

 DATA FOR *PROGRESS*

THE PROGRESSIVE LABOR PLATFORM IS POPULAR

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Executive summary:

Data for Progress and YouGov Blue surveyed key components of Bernie Sanders’s “Workplace Democracy Plan” and Elizabeth Warren’s “Empowering American Workers and Raising Wages” and found that the platform’s policies are broadly supported by voters.¹ The policies tend to have broad support from Democrats, but many also have net positive support among independents and Republicans. In addition, we find that there is a potential key bloc of voters that either did not vote in 2016 or voted for Trump that support components of the platform, making them potential targets for 2020 election efforts. One caveat is important: many of these policies also showed high rates of voters having no strong opinion, meaning the numbers could change.

The highlights:

- ▶ A federal “Just Cause” law, which would radically change employee-employer relations and is included in Sanders’s plan, is somewhat or strongly supported by 56 percent of voters and opposed by 30 percent of voters. Even among Republicans, “Just Cause” is two percent underwater (42 percent support, 44 percent oppose).
- ▶ Expanding federally protected union rights to farm and domestic workers has bipartisan support and is included in both plans. Democrats support it at 66

percent to 21 percent, and Republicans support it at 41 percent to 38 percent.

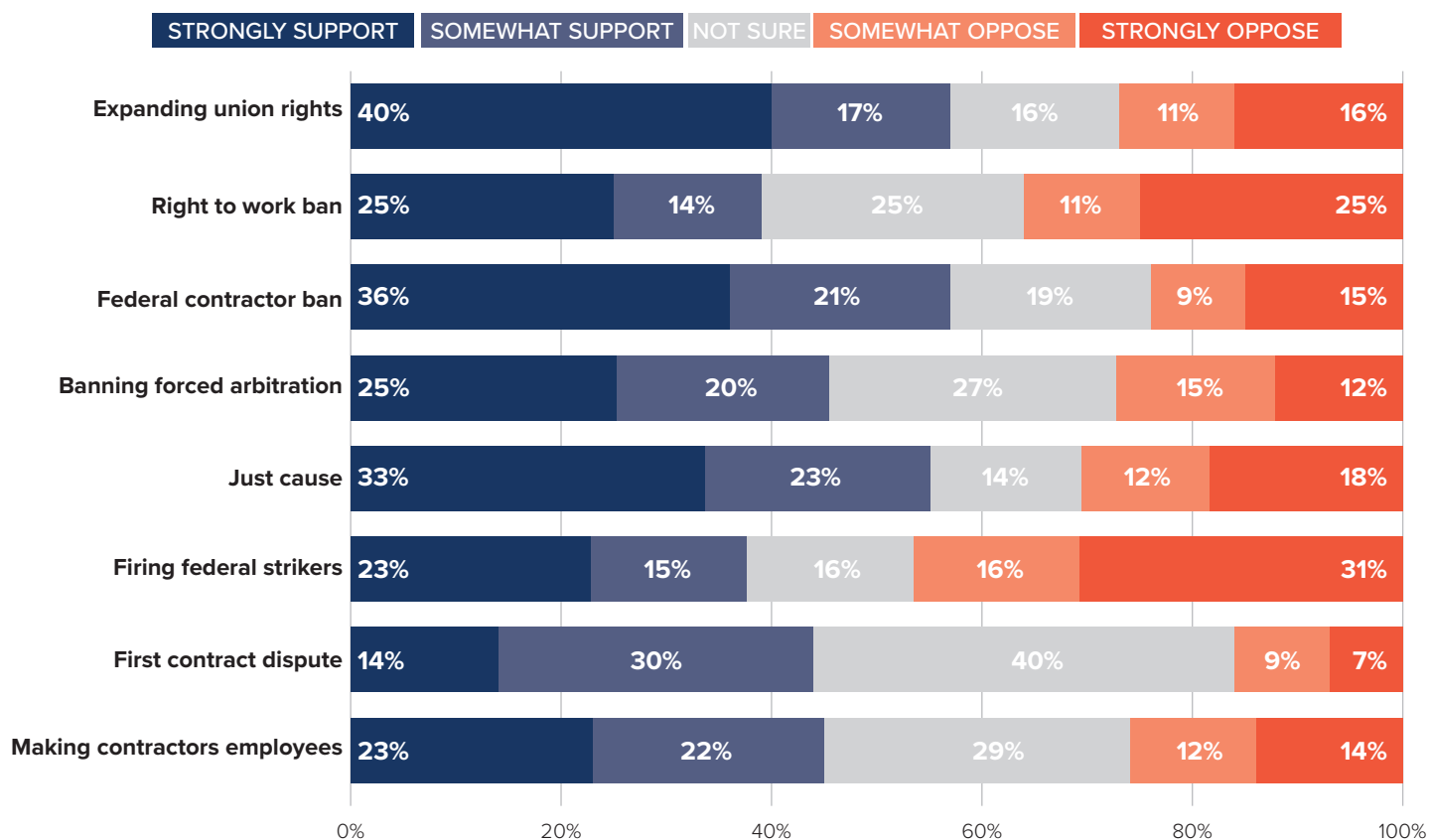
- ▶ A ban on forced arbitration, which is included in Warren’s plan, is supported by 45 percent of voters and opposed by only 27 percent.

