

## **WORKER REPRESENTATION AND PARTICIPATION SURVEY**

### **WAVE 2 STRUCTURE AND METHODOLOGY\***

The Wave 2 survey consisted of re-interviews of 801 participants in Wave 1. It was supported by various written materials, sent to all of the roughly 1400 participants in Wave 1 who there agreed to participate in Wave 2 and read those materials in advance. Telephone re-interviews were conducted between December 6, 1994 and January 24, 1995.

#### **Survey Procedures**

The packet of materials mailed included a description of either "Arbitration to Settle Disputes About Employment Rights" or a description of "Committees for Workplace Standards." The packet also included a cover letter which reminded recipients about taking part in the initial survey, described the materials enclosed, and notified recipients they would be contacted in a week or so to complete the follow-up telephone interview. These packets were mailed on November 18th and November 21st of 1994 via First Class Mail.

Potential Wave 2 respondents were randomly divided into four subsets. Two of these received the material on arbitration, with one having its possible advantages listed first, the other with disadvantages listed first. The other two received the material on workplace regulatory committees, again with one getting advantages listed before disadvantages, and the other the reverse.

Telephone calls to these respondents were made between December 6, 1994 and January 24, 1994. If the respondent had not received the packet of materials or had misplaced it by the time the interviewer called, a new packet of material was sent via Two Day Priority Mail and a follow-up telephone call was made a few days later. These "resends" were mailed on a daily basis.

#### ***Response Rates***

Fifty-six percent of those who agreed in the original survey to be recontacted completed a Wave 2 interview. Seventeen percent were never contacted because the original number obtained for them was not working at the time of the recontact or it was incorrect, or because the packet of materials sent was returned as undeliverable and no telephone contact was attempted (two months had passed between the close of the first survey and the beginning of Wave 2, which may account for the rather substantial number of non-working or disconnected numbers). Fifteen percent were never contacted despite repeated attempts; some of these might, in fact, have been "refusals" or people avoiding the interview. Twelve percent refused to participate at the time they were recontacted, or broke off the interview part way through it.

### ***Weighting***

Data for Wave 2 The data for this survey were weighted to bring the demographic characteristics of the recontacted sample into alignment with the *weighted* demographic characteristics of all Wave 1 respondents on relevant dimensions. This weighting strategy corrects for non-response in the initial survey as well as any nonresponse in Wave 2.

Recontact surveys provide the opportunity to evaluate, to some extent, the amount of non-response bias present in the data because it is possible to identify non-respondents in Wave 2 and look at their demographic and substantive information from the Wave 1 interview. Wave 2 respondents can be compared to respondents from Wave 1 who agreed to be recontacted and to the total sample of Wave 1 respondents on key demographic and substantive measures to see if there are substantial differences in the three samples. Our analysis shows little difference between Wave 2 and Wave 1 participants, however; non-response appears not to have been a problem.

## WAVE 2 MATERIALS

Here is the text of the letter that all potential Wave 2 participants received, and the two basic sets of materials on arbitration and workplace regulatory committees. On the latter, again, one quarter of the group get the arbitration materials with advantages listed before disadvantages, one the same material with disadvantages listed before advantages, one the material on committees with advantages listed first, one the same material with advantages listed second. In total, then, four different “Forms” of the materials.

### ***The Letter***

Thank you very much for taking part in our telephone opinion survey about work in America. We appreciate the time you gave us, and your thoughtful answers. We also appreciate your willingness to receive information about workplace issues and talk to us again about these issues.

Right now, Congress and a national government Commission are working on proposals to change the laws about labor-management relations. It is important for them to learn what people in different kinds of jobs think about these proposals. That is why we have been conducting this independent, scientific study of employee opinion.

One of our goals is to find out what employees think about new ways to resolve problems in the workplace. We asked you some questions about this during the telephone interview, but you had only a few moments to think about these ideas before answering. Now, we want to tell you more about some proposals that are being made, and get your reaction.

Enclosed is a description of one proposed new way to handle problems at work. Please read it carefully, and then think about how well this new procedure might work at your own company or organization. You might even want to talk to some of your co-workers about this idea to help you make up your mind.

