and screened literature from peer-reviewed articles and books;
- organized the findings from literature reviews into study questions' criteria
- examined data from records maintained by federal, state, and local legal bodies
- Analyzed records from the EEOC on discrimination claims filed against Texas construction companies from 2010 through 2020.

The Literature Review material was open-public data between 2010 and 2021, including published articles within the last decade, believed to be a substantial period when cultural

diversity grew in size and importance, as did conflict in the workplace and claims of unfair or discriminatory treatment. Although the literature review is not exhaustive, it is significant in the time and outcome of conflicts against organizations.

The data set represents statistics, not merely data collected from a small sample. The data are publicly available, objective, and measurable – all of which strengthens the integrity of this study.

3.6 Data Analysis Procedures

Data were analyzed using the criteria established in the data and statistics coming from the state and federal agencies, court records and consistent with the research questions. Methods used in this study are explained below.

3.6.1 Inductive and deductive data analysis

Each research question was supported by the data collected from Texas state and federal law enforcement agencies concerning the number of cases filed for each cultural discrimination spectrum: race, color, and national origin. Deductively, the number of cases filed within a certain time pointed to conclusions about the severity of the problem and whether Texas had taken any steps legislatively to curb cultural discrimination. An understanding of how Texas was addressing the discrimination occurrences in its construction workforce was also included.

3.6.2 A holistic account of events

Multiple perspectives were considered and various factors involved in understanding the issues from the literature reviewed were selected. The data which directly related to answering the research questions were retained and analyzed.

3.6.3 Content Analysis

The content analysis method was used to analyze the factual data selected from the literature reviews. This includes patterns and connections.

3.6.4   Narrative Analysis

The narrative analysis method was used to sort and categorize the information included in annual reports, court rulings, and decade-long tables of cases filed.

3.6.5   Reporting the Findings

A discussion of the findings of this research study are presented in Chapters 4 and 5. The information was organized into three steps:

a. A detailed presentation of the data is found in Chapter 4. Using tables and figures, the statistics and data are arranged by year, from 2010 through 2020, to graphically illustrate the extent to which discrimination exists within the Texas construction industry. The findings provide an annual summary of cultural diversity discrimination cases, the alleged violation, and the outcome. The chapter concludes with a table summarizing the data for the ten-year period.

b. A Discussion of the findings and answers to the research questions are found in Chapter 5. Here, an interpretation was included with linkages to previously published articles and a tentative theory emerged. The data illustrate the magnitude of the discrimination continuing to plague the construction workforce in the state of Texas. Despite the pattern of discrimination evidenced by the data, the state of Texas has not adopted new legislation to address the ongoing problem. The Texas construction industry has also not changed its policies or practices in response to the discrimination complaints filed against the industry each year.

c. Issues and Implications are also presented in Chapter 5. The issue of cultural discrimination in the Texas construction industry is further illuminated and implications for future research are presented. A cultural integration model is proposed as a guide to aid in cultural integration efforts.

3.7   Summary

This qualitative study used a case study approach to examine patterns of cultural diversity discrimination in the Texas construction industry for the ten-year study period of 2010 through 2020. Archival data along with historical record-keeping and document analysis was obtained

from state and federal agencies and the Texas court system. A comprehensive review of discrimination cases and claims filed against the Texas construction industry was undertaken with tables and figures detailing the number of cases filed, the discrimination issues alleged in the complaints and cases, and the outcomes of these complaints are presented in the next chapter. The final chapter revisits the research questions that guided this study, discusses the implications of the findings, and suggests directions for future research on the topic. It concludes with a presentation of a proposal cultural integration model.

CHAPTER 4.   PRESENTATION OF DATA

4.1. Data Sources

Data were obtained from publicly available court records as well as information gathered from the Texas EEOC database. The Texas Equal Employment Opportunity Commission (EEOC) and EEOC provided an aggregate listing of discrimination claims filed by employees in Texas construction companies from 2010 through 2020. The EEOC database returned aggregate numbers for complaints of discriminatory practice in Texas construction companies based on race, sex, national origin, age (ADEA or Age Discrimination in Employment Act), and disabilities (ADA or Americans with Disabilities Act). See Table 9 below.

4.1   EEOC Data

Table 9.

EEOC Claims Filed against Texas Construction Companies, 2010-2020

EEOC Charge Receipts - TEXAS - Construction (NAICS 233-238)	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Total	167	165	138	125	115	150	138	158	124	109	139
TVII	122	121	103	94	90	113	96	108	78	84	102
Race	44	74	68	53	38	68	55	67	45	44	49
Sex	42	36	25	34	35	29	25	38	30	32	36
National Origin	32	17	18	15	15	22	21	17		12	18
Religion											
Color		12						20	10		
ADEA	45	29	24	17	23	22	27	28	32	22	34
ADA	34	37	34	29	25	40	41	59	38	27	43
EPA											
GINA											

Note: EEOC, https://eeoc.arkcase.com/foia/portal/

The table shows the number of filed cases based on various violations of the Title VII Civil Rights Act of 1964. Based on the "National Origin" type of discrimination, the highest number of cases filed is 32 in 2010, and the lowest number of cases filed is 12 in 2019.

Table 10.

Summary of Cases Filed Based on National Origin and Race

EEOC Summary of cases filed based on National Origin Discrimination and Race										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
National Origin	32	17	18	15	15	22	21	17	0	12	18
Race	44	74	68	53	38	68	55	67	45	44	49

Many complaints filed with the EEOC lacked appropriate documentation and were not included in the EEOC's report. However, this does not indicate the absence of a violation of employee rights, just the inability to make a *prima facie* case. Data show that more than one hundred claims of Title VII discriminatory practice or unfair treatment were filed by Texas construction employees each year. Just under half of all claims alleged Title VII violations based on race and ethnicity.

Table 11.

Texas Population Diversity by Race and Ethnicity (2021)

Texas Diversity	Percentage
White	73.97%
Black or African American	12.13%
Other Race	5.82%
Two or more races	2.69%
Native American	0.50%
Asian	4.80
Native Hawaiian or Pacific Islander	0.09%

Note: Editorial, Texas Population 2021

The above information shows that whites and Hispanics together in Texas account for 73.97% of the total population. Many Latino in Texas identify themselves as whites but of different ethnicity.

According to EEOC, race and color discrimination are separate categories from ethnicity (Ethnicity, 2021). Texas began including race and ethnicity together in their annual reports starting with 2014 (TWC, CRD Annual Report, 2014). The reason is that there are many ethnicities within a race. As such, the filed cases alleging discrimination based solely on skin

color are investigated as a separate claim from discrimination cases where the ethnic background was the reason for discrimination.

4.2   Texas Court Cases

Under the Federal Law, observed by 18 U.S.C. §241, 242, and 249, Civil Rights infringement is a felony, punishable by federal courts, as convicted (Justice, 2017). Civil Rights abuses in construction organizations are falling in the range of violations of the Title VII provisions and beyond. Historically, research traced the discriminatory practice as having racial origins. As segregation legally ended almost six decades ago, sadly, employers still use "false and pretextual explanations" to discharge employees (Schmidt, 2020). In the case of *Robert Reeves v. Sanderson Plumbing Products, Inc*., presented to the US Supreme Court in 2000, the court's decision became base precedence to be used subsequently by other common-law trial judges in similar cases (Reeves v. Sanders Plumbing Products, Inc., 2020).

According to Chapters 29 and 30 of the Texas Government Code, Municipal Courts in Texas have the jurisdiction to hear cases involving losses up to $5,000. Any case involving monetary losses over that amount falls in the jurisdiction of County-Level Courts (Report A. , 2020) or above jurisdiction.

For the past decade, 3,773 cases were filed with the TX state Appellate Court as appeals of defendants against lower courts judgments (Court, 2021). The judgments entered against employers were costly for the construction industry as a whole; regardless of the judgment handed to the parties involved, monetary satisfaction and relief were ordered. The number of cases initially filed with Municipal Courts and Lower-Level Courts for the past decade under the allegations of "civil rights" violations against construction employers increased steadily. According to an article published by the Kennard Law website (2019), for the Fiscal Year (FY) 2013, there were 9,068 charges, state-wide, for workplace discrimination, an increase from 8,929 during the previous year.

The litigation process included two major agencies: Texas Workforce Commission at the state level, and the EEOC, at the federal level. Both agencies have the authority to assist plaintiffs in the pursuit of justice. The state's court system has released a number of cases, which were collected and analyzed from its archival data.

Not all of the cases filed with one agency were filed with the other. The state of Texas handled only the cases filed with TWC. In the same way, EEOC claims were investigated, and upon findings of a legal violation, appropriate legal representation was provided.

The decade-long table provided by the EEOC (see Table 9) with its statistical number of construction cases was used to respond to the study questions and draw conclusions. It included the Title VII (Civil Rights) violation only because EEOC, as a federal level commission, would only investigate federal violations, leaving the other categories of discrimination to be addressed as civil litigation between parties (employee-employer).

TWC published annual reports of its activity, and the Civil Rights Division (CRD) has included, in each annual report, its statistical numbers of cases filed for the construction segment of the workforce. Three criteria were used here: cases filed by Issue, by Basis, and by Closure. The collection of this data, organized by the three criteria above, facilitated monitoring the trends of each category within the data and drawing conclusions, responding to the research questions.

4.3   District and Statutory County Courts

During the FY 2019, Texas District and Statutory County Courts have recorded 116,275 cases of felonies in workplace discrimination areas. Early during 2021, the Employment Equal Opportunity Commission (9/2021) released its annual statistics for this fiscal year (EEOC, EEOC Fiscal Year 2020 Enforcement and Litigation Data, 2021). According to the same agency's published data, the Strategic Plans for the fiscal years 2018-2022 were dedicated to increasing the severity of penalties and significantly reducing the time spent processing and investigating cases filed. Table 12 below shows the cases filed by Basis, according to the federal Title VII Civil Rights Act of 1964 for all-trades construction.

Table 12.

Court Cases Filed by Basis of Complaint in 2010

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	338	18.6%	Sex	2,813	17.9%
Race	299	16.4%	Race	3,114	19.9%
Color	78	4.3%	Color	258	1.6%
Age	292	16.1%	Age	2,162	13.8%
Disability	320	17.6%	Disability	2,068	13.2%
National Origin	144	7.9%	National Origin	1,348	8.6%
Religion	44	2.4%	Religion	302	1.9%
Retaliation	292	16.1%	Retaliation	3,605	23.0%
Genetic Information	0	0.0%	Genetic Information	8	0.1%
Other	11	0.6%	Other	1	0.0%
TOTAL	1,818	100%	TOTAL	15,679	100%

Note: DivisionT. – C., TWC, Annual Report of the Civil Rights Division, 2010.

Table 13.

Summary of Cases Filed Based on Cultural Discrimination in 2010

Cases filed on the Basis of Cultural Discrimination in 2010		
Type	TX-CRD	EEOC
Race	299	3,114
Color	78	258
National Origin	144	1,348

Note: This Table summarizes the data excerped from Table 12, presenting the data for cases involving Race, Color, and National Origin.

Table 13 indicates that at the end of 2010, the total number of cases filed with EEOC was alarmingly high (4,720). The number of cases filed with the state's Civil Rights Division is also high (521). Together, 5,241 discrimination cases were filed in a single year. Among the total number of cases, Title VII cases filed with EEOC based on race are the greatest.

The number of cases involving cultural diversity, based on discrimination by race, color, and national origin, totaled 521, which represents more than 28% of construction discrimination cases filed in Texas in 2010. Among EEOC cases filed, nearly 43% of the claims were filed based on race, color, and national origin, representing a significant pattern of diversity bias. Table 14 reveals the issues cited in each case, with wrongful termination (discharge), harassment, and cultural bias (inequity in terms and conditions) as the major discriminatory practices cited by construction employees.

Table 14.

Cases Filed by Issue Type in 2010

CRD			EEOC		
ISSUES	TOTAL	PERCENTAGE	ISSUES	TOTAL	PERCENTAGE
Discharge	594	28.8%	Discharge	5,522	33.3%
Terms & Conditions	238	11.5%	Terms & Conditions	2,045	12.3%
Sexual Harassment	124	6.0%	Sexual Harassment	843	5.1%
Promotion	45	2.2%	Promotion	433	2.6%
Hiring	55	2.7%	Hiring	531	3.2%
Demotion	48	2.3%	Demotion	291	1.8%
Layoff	45	2.2%	Layoff	316	1.9%
Wages	117	5.7%	Wages	502	3.0%
Reasonable Accommodation	86	4.2%	Reasonable Accommodation	568	3.4%
Benefits	26	1.3%	Benefits	94	0.8%
Discipline	164	8.0%	Discipline	1,238	7.5%
Harassment	298	14.5%	Harassment	1,915	11.6%
Language/ Accent Issue	5	0.2%	Language/ Accent Issue	14	0.1%
Other	216	10.5%	Other	2,258	13.6%
TOTAL	2,061	100%	TOTAL	16,570	100%

(Division T. -C., TWC - Annual Report of Civil Right Division 2010, 2010)

Table 15.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2010.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints		
Issue	CRD	EEOC
Discharge	594	5,522
Terms & Conditions	238	2,045
Harassment	298	1,915

Note: This table summarizes the data excerpted from Table 14, presenting the cases involving

Race, Color, and National Origin. Data reveals many complaints against wrongful termination of

employment/Discharge for both CRD and EEOC. This may indicate that employers considered

the termination of employment as a means of addressing discrimination complaints.

Table 16.

Cases by Closure Type in 2010

CRD			EEOC		
CLOSURE TYPE	TOTAL	PERCENTAGE	CLOSURE TYPE	TOTAL	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause Finding	650	63.9%	No Cause Finding	7,087	68.3%
Conciliation	0	0.0%	Successful Conciliation	129	1.2%
Right To Sue Issued	69	6.8%	Right To Sue Issued	946	9.1%
Withdrawal w/Settlement	145	14.2%	Withdrawal w/Settlement	386	3.7%
No Fault Settlement	59	5.8%	No Fault Settlement	1,067	10.3%
Failure To Cooperate	2	0.2%	Failure To Cooperate	4	0.0%
Lack of Jurisdiction	21	2.1%	Lack of Jurisdiction	277	2.7%
Failure To Locate	1	0.1%	Failure To Locate	4	0.0%
Charging Party Withdrawal	11	1.1%	Charging Party Withdrawal	145	1.4%
Other (See details)	60	5.9%	Other (See details)	343	3.3%
TOTAL	1,018	100%	TOTAL	10,388	100%

(Division T. -C., TWC - Annual Report of Civil Right Division 2010, 2010).