Strengthening workers’ rights, building up labor unions, and reigning in companies is a winning issue with plurality or majority support on key proposals, weak opposition, and room to grow.

Strengthening workers’s rights is popular:

We included seven labor questions that are included in the Warren and Sanders plans in our survey. We also asked a general question about making it easier to form a union, and a question about bans on forced arbitration, which has recently become a flashpoint for several tech companies. Overall, we found plurality or majority support of these progressive positions, along with support for making it easier to form a union.

Surveying these questions posed a challenge. These issues can be wonky, and we did not expect many respondents to have a deep familiarity with the topic. (The full question language and survey details are in the Appendix.) In general, we attempted to provide a short description for voters about the issue, and gave voters the explicit option to indicate that they were not sure.



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FEDERAL-CONTRACT BANS FOR BAD ACTORS

The most popular plank of a progressive labor platform is a policy to ensure that federal contracts don't go to companies with a history of bad business practices. We asked if voters would support forbidding federal contracts to companies that "pay low wages, outsource too many jobs, or actively prevent their employees from being unionized." Fifty-seven percent supported this, and only 24 percent opposed it. Among Republicans, 41 percent support it and 37 percent oppose it, while 55 percent of independents support it and only 25 percent oppose it. Both the Sanders and Warren plans include this policy.

EXPANDING UNION RIGHTS TO FARM AND DOMESTIC WORKERS.

