

# Policies to Strengthen Workplace Civic Engagement and Worker Political Voice

REPORT BY **ALEXANDER HERTEL-FERNANDEZ**

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THE  
**GREAT  
DEMOCRACY**  
INITIATIVE

clean slate for  
worker power 

# THE GREAT DEMOCRACY INITIATIVE

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The Great Democracy Initiative develops policy blueprints that offer solutions to the most pressing problems of our time. From taming the concentration of power in our economy to fundamentally reforming our broken government, GDI aims to generate policy ideas that confront the forces that have rigged our society in favor of the powerful and connected.



## ABOUT CLEAN SLATE FOR WORKER POWER

Clean Slate for Worker Power is a project of Harvard Law School's Labor and Worklife Program. It is led by Professor Benjamin Sachs, Kestnbaum Professor of Labor and Industry, Harvard Law School, and Sharon Block, Executive Director, Labor and Worklife Program.

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# Introduction

The decline in worker power and organization over the past four decades has not just eroded workers' standing in the economy (e.g., Lichtenstein 2002; Mishel et al. 2012; Stansbury and Summers 2020). It also represents a fundamental threat to our democracy (Block and Sachs 2020a). More representative workplaces—in which workers exercise their voice through labor organizations like unions—afford individuals with more opportunities to develop and exercise civic skills (Budd, Lamare, and Timming 2018; Hertel-Fernandez 2020c; Pateman 1970; Rosenfeld 2014). In turn, labor organizations represent workers in the labor market and in politics, forming a counterweight to the concentrated economic interests that can otherwise dominate elections and public policy (e.g., Hacker and Pierson 2010; Schlozman, Verba, and Brady 2012). A vibrant labor movement makes it more likely that workers' political preferences will be addressed by government. Reform that builds new structures for worker organizing and voice is thus not just an economic imperative but a political one as well.

## **A vibrant labor movement makes it more likely that workers' political preferences will be addressed by government.**

The ongoing coronavirus pandemic has only reinforced the need for greater workplace democracy and worker voice (e.g., Block et al. 2020; Hertel-Fernandez et al. 2020). US public policies do not adequately meet to meet the needs of workers most affected by the crisis. Many workers lack access to affordable health care, especially after losing their jobs. Many more lack access to paid sick leave policies and timely and sufficient unemployment insurance that would have enabled workers to shelter in place during the pandemic. Meanwhile, others are forced to return to workplaces that lack adequate safety measures and equipment to prevent infection. And employers are using their legal and market power to discourage workers from discussing or reporting unsafe working conditions and organizing collective actions to raise labor standards.

The weakening of worker voice in the US has not simply reflected changes in the economy. Instead, it has largely reflected political choices, including legislation and court rulings that have directly undermined unions, and deliberate decisions by elected officials not to update increasingly outdated labor law (Estlund 2002; Galvin and Hacker

2020; Hertel-Fernandez 2019; Lichtenstein 2002). In turn, these choices have fostered greater economic *and* political inequality, leaving the vast majority of workers with insufficient voice in the workplace and in politics (e.g., Becher and Stegmüller 2020; Flavin 2016). Without labor organizations like unions or worker centers, workers—above all, those with lower wages, with less formal education, and from communities of color—lose valuable opportunities to participate in civic and political life.

To address the broken system, we need policies that enable workers to build economic and political power—in individual workplaces, across industries, and in our democratic system. As this brief describes, this means ensuring that all workers have opportunities to participate in the civic process outside of the workplace—for instance, by voting, volunteering their time to civic causes, and running for elected office. In addition, policies should support possibilities for workers to develop civically relevant skills and foster connections with other workers and civic groups while on the job. Together, these reforms will complement one another and help spur greater worker political engagement in and beyond the workplace.

# Why Focus On Political Power And Voice In The Workplace?

On a fundamental level, the workplace is where most employed individuals, pre-COVID crisis, spent most of their waking hours when not at home. It is also the primary source of income and economic security for most US households. As a result, the workplace is where many Americans develop their identities and nurture social relationships, including friendships. In recent surveys, half of all US workers say they draw a strong sense of identity and meaning from their jobs, and about three-quarters of workers report that they have at least one close friend from work.<sup>1</sup>

Just as importantly, the workplace is a relatively unique site for civic interaction and engagement because it is politically diverse (Estlund 2003; Mondak and Mutz 2001). Most people do not choose where they work or with whom they work on the basis of their political views or partisanship, as is often the case with other social institutions in American life—like neighborhoods, churches, or schools. Over three-quarters of US workers in recent surveys indicate that the political views of their employers and coworkers were either not at all relevant or only slightly relevant in their decisions of where to take a job (Hertel-Fernandez 2020c). As a result, over 60 percent of workers report being employed in a job where their views are not shared by a majority of their coworkers (Hertel-Fernandez 2020c). This kind of political diversity matters because workers can build ties with individuals with differing partisan and ideological outlooks and in the process build a greater understanding of—and tolerance to—opposing political views (Mondak and Mutz 2001; Mutz and Mondak 2006).

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Last, the workplace affords many opportunities for workers to gain politically relevant skills and information and apply those skills to politics; work offers a “training ground for pro-democratic attitudes and political behaviors” (Budd, Lamare, and Timming 2018).

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<sup>1</sup> Meaning and identity finding from the Pew Research Center for the People and the Press May 2016 poll; friendship finding from author’s analysis of the “cowrkfrd” variable in the 2002 General Social Survey.

Recent research suggests that after friends and family, the workplace is far and away the most common site for political discussions for employed workers (see Table 1; Hertel-Fernandez 2020c). And while there tend to be large differences in the frequency of political discussion by socioeconomic status—with more formally educated individuals reporting more frequent political discussions than less formally educated Americans—those gaps are smaller in the workplace than in other areas of life (Hertel-Fernandez 2020c). Put differently, work is where Americans of all backgrounds talk politics.

**Table 1: Sources of Political Discussion for American Workers**

Sources of political discussion	Never/Not applicable	A few times per year or less	A few times per month	At least once a week
People from work	40%	20%	20%	20%
Family	21%	18%	24%	38%
Friends	22%	24%	26%	28%
People from school	82%	6%	7%	5%
People from church	73%	12%	9%	6%
People from neighborhood	60%	19%	13%	7%
People from a union	83%	6%	7%	5%
People from civic groups	73%	11%	9%	7%

*Notes:* 2019 Workplace Political Participation Study. Sample includes 1,212 employed workers surveyed in November 2019.

While many employer and worker characteristics shape the political potential of the workplace, one factor stands out as being especially important: the presence of worker organizations, and especially labor unions. Across the board, unionized workers are substantially more likely to report gaining civic skills at work, engaging in political discussions with coworkers, and translating their political interest into action—both in elections and policy debates (e.g., Leighley and Nagler 2007; Rosenfeld 2014; Schlozman, Verba, and Brady 2012; Verba, Schlozman, and Brady 1995). Unionized workers are also substantially more likely than their nonunion counterparts to run for elected office (Carnes 2013, 2018).

The union difference is especially striking for lower-wage workers and those with less formal education; unionized workers with a high school degree or less report levels

of workplace civic skills and participation that are comparable to, if not higher than, nonunion workers with a college degree or more (Hertel-Fernandez 2020c). Unions not only boost workers' civic participation in the workplace but do so especially for workers who might not have otherwise participated in politics; they serve as "schools of democracy" for workers.

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By providing opportunities for workers to gain civic skills and participate in politics, unions also play a significant role in representing the interests of those workers in the political process. Indeed, unions are one of the few mass membership-based political organizations that lobby for policies benefiting workers and lower- and middle-class Americans more generally, including policies such as paid leave, higher minimum wages, more protective health and safety standards, and a stronger safety net (Hertel-Fernandez 2019; Kelly and Witko 2012; Lichtenstein 2002; Schlozman, Verba, and Brady 2012). In this way, unions both bolster democracy *within* the workplace—by building political interest, skills, and opportunities for workers—and *outside* of the workplace—by bringing their mobilization and resources to bear on local, state, and federal elections and policy.

# Proposals To Promote Greater Workplace Civic Participation

As the preceding discussion made clear, one important step to rebuilding Americans' political voice at work involves policies that expand opportunities for workers to form and join labor organizations, including unions. Other recent reports from the Clean Slate Project outline important steps that policymakers should take to achieve that goal (e.g., Block and Sachs 2020a, 2020b).

Below, I discuss additional policy levers that local, state, and federal government possess to nurture workers' civic participation and engagement. This includes spurring greater civic participation during off-work hours, by ensuring that workers have time to vote, volunteer, and even run for elected office. It also includes measures to foster civic engagement in the workplace. Across both types of activities, I focus particular emphasis on boosting political opportunities for previously marginalized Americans, including low-wage workers and workers of color.

These ideas complement other important reforms to expand civic participation (which have become even more urgent due to the social distancing required by the coronavirus pandemic) and the robust agenda of reforms included in the For the People Act, which includes restoring and modernizing the Voting Rights Act, automatic voter registration, same-day voter registration, expanded early voting, and restoration of voting rights to people with prior criminal convictions (Brennan Center for Justice n.d.).

## A NATIONAL RIGHT TO TIME OFF TO VOTE, VOLUNTEER FOR CIVIC ACTIVITIES, AND RUN FOR OFFICE

Despite the promise of the workplace for fostering worker interest in politics and civically relevant skills and connections, many Americans still find that work presents a barrier to participating in politics—because workers cannot take the time off from their jobs to vote, volunteer, or run for office. Workers might not have sufficient control over or predictability in their schedules to take time to participate in politics. And, even if workers do have the ability to take time off for these activities, they might not be able to forgo the lost wages. As a result, I recommend the creation of federal rights to paid time off for democracy, beginning with voting but extending to other civic activities.



## Paid time off for voting

Today, only 29 states require employers to provide time off for voting if the worker requests it. Of those, 23 states require employers to pay employees for voting time, and six do not. In addition, limits on the amount of time available, complicated requirements for eligibility, and little enforcement or outreach leave many state laws too weak to actually ensure that all workers are able to vote without incurring lost income or lost employment.

### Most workers in states with a legal right to time off for voting are not aware of that right.

Consistent with the limited reach of existing state time-off laws, my analysis of data from the 2016 Cooperative Congressional Election Survey indicates that most workers in states with a legal right to time off for voting are not aware of that right. Just 21 percent of workers in states with time-off laws correctly recognized that they had such a right (the share in states with paid time off was even lower, at 19 percent; see Table 2). Confusion or lack of awareness of these rights may help to explain why previous empirical studies have not identified a clear effect of time-off laws on voter turnout: Workers cannot take advantage of these laws if they do not know they exist (Sterling 1983; Wolfinger, Highton, and Mullin 2005).

**Table 2: Worker Awareness of Time-Off-to-Vote Laws, by State Law Type**

Type of State Law	% Correctly Identifying State Law for Time Off to Vote
No State Law	29%
Time Off, Paid	19%
Time Off, Unpaid	26%

Notes: 2016 Cooperative Congressional Election Study, Columbia University Post-Election Module. Sample of 826 American adults.

As a result, I recommend a national right to paid time off so that all workers are able to exercise their right to vote in federal, state, and local elections during the work day if they need to (see also Block and Sachs 2020a, 77). Building on the best state models like California and New York,<sup>2</sup> this law would provide:

- **Sufficient time to vote for all workers.** The proposal should provide for sufficient, job-protected time off to vote on Election Day, without an arbitrary limit on the amount of time needed. There would be no vesting time requirement for the worker to have been employed in order to qualify for voting leave. To prevent workers, especially low-income workers, from being deprived of their right to voting leave, this right would be inclusive of all workers, regardless of employer size, and would use the robust “ABC” test to ensure that potentially misclassified and other marginalized workers are guaranteed their rights to vote.<sup>3</sup> In addition, independent contractors would be included by preventing any person or company engaging an independent contractor from denying or retaliating against their contractor for requesting time off of at least three consecutive hours when polls are open or before polls are closed on Election Day.
- **Paid time off for those whose scheduled work hours would prevent them from voting.** The policy should encompass paid time off for all workers who need to take time off to vote during the workday. This would be available to workers who do not have three hours between the opening of the polls and their normal working hours or the closing of polls and the end of their normal working hours. Workers would also be permitted to request this time off to vote before Election Day if their state permits early voting.
- **Prohibitions on the time being taken from other forms of leave.** Meal and rest breaks must be excluded from the time off, and the benefit may not come from a worker’s existing leave benefits, such as sick, vacation, or personal time. In other words, employers cannot require workers to use other forms of paid leave to vote.
- **Anti-retaliation and anti-coercion protections.** The policy should provide anti-retaliation protections that ban employers from discriminating against or discharging workers for exercising their rights, as well as anti-coercion protections that would prohibit as an unfair labor practice employer attempts to pressure a

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<sup>2</sup> See for instance: <https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteFAQ.pdf> and <https://www.sos.ca.gov/elections/time-vote-notices/>.

<sup>3</sup> The “ABC” tests create a presumption that workers are employees and are covered under labor laws, including paid time off or leave laws, unless an employer is able to prove that (a) an individual is free from control or direction over performance of their work, both under contract and in fact; (b) the service provided is outside the usual course of the business for which it is performed; and (c) an individual is customarily engaged in an independently established trade, occupation, or business (Leberstein and Ruckelshaus 2016).

worker or to influence workers' political actions. Below, I describe the importance of these anti-coercion provisions and develop a more detailed proposal.

- **Meaningful enforcement.** To ensure robust enforcement, the policy should include a private right of action for workers to enforce their rights and meaningful minimum fines of \$10,000 for employers who violate the right to time off to vote.
- **Public notice requirements.** Employers would be required to explain to workers their rights to take time off at least 10 days before a public election, and outreach could include at a minimum, posting of notices in breakrooms or other conspicuous locations, notifications during regular meetings or check-ins, and reminders through phone, mail, or email.
- **Partnerships with worker and civic organizations to educate workers about their rights and enforce the law.** In implementing this right, the federal government should engage in partnerships with organizations with relationships with workers, including labor unions and worker centers, to conduct outreach about these rights, expand voter registration opportunities, and engage in co-enforcement activities to ensure that workers are able to exercise their right to paid time off to vote. The federal Department of Labor, working in conjunction with state and local workplace enforcement agencies, would provide grants to nonprofit organizations, including labor and employer organizations, to conduct this outreach. One model for such a program is the Susan Harwood Training Grant Program, which provides competitive grants to nonprofit groups providing training and education programs for employers and workers on workplace safety hazards, worker rights, and employer legal responsibilities.

This kind of outreach will be especially important given the evidence presented earlier that most workers in states with existing time-off laws are not aware of their rights. It would also fit well with the proposal, developed below, for workers to have the right to invite civic or labor organizations into the workplace to provide information and opportunities for civic participation.

A long line of evidence affirms that these kinds of partnerships with worker organizations helps workers to identify and act on their legal rights (e.g., Hertel-Fernandez 2020a; Weil 2004), and suggestive evidence from the 2016 Cooperative Congressional Election Study referenced above indicates that time off for voting is no different. Union members were nearly 80 percent more likely to recognize their legal right to time off to vote than were nonunion members in 2016 (see Table 3). (Though note that the proportion of union members correctly identifying time-off laws was still low—and less than half of all unionized workers.)

**Table 3: Worker Awareness of Time-Off-to-Vote Laws, by Union Membership**

Union Status	% Correctly Identifying State Law for Time Off to Vote
Not Union Member	22%
Union Member	39%

*Notes:* 2016 Cooperative Congressional Election Study, Columbia University Post-Election Module. Sample of 826 American adults.

## Civic leave

Thinking more ambitiously, policymakers might consider granting workers paid time off not just to vote but to participate in a broader set of civic activities. Free time is an important resource for individuals' decisions to participate in civic organizations and causes (Verba, Schlozman, and Brady 1995). To the extent that lower-wage workers have less flexible or predictable schedules (e.g., Henly and Lambert 2014; Schneider and Harknett 2019), it could hamper their ability to contribute to civic activities, exacerbating a class skew in political engagement—and therefore political representation.

This concern receives support from US Census Bureau data. A 2017 supplement to the Current Population Survey focused on civic engagement and volunteering found that employed respondents who reported higher incomes reported more annual hours of volunteering for civic causes. While some of those income differences are attributable to differences in educational attainment, the income gradient in hours volunteered persists even across workers with comparable levels of schooling.

To help shift this balance, policymakers could enact a right for workers to earn paid, job-protected time off to participate in civic activities, broadly understood as political or nonpolitical activities that improve workers' communities (see also Block and Sachs 2020a, 78). The right to earn this leave would be in addition to each worker's guaranteed voting leave. As with the paid-time-off-for-voting proposal, reforms to introduce civic leave could also productively complement the proposals (detailed below) for building civic organizations into the workplace.

Indeed, paid civic time off is only likely to be effective at reducing inequalities in civic participation to the extent that workers who might not have traditionally engaged in

politics can connect with civic organizations that can help them develop the interest, skills, and opportunities to participate in the political process (e.g., Han 2014).

While paid civic time off might sound unusual, a number of large companies are experimenting with such efforts across their workforces (Gross and Spillane 2019). In addition, granting workers paid time off for civic engagement has a strong precedent in unionized workplaces. Many labor organizations negotiate for provisions in their contracts that permit workers to participate in union activities, such as attending conventions, meetings, or trainings (Juravich, Bronfenbrenner, and Hickey 2006). Some union contracts even include public service or civic leave, permitting workers to volunteer with nonprofits.<sup>4</sup> And apart from the labor movement, the federal government encourages agencies to accommodate employee civic volunteering through paid and unpaid leave, flexible work schedules, and time off.<sup>5</sup>

The proposal would expand such efforts to include all workers across the country, and would specifically include:

- **The opportunity to earn civic leave.** Workers would earn at least one hour of job-protected paid time off for civic participation per every 80 hours worked at their regular rate of pay, up to 16 hours (or two workdays per year). Similar to the Healthy Families Act (H.R. 1784/S. 840), employers that provide paid-time-off policies combining vacation, sick, and other types of leave would be able to meet this requirement, so long as the policy offered employees the opportunity to earn at least 72 hours (9 days) of flexible leave per year, equal to the 16 hours of civic leave (the max that could be earned) plus the maximum 56 hours per year of sick time that can be earned based on the Healthy Families Act framework.
- **Inclusive eligibility criteria.** Similar to the right for voting leave, the right to accrue civic leave would apply to a broad definition of workers who meet the “ABC” test, and there would be no exclusion of employers covered by this proposal based on the number of workers in their place of employment. This standard should also ensure that civic leave would be available even for workers who do not otherwise qualify for paid time off from their employer.
- **A broad definition of civic participation.** Qualifying civic participation would include political and nonpolitical activities that enable individuals to volunteer with registered nonprofit organizations (judged on the basis of federal or state tax status).

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<sup>4</sup> See for instance, the following contract: <https://www.asdk12.org/cms/lib/AK02207157/Centricity/Domain/1201/ACE%20Agreement%202018-2021.pdf>.

<sup>5</sup> See <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/related-information/>.

This would include volunteering with political organizations and charities, and cover activities like direct service aid; formal and informal interactions with public officials, candidates and campaigns, and other community members; and activities like registering to vote and voting. Paid civic leave should also cover workers' efforts to run for elected office.

- **Accommodations and protected leave for workers serving in elected office.** Working-class Americans remain underrepresented in elected office across every level of government. Although they make up more than half of the country, individuals who have worked in blue-collar jobs have never held more than 2 percent of the seats in Congress, and in recent years have accounted for only about 3 percent of state legislators and 10 percent of city council members (Carnes 2018, chapter 1). These differences matter a great deal: Research has documented that elected officials from working-class backgrounds tend to hold different views from white-collar legislators, especially on economic issues (Carnes 2018, chapter 1). To encourage more representation of working-class Americans in politics, I recommend that a new federal civic leave program incorporate job protections for workers who serve in elected office.

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Accordingly, in addition to the paid civic leave that workers could use to launch their campaigns, employers should be required to offer reasonable accommodations to allow workers to hold elected office and continue in their jobs. For many elected positions—like city councils, commissions, boards, and most state legislatures—serving in office is not a full-time obligation, and so it may be possible for workers to carry out their jobs and their public offices at the same time.

In cases where it is not possible for workers to continue working and serve in public office simultaneously, employers should be required to offer unpaid leave to the worker. As a result, employers would not be able to fire or otherwise take negative employment actions because of workers' service in government. This would also mean that workers would be able to return, up to a reasonable length of time, to their jobs at the end of their term in office.

Both requirements—for reasonable accommodation of public service duties and unpaid leave—have strong precedents in other federal workplace policies. These include the Uniformed Services Employment and Reemployment Rights Act, which requires employers to provide leave and reasonable reemployment opportunities to workers on active military duty, and the Americans with Disability Act, which requires employers to provide reasonable accommodations to employees with disabilities.

- **Strong protections against employer noncompliance and retaliation.** Workers would have a private right of action to enforce their rights, and employers would be subject to meaningful fines for violations. Employers would be required to make reasonable accommodations to approve requests for workers seeking to use this time off, similar to the flexible approach that the federal government currently takes with federal workers.<sup>6</sup> As with the earlier proposal for paid time off for voting, this reform would need to be complemented with strong protections against employer pressure or coercion.
- **Public support for civic leave that is visible to workers.** Employers could receive tax credits to reimburse workers for the costs of providing this benefit, similar to the credits currently offered for employers who provide paid family and medical leave.<sup>7</sup> These credits would recognize the public benefits of encouraging civic participation—and also ensure that employers are not being required to financially support political speech with which they disagree. At the same time, the program should make clear to workers that they are receiving publicly supported civic leave benefits. Because the program is designed through an employer-side tax credit, there is a risk that individuals will not see the benefit as a government program (Mettler 2011). Accordingly, workers should receive regular written reminders of the availability of the benefit and public support to boost awareness of the availability of civic leave and its support from the government (like with Social Security statements; see e.g., Hertel-Fernandez 2020b; Mettler 2019). An alternative approach, which would be more conducive to constructing powerful “feedback loops” between government and citizens, would be to layer civic leave onto a new federal paid leave social insurance program (Rolfes-Haase and Shabo 2020).
- **Partnerships with worker organizations to educate workers about their rights and enforce the law.** The Department of Labor would be required to work with worker organizations to enforce this new right and to encourage employers and workers to

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<sup>6</sup> The Office of Personnel Management’s prepared guidance on employee participation in volunteer activities states that “(d) departments and agencies are encouraged to make appropriate use of this flexibility for changes in work scheduled or time off to allow employees to engage in volunteer activities.” The guidance outlines several areas of flexibility, including alternative work schedules, the opportunity to earn credit hours, annual leave, leave without pay, compensatory time off, administrative leave, and part-time employment or job-sharing. See: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/related-information/>.

<sup>7</sup> See: <https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-paid-sick-and-paid-family-leave-overview>.

implement and use these policies. As with the paid-time-off-for-voting policy, these partnerships will be crucial to building awareness of the policy and ensuring that workers are able to exercise their rights.

- **Connections to workplace civic organizations.** As is discussed in more detail below, proposals for civic leave are most likely to be successful when workers are connected with civic organizations that foster civic skill-building and provide opportunities for workers to get involved in politics. As a result, these proposals should be paired with the ideas below to allow workers access to such groups in the workplace.

While the first two proposals centered on encouraging worker political participation *outside* of work, the next set of proposals focus on civic engagement *inside* the workplace.



# Protection Against Political Coercion And Retaliation

An important barrier to realizing the civic potential of the workplace is the possibility of political pressure, coercion, or retaliation of workers by their managers (Harvard Law Review 2014; Hertel-Fernandez 2018). In the United States, virtually all nonunion rank-and-file workers are employed “at will”—and can be fired for any reason not explicitly protected by law. And even if a worker suspects they have been fired for an illegal reason—for instance, because of their race, ethnicity, or gender—the burden is on the worker, not the employer, to collect the necessary evidence, prove discriminatory intent, and mount a legal challenge.

With the risk of arbitrary or unfair dismissal, workers might be uncomfortable engaging in political discussions or activities at work. That risk is amplified in workplaces where managers and supervisors make clear their political views and even try to press those views on their workers. In recent surveys of the workforce, some 28 percent of workers report that workers at their job are unlikely to get promoted or face dismissal if they disagree with the views of their managers and supervisors (see survey results reported in Hertel-Fernandez 2020c). Examples range from small workplaces, like an Orlando defense manufacturer that threatened to lay off workers if Vice President Joe Biden won the 2020 election (Fox 2020), to large tech giants, like Amazon, where workers have alleged that the company threatened to fire workers for their climate advocacy or Google, where workers are discouraged from discussing issues of antitrust or monopoly in public (Day 2020; Wakabayashi 2020). The risk of retaliation is even higher for workers engaging in collective action related to labor or working conditions. Because of weak federal enforcement of labor law, many workers can be and are (illegally) fired or disciplined each year for such activities (Bronfenbrenner 2009; McNicholas et al. 2019).

Increased employment protections for workers would go far in fostering greater civic engagement and participation in the workplace (see also Block and Sachs 2020a, 79).

## Enacting just cause protections

Currently, no federal law protects private-sector workers from being disciplined or dismissed for their political views or activities—including views and activities that employees express in off-work hours (Hertel-Fernandez and Secunda 2016). While the First Amendment enshrines the constitutional right of Americans to free speech and

political organization, it only guards against *governmental* interference of those rights, not interference by private-sector actors, such as businesses. Some city and state laws offer various degrees of protection against employers firing or punishing workers for their political views or actions, but many workers do not live in states or cities with such laws (Volokh 2011–2012). In addition, the patchwork nature of the laws means that many workers and employers are not even aware of them.

This is reflective of the more general state of employment relations in the US, in which employers retain the right to discipline or fire workers for any reason not otherwise explicitly protected by local, state, or federal law. Even then, the burden falls on workers, not employers, to prove that unequal or unfair treatment happened for a reason protected by law. This makes it harder for workers to assemble necessary evidence, and provides employers with the opportunity to generate other “pretextual” reasons for justifying unequal treatment of workers (Bagenstos 2020). In turn, this tilted legal regime reduces the likelihood that such statutes would provide meaningful protections for workers—or adequate deterrence for employers (McGinley 1996).

**Ending at-will employment could go far in protecting workers against arbitrary, discriminatory, or unfair treatment by employers, and in the process make workers more comfortable engaging in political activities with coworkers.**

To protect workers from unjust or unfair discipline or dismissal—including on the basis of their political views or behaviors—lawmakers should consider enacting just cause protections for private-sector workers, as recommended by the Clean Slate agenda (see e.g., Block and Sachs 2020a, 46; see also Andrias and Hertel-Fernandez 2021). Although the specifics of such a law could vary, the overall principle is that employers could only discipline or fire workers for cause, such as repeated poor performance, egregious misconduct, or legitimate business reasons (like a fall in sales). Ending at-will employment could go far in protecting workers against arbitrary, discriminatory, or unfair treatment by employers, and in the process make workers more comfortable engaging in political activities with coworkers. Despite representing a relatively significant change in American labor policy, just cause proposals garner the support of majorities of Americans—including Republicans and Democrats alike—even after hearing about the potential economic drawbacks to such a reform (Andrias and Hertel-Fernandez 2021).

# Facilitating Civic Organizing In The Workplace

As explained above, what makes the workplace relatively unique as a site of political participation is the presence of dense social connections around a shared identity that often spans partisan lines. In an era of intense political polarization, we should be encouraging more civic organization, in and around the workplace, that takes advantage of these connections—including but not limited to unions and other worker organizations.

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To do so, the federal government or states could take steps to facilitate civic organizing in democratic, mass-membership organizations centered around workplace ties.

## Physical or virtual spaces for coworkers free from managerial oversight or surveillance

One important step that policymakers can take is to ensure that workers have spaces—whether physical or virtual—where they can discuss issues with their coworkers free from managerial oversight or surveillance. These spaces are a necessary condition for important workplace discussion and connections—yet many workers report not having access to them (Hertel-Fernandez 2020e).

In a pre-COVID survey conducted by Data for Progress, around half of workers said they had access to a physical communal space for discussions with their coworkers, free from managerial supervision (see Hertel-Fernandez 2020e). Those who reported access to such a location were substantially more likely to say that they regularly discussed issues and problems with their coworkers. Yet access to physical spaces for coworker discussions were heavily stratified by socioeconomic status, with higher-income workers and those with more formal education being much more likely to report having physical communal spaces. Just 45 percent of workers with a high school degree or

less reported access, compared to 51 percent of workers with some college, and over 60 percent of workers with a college degree or more.

To support workplace civic organizing and coworker discussions, policymakers could pass legislation requiring employers to offer either physical or virtual discussion spaces (for instance, a Listserv or chat room) to all workers (see also Andrias and Sachs Forthcoming). That legislation, moreover, should make clear that employers could not monitor or surveil workers' discussions. Workers would still need to fulfill all their job duties but would have access to these spaces on their break or off-duty hours to discuss issues and build social and civic ties. These ideas are popular: Polling by Data for Progress indicates that over 70 percent of Americans would support requiring employers to provide a physical discussion space for workers (Hertel-Fernandez 2020d). This proposal also complements other Clean Slate recommendations for safe spaces (including digital spaces) for worker discussions as a means of facilitating union organizing (Block and Sachs 2020a, 53-4).

