

## **CONSTRUCTION INDUSTRY: WOMEN ARMED AND DANGEROUS HAVE MEDIATORS FRUSTRATED**

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In the recent years, women have transformed from homemaker to a builder and ultimate decision maker in hiring contractors. This trend has been caused because of the labor shortage in the construction field and increasing number of households headed by single women. The introduction of women into this field can be a barrier for the construction mediator in resolving disputes, where for years the field was dominated by men. Mediators have to recognize that men and women negotiate differently. If the mediator uses the 'one size' fits all approach, his mediation will go down in defeat.

### **NEW TREND: THE HOMEMAKER TRANSFORMS TO CONTRACTOR AND HIRER OF CONTRACTORS.**

The Construction industry is looking increasingly to women workers as a viable solution to its labor shortages. A labor shortage of 250,000 workers per year is predicted for the next four years- that is more than one million missing workers by 2009. According to the National Association of Women in Construction (NAWIC), between 1995-2003, the number of women in construction increased 18 percent, growing from 762,000 to 975,000. Currently women workers make up nearly 10 percent of the construction industry or more than 900,000 nationally. No longer restricted by gender stereotypes, 50% of the women in the construction industry work in technical, sales and administrative support, 28 percent in managerial and a professional speciality and the remainder as precision, craft operators and laborers. As a result, at the mediation table you will be seeing more women who may be the builder or the representatives for the builder.

Not only will the party faces change for the builder, but also for the homeowner party. Women's roles have increased and are no longer just a small part of the decision-making process of any building. Women represent 44 percent of 'do-it-yourselfers' and 51 percent of people that hire professionals for home improvement projects. The increase of female consumers in the home improvement industry is most significant in the East South Central region of the United States, where hurricane Katrina caused so much damage last year. Women are accounting for three times as many home improvement sales as men. While women have traditionally been the keepers of the home, the housing boom of recent years, gradual shifts in gender roles, and an increasing number of households headed by single females have helped boost women's interest and involvement in building. After married couples, single women are the largest group of home buyers in the US, responsible for 21% of transactions, according to the National Association of Realtors. By 2010, the number of women-headed households is expected to rise to nearly 31 million, representing about 28% of the U.S. total. Retailers are recognizing that women, like men, are willing and able to learn - and buy. Women are armed with this knowledge and have become the party to

construction disputes.

## **DIFFERENCES IN NEGOTIATION STYLES**

With women appearing as parties, whether they are the homeowner or the building/contractor, this has caused a change in how construction disputes are mediated. For the male construction mediator, who does not recognize this change and how to handle the change, this may cause frustration and unsuccessful results.

There are differences in the way that men and women negotiate. According to Linda Babcock and Sara Laschever authors of 'Women Don't Ask', women are much less likely than men to ask for what they want and to use negotiation as a tool to promote their own ambitions or desires. As a society, we teach women that it is not appropriate or 'feminine' for them to focus on what they want, assert their own ambitions, and pursue their self-interest-and we don't like it when they do. Society has a strong expectation that women will abide by their assigned 'roles' and reacts very negatively when they don't. Behavior that can lead a man to be seen as a 'straight-shooter' or a 'no-nonsense guy' can lead a woman to be seen as too pushy and aggressive. She may be called a bitch or worse, and find herself closed out of networks or opportunities from which she might benefit.

However, women out perform men when they are negotiating on behalf of someone else, such as a client or on behalf of an employer. Women more often than men take a 'collaborative' or cooperative approach to negotiation that has been shown to produce agreements that are better for both sides. Women are more likely than men to listen to the needs and concerns of the other side, communicate their own priorities and pressures, and try to find solutions that benefit all parties-to find the win/win solutions. This approach not only leads to better outcomes for everyone, it often produces creative solutions to problems that might have been overlooked by men taking a more competitive or adversarial approach. Also, by looking for those win/win solutions, women tend to preserve and enhance long-term business relationships-they don't burn as many bridges as men who focus on short-term gains. Women work harder, smarter but do not boast about their accomplishments.

Armed with increasing knowledge, experience in the building industry and their different negotiation skills, women can pose a different barrier to the male construction mediator. Women are more collaborative or cooperative in a mediation and to many mediators this may signal that the woman is not proficient on the expert subject matter or are caving in because they or their client is liable. Many mediators discount what a woman in the construction field has to say and invariably pressures them on giving more money to settle or to drop their demand. This immediately creates a barrier for the mediator, because a woman is incensed by this type of treatment and will become more resistant to settling. Mediators are impressed by a man's aggressive behavior, who mandates that they or their client did nothing wrong, who tells war stories on what

a great builder or attorney they are, and will not budge off their position unless a mediator tells them to the contrary. The mediator assumes that the male has a better handle and superior knowledge on subject matter and a woman's style of negotiation confirms the mediator's bias.

### **HOW CAN A MEDIATOR HANDLE THE DIFFERENT NEGOTIATION STYLES OF A WOMAN IN A CONSTRUCTION MEDIATION?**

Women who are the homeowner party during negotiations are much less likely than men to ask for what they want and to use negotiation as a tool to promote their own desires. In this situation, a woman will listen to the needs and concerns of the other side, communicate her own priorities and pressures, but not be aggressive in pushing her demands. Women are aware of their shortcomings and will usually have a representative or attorney make demands on their behalf. This does not mean that the "attorney is acting as the party" or the "woman does not have a grasp on the cause of the defects," rather it means she is the brain behind the action. A mediator should not become frustrated because the woman homeowner will not speak to him about her demands. However, a mediator should engage in a discussion about the issues in the case. Having a meaningful discussion about the issues will cause a woman to reframe her demands to her representative/attorney.

Women who are acting as the representative for their employer builder/contractor are savvy negotiators. Their negotiation style is different, cooperative, collaborative and is seeking win/win solutions for all the parties. Mediators may feel that they are trying to usurp their role as the mediator, ignore the woman's discussion on how to resolve the action and limit the discussion to monetary demands. Mediators should not be condescending, engage in the discussion and then walk out of the room and tell the other participants, who happens to be males, that the woman does not have a grasp on the issues. Take her solutions seriously, bolster her credibility to the other male participants and present her ideas to the other participants. If you shut her discussions down, you will create a permanent barrier and your mediation will end without a settlement. Remember that women work harder, are smarter but do not boast about their accomplishments or expertise.