

OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

MAURA T. HEALEY  
GOVERNOR

KIMBERLEY DRISCOLL  
LIEUTENANT GOVERNOR

By Her Excellency  
MAURA T. HEALEY  
GOVERNOR

EXECUTIVE ORDER NO. 638

PROMOTING THE EQUITABLE PARTICIPATION OF WOMEN  
AND UNDERREPRESENTED GROUPS IN CONSTRUCTION

WHEREAS, landmark infrastructure investments nationwide provide an opportunity to expand access to high quality construction jobs for women and historically underrepresented groups;

WHEREAS, the Commonwealth finds that it serves the public interest to promote access to good jobs with fair and equitable pay, safe and healthy workplaces, and workplaces free from all forms of discrimination and harassment;

WHEREAS, women have traditionally been underrepresented in construction jobs and skilled trades and currently comprise only 11 percent of the industry workforce and only 4 percent of trade occupations;

WHEREAS, inequitable access to jobs in construction and the skilled trades creates inequities in the labor market, causes lower wages for women and people of color, and contributes to the gender and racial wage gaps;

WHEREAS, the Commonwealth is committed to addressing wage gaps and promoting equitable workforce participation by helping workers enter non-traditional jobs such as construction jobs in clean energy, transportation, and manufacturing;

WHEREAS, increased earnings for women workers can increase economic growth in the Commonwealth;

WHEREAS, robust training and mentorship programs, access to supportive services, and improved working conditions are essential to women's retention in construction careers; and

WHEREAS, the Commonwealth is committed to dismantling discrimination of any kind, including on the basis of race, gender, sexual orientation, and disabilities,

NOW, THEREFORE, I, Maura T. Healey, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c.2 § I, Art I, do hereby order as follows:

Section 1. It is the policy of the Commonwealth to utilize the pivotal role it plays in planning, funding, implementing, and supporting construction projects to promote equitable practices and encourage the hiring, training, and retaining in construction jobs of women and other underrepresented groups, including LGBTQ+ and nonbinary individuals; individuals of all races, creeds, ethnicities, and national origins; individuals with disabilities; formerly incarcerated individuals; and veterans and active servicemembers.

## Section 2. Definitions

- (a) "Construction" means the building or alteration of a building or public works. It includes additions to and alterations of public works, the installation of resilient flooring in, and the painting of, public buildings and public works; certain work done preliminary to the construction of public works, namely, soil explorations, test borings and demolition of structures incidental to site clearance and right of way clearance; and the demolition of any building or other structure ordered by a public authority for the preservation of public health or public safety, as defined in G.L. c. 149, § 27D.
- (b) "Executive Department" means an Executive Office or Secretariat, agency, department, board, commission, or authority of the Executive Branch, and any authority of any political subdivision which is specifically created as an authority under special or general law.

## Section 3. Diverse and Equitable Construction Workforce Participation Committee

There is hereby established within the Office of the Governor a Diverse and Equitable Construction Participation Committee responsible for advising the Governor on promoting the equitable participation of women and underrepresented groups in construction, including maximizing interagency collaboration.

- (a) The Committee shall be chaired by the Secretary of Labor and Workforce Development and include the Secretary of Transportation or designee, the Secretary of Administration and Finance or designee, the Secretary of Housing and Livable Communities or designee, the Governor's Labor Advisor, the Governor's Deputy Chief of Staff for Access and Opportunity, the Director of Federal Funds and Infrastructure, the Undersecretary of Environmental Justice, the Commissioner of the Division of Capital Asset Management and Maintenance or designee, and such other members as the Chair shall appoint on behalf of the Governor.
- (b) The Committee shall meet as directed by the Chair and at least four times per calendar year.

- (c) All Executive Offices and agencies within the Executive Department, upon request of the Committee, will provide subject matter expertise, information, and data to assist in accomplishing the policies set forth in this Executive Order. Each Executive Office shall designate a single point of contact for requests from the Committee.

#### Section 4. Promoting Equitable Workforce Participation in Construction Through Good Labor and Equity Practices

Executive Department offices and agencies shall embed in their construction procurements requirements that promote job-quality and inclusion, including, for example, provisions that:

- encourage the utilization of registered apprentices or set registered apprenticeship utilization requirements;
- reward or recognize employers with strong workforce equity practices;
- encourage contractors to partner with worker-serving organizations with a track record of reaching women and underrepresented groups; and
- encourage contractors to provide supportive services, including childcare, to facilitate the participation of women and underrepresented groups in construction.

#### Section 5. Promoting Equitable Workforce Participation in Construction Through Data and Reporting

Executive Department offices and agencies shall require contractors and subcontractors engaged for construction projects to collect, and report at appropriate intervals, data on:

- Workforce needs, which may include the expected number of jobs, job hours, and job hours by occupation;
- Worker demographics, consistent with but not limited to the requirements of G.L. c. 7C, § 6 and G.L. c. 149, § 44A, which may include race, gender, zip code, and other workforce characteristics;
- Benefits and supportive services provided to workers;
- Hours worked by all employees, including women and people of color, by trade and position; and
- Apprenticeship participation and pre-apprenticeship program completion statistics.

The Diverse and Equitable Construction Workforce Participation Committee shall provide guidance to Executive Offices and agencies on how to implement data collection in a manner that promotes equitable participation in the construction workforce, including for small projects and for small, emerging, and diverse businesses.

## Section 6. Promoting Equitable Workforce Participation in Construction By Requiring Safe Worksite Practices

Executive Department offices and agencies shall require their contractors and subcontractors engaged for construction projects to certify that they have policies that ensure and maintain safe worksites, free from harassment. Such policies may include:

- Training policies that institute effective, routine workplace training programs, including safety and anti-harassment trainings;
- Designated reporting or ombudsman program policies that institute a process for reporting concerns and complaints;
- Disciplinary policies that provide a clear explanation of disciplinary and accountability measures; and
- Anti-retaliation policies that clearly state that retaliation is prohibited.

## Section 7. Seeking Funding for Equity and Workforce Participation Programs in Applying for Federal Grants

When applying for federal funds to support construction projects and when supporting applications for federal funding by municipalities and tribes through the allocation of state matching funds or the provision of technical assistance, Executive Department offices and agencies shall work with the Federal Funds and Infrastructure Office to ensure that budgets and other allocations of project costs allocate sufficient funds to support efforts to encourage the participation of women and underrepresented groups in construction in particular and equitable workforce participation more generally, such as the administration of Access and Opportunity Committees, apprenticeship and pre-apprenticeship programs, childcare support programs, and mentoring programs.

Section 8. Executive Department offices and agencies are encouraged to develop guidelines for the establishment of Access and Opportunity Committees to regularly meet and monitor compliance with equity and hiring goals on large construction projects.

Section 9. Other state governmental entities, including state agencies outside the Executive Department, independent agencies, and constitutional offices, and municipalities are encouraged to conform to the terms of this Executive Order.

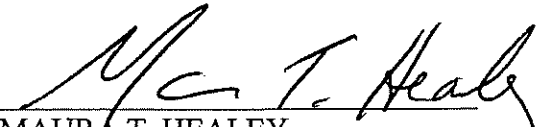
Section 10. Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

Section 11. If any provision of this Executive Order, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Executive Order and its application to any other person or circumstance shall not be affected thereby.

Section 12. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.



Given in Boston this 23rd day of December  
in the year of our Lord two thousand and  
twenty-four, and of the Independence of the  
United States of America two hundred and  
forty-eight.

  
MAURA T. HEALEY  
Governor  
Commonwealth of Massachusetts



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WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

**GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS**