

news

Labor War in Chelsea

For the first time, non-union immigrants are building Manhattan's high-rise towers

by Tom Robbins
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There's a nasty little chapter in the national immigration debate playing out along the side streets in the West Twenties in Manhattan these days. There, construction union members, many of them first- and second-generation immigrants themselves, are squared off against a contractor using just-off-the-boat employees willing to work long hours at substandard wages with no benefits.



Carpenters' union organizer Tommy Costello: "Our fight's not with the workers."
photo: Giuletta Verdon-Roe

The protests have already produced seven arrests and at least one badly bloodied head. But those wounds are minor compared to the issues at stake here, which include the increasing success of non-union builders in the city, fed by a seemingly boundless supply of immigrant workers—most of them undocumented—willing to work for much less than their union brethren.

While non-union builders have long nibbled at the peripheries of the city's construction trade, they've generally been confined to smaller jobs in the outer boroughs. But in the past few years, such contractors and developers have grown increasingly bold, venturing into Manhattan to do bigger and bigger jobs, including some of the huge high-rise projects that have traditionally been the bread and butter of the union construction trades.

The buildings now rising in this corner of the old garment district in Chelsea appear to be the largest non-union developments yet. On West 26th, West 28th, and West 29th streets, a trio of soaring 24-story towers is being constructed by a Queens-based developer named Sam Chang, who has carved out a local niche as a builder of moderately priced hotels. Chang's McSam LLC, city records show, has spent more than \$100 million in the past 18 months to acquire these and other development sites around the city. The three multimillion-dollar projects on the West Side (one is expected to be a Hampton Inn) are aimed at out-of-town businesspeople and budget-minded tourists.

To build them, Chang turned to a non-union general contractor named Tritel Construction, which in turn subcontracted much of the work to a firm based in upstate Pearl River called EMC Contracting. EMC, records show, only recently shifted from building one- and two-family homes to constructing multi-story projects.

The key ingredient that makes such projects feasible is an abundance of cheap immigrant labor, and that's what's building the three towers on the West Side. Without a union card in their pockets, or much else in the way of either job-training certification or documentation, immigrant workers are constructing wooden frames, bending steel bars, and pouring concrete. They can be seen shinnying up newly poured concrete columns, most of them without the safety belts required by federal safety and health regulations.

In addition to the job hazards, their pay, according to union organizers and workers who agreed to talk about their employment under a guarantee of anonymity, is less than half the roughly \$40-an-hour-plus-benefits package that a union carpenter or laborer would receive.

The immigrants say they are also being treated to a curious two-tier wage system under which young Irish men on the job are being paid \$20 to \$25 an hour, while Brazilians—bused in daily from Newark's Ironbound section—are paid less, between \$15 to \$20 an hour.

In mid April, members of the carpenters' and laborers' unions began picketing the sites and trying to talk to the workers about job conditions. They've sprinkled the projects with flyers urging workers to contact the union. "Union carpenters get what they're worth! Do you?" reads a flyer detailing the health, pension, training, and job placement benefits for union members. To reach the workers, organizers have waited on street corners in the early morning to snag workers on their way to the job sites, and even tossed the flyers from adjoining buildings onto the projects.

Contractors have responded by beefing up security with private guards. They have also hired retired police detectives for protection, and according to union organizers, off-duty cops as well.

Twice so far, tensions on the blocks have spilled over into brawls. On April 21, a fracas broke out after union members allegedly blocked the path of a truck delivering supplies to the West 26th Street site. According to the union, plainclothes security guards tumbled out from behind the gates of the job site wielding long blackjacks. When police arrived on the scene and began grabbing at security guards and union members alike, one guard allegedly yelled, "Stop, I'm a cop," while holding up a shield. Police eventually arrested five men, all of them members of carpenters' union Local 608, who were charged with resisting arrest and inciting to riot.

A week later, on April 28, another fight broke out on West 28th Street after someone tossed a smoke bomb at the work site. In the melee that followed, a union member, Anthony Mercado, was sliced on the back of the head with a utility knife, a wound that left a long, ugly gash that took several staples to close. Police initially arrested a 28-year-old Irish immigrant worker named Mark Wynne, who gave an address in the Woodlawn section of the Bronx. But Wynne was later released after he was not identified in a lineup.

Tensions at the sites were ramped up even more when concrete trucks making deliveries from a Brooklyn plant were accompanied by carloads of young black men, several of whom allegedly flashed guns at the union pickets, most of whom are white. "I'm gonna put a cap in your ass," one of the men allegedly threatened an organizer.

All of the incidents at the job sites are currently being investigated by the labor racketeering unit of the office of Manhattan District Attorney Robert Morgenthau, a spokeswoman confirmed.

Sam Chang, the projects' developer, failed to return several calls to his office in Floral Park. A secretary suggested that he might respond to an e-mail message, but those also went unanswered. Also playing nonspeaking roles in the drama were Jimmy Wu, owner of the contracting firm Tritel, and Michael Mahoney of EMC, both of whom did not respond to messages.

Union organizers are careful to emphasize that their beef is with the employers, not the workers.

"What they've got going here is an underground economy," said Tom Costello of the New York District Council of Carpenters, who has been monitoring the West Side non-union sites. "There's no taxes being paid, there's no workers' compensation, no health protections."



Carpenters' union official Tommy

Costello's father was a carpenter

who emigrated from Ireland and found work through the union after his arrival. A carpenter for more than 30 years, Costello has worked as a foreman on major construction projects, and also as an instructor in the union's apprentice training program. He said he had watched in amazement at the risks being taken by the non-union workers as the building has taken shape. "You're sending a kid from São Paulo, Brazil, and another from County Donegal, and neither one of them has ever worked on more than a two- or three-story job, and making them a high-rise construction worker. It's not that easy," he said.

Costello: "Our fight's not with the workers."
photo: Giulietta Verdon-Roe

He said that standard procedures for testing the strength of the concrete and the durability of the steel reinforcement bars were not being conducted. "Someone's going to get hurt on the job," he said, "and the public should also be worried."

Another union organizer, Andres Puerta, whose family came from Ecuador, said that he had persuaded several individual workers to sign up with the union. "They talk about how scared they are," said Puerta. "They're scared of being hurt at work, and they're scared of losing the job. Most of them are sending money to family members at home."

The union organizers said that most of the young immigrants had brushed off suggestions that they needed health insurance in case of illness or injury. "They think, 'What do I need that for?'" said Costello. "Most of these guys are making \$25 an hour cash, and they are putting in 60 hours a week. So maybe they're making \$1,500 a week, not paying any taxes. They see it as the best deal of their lives."

John Greaney, the president of the carpenters' Local 608, which has 7,500 members and whose jurisdiction covers Manhattan's West Side, said the union was trying to appeal to both employers and workers alike. "Our fight is not with the workers," said Greaney. "We welcome them. We are not going to do the job of the government. We are not INS agents. What we're up against here is the corporate greed of these developers and construction companies."

Whatever their motivation, non-union contractors are clearly taking up a bigger share of construction work. Nationally, according to research by the Cornell University School of Industrial and Labor Relations, unions' share of the construction industry has plummeted from a high of 80 percent in the years right after World War II to less than 18 percent today. Even in New York State, traditionally union-strong territory, organized labor's share slipped below 50 percent for the first time in the 1990s and is believed to be even less currently.

The notion that organized labor will be able to forever hold on to big-ticket projects has been nourished by giant, government-backed developments like the pending new Freedom Tower in Lower Manhattan and the new stadiums slated for Brooklyn, the Bronx, and Queens. In each of those cases, labor used its political muscle to help win approvals. But while labor was focusing on those mega-projects, private developers of non-union ventures like the new high-rises in the West Twenties have slipped into town.

"There's been a false sense of security," said one union labor analyst. "There's a creep factor that started in the South and the Southwest, and eventually hit upstate and the outer boroughs. Now it's right in Manhattan."

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