

Fact and fiction on construction industry employment and New York’s Scaffold Law.

Opponents of New York’s worker protection Scaffold Law claim their proposed “reform” of the law would create tens of thousands of jobs and give New York’s economy a shot in the arm. Those are fictions. The facts say otherwise.

Fiction: Myths about Illinois

According to the Lawsuit Reform Alliance of New York State, “There is no dispute that reforming the Scaffold Law would create more jobs. In fact, following Scaffold Law repeal in Illinois, the number of construction jobs surged 25% in 5 years.”¹

Facts: The truth about Illinois

According to the U.S. Bureau of Labor Statistics *Current Employment Statistics*, in the five years following repeal of Illinois Scaffold Law in 1995, from 1996 to 2001, construction employment in Illinois increased 21.0%. What they leave out is that **construction employment in New York increased even more, by 29.6%**, and construction employment in the U.S. increased 23.3%. Illinois construction employment did not keep up with the national increase, much less New York.²

Fiction: Myths about union jobs

The Lawsuit Reform Alliance says construction union membership “grew by more than 23,000 – a net increase of 21.7%” in the years subsequent to the 1995 repeal of the Scaffold Law in Illinois.³

¹ Issue Brief, Lawsuit Reform Alliance of New York, “Common Goals, Common Sense.” Source is the U.S. Bureau of Labor Statistics, according to a footnote.

² Accessed at <http://data.bls.gov/cgi-bin/dsrv>.

³ *Op cit.*

Facts: The truth about union jobs

From 1995 to 2000 construction union membership in Illinois did, indeed, increase by 21.7%. The fiction is that this increase had anything to do with Scaffold Law repeal. **During the same period construction union membership soared 43.8% in New York and 34.3% in the U.S.** And from 1990 to 2010, construction union membership declined 23.4% nationally and 31.6% in Illinois compared to 20.3% in New York.⁴

Fiction: Rhetoric about development

A common refrain of Scaffold Law opponents is it “costs jobs” and keeps developers from building. The New York State Builders Association goes so far as to claim, “The Scaffold Law...puts hardworking builders out of business and keeps millions of New Yorkers from experiencing the American Dream.”⁵

Facts: The reality of development

New York’s builders have had plenty of work in regions with strong local economies. For example, in 1995 New York City approved permits for approximately 5,100 residential units. By 2008 that number had soared to nearly 34,000. In 2008 there were 10,000 more construction specialty trades workers and 7,300 more building contractor workers in the city than in 2002. Between 2002 and 2008 construction employment increased 15% (8,900 more workers) on Long Island and 14% (6,300 more workers) in the State Labor Department’s Hudson Valley Region. In Saratoga County, 10,975 homes were built between 2000 and 2010 alone, constituting nearly 12% of the county’s housing stock. Prior to the recent national recession, construction employment failed to increase or declined only in those Upstate regions which experienced long term population loss and persistent economic weakness.

The downturn in construction all across New York State over the last few years obviously can not be blamed on the Scaffold Law, which existed when construction was thriving in much of the state before the recent national recession. The ups and downs of local economies, not the life-saving Scaffold Law, determine construction activity and employment.

Do not be deceived. The Scaffold Law *does not* suppress construction industry employment. It *does* protect construction workers.

⁴ Source for Illinois, New York State and U.S. union membership: <http://www.unionstats.com>.

⁵ Statement of Lew Dubuque, NYSBA Executive Vice President, <http://www.facebook.com/ScaffoldLawReform>, posted September 20, 2011.