 According to Table 16, approximately 2/3 of the discrimination cases filed in the court

system and the EEOCC were dismissed for lack of a cause of action. The plaintiffs were unable

to document or prove the allegation to the satisfaction of the hearing authorities. Between 5%

and 15% of cases were settled via mediation. The cases filed during 2011 are summarized in the following tables.

Table 17.

Cases Filed By Basis of Complaint in 2011

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	385	21.1%	Sex	3,087	16.5%
Race	248	13.6%	Race	3,720	19.8%
Color	61	3.3%	Color	272	1.5%
Age	293	16.0%	Age	2,098	11.2%
Disability	345	18.9%	Disability	2,991	15.9%
National Origin	158	8.6%	National Origin	1,766	9.4%
Religion	24	1.3%	Religion	638	3.4%
Retaliation	305	16.8%	Retaliation	4,079	21.7%
Genetic Information	0	0.0%	Genetic Information	2	0.0%
Other	8	0.4%	Other	110	0.6%
TOTAL	1827	100%	TOTAL	18763	100%

Note: Division T. -C., Annual Report, 2011

Table 18.

Summary of Cases Filed Based on Cultural Discrimination in 2011

Cases filed on the Basis of Cultural Discrimination in 2011		
Basis	CRD	EEOC
Race	248	3,720
Color	61	272
National Origin	158	1,766

Note: The data were excerpted from Table 17 for race, color, and national origin.

Table 18 shows that 25% of CRD cases and 30% of EEOC cases were related to cultural diversity, including race, color, and national origin. Nearly one-fifth of cases for both CRD and EEOCC were based on allegations of retaliation by the employer. Table 19 shows the results of cases filed in 2011 by Issue type.

Table 19.

Cases Filed by Issue Type in 2011

CRD			EEOC		
ISSUES	NUMBER	PERCENTAGE	ISSUES	NUMBER	PERCENTAGE
Discharge	586	25.4%	Discharge	6,320	35.0%
Terms & Conditions	291	12.6%	Terms & Conditions	2,320	12.9%
Sexual Harassment	127	5.5%	Sexual Harassment	867	4.8%
Promotion	46	2.0%	Promotion	475	2.6%
Hiring	66	2.9%	Hiring	504	2.8%
Demotion	64	2.8%	Demotion	312	1.7%
Layoff	31	1.3%	Layoff	254	1.4%
Wages	139	6.0%	Wages	584	3.2%
Reasonable Accommodation	133	5.8%	Reasonable Accommodation	663	3.7%
Benefits	31	1.3%	Benefits	158	0.9%
Discipline	228	9.9%	Discipline	1,233	6.8%
Harassment	364	15.7%	Harassment	2,449	13.6%
Language/ Accent Issue	15	0.7%	Language/ Accent Issue	64	0.4%
Other	187	8.1%	Other	1,839	10.2%
TOTAL	2,308	100%	TOTAL	18,042	100%

NoteL Division T. -C., Annual Report, 2011

Table 20.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2011

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2011		
Issues	CRD	EEOC
Discharge	586	6,320
Terms & Conditions	291	2,320
Harassment	364	2,449

Note: The data were excerpted from Table 19 for race, color, and national origin.

As was the case the year before, most cases centered on three primary categories of discrimination: wrongful discharge, ongoing harassment on the job, and incidents reflecting cultural bias or prejudice (as could be seen in terms and conditions of employment). More than half of the cases filed in 2011 involved wrongful discharge, harassment, and cultural bias (terms & conditions). With over 10,000 cases filed with EEOC and over 1,000 cases filed with the state's TWC, there is an indication that the issue remained unsolved. Over 11,000 employees had to leave the workplace and seek employment elsewhere. Construction teams lost resources and

talent, loyal and professionally dedicated employees who could have benefitted from cultural integration efforts from employers.

Table 21.

Cases Filed by Closure Type in 2011

CRD			EEOC		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause Finding	571	62.9%	No Cause Finding	7,323	69.2%
Successful Conciliation	0	0.0%	Successful Conciliation	102	1.0%
Right To Sue Issued	76	8.4%	Right To Sue Issued	757	7.1%
Withdrawal w/Settlement	127	14.0%	Withdrawal w/Settlement	413	3.9%
No Fault Settlement	50	5.5%	No Fault Settlement	956	9.0%
Failure To Cooperate	1	0.1%	Failure To Cooperate	0	0.0%
Lack of Jurisdiction	13	1.4%	Lack of Jurisdiction	603	5.7%
Failure To Locate	0	0.0%	Failure To Locate	0	0.0%
Charging Party Withdrawal	8	0.9%	Charging Party Withdrawal	134	1.3%
Other	62	6.8%	Other	302	2.9%
TOTAL	908	100%	TOTAL	10,590	100%

Note: Division T. -C., Annual Report 2011

Consistent with the previous year's rulings, approximately two-thirds of the cases were dismissed for lack of cause. Nearly one-fifth of cases settled in mediation. And fewer than 10% of cases were determined to have the right to pursue legal redress (i.e., to sue their employer). The table shows that "No cause finding" accounts for 62% of the total cases with CRD and 69% of the total cases with EEOC. This can indicate that the complaint lacked the necessary evidence to support the claim, but not a dismissal of the case.

Table 22.

Cases Filed by Basis of Complaint in 2012

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	308	18.5%	Sex	3,544	17.8%
Race	248	14.9%	Race	3,556	17.9%
Color	105	6.3%	Color	439	2.2%
Age	265	15.9%	Age	2,419	12.2%
Disability	270	16.2%	Disability	3,365	16.9%
National Origin	158	9.5%	National Origin	1,627	8.2%
Religion	50	3.0%	Religion	386	1.9%
Retaliation	260	15.6%	Retaliation	4,461	22.4%
Genetic Information	0	0.0%	Genetic Information	3	0.0%
Other	5	0.3%	Other	86	0.4%
TOTAL	1,669	100%	TOTAL	19,886	100%

NoteL Division T. -C., Annual Report, 2012

Table 23.

Summary of Cases Filed by Basis of Cultural Discrimination in 2012

Cases filed on the Basis of Cultural Discrimination in 2012		
Basis	CRD	EEOC
Race	248	3,556
Color	105	439
National Origin	158	1,627

Note: The data were excerpted from Table 22 for race, ethnicity, color, and national origin.

In 2012, nearly one-third of cases presented claims of discrimination based on race, color, and national origin with both TWC and EEOC. This is an indication of a strong presence of cultural discrimination in the construction industry in Texas.

Table 24.

Cases Filed by Issue Type in 2012

	CRD			EEOC	
ISSUES	NUMBER	PERCENTAGE	ISSUES	NUMBER	PERCENTAGE
Discharge	511	29.6%	Discharge	7,101	36.0%
Terms & Conditions	275	15.9%	Terms & Conditions	2,698	13.7%
Sexual Harassment	93	5.4%	Sexual Harassment	989	5.0%
Promotion	36	2.1%	Promotion	578	2.9%
Hiring	28	1.6%	Hiring	579	2.9%
Demotion	44	2.5%	Demotion	347	1.8%
Layoff	17	1.0%	Layoff	251	1.3%
Wages	59	3.4%	Wages	643	3.3%
Reasonable Accommodation	68	3.9%	Reasonable Accommodation	808	4.1%
Benefits	28	1.6%	Benefits	267	1.4%
Discipline	232	13.4%	Discipline	1,882	9.6%
Harassment	307	17.8%	Harassment	3,010	15.3%
Language/ Accent Issue	4	0.7%	Language/ Accent Issue	42	0.2%
Other	25	1.4%	Other	509	2.6%
TOTAL	1,727	100%	TOTAL	19,704	100%

Note: Division T. -C., Annual Report, 2012

Table 25.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2012

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2012		
Issues	CRD	EEOC
Discharge	511	7,101
Terms & Conditions	275	2,698
Harassment	307	3,010

Note: The data were excerpted from Table 24 for race, ethnicity, color, and national origin.

Again, the top three issues were wrongful discharge, harassment, and cultural bias, as depicted in terms and conditions of employment. The number of cases has steadily risen since 2010. The total number of cases filed with TWC accounts for over 63%, while the total number

filed with EEOC was 65%. The table indicates that during 2012, the high percentage showed a strong presence of cultural discrimination. Even more, the high number of Discharge cases may indicate avoidance of solving a work conflict over the choice of termination of work employment.

Table 26.

Cases Filed by Closure Type in 2012

CRD			EEOC		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Administrative Closures	94	10.2%	Administrative Closures	1,320	12.4%
No Cause Finding	654	71.2%	No Cause Finding	7,591	71.4%
Settlements	44	4.8%	Settlement	962	9.0%
Withdrawal w/ Settlement	126	13.7%	Withdrawal w/ Settlement	546	5.1%
Successful Conciliation	0	0.0%	Successful Conciliation	84	0.8%
Failed Conciliation	0	0.0%	Failed Conciliation	129	1.2%
TOTAL	918	100%	TOTAL	10,632	100%

Note: Division T. -C., Annual Report, 2012

Table 26 shows, the percentage of cases in which no cause of action was found has continued to rise, totaling more than 70% of cases heard by the CRD and EEOC. Administrative closures have risen, constituting 10% of case resolutions. One-fifth of cases resulted in a settlement. All parties' successful conciliation rate was zero percent for the CRD and under 1% for the EEOC.
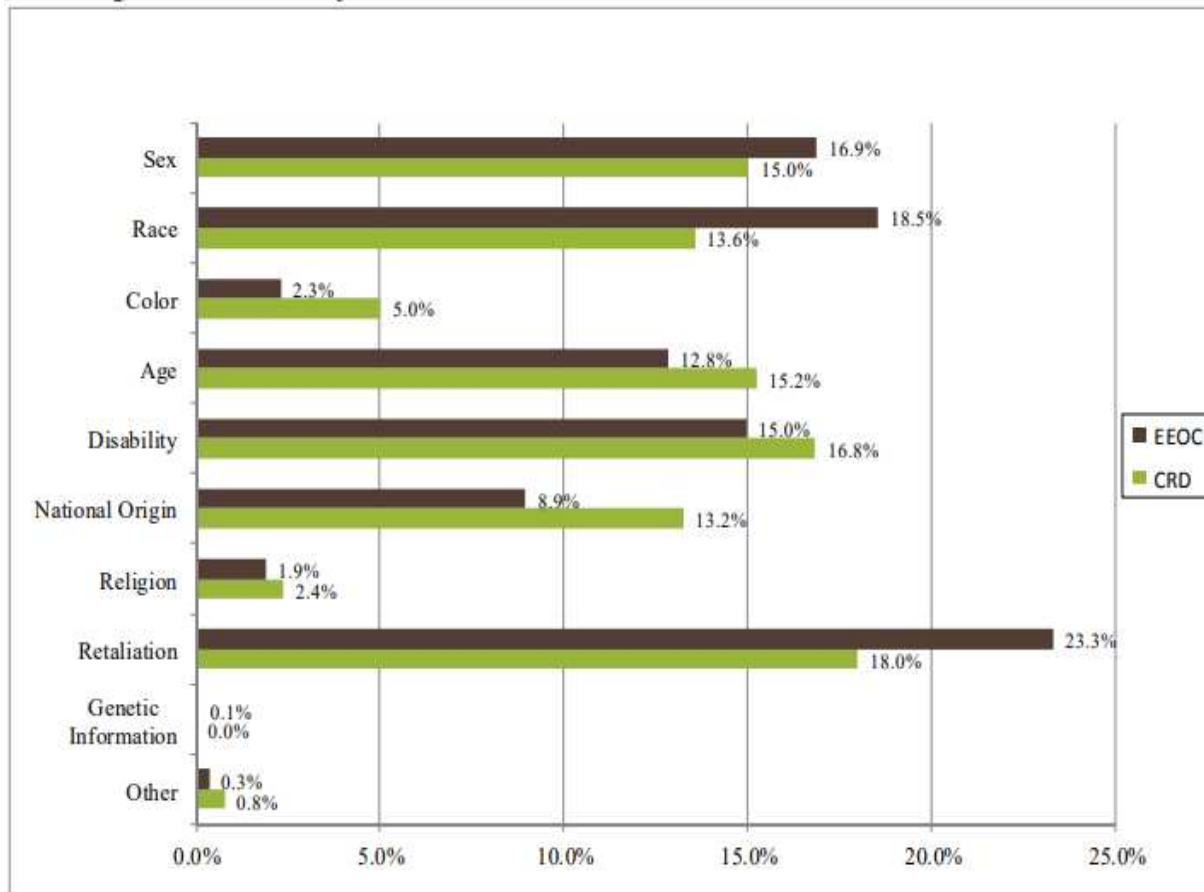
Note: Commission, Civil Rights Division, 2013

Figure 4. *Cases Filed by Basis of Complaint in 2013*

In Figure 4, we see that just under one-third of cases involved allegations of discrimination based on race, color (ethnicity), and national origin. The number of cases involving gender discrimination continued to rise, and Table 26 expresses the same percentages in table format.

Table 27.

Cases Filed by Basis of Complaint in 2013

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	234	15.0%	Sex	3,052	16.9%
Race	211	13.6%	Race	3,351	18.5%
Color	78	5.0%	Color	415	2.3%
Age	237	15.2%	Age	2,321	12.8%
Disability	262	16.8%	Disability	2,705	15.0%
National Origin	206	13.2%	National Origin	1,619	8.9%
Religion	37	2.4%	Religion	342	1.9%
Retaliation	280	18.0%	Retaliation	4,211	23.3%
Genetic Information	0	0.0%	Genetic Information	11	0.1%
Other	12	0.8%	Other	63	0.3%
TOTAL	1,557	100%	TOTAL	18,090	100%

Note: Commission, Civil Rights Division, 2013

Table 28.