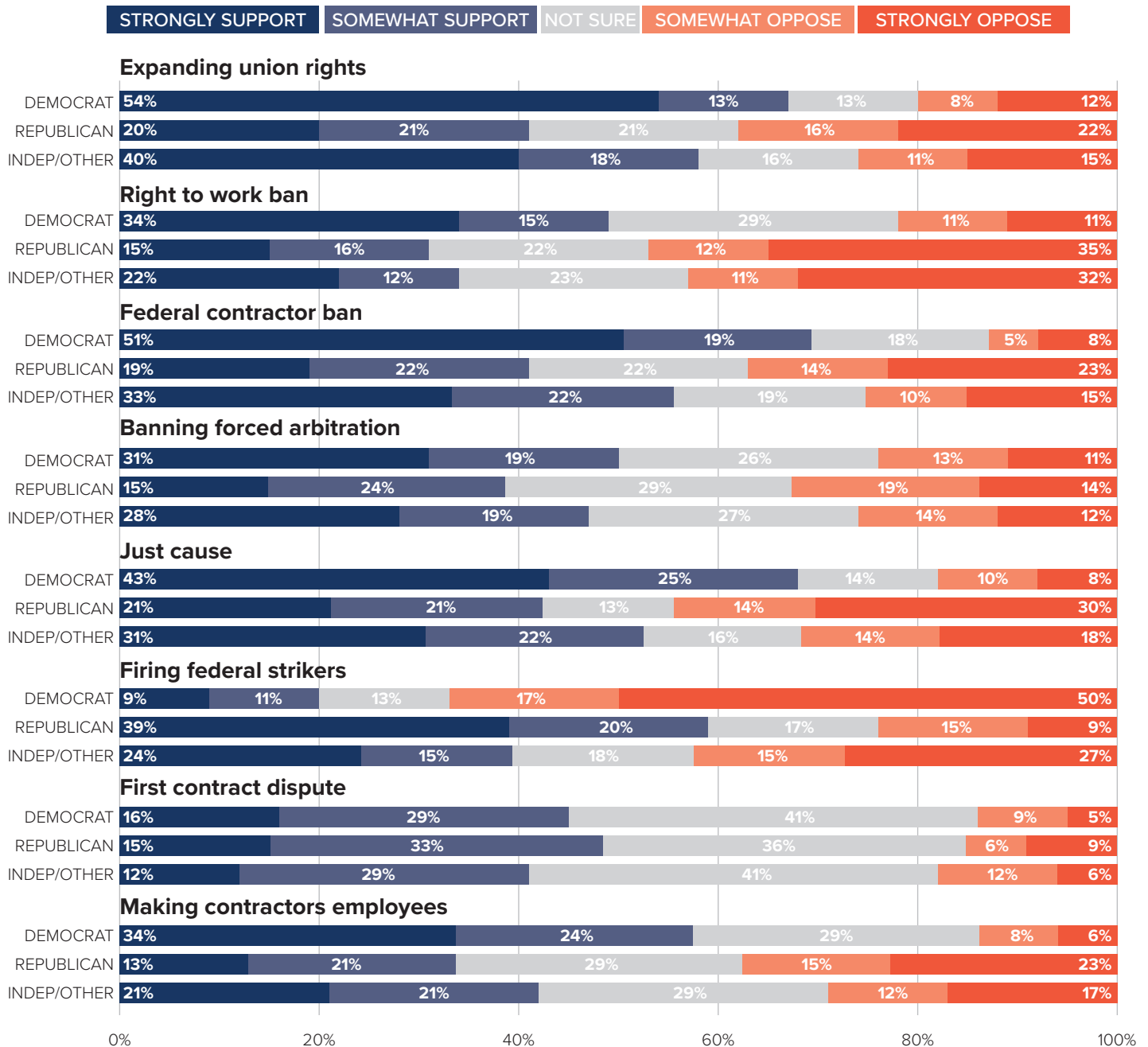
Currently, farm and domestic workers are not covered by federal laws on labor. Their exemption is the result of

[systemic discrimination](#) against workers of color, and was first pushed by segregationists in the 1930s concerned with the National Labor Relation Act's potential to expand union rights to industrial sectors with predominantly black workers. Since then, domestic and farm work has continued to be rife with abuse; they are sectors of the economy often occupied by immigrants and workers of color. We found that 56 percent of Americans support extending federal rights to form a union to farm and domestic, while only 27 percent oppose it, giving it a net positive support of 29 percent. Although this policy might seem radical because it extends union rights to a historically disadvantaged group, Republicans actually support it (41 percent support, 38 percent oppose). Both Sanders and Warren deserve praise for ensuring that their labor platforms include protections for workers that traditionally been left out of labor protections due to racism. Warren also includes a provision to prevent workers from discriminating against workers with traits associated with race (such as hair texture).

“JUST CAUSE”—PROTECTING EVERYONE

“At-will” employment—i.e., anyone can be fired for any reason not explicitly defined under law—is one of the most regressive parts of American labor law. In most other industrial and post-industrial countries, employers are required to provide a cause for firing an employee. Ending at-will employment and implementing a federal

“just cause” law would radically change employee–employer relations in the United States. And American voters are ready for it: 56 percent of all registered voters support a just-cause policy, while only 30 percent oppose it. Independents support just-cause as well, with 53 percent in favor of it and 31 percent opposing it. Even among Republicans, it is only barely underwater: 42 percent support it and 44 percent opposing it. “Just cause” is included in the Sanders labor plan.



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PROTECTING FEDERAL WORKERS

Federal workers who decide to take action to improve their working conditions face significant risk. They can—and, under the [Trump administration, likely will be—fired for participating](#) in a strike. This impacts almost half a million federal-sector union members working under an administration hostile to federal sector unionism. At the same time, the recent wave of teacher strikes has demonstrated how powerful public employees can be. We found that 47 percent of voters oppose firing federal workers for striking, while 37 percent support it. This policy was one of the most politicized we found. Democrats oppose firing striking federal workers at 67 percent to 20 percent, while Republican support firing them at 59 percent to 23 percent. Both Warren and Sanders include a right to strike for federal workers.

“CONTRACTORS ARE EMPLOYEES”

The growing “gig-economy” has redefined employer–employee relations in the United States. Companies like Uber and Lyft have created a new world of precarious jobs, using the contractor status of their drivers to withhold health insurance and unemployment insurance, among other benefits, while the companies also avoid paying payroll taxes. California recently took action to end this practice by passing [AB5](#), with employers vowing to fight it through the courts. We found that general voters support a law which would classify gig drivers as employees at 46 percent to 26 percent. Independents were slightly less supportive at 42 percent to 29 percent, while Republicans opposed it at 38 percent to 33 percent. Both plans end misclassification of gig employees.

ENDING FORCED ARBITRATION

Tech companies have also recently come under fire for forced arbitration clauses in their contracts. These clauses are often invoked by tech companies to protect serial sexual harassers, forcing victims to process workplace issues through private third-party mediators instead of legal action through the court system. This keeps harassment out of the news, protecting the image of the company and allowing harassers to continue without

consequence. Warren, who has made the power of tech companies a central plank of her campaign, includes a ban on these contracts.

Although these contracts are used in many industries, tech companies have recently faced protests from workers demanding a ban on forced arbitration. We found that such a ban enjoys support across the political divide among those with an opinion on the matter. (In this case, many respondents reported no opinion.) Among all voters, 45 percent support a ban on forced arbitration, while 27 percent oppose such a ban. For Democrats, that grew to 49 percent in support and only 24 percent in opposition, while for independents it was 47 percent in support and 26 percent in opposition. Even among Republicans, 38 percent supported a forced arbitration ban and 33 percent opposed it.

SPEEDING UP FIRST CONTRACTS

The wonkiest issue we surveyed was over new rules that Warren and Sanders propose to prevent companies from trying to wait out unions during their first-contract negotiation. In brief, Sanders’s new rule would require that if negotiations fail during the first contract for a union, a third-party arbitrator would be used upon request of either party. Warren’s plan includes a similar provision that requires employers and unions to enter binding arbitration to secure a collective bargaining agreement within 120 days of negotiations. This would force companies to negotiate in good faith, or risk leaving matters to a binding recommendation from a neutral arbitrator. To survey this, we asked voters: “Would you [support or oppose] a policy requiring companies and newly unionized employees to resolve disputes over their first contract using third-party arbitration if the disputes take over ninety days to resolve?”

Unsurprisingly, we found that many respondents reported no opinion of the matter, but those who provided an opinion were supportive. Forty-four percent supported such a policy, and 16 percent opposed it, with 40 percent expressing no opinion. Interestingly, Republicans were slightly more supportive than the average voter, with 48 percent supporting it and 14 percent opposing it. Democrats, in contrast, were supportive at 44 percent to

14 percent. (A note: these numbers should be taken with a grain of salt, given the policy’s complexity and that voters are unlikely to have strongly formed opinions.)

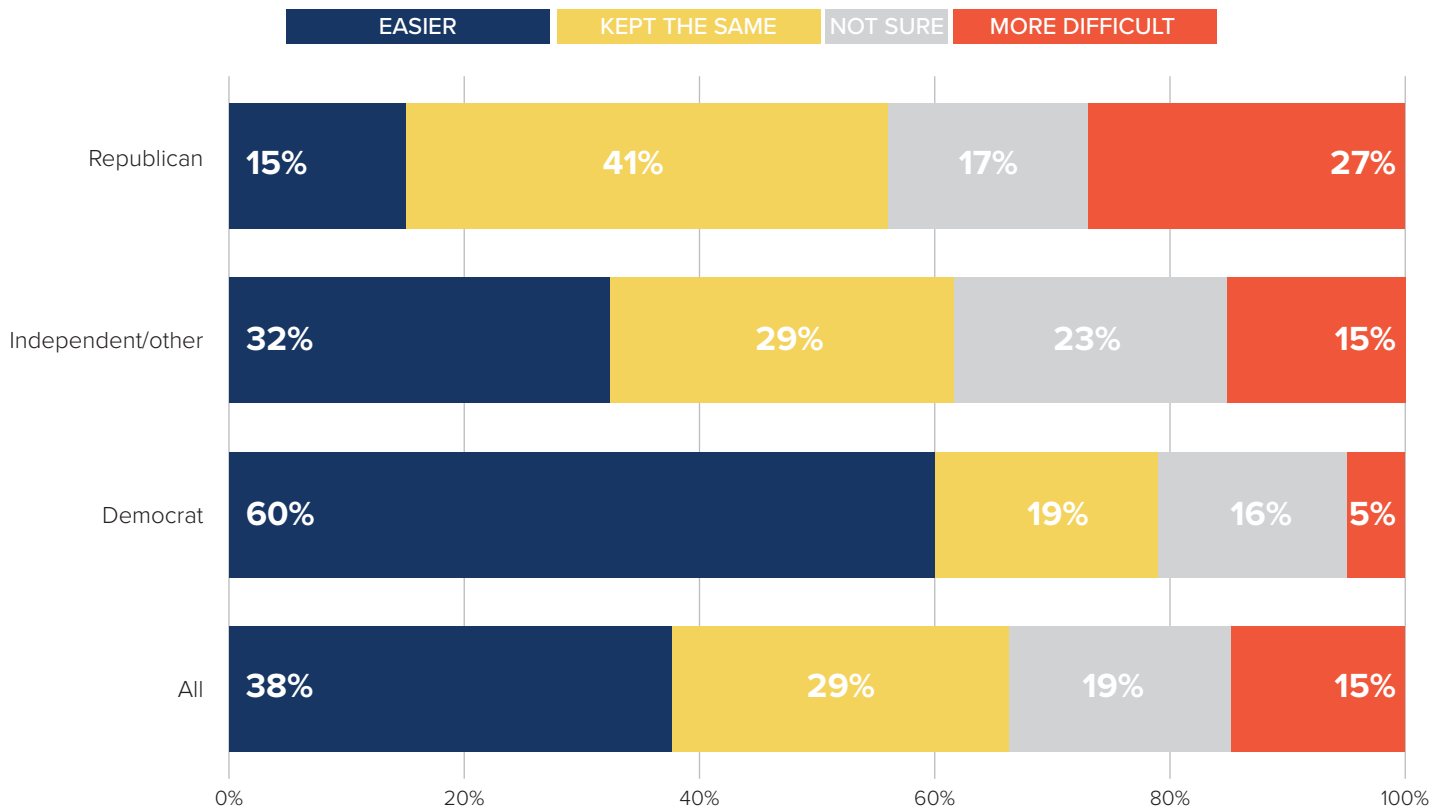
BAN ON “RIGHT TO WORK”

Both Warren and Sanders has proposed a repeal of Section 14(b) of the Taft–Hartley Act, which allows states to pass so-called “right-to-work” laws—a trend which began in the 1940s American South, and even spread more recently to union strongholds, such as Wisconsin and Michigan. A national right-to-work ban was the closest policy we surveyed, though it is not as polarized as we expected. Among all respondents, a ban was slightly supported, with 39 percent of supporting a ban and 36 percent opposing it. The numbers for Democrats were surprising, with only 49 percent supporting a ban and 22 percent opposing it. Republicans took the opposite stance, with 47 percent opposing a ban and 31 percent

supporting it. A right-to-work ban was underwater with independents, with 43 percent opposing it and 34 percent supporting it.

MAKING IT EASIER TO FORM A UNION

We pivoted from specific policies to ask voters a general question: should it be easier or harder to form a union? Overall, we found general support for making it easier to form a union: 38 percent thought it should be easier, 29 percent thought it should be kept the same, and 14 percent thought it should be made more difficult. Sixty percent of Democrats thought it should be easier, while 32 percent of independents did and 15 percent of Republicans did. Republicans were not necessarily unified in making it more difficult: only 27 percent believed it should be made more difficult, the plurality (41 percent) of Republicans thought it should be kept the same.



