

# Women in Construction: CHANGE THE EXPECTATIONS

Created on Wednesday, 03 May 2017 | Written by [Jules Rogers](#) | 

Panelists agree women in leadership keep projects from going off the rails

Diversity drives innovation, which is apparent in the construction industry even as equality lags behind — especially in leadership.

For Portland's minority construction people trained in skilled trades who are starting to build out their own firms, there's a knowledge gap in business tactics, legalities and networking.

That was the focus of the Women in Construction conference last week at the UO White Stag building, where tickets were sold out more than a month in advance.

Molly Washington, the main organizer of the event, is the deputy city attorney for the City of Portland and has a focus on construction and litigation.

"The purpose is to acknowledge that exists in the local area and invite various people in construction industry in," Washington told the Business Tribune. "The keynote will speak of the women of color experience in construction and intersectionality. In networking, we'll see who have made it and hear tips on what they did to get it right."

Adele Ridenour, an organizer of the event and panel moderator is a partner at Ball Janik, a practice focusing on complex construction, insurance and design-related disputes. Her specialty is in Title IX, and she is a former adjunct professor at the University of Oregon School of Law teaching green building.

"We wanted to do law and construction," Ridenour said. "How does my career look if I'm a person of color? What's the next generation going to look like? We wanted it to be top-to-bottom inclusive."

They planned the event around true inclusivity and support, down to the caterer.

"They train affordable housing residents how to cook and cater," Ridenour said. "We want to make sure we're benefitting ... with networking help."



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## Hot topics in construction law

Among discussions over lien waivers, types of insurance, risk mitigation and allocation, scope, litigation and how to limit liability, indemnity clauses were a hot topic.

Some contracts include an indemnity clause where a subcontractor is responsible for a contractor's work or vice versa.

"What we see as risk in terms of subcontractors, your contract includes prime documents," said Rima Ghandour, panelist from Ghandour Law. "You're liable to adhere to the same provisions the general contractor negotiated with the owner. You had no role in the negotiations, but you might be held to the same standards and clauses in that contract."

She's heard more times than she can count subcontractors say they've never seen or heard of the prime contract. It's important to get a copy.

PAMPLIN MEDIA GROUP: JULES ROGERS - The panel on hot topics in construction law included moderator Martha Hodgkinson of Hogkinson Street and panelists (left to right) Roger Lenneberg from Jordan Ramis, Heather McNamee from Seifer Yeats Zwierzynski and Gragg, Angie Otto of Ball Janik,



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Rima Ghandour of Ghandour Law and Elizabeth Rhode-Motley from Gillaspay & Rhode.

"When you're a subcontractor, the general contractor is going to shift much of the risk to you," Ghandour said. "Usually, if there are any problems you get to defend and indemnify me. Now, it's limited to negligence of the subcontractor, not the GC. This is something you have to be aware of: sometimes the argument is you're basically the insurance company for the GC."

Roger Lenneberg, panelist from Jordan Ramis, said indemnity is more common than people assume, and there are two parts to that.

"The effects on the contractor are disproportionate: the obligation to defend somebody from a problem, and the other being the obligation to repay them for the problem," Lenneberg said. "Proportionate

responsibility is one of those provisions that if it isn't worked right, it comes back to bite you. If you can't work out the indemnity provision that limits your exposure to what you've done wrong, you probably don't want the work because you're working for someone who doesn't want responsibility for their part of the job."

As a subcontractor, it's important to inspect and confirm work, like for example the drywall.

"Cover that always. The insulation, that may be a million and a half dollars in liability," Ghandour said. "The drywall is supposed to have been inspected, there's an argument from the general contractor and plaintiff that you should've inspected the insulation work to make sure it's correct. The drywaller doesn't have the ability to inspect the insulator unless he is an insulator. Often in specifications, it's a hidden one-liner and it can get you."

### Off the rails

Sandra Fraser of Professional Women in Building moderated the forum about what to do when your construction project goes off the rails.

She said it's about "being proactive, keeping your project from actually going off the rails so you end up in litigation, how to stay out of that system, how to resolve disputes in real time and maybe talk about some contract vehicles that encourage collaboration in the industry rather than adversarial issues we have right now."

The panelists agreed diversity helps diffuse tensions on the jobsite.

"Women in this industry, this is our superpower, something we bring. It's the reason construction needs diversity in the workforce, and needs leadership," said Jennifer Willard, panelist from Intel. "It might be because in my experience when things start going off the rails, tensions get high, things get adversarial. I've been told my presence in the room as a female leader diffuses things a little. Men might take a deep breath, pause, consider words, instead of jumping to blameful behavior."

Becca Cavell, panelist from Bora Architects, said on her first-ever jobsite, she was the first woman the superintendent had seen on site.

"That was half a lifetime ago, things have change. It's to do with who you are as a person as much as who you are as a gender in terms of how you relate to and talk to people," Cavell said. "Being a woman architect sort of later in my career, it's fascinating to me women are treated differently. Until recently, it's only been an advantage to me to be a woman architect. It opened a lot of doors for me."

Things have changed, but not enough to break all the barriers yet.

"It's not acceptable still for women to be confrontational and adversarial in the way men are given license to be," Cavell said. "It doesn't mean men should do that, it means it's expected for men and women are not allowed. We have to change and transfer expectations to everybody."

PAMPLIN MEDIA GROUP: JULES ROGERS - The panel on what to do when your project goes off the rails included (left to right) moderator Sandra Fraser of Professional Women in Building and panelists Jennifer Willard of Intel, Andrew Colas of Colas Construction, Nick Baldwin-Sayre from Multnomah County, Tina Ray from CSMI and Becca Cavell from Bora Architects.

Andrew Colas, panelist, president of Colas Construction, agreed and said



he's seen similarities.

"Oftentimes you see in the industry you have a lot of testosterone and that leads to problems with projects because people oftentimes just want to prove who's right rather than looking at the big picture of we're all right, all here, all have tasks to do a job, so how do we get a job done," Colas said. "Whenever I see that happening, I like to go out to the field and get back to the basics, talk about why did you get into this industry, and do you enjoy being mad every day because a project isn't going well."

Being more gentle in disputes instead of sticking to being right can be an important risk-mitigating tool, because fighting in the middle of a project means it probably won't finish

on time and the people making the most money are the attorneys.

"Get the terms ironed out so if there is a project that arises, you are in a good position," Colas said. "What you try to do is try every single process to avoid getting into a battle. At the end of the day if you do, nobody is going to be successful, the subcontractors are going to get hurt, the owners aren't going to be hurt and your reputation is going to be tarnished. Try your best to work through it, it helps a lot."

By **Jules Rogers**

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Coming up next:

2017 Women in Trades Career Fair

Education, inspiration and opportunity for the future construction workforce, by the Oregon Tradeswomen Network.

Come out to inspire the next generation of tradeswomen as a sponsor, workshop presenter or exhibitor. You'll be able to connect with diverse job candidates, educate students about apprenticeships and career possibilities outside of college and debt, inform adult career seekers about opportunities in the industry and interact with the public to raise awareness about the work you do in the community.

Sponsorship includes the opportunity to present a workshop and host an exhibit table, plus many publicity benefits including logo placement on television commercials, TriMet transit advertising, online ad campaigns and media communications.

Exhibiting includes opportunity to connect with diverse job candidates and inform adult career seekers about opportunities available at your company.

Presenting a workshop offers a unique opportunity to inform students about skilled trades career opportunities.

There will also be three seminars:

Session 1: Recruiting Women and Girls Into Career and Technical Education (CTE)

Session 2: Diversity in the Construction Trades Summit Follow-Up

Session 3: Increasing Worker Retention: Addressing Harassment and Bullying.

- Where:

16921 N.E. Airport Way.

- Friday, May 19

School Girls' Day (For students attending with their school)

8:30 a.m. - 3:00 p.m.

- Saturday, May 20

Careers For Women Day (everyone welcome)

9:00 a.m. - 3:00 p.m.

- Register for tickets:

[www.TradesWomen.net/fair](http://www.TradesWomen.net/fair)

- For more information about presenting a workshop, exhibiting or sponsoring at the fair, please contact Amanda Thomas, Event Manager, at 503.335.8200 x 28 or [amanda@tradeswomen.net](mailto:amanda@tradeswomen.net)