Summary of Cases Filed Based on Cultural Discrimination in 2013

Cases filed on the Basis of Cultural Discrimination in 2013		
Basis	CRD	EEOC
Race	211	3351
Color	78	415
National Origin	206	1619

Note: The data was excerpted from Table 27 for race, ethnicity, color, and national origin.
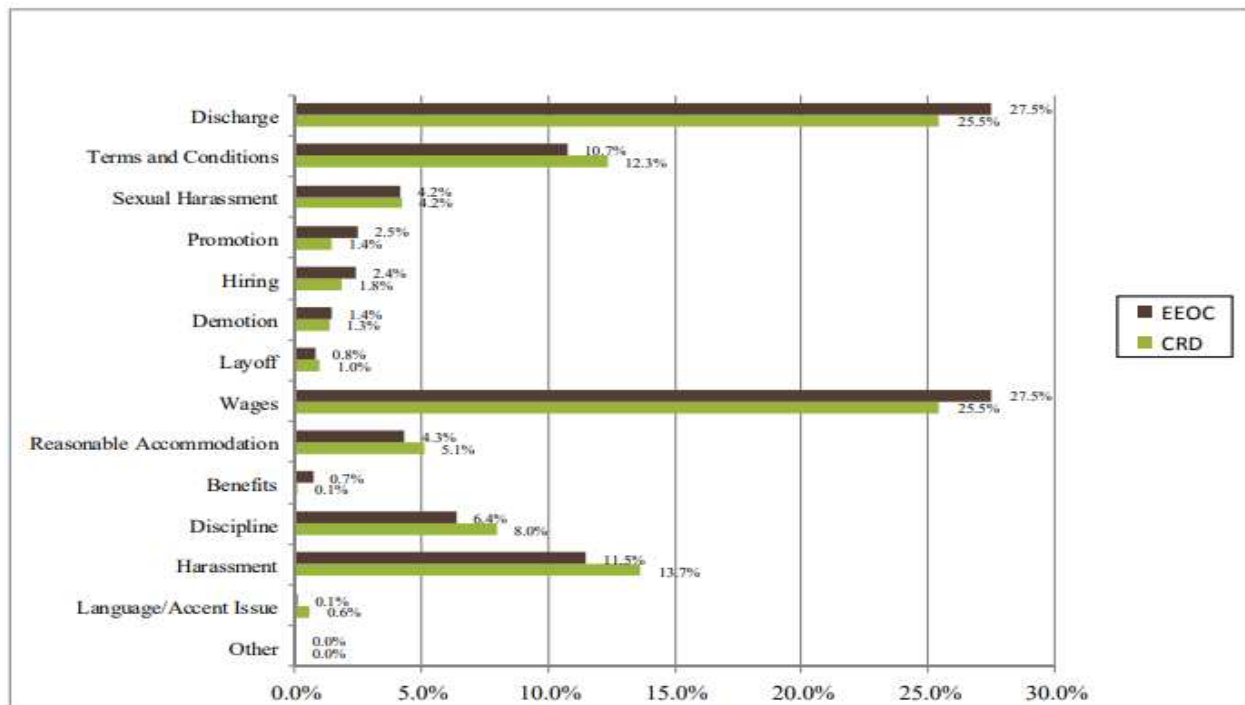
Note: Commission, Civil Rights Division, 2013

Figure 5. *Cases Filed by Issue Type in 2013*

In Figure 6, we see that one-fourth of all cases were claims of wrongful discharge, between 10% and 15% were claims of ongoing harassment, and 10-13% dealt with cultural bias as depicted by terms and conditions employment. It was often inequitable, or expectations and instructions were poorly communicated to employees. The pattern has continued.

Table 29.

Cases Filed by Issue Type in 2013

CRD			EEOC		
ISSUES	**NUMBER**	**PERCENTAGE**	**ISSUES**	**NUMBER**	**PERCENTAGE**
Discharge	496	25.5%	Discharge	5,941	27.5%
Terms & Conditions	240	12.3%	Terms & Conditions	2,316	10.7%
Sexual Harassment	82	4.2%	Sexual Harassment	899	4.2%
Promotion	28	1.4%	Promotion	532	2.5%
Hiring	36	1.8%	Hiring	516	2.4%
Demotion	26	1.3%	Demotion	309	1.4%
Layoff	19	1.0%	Layoff	172	0.8%
Wages	496	25.5%	Wages	5,941	27.5%
Reasonable Accommodation	99	5.1%	Reasonable Accommodation	936	4.3%
Benefits	2	0.1%	Benefits	151	0.7%
Discipline	155	8.0%	Discipline	1,372	6.4%
Harassment	266	13.7%	Harassment	2,477	11.5%
Language/ Accent Issue	3	0.6%	Language/ Accent Issue	24	0.1%
Other	0	0%	Other	0	0.0%
TOTAL	**1,948**	**100%**	**TOTAL**	**21,586**	**100%**

Note: Commission, Civil Rights Division, 2013

Table 30.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2013

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2013		
Issues	CRD	EEOC
Discharge	496	5941
Terms & Conditions	240	2316
Harassment	266	2477

Note: The data were excerpted from Table 29 for race, ethnicity, color, and national origin.
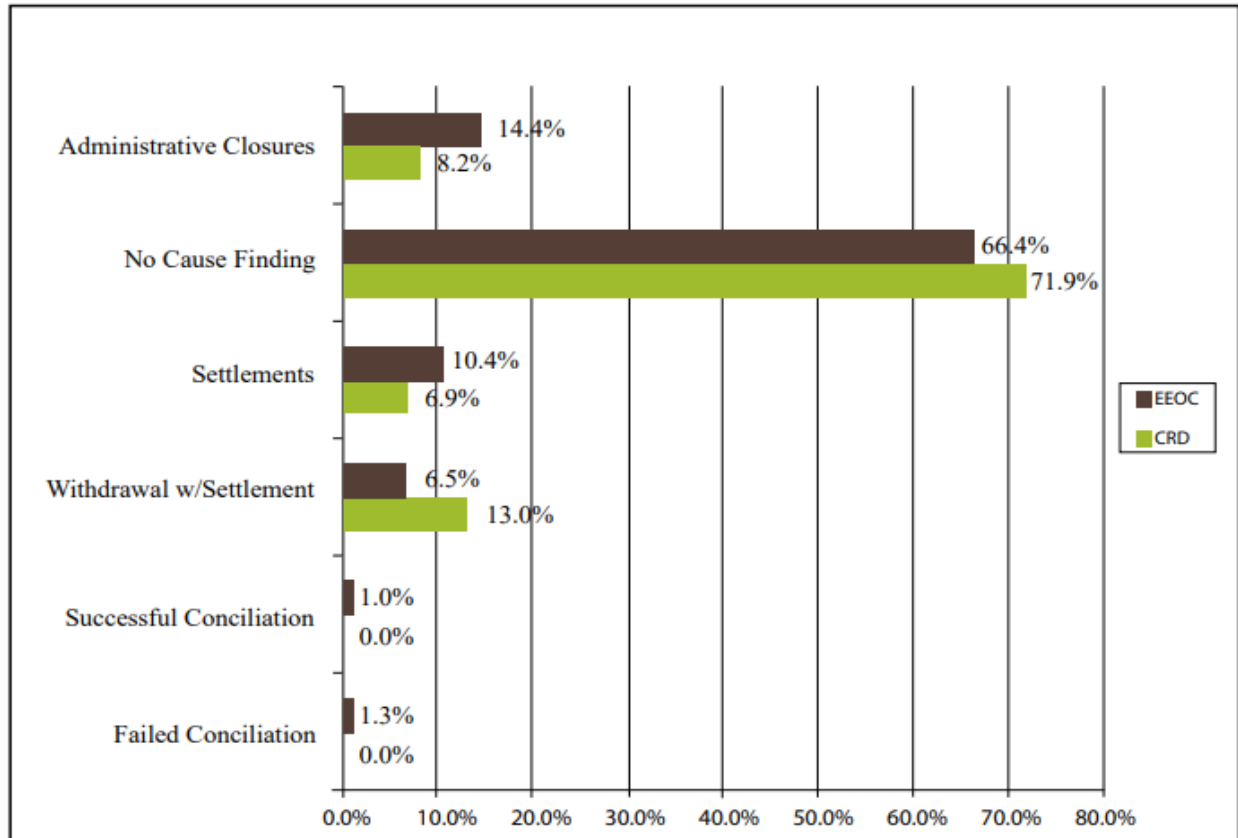
Note: Commission, Civil Rights Division, 2013

Figure 6. *Cases Filed by Closure Type in 2013*

In Figure 6, the pattern continues unabated. Two-thirds of cases are dismissed for lack of a cause of action, and one-fifth to one-fourth of cases are settled through mediation. Successful conciliations are very low, still under or approaching 1%. Despite the number of complaints filed in state courts and with the EEOC, the number of complaints of discriminatory treatment in Texas construction companies has continued unabated. There did not appear to be any ongoing efforts to address the underlying factors of these discrimination cases.

Table 31.

Cases Filed by Closure Type in 2013

CRD			EEOC		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Administrative Closures	52	8.2%	Administrative Closures	1,357	14.4%
No Cause Finding	459	71.9%	No Cause Finding	6,266	66.4%
Settlements	44	6.9%	Settlement	978	10.4%
Withdrawal w/Settlement	83	13.0%	Withdrawal w/Settlement	617	6.5%
Successful Conciliation	0	0.0%	Successful Conciliation	99	1.0%
Failed Conciliation	0	0.0%	Failed Conciliation	121	1.3%
TOTAL	638	100%	TOTAL	9,438	100%

Note: Commission, Civil Rights Division, 2013

The Texas Workforce Commission cases filed related to construction for 2014 are listed in the following section. It should be noted that CRD numbers are a subset of Statewide numbers. There was "a total of 760 CRD Charges and a total of 9,668 Statewide Charges in 2014. Some charges involved multiple bases for complaint. Therefore, the percentage is calculated based on the total number of Charges Filed for CRD or Statewide, as relevant" (TWC, CRD Annual Report, 2014).
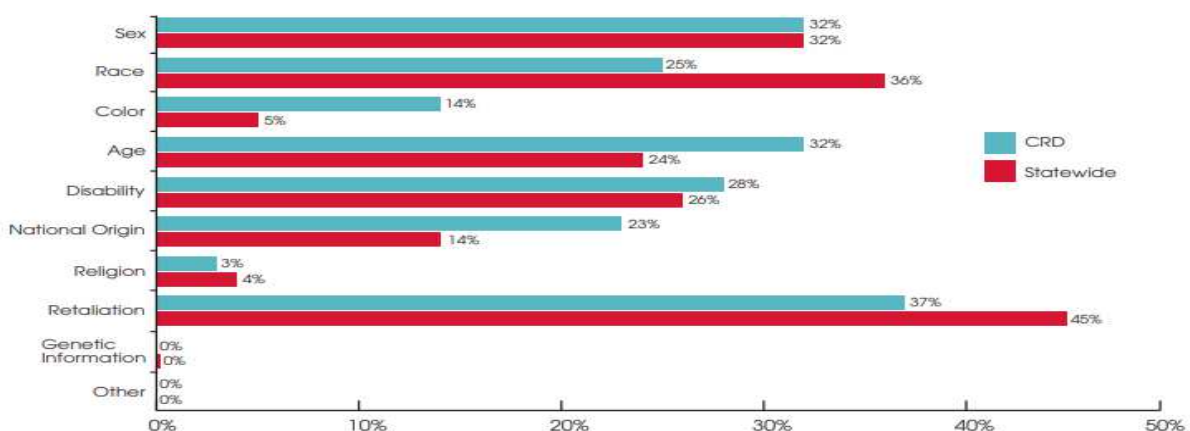
Note: TWC, CRD Annual Report, 2014

Figure 7. *Cases Filed by Basis of Complaint in 2014*

Table 32.

Cases Filed by Basis of Complaint in 2014

CRD			STATEWIDE		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	243	32%	Sex	3,066	32%
Race	191	25%	Race	3,452	36%
Color	108	14%	Color	511	5%
Age	246	32%	Age	2,318	24%
Disability	213	28%	Disability	2,549	26%
National Origin	173	23%	National Origin	1,368	14%
Religion	21	3%	Religion	346	4%
Retaliation	279	37%	Retaliation	4,375	45%
Genetic Information	0	0%	Genetic Information	14	0%
Other	0	0%	Other	0	0%
Total Charges Filed	**760**		**Total Charges Filed**	**9,668**	

Note: TWC, CRD, Annual Report, 2014

Table 33.

Summary of Cases Filed Based on Cultural Discrimination in 2014

Cases filed on the Basis of Cultural Discrimination in 2014		
Basis	CRD	EEOC
Race	191	3,452
Color	108	511
National Origin	173	1,368

Note: The data were excerpted from Table 32 for race, ethnicity, color, and national origin.

As Figure 8 illustrates, 2014 complaints about discrimination based on race, color, and national origin rose to 55% of complaints on file. Retaliation complaints represented 45% of claims and cases filed. Disability and age-related discrimination cases were also pointedly on the rise. The numbers suggest that there has been little or no change in workplace practices and the negative experience of multicultural and minority employees in the Texas Construction Industry.

Note: TWC, CRD Annual Report, 2014

Figure 8. *Cases Filed by Issue Type in 2014*

Table 34.

Cases Filed by Issue Type in 2014

CRD			Statewide		
Basis	Number	Percentage	Basis	Number	Percentage
Discharge	476	63%	Discharge	5,679	59%
Terms and Conditions	148	19%	Terms and Conditions	2,415	25%
Sexual Harassment	90	12%	Sexual Harassment	873	9%
Promotion	49	6%	Promotion	544	6%
Hiring	33	4%	Hiring	661	7%
Demotion	53	7%	Demotion	344	4%
Layoff	28	4%	Layoff	189	2%
Wages	105	14%	Wages	750	8%
Reasonable Accommodation	86	11%	Reasonable Accommodation	1,004	10%
Benefits	1	0%	Benefits	136	1%
Discipline	166	22%	Discipline	1,437	15%
Harassment	323	43%	Harassment	2,690	28%
Language/ Accent Issue	1	0%	Language/ Accent Issue	21	0%
Other	145	19%	Other	2,518	26%
Total Charges Filed	**760**		**Total Charges Filed**	**9,668**	

Note: TWC, CRD, Annual Report, 2014

Table 35.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2014

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2014		
Issue	CRD	EEOC
Discharge	476	5,679
Terms & Conditions	148	2,415
Harassment	323	2,690

Note: The data were excerpted from Table 34 for race, ethnicity, color, and national origin.

   Figure 8 shows a sharp increase in claims filed for wrongful discharge, harassment, and cultural bias as measured by terms and conditions inequities. The discharge cases increased from 25% and 27%, respectively, to 63% for CRD cases and 59% for Statewide claims. Harassment rose to 43% for CRD cases and 28% for Statewide cases. And between 20% and 25% of cases dealt with cultural biases in terms and conditions complaints. What was responsible for the rise? This would require an investigation into Texas's political, social, and economic conditions at that time and, in particular, factors impacting the construction industry.
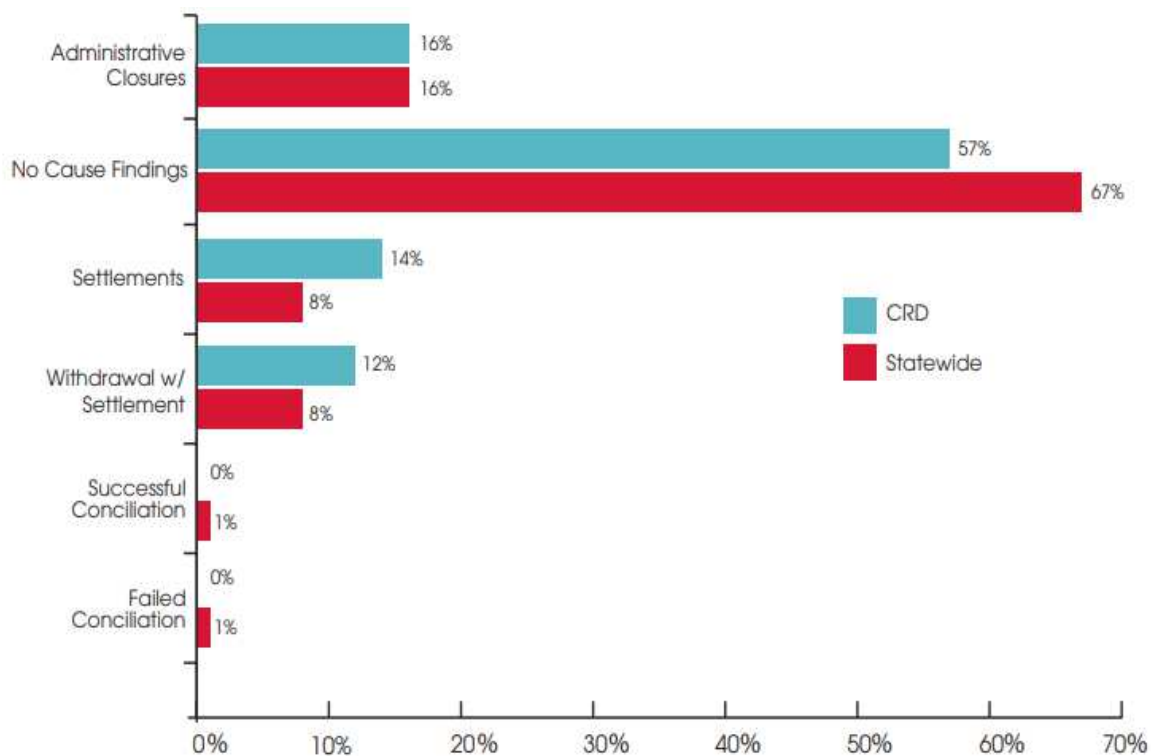
Figure 9. *Cases Filed by Closure Type in 2014*

Table 36.

Cases Filed by Closure Type in 2014

CRD			Statewide		
Closure Type	Number	Percentage	Closure Type	Number	Percentage
Administrative Closures	105	16%	Administrative Closures	1,508	16%
No Cause Finding	369	57%	No Cause Finding	6,327	67%
Settlements	91	14%	Settlement	791	8%
Withdrawal w/ Settlement	79	12%	Withdrawal w/ Settlement	721	8%
Successful Conciliation	0	0%	Successful Conciliation	66	1%
Failed Conciliation	0	0%	Failed Conciliation	78	1%
Total	644	100%	Total	9,491	100%

As Figure 10 shows, 16% of cases were resolved through administrative closing, and less than two-thirds of cases were dismissed for lack of a cause of action. One-fifth of Statewide cases and one-fourth of CRD cases were settled through mediation.

Table 37.

Cases Filed by Basis of Complaint in 2015

CIVIL RIGHTS DIVISION			STATEWIDE		
BASIS	#	%	BASIS	#	%
Sex	312	33%	Sex	2,865	30%
Race	240	26%	Race	3,296	35%
Color	147	16%	Color	438	5%
Age	253	27%	Age	1,947	21%
Disability	264	28%	Disability	2,758	29%
National Origin	232	25%	National Origin	1,268	13%
Religion	22	2%	Religion	324	3%
Retaliation	321	34%	Retaliation	4,581	48%
Genetic Information	0	0%	Genetic Information	17	0%
Other	0	0%	Other	99	1%
TOTAL FILED*	932	N/A	TOTAL FILED*	9,483	N/A

Note: Division T. -C., 2015
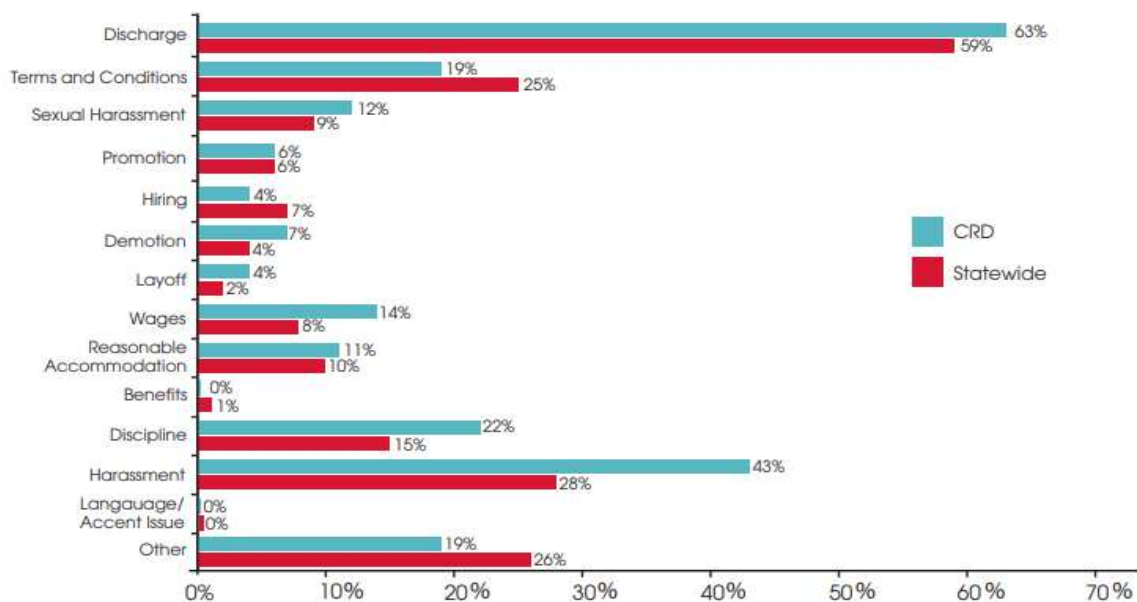
Table 38.

Summary of Cases Filed Based on Cultural Discrimination in 2015

Cases filed on the Basis of Cultural Discrimination in 2015		
Basis	CRD	TX Court System
Race	240	3,296
Color	147	438
National Origin	232	1,268

Note: The data were excerpted from Table 37 for race, ethnicity, color, and national origin.

As seen in Table 37, the percentage of cases alleging discrimination based on cultural diversity (race, color, national origin) was 67% of CRD cases and 53% of statewide cases. retaliation claims were less than 50% of the cases filed.

Table 39.

Cases Filed by Issue Type in 2015

| CIVIL RIGHTS DIVISION			STATEWIDE		
ISSUES	**#**	**%**	**ISSUES**	**#**	**%**
Discharge	543	58%	Discharge	5,641	59%
Terms and Conditions	141	15%	Terms and Conditions	2,238	24%
Sexual Harassment	105	11%	Sexual Harassment	815	9%
Promotion	51	5%	Promotion	530	6%
Hiring	44	5%	Hiring	398	4%
Demotion	73	8%	Demotion	318	3%
Layoff	30	3%	Layoff	187	2%
Wages	99	11%	Wages	585	6%
Reasonable Accommodation	106	11%	Reasonable Accommodation	1,026	11%
Benefits	1	0%	Benefits	150	2%
Discipline	162	17%	Discipline	1,199	13%
Harassment	444	48%	Harassment	2,499	26%
Language/Accent Issue	0	0%	Language/Accent Issue	48	1%
Other	214	23%	Other	2,171	23%
TOTAL FILED*	**932**	**N/A**	**TOTAL FILED***	**9,483**	**N/A**

Note: Division T. -C., 2015

Table 40.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2015

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2015		
Issues	CRD	TX Court System
Discharge	543	5,641
Terms & Conditions	141	2,238
Harassment	444	2,499

Note: The data were excerpted from Table 40 for race, ethnicity, color, and national origin.

Table 40 represents the type of issue under which each claim was filed. Slightly more than half of all cases involved wrongful discharge, and half of all CRD cases and 25% of Statewide cases involved claims of ongoing harassment on the job. And slightly less than one-fourth of cases dealt with what was perceived as cultural bias, measured by terms and conditions of employment.

Table 41.

Cases Filed by Closure Type in 2015

CIVIL RIGHTS DIVISION			STATEWIDE		
CLOSURE TYPE	**#**	**%**	**CLOSURE TYPE**	**#**	**%**
Administrative Closures	103	9%	Administrative Closures	1,511	17%
No Cause Finding	735	68%	No Cause Finding	5,819	66%
Settlement	121	11%	Settlement	791	9%
Withdrawal w/ Benefits	127	12%	Withdrawal w/ Benefits	584	7%
Successful Conciliation	1	0%	Successful Conciliation	64	1%
Unsuccessful Conciliation	0	0%	Unsuccessful Conciliation	104	1%
TOTAL	**1,087**	**100%**	**TOTAL**	**8,873**	**100%**
Cause Finding	3		Cause Finding	168	

Note: Division T. -C., 2015

There was an increase in cases dismissed for lack of a cause of action, bringing it back up to two-thirds of cases filed. Administrative closures fell to 10-20% of cases, and settlements represented about one-fourth of all case resolutions.

Table 42.

Cases Filed by Basis of Complaint in 2016

CIVIL RIGHTS DIVISION			STATEWIDE		
Basis	Number	Percent	Basis	Number	Percent
Sex	310	32%	Sex	3,318	30%
Race	265	28%	Race	3,766	34%
Color	201	21%	Color	626	6%
Age	292	31%	Age	2,437	22%
Disability	273	29%	Disability	3,262	30%
National origin	298	31%	National origin	1,614	15%
Religion	39	4%	Religion	428	4%
Retaliation	305	32%	Retaliation	5,531	48%
Genetic information	0	0%	Genetic information	26	0%
Other	0	0%	Other	108	1%
Total Filed*	956	N/A	Total Filed*	11,056	N/A

Note: Division T. -C., TWC Annual Report, 2016

Table 43.

Summary of Cases Filed Based on Cultural Discrimination in 2016

Cases filed on the Basis of Cultural Discrimination in 2016		
Basis	CRD	TX Court System
Race	265	3,766
Color	201	626
National Origin	298	1,614

Note: The data were excerpted from Table 42 for race, ethnicity, color, and national origin.

For 2016, the percentage of CRD cases involving diversity discrimination rose to 80%, while Statewide cases hovered around 55%.

Table 44.

Cases Filed by Issue Type in 2016

CIVIL RIGHTS DIVISION			STATEWIDE		
Issues	Number	Percent	Issues	Number	Percent
Discharge	610	64%	Discharge	6,542	59%
Terms and Conditions	149	16%	Terms and Conditions	2,511	23%
Sexual Harassment	106	11%	Sexual Harassment	894	8%
Promotion	54	6%	Promotion	581	5%
Hiring	41	4%	Hiring	499	5%
Demotion	56	5%	Demotion	347	3%
Layoff	32	3%	Layoff	256	2%
Wages	72	8%	Wages	648	6%
Reasonable Accommodation	77	8%	Reasonable Accommodation	140	1%
Benefits	4	0%	Benefits	163	1%
Discipline	97	10%	Discipline	1,423	13%
Harassment	323	34%	Harassment	2,769	25%
Language/Accent Issue	0	0%	Language/Accent Issue	31	0%
Other	149	16%	Other	3,697	33%
Total Filed*	**956**	**N/A**	**Total Filed***	**11,056**	**N/A**

Note: Division T. -C., TWC Annual Report, 2016

Table 45.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2016

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2016		
Issue	CRD	TX Court System
Discharge	610	6,542
Terms & Conditions	149	2,511
Harassment	323	2,769

Note: The data were excerpted from Table 44 for race, ethnicity, color, and national origin.

Table 45 illustrates, wrongful discharge remained the top issue in cases filed with the TWC (CRD cases) and Statewide cases. Harassment cases still represented one-fourth to one-third of cases filed with Statewide and TWC (CRD), respectively. Cultural bias as represented by terms and conditions of employment stayed in the 14-25% range.

Table 46.

Cases Filed by Closure Type in 2016

CIVIL RIGHTS DIVISION			STATEWIDE		
Closure Type	Number	Percent	Closure Type	Number	Percent
Administrative Closures	114	12%	Administrative Closures	1,709	17%
No Cause Finding	642	66%	No Cause Finding	6,323	64%
Settlement	107	11%	Settlement	858	9%
Withdrawal w/ Benefits	109	11%	Withdrawal w/ Benefits	864	9%
Successful Conciliation	0	0%	Successful Conciliation	59	1%
Unsuccessful Conciliation	0	0%	Unsuccessful Conciliation	58	1%
Total	972	100%	Total	9,871	100%
Cause Finding	2		Cause Finding	168	

Note: Division T. -C., TWC Annual Report, 2016

The cases heard in 2016, two-thirds were dismissed both by the TWC (CRD) and Statewide for lack of a cause of action. Settlements represented 18-22% of resolutions, nearly the same as administrative closings.

Table 47.