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A labor strategy to persuade and turn out

We expect that many consultants and campaign advisors consider labor issues to be a low priority, in spite of progressive politicians’ reliance on organized labor during campaign season. Many assume that union voters and allies probably already vote for Democrats. We wanted to test this. To do so, we took the questions above and scored answers 0 to 1, where 0 was when a voter strongly opposed a pro-labor policy, 1 was when they strongly supported it, and 0.25 and 0.75 were for the somewhat answers. Next, we took the average response for each respondent in the survey, creating a scale of their support for these labor policies.

Using this scale, we can look to see where voters fall on the scale, and what they did in 2016. The below table shows that 23.93 percent of voters are strong supporters of labor and voted for Clinton, while 25.19 percent of voters generally oppose labor and voted for Trump. In addition, 4.5 percent of voters strongly supported these labor policies and voted for Trump, while 10.27 percent generally supported them and voted for Trump. These are voters that Democrats can target electoral efforts towards by engaging with these policies and showing how Democrats are the ones that voters can trust on labor issues.

In addition to these persuadable voters, there is a non-negligible proportion of registered voters that Democrats could work to turn out in 2016: 3.92 percent strongly supported labor and didn’t vote in 2016, while 4.48 percent generally supported labor and didn’t vote.

	LABOR SUPPORT			
2016 Election	Opposes 0 to 0.5	Somewhat supports 0.5 to 0.75	Strongly Supports 0.75 to 1	
Clinton	4.75%	13.98%	23.93%	42.66%
Trump	25.19%	10.27%	4.50%	39.97%
Third-party	1.60%	1.23%	1.90%	4.73%
Didn't vote	4.24%	4.48%	3.92%	12.64%
	35.78%	29.96%	34.26%	

Who are these potential target voters? They tend to be Republican (57 percent) or independent (33 percent). They also are a bit older on average: 27 percent are 65 and older, compared to 24 percent of all voters; and only 12 percent are 18–29 compared to 17 percent of all voters. Finally, they are also more white than all registered voters (at 89 percent to 74 percent).

Conclusion

The progressive labor platform is popular, and could do more than anything else to reverse the trend of rising inequality and empower workers.

APPENDIX:

The survey was fielded on September 11 to September 13, 2019, with a sample of 1,280 registered voters. The specific language for the labor questions is below, and the answer options are provided after the question.

Just Cause

Would you [support or oppose] a policy preventing employers from firing workers for any reason other than legitimate work performance issues? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Banning Forced Arbitration

Currently, some employers require employees to agree to a process known as “forced arbitration,” in which employees must address any workplace complaints, including sexual harassment complaints, through a private third party rather than through the court system. Would you [support or oppose] a policy that would limit or eliminate the use of forced arbitration? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

First Contract Dispute

Would you [support or oppose] a policy requiring companies and newly unionized employees to resolve disputes over their first contract using third-party arbitration if the disputes take over ninety days to resolve? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Right to Work Ban

Many states have laws branded as “right to work” laws, which allow workers to receive the benefits of union-negotiated contracts without having to join the union. Would you [support or oppose] a federal law that would end right to work laws in all states? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Making Contractors Employees

Would you [support or oppose] a policy that would classify drivers who use companies like Uber or Lyft as employees of those companies? Currently, most drivers are classified as contractors, granting them flexibility to use multiple apps but also preventing them from having any employee benefits. Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Federal Contractor Ban

Would you [support or oppose] a policy forbidding federal contracts to companies that pay low wages, outsource too many jobs, or actively prevent their employees from being unionized? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Expanding Union Rights

In the United States, farmworkers and domestic workers can be fired for forming unions. Would you [support or oppose] preventing employers from firing employees in these occupations if they try to organize a union? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Firing Federal Strikers

Currently, federal employees can be fired and barred from federal service for striking. Do you [support or oppose] federal employees being fired for this reason? Strongly support; Somewhat support; Somewhat oppose; Strongly oppose; Not sure

Forming a Union

In general, do you think it should be easier or more difficult for employees to form a union? Easier; Kept the same; More difficult

ENDNOTES

1. Warren’s plan also includes provisions like her proposal to require worker representation on the board of companies. We have surveyed many of those as part of our New Progressive Agenda Project. <https://www.dataforprogress.org/the-new-progressive-agenda>

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COVER PHOTO
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