## **Providing workplace access to worker-selected civic organizations**

Policymakers could also support workplace civic organizing by requiring employers to provide a reasonable amount of physical access to the workplace for civic organizations selected by workers. These could include labor organizations but also other nonprofits or community groups promoting civic participation and engagement.

Under new federal legislation, for instance, a majority of workers could vote to allow a representative from the League of Women Voters or another nonprofit organization to visit the workplace. These visits would be limited to a reasonable length of time and held during employee breaks or off-duty periods. During that time, organizations could help workers register to vote, provide information about political candidates, and encourage workers to get involved in other civic activities. To avoid any risk of pressure or coercion, workers would not be required to attend or participate in these events, but they would be an important opportunity to facilitate greater civic connections and organizing around the workplace. The degree of access civic organizations would be entitled to could vary based on the nature of the worksite, with guidance offered by the federal Department of Labor. Regardless of the exact procedure, new legislation should include robust protections for workers in the process of selecting and voting for organizational access to prevent the coercion or intimidation that regularly happens during union elections (e.g., Bronfenbrenner 2009).

A long line of research suggests that civic organizations are crucial to moving individuals into political action, and that sustained and meaningful civic participation is unlikely without nurturing ties to such organizations (e.g., Han 2014; Skocpol 2003). Accordingly, policymakers should be making it easier for workers to connect with relevant organizations in the places where workers are already spending much of their time and developing their social identities and connections.

Many employers already invite charities and civic groups into the workplace; for instance, in one nationally representative survey from 2008, over half of respondents reported having access to a workplace-based charity campaign (Osili, Hirt, and Raghavan 2011). Indeed, human resource organizations recommend that employers encourage workplace-based volunteering to improve employee retention and satisfaction as a matter of best practice (e.g., Sammer 2016). Our proposal would formalize access to civic opportunities across all workplaces and provide employees a voice in the civic organizations that are brought into their workplace.

# The Benefits

There are a number of potential benefits to the proposals outlined in this brief, ranging from increased participation of individual workers in democracy and civic life to greater responsiveness of government to working- and middle-class Americans.

## Increased participation by all workers in our democracy and civic life

The 2020 elections were one of the highest-turnout races in the United States in over a century. That comparison, however, reveals just how low turnout in the US typically is in comparison with other peer rich democracies: The estimated record turnout for 2020 places the US solidly in the middle of the pack (Desilver 2018). In addition, historically, there have been much larger gaps in turnout by socioeconomic status in the US as compared to peer democracies (e.g., Desilver 2018; Schlozman, Verba, and Brady 2012). Research suggests that American policy choices can help to explain our relatively low turnout (e.g., Powell 1986). While there are a number of other reforms necessary to boost turnout to levels seen in other advanced democracies, well-publicized paid time off for workers—especially if implemented in conjunction with civic organizations that have developed durable ties with workers—could help to connect more Americans to elections and other forms of civic participation.

## Diminished racial inequalities in our democracy and economy

Compounding the income-based barriers to participation described above, civic participation among voters of color has trailed that of white voters, especially for Latinx and Asian Americans (Krogstad and Lopez 2017). Ensuring that all workers have job-protected paid time off to engage in civic activities could disproportionately empower historically marginalized workers, especially workers of color, who are more likely to work in jobs with unpredictable schedules and jobs that do not provide other forms of paid leave (see e.g., Bartel et al. 2019; Lambert, Fugiel, and Henly 2014; Ruetschlin and Asante-Muhammad 2015).

## A government more responsive and accountable to working people

The recent coronavirus pandemic has revealed the inability of our current political system to meet the needs of workers, especially essential workers, who frequently work

in occupations with inadequate wages and unsafe conditions. But even before the COVID-19 crisis, our public policies had failed workers for decades, allowing growing inequality, wage stagnation for most workers, and declining labor standards (Mishel et al. 2012; Weil 2014). In our political system, policymakers have been much more responsive to the preferences of wealthy individuals and businesses than to policy demands of working-class Americans (Gilens 2012; Gilens and Page 2014).

For vivid examples, consider the high levels of public support for policies like strengthening labor protections, expanding opportunities for forming and joining labor unions, raising the minimum wage, enacting paid family and medical leave, and providing affordable childcare (Davis and Hartig 2019; Hertel-Fernandez 2020d; Horowitz et al. 2017; Joughin 2019). Yet these preferences are not reflected in our current public policies. Conversely, studies of past expansions of voting rights have shown that public policies that improve access to civic participation directly contribute to increased spending on policies that helped lower-income and Black voters, including education, health, and other social programs (Cascio and Washington 2014; Franko, Kelly, and Witko 2016). By reducing barriers to civic participation for workers, our proposals would strengthen opportunities for workers to engage in politics and make demands of elected officials.