Cases Filed by Basis of Complaint in 2017

Civil Rights Division			Statewide		
Basis	#	%	Basis	#	%
Retaliation	379	38%	Retaliation	5,503	52%
Sex	325	33%	Sex	3,418	32%
Race	315	32%	Race	3,551	34%
National origin	306	31%	National origin	1,526	14%
Disability	299	30%	Disability	3,188	30%
Age	275	28%	Age	2,436	23%
Color	231	23%	Color	746	7%
Religion	28	3%	Religion	373	4%
Genetic Information	0	0%	Genetic Information	31	0%
Total Filed*	997	--	Total Filed*	10,584	--

Note: TWC, CRD Annual Report, 2017

Table 48.

Summary of Cases Filed Based on Cultural Discrimination in 2017

Cases filed on the Basis of Cultural Discrimination in 2017		
Basis	CRD	TX Court System
Race	315	3,551
Color	231	746
National Origin	306	1,526

Note: The data were excerpted from Table 47 for race, ethnicity, color, and national origin.

In 2017, the percentage of retaliation claims rose to half of all Statewide cases filed against Texas construction companies. The percentage of cases identifying discriminatory treatment based on race, national origin, and color rose to 84% of TWC cases but was steady at about 55% of Statewide cases.

Table 49.

Cases Filed by Issue Type in 2017

Civil Rights Division			Statewide		
Issue	#	%	Issue	#	%
Discharge	638	64%	Discharge	6,344	60%
Harassment	329	33%	Harassment	2,654	25%
Terms and Conditions	254	25%	Terms and Conditions	2,462	23%
Discipline	144	14%	Discipline	1,273	12%
Other	139	14%	Other	1,795	17%
Wages	137	14%	Wages	630	6%
Reasonable Accommodation	108	11%	Reasonable Accommodation	1,235	12%
Sexual Harassment	102	10%	Sexual Harassment	898	8%
Suspension	63	6%	Suspension	317	3%
Demotion	61	6%	Demotion	329	3%
Constructive Discharge	57	6%	Constructive Discharge	804	8%
Promotion	56	6%	Promotion	485	5%
Hiring	51	5%	Hiring	416	4%
Training	47	5%	Training	66	1%
Layoff	29	3%	Layoff	290	3%
Total	997	--	Total	10,584	--

Note: TWC, CRD Annual Report, 2017

Table 50.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2017

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2017		
Issue	CRD	TX Court System
Discharge	638	6,344
Terms & Conditions	254	2,462
Harassment	329	2,654

Note: The data were excerpted from Table 49 for race, ethnicity, color, and national origin.

Nearly two-thirds of cases involved allegations of wrongful discharge, 25-33% involved harassment on the job, and about 25% of the claims involved cultural bias as measured by terms and conditions of employment.

Table 51.

Cases Filed by Closure Type in 2017

Civil Rights Division			Statewide		
Type	#	%	Type	#	%
Administrative Closures	144	18%	Administrative Closures	1,714	16%
No Cause Finding	446	56%	No Cause Finding	7,406	68%
Settlement with Benefits	84	11%	Settlement with Benefits	618	6%
Withdrawal w/ Benefits	120	15%	Withdrawal w/ Benefits	984	9%
Successful Conciliation	0	0%	Successful Conciliation	85	1%
Unsuccessful Conciliation	1	0%	Unsuccessful Conciliation	95	1%
Total	795		Total	10,902	
Cause Finding	2		Cause Finding	200	

Note: TWC, CRD Annual Report, 2017

The percentage of 2017 cases dismissed for lack of a cause of action was still between 50% and 68%. About one-fifth to one-fourth of cases were settled through mediation.

Table 52.

Cases Filed by Basis of Complaint for 2018

Civil Rights Division			Statewide		
Basis	#	%	Basis	#	%
Retaliation	496	36%	Retaliation	5,898	50%
Sex	504	36%	Sex	3,754	34%
Race	450	33%	Race	3,551	30%
National Origin	440	32%	National Origin	1,985	21%
Disability	396	29%	Disability	3,483	29%
Age	390	28%	Age	1,769	23%
Color	421	30%	Color	1,294	29%
Religion	57	4%	Religion	437	4%
Genetic Information	0	0%	Genetic Information	22	0%
Total Filed*	1,381	--	**Total Filed***	11,476	--

Note: Division T.-C., CRD Annual Report, 2018

In Table 52, we see discrimination based on race, color, or national origin was mentioned in more than three-fourths of the cases filed. Gender discrimination and retaliation were also present in most of the cases filed.

Table 53.

Summary of Cases Filed Based on Cultural Discrimination in 2018

Cases filed on the Basis of Cultural Discrimination in 2018		
Basis	CRD	TX Court System
Race	450	3,551
Color	421	1,294
National Origin	440	1,985

Note: The data were excerpted from Table 52 for race, ethnicity, color, and national origin.

Table 54.

Cases Filed by Issue Type in 2018

Civil Rights Division			Statewide		
Issue	#	%	Issue	#	%
Discharge	867	89%	Discharge	4,634	45%
Harassment	652	67%	Harassment	1,761	17%
Terms and Conditions	418	43%	Terms and Conditions	1,653	16%
Discipline	189	19%	Discipline	927	9%
Other	3	0%	Other	79	1%
Wages	196	20%	Wages	422	4%
Reasonable Accommodation	246	25%	Reasonable Accommodation	943	9%
Sexual Harassment	181	19%	Sexual Harassment	737	7%
Suspension	75	8%	Suspension	190	2%
Demotion	73	7%	Demotion	268	3%
Constructive Discharge	129	13%	Constructive Discharge	640	6%
Promotion	96	10%	Promotion	364	4%
Hiring	84	9%	Hiring	326	3%
Training	55	6%	Training	61	1%
Layoff	33	3%	Layoff	126	1%
Total	977	--	Total	10,204	--

Note: Division T. -C., CRD Annual Report 2018

Table 55.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2018

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2018		
Issue	CRD	TX Court System
Discharge	867	4,634
Terms & Conditions	418	1,653
Harassment	652	1,761

Note: The data were excerpted from Table 54 for race, ethnicity, color, and national origin.

Wrongful discharge was mentioned in 89% of CRD cases and 45% of Statewide cases. Persistent harassment on the job was cited in 67% of CRD and 17% of Statewide cases. Cultural bias was measured under terms and conditions of employment in 43% of the CRD cases and 16% of the Statewide cases.

Table 56.

Case Filed by Closure Type in 2018

Civil Rights Division			Statewide		
Type	#	%	Type	#	%
Administrative Closures	329	33%	Administrative Closures	1,478	15%
No Cause Finding	368	38%	No Cause Finding	7,351	72%
Settlement with Benefits	97	10%	Settlement with Benefits	344	3%
Withdrawal w/ Benefits	182	19%	Withdrawal w/ Benefits	815	8%
Successful Conciliation	0	0%	Successful Conciliation	65	1%
Unsuccessful Conciliation	1	0%	Unsuccessful Conciliation	151	1%
Total	977		Total	10,204	
Cause Finding	**2**	--	**Cause Finding**	**216**	--

Note: Division T. -C., CRD Annual Report, 2018

In 2018, sharp differences arose between CRD and Statewide case resolutions. The CRD found no cause or a lack of cause in 38% of the cases, while Statewide dismissals based on no cause constituted 72% of cases filed. Approximately one-third of CRD cases were settled through mediation compared to only 11% of Statewide cases.

Table 57.

Cases Filed by Basis of Complaint in 2019

Civil Rights Division			Statewide		
Basis	#	%	Basis	#	%
Retaliation	572	43%	Retaliation	4,177	56%
Sex	460	35%	Sex	2,413	32%
Race	448	34%	Race	2,315	31%
National Origin	400	30%	National Origin	836	11%
Disability	404	31%	Disability	2,337	31%
Age	406	31%	Age	1,627	22%
Color	404	31%	Color	381	5%
Religion	39	3%	Religion	231	3%
Genetic Information	0	0%	Genetic Information	19	0%
Total Filed*	1,324	--	Total Filed*	7,480	--

Note: Commission, TWC, CRD Annual Report, 2019

Table 58.

Summary of Cases Filed Based on Cultural Discrimination in 2019

Cases filed on the Basis of Cultural Discrimination in 2019		
Basis	CRD	TX Court System
Race	448	2,315
Color	404	381
National Origin	400	836

Note: The data were excerpted from Table 57 for race, ethnicity, color, and national origin.

In 2019, the number of cases filed against Texas construction companies rose. About half of all cases alleged retaliation by company officials.

Table 59.

Cases Filed by Issue Type in 2019

Civil Rights Division			Statewide		
Issue	#	%	Issue	#	%
Discharge	867	75%	Discharge	4,634	63%
Harassment	652	56%	Harassment	1,761	24%
Terms and Conditions	418	36%	Terms and Conditions	1,653	22%
Discipline	189	16%	Discipline	927	13%
Other	3	0%	Other	79	1%
Wages	196	17%	Wages	422	5%
Reasonable Accommodation	246	21%	Reasonable Accommodation	943	13%
Sexual Harassment	181	16%	Sexual Harassment	737	10%
Suspension	75	6%	Suspension	190	3%
Demotion	73	6%	Demotion	268	4%
Constructive Discharge	129	11%	Constructive Discharge	640	9%
Promotion	96	8%	Promotion	364	5%
Hiring	84	7%	Hiring	326	4%
Training	55	5%	Training	61	1%
Layoff	33	3%	Layoff	126	2%
Total	1,155	--	Total	7,394	--

Note: Commission, TWC, CRD Annual Report, 2019

Table 60.

Cases Filed by Top Three Issues in Cultural Discrimination Complaints in 2019

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2019		
Issue	CRD	TX Court System
Discharge	867	4,634
Terms & Conditions	418	1,653
Harassment	652	1,761

Note: The data were excerpted from Table 59 for race, ethnicity, color, and national origin.

The pattern of complaints is clear. Wrongful discharge is cited in two-thirds of the cases, and ongoing harassment on the job is cited in more than half of the CRD cases and one-fourth of Statewide cases. And cultural bias by way of the terms and conditions of employment is found in one-third of CRD cases and one-fourth of Statewide cases. By 2019, it appears that little progress had been made in the preceding nine years to investigate and remedy workplace discrimination and multicultural conflict in the construction industry in Texas.

Table 61.

Cases Filed by Closure Type in 2019

Civil Rights Division			Statewide		
Type	**#**	**%**	**Type**	**#**	**%**
Administrative Closures	423	18%	Administrative Closures	1,225	16%
No Cause Finding	442	56%	No Cause Finding	5,465	68%
Settlement with Benefits	99	11%	Settlement with Benefits	268	6%
Withdrawal w/ Benefits	191	15%	Withdrawal w/ Benefits	829	9%
Successful Conciliation	0	0%	Successful Conciliation	80	1%
Unsuccessful Conciliation	0	0%	Unsuccessful Conciliation	67	1%
Total	1,155		Total	7,934	
Cause Finding	**0**	--	**Cause Finding**	**DNP****	--

Note: Commission, TWC, CRD Annual Report, 2019

By the end of 2019, half of all CRD cases and two-thirds of Statewide cases had resulted in a No Cause finding, and the cases were dismissed. About one-fourth of cases settled through mediation.

According to CRD and Statewide reports, the most common complaint received in 2019 and 2020 was retaliation. In 2020, the number of "complaints filed statewide decreased from 7,480 to 3,190. For CRD (Civil Rights Division), complaints filed increased from 1,324 to 2,735" (Division T. -C., TWC - CRD 2020 Annual Report, 2020).

Table 62.

Cases Filed by Basis of Complaint in 2020

Civil Rights Division			Statewide		
Basis	#	%	Basis	#	%
Retaliation	639	54.9	Retaliation	784	55.1
Sex	370	31.8	Sex	446	31.4
Race	373	32.1	Race	453	31.9
National origin	293	25.2	National origin	321	22.6
Disability	404	34.7	Disability	503	35.4
Age	327	28.1	Age	376	26.4
Color	287	24.7	Color	291	20.5
Religion	42	3.6	Religion	46	3.2
Genetic information	0	0	Genetic information	0	0
Total Filed*	2735		Total Filed*	3190	

Note: Division T. -C., TWC, CRD Annual Report, 2020

Table 63.

Summary of Cases Filed Based on Cultural Discrimination in 2020

Cases filed on the Basis of Cultural Discrimination in 2020		
Basis	CRD	TX Court System
Race	373	453
Color	287	291
National Origin	293	321

Note: The data were excerpted from Table 63 for race, ethnicity, color, and national origin.

For 2020, retaliation was cited in more than half of all cases filed with both the CRD and Statewide commissions. In this document, cultural discrimination (also referred to as diversity discrimination) was cited in one-third of all cases filed. While the number of cases or claims filed had reduced overall (primarily at the state level), the fact remains that discrimination claims for the same predominant issues continued to be filed against Texas construction companies.

Table 64.

Cases Filed by Issue Type in 2020

Civil Rights Division Issue	#	%	Statewide Issue	#	%
Discharge	773	24.8	Discharge	915	24.3
Harassment	684	22	Harassment	738	19.6
Terms and Conditions	564	18.1	Terms and Conditions	718	19.1
Discipline	208	6.7	Discipline	265	7
Other	4	0.1	Other	4	0.1
Wages	74	2.4	Wages	89	2.4
Reasonable Accommodation	244	7.8	Reasonable Accommodation	300	8
Sexual Harassment	121	3.9	Sexual Harassment	143	3.8
Suspension	48	1.5	Suspension	62	1.6
Demotion	100	3.2	Demotion	113	3
Constructive Discharge	88	2.8	Constructive Discharge	113	3
Promotion	77	2.5	Promotion	90	2.4
Hiring	39	1.3	Hiring	51	1.4
Training	35	1.1	Training	41	1.1
Layoff	27	0.9	Layoff	32	0.9
Total	3112	--	Total	3759	--

Note: Division T. -C., TWC, CRD Annual Report, 2020

Table 65.

Cases filed by Top three Issues in Cultural Discrimination Complaints 2020

Cases Filed by Top Three Issues in Cultural Discrimination Complaints 2020		
Issue	CRD	TX Court System
Discharge	773	915
Terms & Conditions	564	718
Harassment	684	738

Note: The data were excerpted from Table 65 for race, ethnicity, color, and national origin.

The top three issues again were wrongful discharge, ongoing harassment, and Terms & Conditions. This has remained the case for all ten years in this study.

Table 66.

Cases Filed by Closure Type in 2020

Civil Rights Division			Statewide		
Type	#	%	Type	#	%
Administrative Closures	411	43.3	Administrative Closures	428	37.8
No Cause Finding	358	37.8	No Cause Finding	493	44
Settlement	28	3	Settlement	30	2.6
Withdrawal w/ Benefits	151	16	Withdrawal w/ Benefits	181	16
Successful Conciliation	0	0	Successful Conciliation	0	0
Unsuccessful Conciliation	0	0	Unsuccessful Conciliation	0	0
Total	948	--	Total	1133	--
Cause Finding		0	--	Cause Finding	0

Note: Division T. -C., TWC, CRD Annual Report, 2020

In Table 67, we see a sharp decline in the number of cases filed. We also see a rise in the percentage of administrative closures of cases with a corresponding decrease in the number of No Cause findings by the CRD and Statewide commissions. The percentage of cases achieving settlement through mediation also declined. At the time of this writing, neither the CRD nor Statewide commissions had found "cause" in any of the cases filed.

4.4   Discrimination Claims, 2010-2020

The information included in the tables shows regular and ongoing occurrences of civil rights infringements across each category. The way the data are organized shows the main categories, as laid out by the federal statute and, in parallel, the number of cases filed with the TWC and the EEOC. In Texas, the number of cases filed as discriminatory and related to cultural diversity (country of origin/culture) are presented in Table 11.

According to EEOC, and their protocols, once the investigation revealed a strong case by finding substantial evidence of the federal violation, the case goes to a federal court. There is always a chance of settlement out of court, which is not typically the next step. Many employers would agree to settle their case and avoid ending up with a Title VII judgment record which can hinder business opportunities for many years in the future. Many others would continue the legal

process hoping that the judge would handle the case to their lawyers in favor. The circumstance would create a precedence that employers always win—the hefty fines imposed by federal courts message that EEOC investigations are clear evidence of guilt. Often, the jury awarded additional compensation for the lost wages, money owed in back pay, and loss of benefits. Additional compensation was offered when the claimant lost employment, and no immediate employment was secured due to the unique skill the employees proved to have.

Table 67.

Court Cases on Cultural Discrimination in Texas Construction, 2010-2020

Summary of Data - Discrimination based on Country of Origin 2010-2020 - Texas Construction											
AGENCY	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
TWC	144	158	158	206	173	232	298	306	440	400	293
TX Court	N/A	N/A	N/A	N/A	1368	1268	1614	1526	1985	836	321
EEOC	32	17	18	15	15	22	21	17	N/A	12	18

Summary of Data - Discrimination based on Color 2010-2020 - Texas Construction											
AGENCY	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
TWC	78	61	105	78	108	147	201	231	421	404	287
TX Court	258	272	439	415	511	438	626	746	1294	381	291
EEOC	1,915	2449	3010	2477	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Summary of Data - Discrimination based on Race 2010 - 2020 - Texas Construction											
AGENCY	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
TWC	299	248	248	211	191	240	265	315	450	448	373
TX Court	3114	3720	3556	3557	3452	3296	3766	3551	3551	2315	453
EEOC	5,522	6320	7101	5941	N/A	N/A	N/A	N/A	N/A	N/A	N/A

The data in Table 68 shows a comparison between the top three kinds of cultural discrimination found to be most prevalent in the Texas construction industry. The three Civil Rights agencies in this analysis were the Equal Employment Opportunity Commission (EEOC), Texas Workforce Commission-Civil Rights Division (TWC), and State of Texas Court System (all court levels). The three areas of cultural discrimination considered for analysis are race/ethnicity, color, and national origin. The number of cases filed with the Texas Workforce Commission (TWC) increases from 144 cases in 2010 to 440 in 2018 and remains high at the

end of the 2020 reporting period, more than double the number of cases filed a decade ago. The same pattern is observed for the cases filed based on "Race" and "Color," where 2018 has the most filed cases. The difference between the number of cases filed and the lowest still falls above the median for the TWC and Texas court systems.

The data selected from annual reports below were included in the analysis, responding to the two research questions:

Research Question 1: To what extent is there a pattern of discrimination based on cultural differences in the workplace within the Texas construction industry?

Research Question 2: What changes in legislation, policies, or practices have been proposed or enacted in Texas to address issues of cultural diversity discrimination?

The decade of historical data shows the numbers of National Origin remaining steady across the charts. The lowest number of cases filed with the TWC is 144 (2010), and the peak was recorded as 440 cases (2018). EEOC has recorded its lowest number of cases based on the above discrimination category as 15 (2013) and 32 (2010). The above scenario is explained by an increase in the number of cases from 2010 to 2018 due to Texas' urban demographic rapid increase in population, which triggered the high demand for construction of residential and commercial structures, together with civil infrastructure (roads and bridges). The workforce increased, and with that, the diversity in culture.

The increased number of cases filed with TWC reveals an increased need to integrate cultural pluralism in the construction teams. The EEOC decrease in filed cases from 32 (2010) to 12 (2019) can be explained by dropped cases due to lack of documentation that meets the *prima facie* for a court trial supported by the EEOC for the Plaintiff. The legal and ethical issues which arose from the increase of discrimination claims can vary from legal action against the employer to business license revocation. The recorded cases revealed a strong and urgent need for issues assessment, dialogue between parties where legality and ethics could be shared and embraced by all as a part of their daily duties. Other off-duty bonding activities could have been used to informally help bond intercultural interaction and camaraderie practice of mutual support between members of teams or between teams. The number of cases filed and dismissed as lack of merit and appropriate documentation was alarmingly increasing the already high number of cases filed. The due process hereby granted did not eliminate the issues but gave the employer a gentle slap on the wrist.

The work environment where cultural diversity litigation cases are reported turns rapidly into a hostile work environment due to discrimination against minorities. The lowest number of filed cases with the TWC is 61 (2011) and 421 (2018), a nearly 700% increase in seven years. Texas Courts had seen an alarming increase here, from 258 (2010) and steadily increased to 1,294 (2018), one year before the pandemic restrictions were placed against the industry. Data from the EEOC have increased steadily from 1,915 (2010) to 3,010 in just two years (2012). The review of the literature equally placed the weight on everyone, alternatively. But at the end of the day, a better effort could have been achieved by bringing respect and fair treatment into the workplace before claiming the "Mission Impossible" excuse. Professional motivation is still recognized by many as a powerful tool available to managers, in addition to various professional and social bonding methods that could bring people together and significantly decrease the likelihood of conflictual environments, which instead turned into harassment. Both research questions returned the need for an assessment and a plan to address the issues for all parties. The issue is known to potentially separate teams and crush work relationships, with an all-loss to everyone, including the organization itself, in its ability to secure and complete work packages.

Racial (ethnicity) discrimination is the third category of cultural discrimination considered in the study. TWC's lowest number of recorded cases was 191 (2014), while the highest number was 450 (2018), a double increase in just four years of the analyzed decade. Texas Courts system has seen the lowest number 453 (2020), either due to the pandemic's social distancing restriction or the adopted legislation. The EEOC filed cases here were high: 5,522 (2010) to its highest recorded 7,101 (2012). Addressing the study question within this context becomes a one-way street: racial discrimination and cultural bias remain the most painful wound. Courts handed down hefty fines to business owners, a heavy financial burden to meet. The working capacity of the organization has been reduced by discharge, and no programs aimed to integrate diversity were even considered.

4.5   Summary

This chapter examined data regarding discrimination claims filed with the EEOC, the Civil Rights Division, Statewide commissions, and the courts against the Texas construction industry. A large percentage of cases (two-thirds) were summarily dropped for "no cause finding." Nearly a fourth of the cases were resolved through a settlement of some kind, and less

than 10% pursued their rights through the court system. And the same issues and determinations seem to occur year after year, with no evidence that the situation was improving.

Some may view a 28% settlement effort as a direct acknowledgment of wrongdoing on the employer's side, and withdrawal with benefits is a second acknowledgment of the same. The large number of "No Cause Finding" does not mean there was no probable cause of action on the legal side (TWC and Statewide). Still, the claimant lacked the evidence necessary, or insufficient evidence was filed with the complaint. Those can also be classified as claims dismissed due to lack of evidence, not as a court acquittal and innocence.

CHAPTER 5.   CONCLUSION, DISCUSSION, AND RECOMMENDATIONS

5.1   Conclusion

This research study reviewed archival data covering ten years from 2010 to 2020. Reports from the Equal Employment Opportunity Commission, the Texas Workforce Commission, the Texas Civil Rights Division, court records, and Statewide labor commissions. This research study began with two primary research questions:

Research Question 1: To what extent is there a pattern of discrimination based on cultural differences in the workplace within the Texas construction industry?

Research Question 2: What changes in legislation, policies, or practices have been proposed or enacted in Texas to address issues of cultural diversity discrimination?

In response to Research Question 1, the data reveal a clear pattern of ongoing cultural diversity discrimination within the Texas construction industry based on race/ethnicity, color, and national origin for the entire ten-year period under investigation. The data also show allegations of discrimination of other kinds, such as gender discrimination, age-related discrimination and discrimination based on disability, which were outside the scope of this research study. This research was concerned with investigating the presence or absence of cultural discrimination within the Texas construction industry.

An examination of the claims filed with the EEOC, the cases reviewed by the TWC and CRD, and the cases that made it through the Texas courts, revealed ongoing and systematic discrimination based on cultural differences in the Texas construction industry over the ten-year period under investigation.

In response to Research Question 2, there did not appear to be any new or pending legislation, regulations, or policies enacted by the state of Texas nor changes in policies and practices of the Texas construction industry directed toward addressing the issue of workplace discrimination based on cultural diversity. Several bills were presented in the Texas state legislature dealing with sexual harassment, hairstyle, gender identification, a diversity and inclusion officer, etc., but these were primarily directed at K-12 public schools. There did not appear to be any policy statements or regulations coming from state agencies or the Texas Workforce Commission dealing with cultural bias, multicultural conflict in the workplace, or

cultural diversity discrimination issues. While the courts did rule in favor of some of the plaintiffs in these discrimination cases, two-thirds of the discrimination complaints were dismissed with a "no cause" finding. Less than 2% of the cases that made it to court were found to have merit and only a fraction of those cases resulted in punitive damages against Texas industries.

The data obtained from the EEOC and Texas authorities clearly showed a continuous stream of complaints of discrimination and unfair treatment toward the culturally diverse workforce in the Texas construction industry. Prior research studies have highlighted the push toward a culturally diverse workforce. On June 25, 2021, President Biden signed an Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (Retrieved November 23, 2021 from The White House briefings at https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/). A number of governors and state legislatures are following this federal initiative, implementing a host of diversity and inclusion policies and incentives in their home states. But it is clear that in order sustain diversity and inclusion across public and private sectors of society, more needs to be done in the way of informing, training, monitoring, and incentivizing companies and organizations to cultivate and sustain a culturally diverse workforce in which all members are treated with respect and dignity, have equal opportunity to serve and lead, and enjoy merit-based performance evaluations.

Regardless of the methods employed, the good effort must be continuous, even if positive results are slow to materialize. When leaders allocate the time and organizational resources into sensitive training and bonding of the team members, cultural differences can give way to cultural appreciation and awareness of the unique contributions everyone can make to the organization when given a chance. The culture of bias, prejudice, and cultural stereotyping must be eradicated if organizations wish to empower their employees and groom new leaders. A quick search on the Internet reveals thousands of scholarly papers, professional tips, blogs, and research studies dealing with the topic of diversity and inclusion, or in other words, cultural diversity.

A review of the literature highlighted the prevalence of multicultural conflict and discrimination. Studies have pointed out the dangers of ignoring hidden biases in the workplace and the potential roles of organizational leaders in remedying the situation. However, it falls short of the mark when it comes to recommendations for how to "fix" what's broken. Articles

certainly bring awareness of the problems plaguing organizations but many fail to provide recommendations that could be implemented today to begin eroding these strongholds of bias, stereotyping and discriminatory practices. Authors, policy makers, and lawyers have written widely and clearly about federal and state laws and employee rights. But enforcement is another issue. How can we enforce what goes on in the workplace, day in and day out, when so much of it remains hidden?

A summary review of the data presented in Chapter 4 is included in Table 68, which is repeated here for discussion purposes. The table shows the high number of cases filed and their continuous presence in the records concerning the first study question.

Table 68.

Summary of Cases Filed Based on Cultural Discrimination between 2010-2020

Summary of Data - Discrimination based on Country of Origin 2010-2020 - Texas Construction										
AGENCY	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
TWC	144	158	158	206	173	232	298	306	440	400	293
TX Court	N/A	N/A	N/A	N/A	1368	1268	1614	1526	1985	836	321
EEOC	32	17	18	15	15	22	21	17	N/A	12	18

Summary of Data - Discrimination based on Color 2010-2020 - Texas Construction										
AGENCY	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
TWC	78	61	105	78	108	147	201	231	421	404	287
TX Court	258	272	439	415	511	438	626	746	1294	381	291
EEOC	1,915	2449	3010	2477	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Summary of Data - Discrimination based on Race 2010 - 2020 - Texas Construction										
AGENCY	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
TWC	299	248	248	211	191	240	265	315	450	448	373
TX Court	3114	3720	3556	3557	3452	3296	3766	3551	3551	2315	453
EEOC	5,522	6320	7101	5941	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Note: This table was initially presented on page 116 and is repeated here for discussion purposes.

The data clearly indicate that a problem exists. Cultural diversity in Texas construction is not leading toward the development of a well-adjusted, integrated workforce but rather, presents a disquieting picture of cultural conflict and organizational dysfunction. Were the data indicative

of only one year or two, one might argue that other forces might be responsible for the claims of discriminatory treatment in the workplace. But it is difficult to brush aside ten years of cases, complaints, and claims. There is clear evidence of cultural discrimination going on within the construction industry in Texas. The EEOC, Texas Workforce Commission and Civil Rights Division, and Texas court system are inundated each year with complaints of racial and ethnic discrimination and cultural bias. The numbers shown in the data collected reveal an increasing and alarmingly high number of cases filed each year. When will it lead to a definitive response from the state?

Two-thirds of the complaints are dismissed. About on-fifth of the cases result in settlements of some sort. Many cases reach settlements before the first appearance in courts (Texas wrongful termination settlements & cases, 2021). Those cases are only recorded as settled, the terms and details of the settlement are usually sealed. A few cases make it into the court system where it may take months or years before a ruling is made, only to be followed by appeals. The following cases highlight some of the more recent challenges and changes taking place in Texas as its workforce becomes even more diverse.

The average settlement amount in Texas for the past decade has ranged between $10,000 and $100,000, while jury awards are typically up to five times the "out-of-court" maximum settlement amount (Texas wrongful termination settlements & cases, 2021).

In 2010, the EEOC concluded that a Houston, TX construction company had created a hostile work environment by harassing non-Anglo employees (EEOC, EEOC Press Release, 2010). The employer was fined ($122,500) and ordered to adjust their policies and practices to comply with the Title VII of the 1964 Civil Rights Act.

According to the Texas Law Journal (2021), a Texas construction employer was fined $50,960 and required to compensate an employee who was wrongfully terminated because belonged to a different culture than the Anglo-Saxon employer (Source, 2021).

In May 2017, a Houston seed-and-sod construction contractor successfully sued the city for alleged discrimination based on his country-of-origin when he was forbidden from bidding on the city's open projects (George, 2017).

Texas A&M University, Department of Rural Sociology, released a report about the 21st Century challenges Texas faces now and is likely to face in the near future (Steve White, 2002).

The report suggests that while cultural diversity continues to increase, it brings with it numerous instances of workplace conflict and cases of racial discrimination (White, 2002, p. 193).

In 2015, the Texas Workforce Commission included a racial discrimination reporting feature on its website, making it easier to receive reports of Title VII violations (Division C. R., Racial Discrimination, 2020).

According to an article published in the Times Union periodical, a San Antonio, TX heavy civil contractor was fined and instructed to tune its organizational policies toward compliance with Title VII (Karlin, 2021). The employer agreed to "conduct company-wide training for employees and managers and educate attendees about harassment and discrimination issues in the construction industry" (p. 22). The CCC Group must conduct a "lessons learned" presentation for all business unit managers. The EEOC was assigned to oversee the process, make the necessary recommendations, and answer questions during this mandated training with all employees. In addition, the employer would have to appoint an Equal Employment Officer (EEO), who would oversee daily compliance with the law and periodically report to EEOC about any new allegation of racial discrimination filed.

In a recent article by the Construction Dive monthly periodical, a case was filed with the EEOC against an employer who discriminated against employees of a different culture by repeatedly assigning them to more dangerous types of work than the rest of the employees who were part of the same team. The judgment included a fine ($420,000) and appointed the EEOC as oversight for organizational change with anti-discrimination policies. (Burden, 2020).

Between May 2016 and November 2016, at a construction cement plant near Ft. Worth, while aggregate was being mixed for a road construction project specified concrete admixture, a subcontractor harassed employees of a different culture repeatedly (Mishanec, 2020). The subcontractor agreed to a two-year consent decree to be monitored by the EEOC about policies changes and implementation of anti-discrimination training.

All the above events paint the picture of an alarming reality in the construction industry in Texas. The archival data and tables presented in this research illustrate the reality of a stressful and hostile work environment for members of a different culture.

In terms of what is being done in response to the overwhelming and continuous flood of discrimination complaints in Texas, there seems to be little action. Texas state agencies and its civil rights divisions at every level (county and state) continue to prosecute discrimination cases

based on the provisions of federal law. The Texas Legislature has reacted to recent Supreme Court rulings regarding equality of rights based on sexual orientation and enacted certain new laws and statutes. With regards to discrimination based on Race, Color, and National Origin (which make up the spectrum of Cultural Diversity used in this study), there is no new legislation at the state level fighting these violations in the construction workplace. Employees who find barriers everywhere they turn within an organization are forced to seek outside assistance through the EEOC, state agencies, or legal representation.

According to the US Department of Labor, "employment discrimination generally exists where an employer treats an applicant or employee less favorably merely because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran." (Labor Workforce Discrimination, 2020, p.1).

On September 1, 1993, and amended by Acts in 1995 by Texas 74 Legislature, Chapter 76, and 269, Sections 9.01(a) effective September 1, 1995, Texas adopted the Title 2, Subtitle A. Employee Discrimination Chapter 21 Employment Discrimination on its Labor Code. This enforced the provisions of Title VII of the 1964 Civil Rights Act (Division C. R., Employment Discrimination, 1995). Chapter 21 replicates the provisions of Title VII and recognizes the same discrimination areas in the workforce in Texas.

Workplace discrimination based on race, skin color and national origin is prohibited anywhere in Texas, including the construction industry. Texas Workforce Commission (TWC) and its Civil Rights Division (CRD) are the state's highest authority in charge of receiving and investigating discrimination claims based on any of the Title VII categories. The Texas Civil Rights Division encourages employees to file electronic claims when there is evidence of workplace discrimination. Information is filled out electronically, and an appointment can also be scheduled with a state employee for further assessment. Periodically, CRD inspectors organize meetings with private employers to discuss employment issues. Potential discrimination practices and legal ways to address such circumstances are among those issues. CRD maintains a continuous presence in the workforce and assists with legal issues related to civil rights violations.

5.2   Discussion

The study questions were intended to guide this exploratory study into a better understanding of the extent to which multicultural conflict and cultural bias exist in the Texas construction industry and what can be done about it.

When organizations understand and develop programs to train and bond culturally diverse employees, positive outcomes are seen; the number of complaints decrease, and incidents of workplace conflict lessen. The effort includes training and sustained work and bonding informal activities to know the differences and build professional interactive bridges of coexistence in work teams. The increasing number of cases filed for the country of origin/culture shows poor integration decisions (or no decisions taken) when the first disagreements start to the moment the employee submits the discrimination claim. Sometimes, this was a lengthy process. The employee tried to avoid being discriminated against in his/her way and hoped the company would recognize the legality and fairness and intervene. That was not always the case. For cases filed with TWC and EEOC, for a case to be deemed a "clear violation of the law," thorough documentation was needed to separate the circumstantial evidence from proven bad faith and intentional actions. This thorough documentation is the result of both time, and factual evidence gathered along time. It thus becomes very sad that things were allowed to progress in that manner negatively.

The literature review pointed out the existence of cultural discrimination in the construction organizations in Texas; conflictual situations are an outcome of such discrimination practices. An open and honest conversation would ease the stress and tensions and defuse many conflictual circumstances (Jo-Yun Li, 2021). Construction employees who were discriminated against and could not find support and fair treatment would address law enforcement, seeking justice. Following this behavior, there was an indication that there may be evidence of employees turning to anti-discrimination law enforcement bodies for help. The study into Texas state and the federal government revealed the data needed for analysis and fact-finding. The decade-long table obtained from EEOC showed the number of cases filed.

An inquiry in Texas Supreme Court Library archives revealed the number of cases on docks during the last decade. The challenges encountered were about the sensitivity of the information sought. Due to the legality of the matter, cases were kept out of public reach. Each

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agency's research allowed for access to their annual reports, where discrimination categories (Basis) and outcome (Issues) were also summarized based on the resolution of the case (Closure). The data from tables were extracted and included in a centralized table, showing the three discrimination categories (race, color, and national and the number of cases filed at the end of each year). On a few instances, the data were available in graphs, allowing for a comparison between other categories of discrimination. According to Title VII provisions, the cultural spectrum of categories (Basis) included in Table 67 has the highest numbers among the other discrimination categories cases filed. Each graph and summary table available was retained for analysis. Over the last decade, according to the data shown in the summary table, the number of cultural discrimination cases increased overall.

The most important things the data revealed were the gradual increase in the number of cases and the magnitude of discrimination. The total number of cases overall, of all categories, together, is very high. This is an indication of both relaxed organizational policies lifestyle in Texas with regards to compliance of the federal statutes and a need for urgent action to bring the compliance into "occasional" occurrences status.

The impact of the high number of discrimination cases on the construction industry in Texas is high. The damages are extensive. They span across financial, social, and human resources available for projects. The back and front pay ordered by the judge, the attorney fees and court costs, and the loss of benefits amount to millions of dollars annually (Thomas, 2002). The biggest loss is the broken work relationships and loss of resources needed to complete the projects. Besides the financial impact, the loss of business opportunities threatens the organization's existence while the available market completely downsizes. Overwhelmingly, large projects require a clean record as qualifications for bid regarding civil rights violations, OSHA and Environmental Protection Agency (EPA) recorded violations. As such, those become additional constraints against the employer attempting to secure projects. The smaller the projects available for bid, the larger the number of competitors and the smaller the bid final number becomes. With that, the risk of loss of profits is increasing accordingly. Practically, in the above scenario, an employer who has a record of recorded cases for civil rights violations is risking the business's existence.

Many employers believe that the discharged employees are also losing their rights to pursue justice for the discrimination encountered during the employment period of time. It is also

believed that employees would lack the necessary funding to afford the costly attorney fees and courts cost in pursuing legal justice. During the last decade, social media to communicate has helped employees uncover employers' wrongdoing and bad faith. The increasingly technical capabilities of cellphones allowed employees to capture live events and conversations, which were admitted as clear and convincing evidence against the employers in documenting discrimination, harassment, and wrongful/abusive discharge. The "employment-at-will" type of employment was believed to be an easy way of termination against employees who blew the whistle of legal violations of civil rights. But when evidence recorded using personal devices showed live wrongdoing, the "employment-at-will" turned against the employer and filed charges.

All public construction projects open for bid are closed to private companies which have recorded complaints of violation of Title VII. Loss of business is not the only loss recorded here. Discrimination of cultural diversity ended professional relationships, left working teams without the needed human resources, and left a sad image of leadership as a company logo. With everyday work on construction projects, everyone involved learned new skills and gained experience. With every employee terminated, the employers lose a trained and experienced asset. It would take an unknown amount of time and effort to advertise, recruit and hire a comparable replacement. All of that is known as a cost, equivalent to dollars. Employees leaving construction teams due to litigation based on unsolved discrimination do not leave behind joy and happiness. The remainder of the team encounters a psychological challenge (McMenamin, 2021). The departed team member is not just a missing or lost tool. A working relationship has been abruptly severed, and human uniqueness cannot be replaced. That left a heavy burden to bear for the rest of the team. It negatively impacts the overall morale of the team and its performance, accordingly. This study uncovered a sad truth. It tells a sad quantitative story and an even sadder future for the construction industry in Texas.

The "Lone Star" state is currently enforcing the provisions of the federal law, Title VII, 1964. The federal law is known as the "I have a dream" Act, or Title VII of the Civil Rights Act of 1964 (EEOC, Statutes - The Title VII of the Civil Rights Act of 1964, 1964).

 The second research question asked about the existing legislation in Texas used to enforce the non-discriminatory provisions of the Title VII of the 1964 Civil Rights Act. Currently, Texas is enforcing the above law provisions, and its state civil rights division (CRD)

is a part of the state's workforce Commission (TWC). The focus is on increased communication and reporting of the wrongdoing, not much on the prevention and cultural-sensitive training. Professional and social bonding is being left to the teams. In employment, Texas enacted two bills, SB 45 and HB 21, about sexual harassment in the workplace (Commission, Civil Rights & Discrimination, 2021). Currently, there is no new legislation enacted about racial, color, and country of origin discrimination by the end of the decade analyzed in this study. The monetary compensation awarded by the jury is an indication of wrongdoing, and it is commensurate with the severity of the complaint. This is also an indication of the state authorities' intention of curbing the steady high number of cases filed.

Not every construction organization in Texas has a recorded case of discrimination on file with TWC or EEOC, nor has any judgment awarded in the plaintiff's favor. Many employers have settled such complaints. Others have invested considerably in legal counseling services, hoping to win the case against employees and deter others from seeking justice in the future. The literature review pointed at a few employers, mainly large multistate construction enterprises involved with large state and federal projects, which have invested in initiatives toward cultural integration. With periodic training and events aimed at informal bonding during corporate-sponsored social events, the likelihood of bias prejudices and stereotyping is reduced to zero. Both are known to end unwanted cultural harassment before it ends up in workplace conflict. It ultimately became the organization's choice in recognizing that the workforce needs appropriate training and a lineup of knowledge and experience in working with a culturally diverse workforce.

Texas has a large Hispanic culture among the laborers and middle management present in the construction industry. They are known for their strong work ethic and commitment to loyalty in exchange for fair pay, safe work conditions, and job security. To them, respect starts with the way interaction is attempted by other cultures. Fairness is regarded as the law since both are understood to complement each other in the workplace. Their formal education/training is limited to their experience working on construction projects. The ability to learn English is reduced to just the specific language needed to perform the daily tasks. The teams should know those attributes, and their actions should resonate with their culture. It is very common for the team to have employees of Hispanic heritage. Thus, a liaison is available to work toward cohesion between all members of construction teams. This resource is either not knowledgeable

or supported in the effort of integration, becoming underutilized. The potential of cultural pluralism is not used to the advantage of the team and organization. Social responsibility toward communities with Hispanic preponderance is limited to just hiring. No recognition is given, and no opportunities to grow professionally are planned.

Organizations who observe the cultural equality and opportunity to become a part of the leadership team experience no work disagreements, much more conflicts. The focus is on monetary gain and business expansion to the satisfaction of the ownership. The workforce and its rich cultural diversity are simply ignored. The burden of cultural coexistence is left to the labor team leaders without training, support, or even the ability to propose solutions when issues become hard to resolve.

5.3   A Recommendation: The Goldstein Cultural Integration Model

This study has revealed the need for a cultural integration model, where leadership can identify their organizational needs and implement appropriate policies and practices to to promote diversity and inclusion in a well-integrated and respectful organizational workforce. Subsequently, the policy's procedures will identify how the cultural integration is being achieved, stage by stage.

Lars Aaunaas (2018) wrote an article in a local publication about his perceived model of multicultural societies. The recognition was at a societal level and not an organizational level. I understand that organizational cultural integration are smaller scale cultural integration models, which differ from one organization to another by the specific work and dominant culture instilled by the leadership/ownership.

Cultural diversity integration has its model in a construction organization that uses the art and science of erecting structures or infrastructure. The organizational setting influences this model; that is, policies and procedures. The employee manual/handbook is the starting point, and ethics/fair dealings follow legality. Leadership actions are much needed.