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Our proposals would also make it easier for lower-wage workers to run for elected office, helping to address the large income gap in office-holding and directly increasing working-class Americans' voice in government (Carnes 2013, 2018). As discussed above, working-class Americans are systematically underrepresented as elected officials across every level of government. Despite representing over half of all US citizens, in recent years, working-class Americans—those who worked in blue-collar occupations—represented only about 10 percent of city councilmembers, 3 percent of state legislators, 2 percent of congresspeople, no governors, no recent presidents, and no Supreme Court justices (Carnes 2013, 2018). This underrepresentation matters, since elected officials from working-class backgrounds behave very differently from politicians from white-collar occupations: Working-class lawmakers are more likely to favor greater economic

redistribution, stronger labor protections and worker voice, and tighter regulations on business (Carnes 2013, 2018). By ensuring more working class representation, our proposals could thus help to bring local, state, and federal policy more in line with the preferences of working-class Americans.

## **Strengthened democratic institutions—in and out of the workplace**

Over three-quarters of Americans say they believe public trust in the federal government has been declining, and many say that this low trust in government makes it harder to solve our country's problems (Rainie and Perrin 2019). This lack of trust is driven by a skepticism about who government is working for, with most believing that the government is run by "a few big interests looking out for themselves" (Doherty et al. 2018). Workers currently find themselves stymied from making these changes by the participation barriers described above, with research directly linking rising inequality with weaker worker organization and participation in politics (e.g., Becher and Stegmueller 2020; Bucci 2018; Farber et al. 2018; Flavin 2016; Western and Rosenfeld 2011).

**Increasing worker civic participation will help restore credibility to our democratic institutions by enabling workers to actively participate in the systemic change they say we need by volunteering, attending meetings, donating to candidates, and helping to run the electoral systems as poll workers or voter registration volunteers.**

Increasing worker civic participation will help restore credibility to our democratic institutions by enabling workers to actively participate in the systemic change they say we need by volunteering, attending meetings, donating to candidates, and helping to run the electoral systems as poll workers or voter registration volunteers. In addition, our proposals for giving workers greater rights to invite civic organizations—including worker organizations—into the workplace could help increase democratic accountability for workers on the job (e.g., Hertel-Fernandez 2020a, 2020d). Having greater contact with such organizations would go far in helping workers to recognize the rights they hold and to gain the resources they need to exercise those rights, including by forming or participating in labor organizations.



# Addressing Potential Arguments

There are several potential arguments against the proposals laid out above. First is that they would represent a radical departure from current workplace policy. This is a mischaracterization; in most cases our reforms have strong precedents in current local or state policies (in the case of paid time off for voting or protections from political coercion or discrimination), are policies that many firms have already voluntarily adopted (in the case of paid civic leave or the inviting of civic organizations into the workplace), or are policies that have clear analogues to other long-standing workplace policies (in the case of unpaid public service leave or accommodations for workers serving in elected office).

Closely related, some may be concerned that these policies might pose unwieldy costs on employers. I leave a full projection of economic costs for other analysts but note that most of these proposals are not associated with direct large costs on employers. The proposal involving the largest potential cost is paid civic leave, and in this case, government support (in the form of subsidies or tax credits) could help to offset most or all of the cost to employers. If anything, by helping employees identify and pursue more civic opportunities, the reforms described in this brief could even improve worker satisfaction, and thus boost employee productivity and reduce worker turnover.

Last, some may worry that these proposals (especially for paid civic leave and protected time off for workers to serve in elected office) might involve employers supporting political views with which they disagree. What if an employee uses their paid civic leave to volunteer with a politically controversial nonprofit or runs for elected office on a contentious platform? As a first step, any statute that enacts our reforms should make clear that employers are not responsible for speech or activities of their employees on civic leave. In addition, offering government credits or subsidies for civic leave (as detailed above) could help to address the legal question of whether employers are being required to subsidize particular forms of political speech with which they disagree. Ultimately, however, this should be a question of employer control over employee off-duty activities: In the same way that employees are free to use their wages to spend money on the causes and issues they prefer, so too should employees be permitted to use their civic leave to support their own causes or issues—so long as they conform to the requirements of the leave law (for instance, volunteering with legally recognized campaigns and charities).

# Conclusion

Workers' political voices are too often silenced in the political process—drowned out by concentrated economic interests or ignored because workers fail to participate in politics. As long as policymakers overwhelmingly hear only the privileged voices of those who can afford to participate in civic and political life, our public policies will continue to support the interests of wealthy donors and private-sector businesses, enabling further growth in economic inequality. We need policies that will ensure that all Americans—regardless of how much they make or whom they work for—can participate in our political system.

**As long as policymakers overwhelmingly hear only the privileged voices of those who can afford to participate in civic and political life, our public policies will continue to support the interests of wealthy donors and private-sector businesses, enabling further growth in economic inequality.**

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