The proposed model of cultural integration in construction organizations uses the postulate of equality of rights for all members of the construction teams, given the continuous and sustained effort to integrate the culturally diverse individuals. Leadership must allocate considerable effort to understand and write policies acknowledging the presence and benefit of cultural diversity as assets. The model includes two components: one of assimilation and the

other one of coexistence between all other cultures present. Both are at the core of the effort of integrating cultural diversity in the workforce to eliminate cultural conflicts. Different organizations could experience less diversity in their workforce as a number of cultures, and that would be considered a different pattern and not an exception from this model.

The *assimilation component* calls for the leadership office to produce a policy narrative describing how the organization's existing workforce would assimilate cultural diversity. This starts with the identification of the cultures, typically based on the country of origin. Additional criteria may be used, as by now, every developing country is a small "melting pot" of its own; a description of the community or ethnic belonging would help to understand the culture. The dominant culture or cultures in the Texas construction workforce are Anglo-Saxon and Latino. Other diverse cultures subject to assimilation are the African American and Asian cultures. Any other culture may be a subset of the ones mentioned or represented in small numbers. The assimilation period depends on variables such as the individuals' background, the assigned duties, and the length of time spent with other team members of a different culture. Each of the variables would impact the other two proportionally and are interdependent.

As a learning-assimilating process, a civil engineer would not need too much time to understand the duties assigned and would not need too much time spent with the team members. An individual whose background would be in a different industry would need more time to spend with the team of a dominant culture, understand the duties expected to be performed, and the likelihood of additional support (English language lessons). Assimilation can thus be achieved in two ways: one utilizing direct inclusion into the team and the other by collateral support until the individual can appropriately perform the duties assigned within the team. Direct inclusion into the team is achieved when the entire team shoulder the effort of integration professionally, and the team collectively supports the individual(s) and acts toward providing support. Collateral support is typically performed in groups internally. The group is coached and mentored to achieve the basic readiness to perform assigned duties before returning to the team originally assigned. Teaching English should be considered for those lacking a basic understanding of construction terminology. A dual-language speaker is helpful until the individual manages to speak, write and understand English.

The *coexistence* between all other cultures in the workplace is a commitment to treat everyone with respect. This can be either achieved through policies or the team's leadership

effort. The best-case scenario would be a combination of both, given that top leadership invests in cultural integration effort and team leaders are an extension of that effort. Team leaders must be selected among the professionals who demonstrate knowledge and skill in bringing their team members together, professionally and morally bonded. While professionalism is achieved through their daily duties and scheduled training, the moral bond becomes a will-of-heart, care, and respect for each other, just like soldiers on the battlefield between the team leader and the rest of the team. The feeling of dependence on each other does not come with the assignment to the team, but it is cultivated and nurtured when the team works together. The team leader must know about this and should work toward achieving that level and bond between team members.

Sometimes, a short conversation blending the professional duties with the need for mutual support is the start. Alternatively, participation in an informal event, such as a cookout or a place where individuals (and their families, at a point in time, down the road) can gather and socialize, was scheduled. An informal atmosphere where each can speak freely with comments and ideas about work or their choice of topic was enjoyed. During such time, the team leader can get to know the team members at a more personal level, such as social circumstances and concerns or hopes and dreams.

This personal conversation is often the key to the culturally diverse individual's heart. Such close-level communication only happens when there is an adequate level of care, deep enough to generate interest in such conversations. The team leader should carefully listen and understand the conversation's details from acceptance and compassion. Those should be leadership character traits that the team leader must-have. Without those character traits, the team would function well only professionally, but the bond coming from mutual acceptance and compassion would not exist. The bond is a leader's tool to eliminate bias, prejudices, stereotyping, and discrimination. Cultural diversity integration is just cold legal compliance, a check-marked activity in HR's schedule without respect and compassion for each other. The likelihood remains about the prejudices and stereotyping, without a bond between team members.

The timing for such a bond to become strong depends on one team to another. It also depends on the sustained effort of the team leader to initiate the team-bonding events and the occurrence of the personal conversations; not everyone opens the heart from the first conversation. It takes time for any employee to become ready to engage in a personal

conversation. The decision of engaging or not comes from the perceived/demonstrated professional care by the team leader. Frequent job site coaching or advice during work hours, constant praise for achievements, and support for a better performance are positive signals the employees perceive as recognition for their effort. This recognition is further translated as trust; no one opens up in confidentiality to someone whose trust is not deep enough to earn trustworthy status. The team leader must earn that trust from each team member, the one person everyone would think of in times of hardship. Cultural coexistence in construction teams only happens when team members perceive the togetherness in every aspect of their work. This is the outcome of mutual respect and compassion, expressed through the interaction between team members. The bond beyond the professional participation to the daily construction duties would eliminate many other prejudices. The focus of this model is only on the cultural integration of the diverse workers in construction teams.

This proposed cultural integration model does not include sensitivity training in a classroom setting with PowerPoint presentations and lectures. This method has many flaws in the design, implementation, and, mostly, outcome. It has been used because it was convenient for leadership and HR to checkmark this task and document Title VII affirmative action. It never delivered the outcome of bias prejudice elimination, stereotyping, and bullying/cultural slurs, and it only delivered informative material and awareness of the consequences. Innovation is needed here.

5.4   Implications for Future Study

Future studies may benefit from this research and can be further used to draw conclusions about how to intervene earlier in the process. The first step in leadership is to be a good listener. A wise person once said we have two ears and one mouth, and we should use them accordingly. Listen twice as much as we speak. This would reduce the number of complaints and lighten the burden on courts. Sometimes, listening has a way of easing the stress and strain of the day's activities.

Future research may wish to explore a more active and productive role for state and local agencies in helping companies more effectively manage diversity and inclusion. Studies could also investigate how to build stronger relationships between a local community and the companies that operate there. Studies in corporate social responsibility could examine how

industries may build positive social capital with the surrounding communities through sponsoring community events, management and employee "family days", supporting local schools and Little League teams, helping the elderly, and so forth. Companies need to be profitable to stay in business. But money can never replace good leadership or a loyal and talented workforce. Investing in the people who work for the company and in the customers and community can provide a huge return on investment. This certainly could go a long way to dispelling stereotypes and labels and build good rapport throughout the organization.

Future studies could also investigate potential roles a local chamber of commerce or industrial board may play in mitigating workplace conflict and multicultural bias. To break through the glass ceiling and cultural misunderstandings, future studies might examine how professional associations might work with industry partners to evaluate what works and what needs to change in an industrial setting (much like the program evaluation teams that meet in higher education). Rather than focus on what isn't working, industry champions and professional associations can share success stories and strategies that demonstrate how to get the greatest benefits from our growing culturally diverse workforce.

It is also an opportunity for the future study of monitoring the state's legislation from the point of new legislation enacted. The courts' judgments and the punitive awards with compensation may be one way to lower the high number of discrimination files analyzed in this study. However, the state may decide to help by enacting Bills and other statutes. The restriction of the ability to bid for public projects is one way, as the state's economy is thriving with increasing needs of public edifices. Municipal building authorities may also intervene in this effort and restrict the award of a building permit or the ability to perform work within their boundaries for employers having a cultural discrimination record within a certain period before bidding/starting contracted work. Monitoring of such initiatives may become the research questions for future studies.

5.5   Summary

This case study examined the extent to which allegations of discrimination based on cultural diversity exist within the Texas construction industry. In reviewing ten years of archival data from state and federal agencies, this research found ample evidence to support the conclusion that cultural diversity discrimination does indeed exist within the Texas construction

industry. Court cases and the punitive fines which companies were forced to pay further indicated that there was substance behind many of the claims and complaints of disparate treatment. Despite ten years of discrimination complaints, there was no new action, no new or pending legislation, and no new policies or procedures enacted in response to the continuing complaints of bias and unfair treatment within Texas construction companies.

Texas construction industry is neither worse nor better than other industries. This case study attempted to shed light on the challenges inherent in working in a tough industry with a growing culturally diverse workforce. The findings of this study may also be used to start an action plan. The plan could include an assessment of the cultures present in the workforce, training, other social events, and activities sponsored by the organization for teams and professional activities. All the above will target the team performance and the effort of its members into equal participation within cultural plurality.

Successful cultural integration does not come with just good intentions; it requires a long-term commitment. The road is not always smooth, as challenges and barriers are often and sudden encountered. The commitment is the drive to succeed. Many ideas are experienced, sorted, and trialed, and many more ideas will come to mind as applicable. The commitment ensures a continuance of helping the culturally diverse individuals become accultured in the majority culture. Many other construction teams understood that delays or resistance would only increase the risks, but it will never eliminate the need to integrate diverse cultures.

There are consequences with every risk taken, some with a heavier price tag, a burden not every construction company can overcome. Future studies may bring the answers. And perhaps one day, we will achieve the cultural integration model envisioned by this researcher and others by simply learning to accept one another as we are, respect and celebrate our similarities and differences, and live and work in peaceful coexistence. What a wonderful world it would be.

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APPENDIX

Table 69.

Texas Racial and Ethnic Composition 2000 to 2017
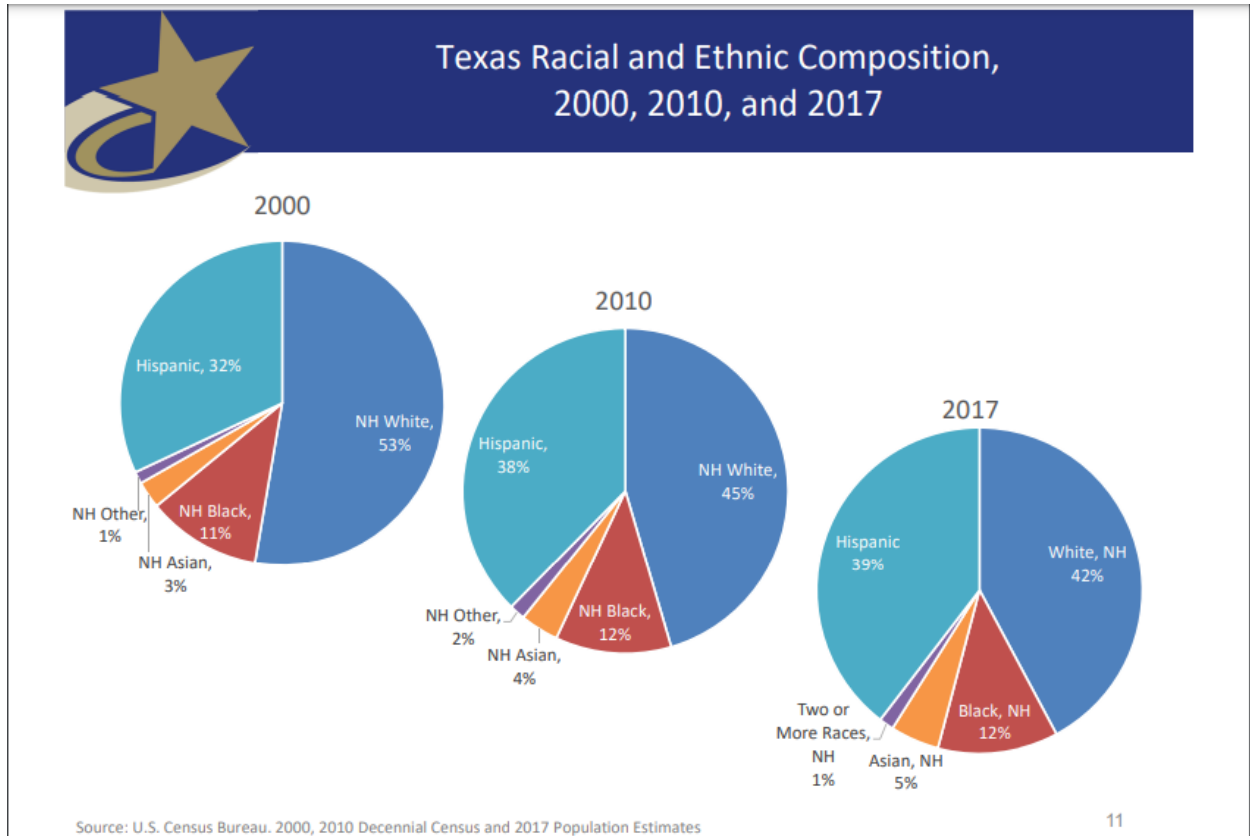
Note: Editor, Texas Demographics, 2021.

VITA

A passionate educator with experience and knowledge in teaching core management and leadership topics to adult learning professionals; shaping young students into becoming tomorrow's leaders by providing strategic education paths to diverse multicultural audiences.

Highlights

- In-depth education and knowledge of Project Management Areas as identified by the Project Management Institute (cost, schedule, resource allocation, risk, communication, procurement, quality, client management);
- Real-life practical application of management best practices and training of personnel;
- Engaging motivating personality with driven and focused attention to quality;
- Strong organizational skills;
- Advanced knowledge of presentation software PowerPoint and Prezi;
- Problem-solving through improved communication and lessons learned;
- Instructional leadership, by providing assistance and guidance to staff and peers;

Experience

- Trained and educated peer management employees in management areas they needed to perform daily duties, with focus on business writing skills;
- Educated high school and intern students in project management core topics;
- Prepared materials and lessons to facilitate the training topics, written;
- Provided relevant assignments to trainees to aid them in learning and making decisions based on real-life scenarios; focused on professional writing skills;
- Conducted an active learning environment by engaging students/trainees/peers in active conversation with innovative thinking outcome;
- Used innovative teaching techniques to achieve student engagement and total participation during course/training session time;
- Prepared daily course lectures and evaluated students' performance;
- Incorporated advanced Business and Management core principles in course curriculums;
- Worked one-on-one with students to resolve proper curicullum understanding;
- Advised on performance progress and ways to improve the learning experience
- Collected class feedback and used it to improve course content, delivery of information and overall quality of education;

Education

Doctor of Technology   2021
Purdue University- West Lafayette, IN

Master of Construction Management   2015
Purdue University – West Lafayette, IN

Master of Project Management; "With Distinction"   2013
Keller Graduate School of Management of DeVry University, IL

Bachelors of Science – Technical Management   2012
DeVry University, Addison, IL

Software Skills

Microsoft Office Suite - Advanced

Microsoft Project - Advanced

Studyes and Publishing Activity

"Litigation between Federal Government and Private Companies due to changing site conditions- Firm Fix Price Contract- under Federal Acquisition Regulation"- Sent to "The Military Engineer" – 2015

"Conflict resolutions in managing a multicultural workforce in privately owned companies in the US" – editing stage

"An ethical approach to Leadership Challenges in the US" – editing stage