In the next week or so, one of our interviewers will call you at home to ask you some questions about this idea, along with a few other questions to follow-up on the earlier telephone interview.

Thank you again for all your help. We look forward to talking to you again soon.  
***The Arbitration Materials (order of “advantages/disadvantages” sections switched for Forms 1 and 4)***

### **Arbitration to Settle Disputes About Employment Rights**

What is arbitration?

Arbitration is a system in which a neutral person (called an arbitrator, referee or umpire) makes a decision in cases where individuals disagree. This system is now used in disputes between companies that want to avoid going to court, and is found in nearly all union workplaces to settle

the contract disputes of union employees.

One proposal under consideration is to **use arbitrators to resolve disputes between an employer and an employee** who feels his or her **legal workplace rights** have been violated by that employer. Here's how this might work:

The arbitrator would have no personal connection either to the company or to the employee involved in the case. The arbitrator would be selected from a government approved list of people who specialize in employment cases.

Both the company and the employee would have to agree on the person selected to be the arbitrator.

The employee and the company would then present their cases to the arbitrator, who would make a decision that followed current employment laws. A decision would be made within a short period of time, for example, a few weeks.

Except in extraordinary cases— where either the employee or the company could prove that the arbitrator's decision was biased or improper— the decision in each case would be final.

### ***What kinds of problems would be covered under this plan?***

Employees could use this system any time they think their employer has violated their legal rights at work. For example:

Qf an employee feels she was denied a promotion because she refused to date her boss;

Qf an employee thinks his employer is treating him more harshly than other employees because he is close to retirement age;

Qf an employee is not being paid "time and a half" for the extra hours he works each week beyond 40 hours;

Qf an employee feels she was fired illegally.

### **How is this plan different from the procedures that are used now?**

Now, employees who feel their legal rights have been violated usually hire a lawyer and sue their employer in court. Or, for some problems, they can take their complaint directly to a government agency, like the Equal Employment Opportunity Commission, to investigate and act on the complaint.

### **What are some disadvantages of arbitration over the current system?**

Arbitration of employee rights would turn decisions about legal rights over to private decision-makers, who might favor companies over employees in their decisions.

Arbitrators reach decisions with less information than a court. Unlike in court proceedings,

persons involved in an arbitration would not have the rights to call and cross-examine witnesses and demand the release of documents as evidence. Unlike judges, arbitrators do not have to make decisions that fit with the way similar cases were decided in the past.

Some also worry that, even though the process is simpler, employees will still need to hire a lawyer or other professional in order to help them win a case in arbitration.

Arbitrators will depend on companies and employees for their business. But companies might need to use an arbitrator in more than one case, while any individual employee will probably only use an arbitrator once. Arbitrators might see companies as their source of "repeat business," and thus might either make decisions in companies' favor or give lighter punishments to companies that violate workplace rights.

Cases decided by arbitration will get less publicity than court cases. Some people worry that if employers are no longer threatened with losing a lot of money on a case, or getting a lot of bad publicity, they might start to ignore employees' rights.

### **What are some advantages of arbitration?**

Arbitration would be quicker, less expensive and simpler than the current system, and might make it easier for average employees to have their cases heard and resolved.

Now, it often takes years for the courts or regulatory agencies to decide a case. For example, there are over 90,000 cases waiting for a decision from the U.S. Equal Employment Opportunity Commission, and many state agencies are three years behind in their caseload.

Arbitration generally costs less than formal court proceedings. Hiring a lawyer to take a case through the legal system is too expensive for many employees who feel their rights have been violated. As a result, most individual lawsuits are filed by executives rather than by ordinary employees. Under an arbitration system, average employees might be better able to afford making claims.

Even taking a complaint to a government agency requires knowing something about how these agencies operate. Most employees need the help of a professional to do this, but can't afford one. The delay and cost of making a formal legal complaint discourages many employees from making any complaint at all.

### **Is it fair to require arbitration?**

A few companies now **require** their employees to use arbitration rather than go to court or a government agency if they feel their legal employment rights have been violated. These companies will not hire a person unless he or she signs an agreement only to use arbitration in future disputes with the company.

Some say this type of requirement is unfair. They think arbitration is fair only when both parties agree to use it, not when one side is forced into it.

Others think it is reasonable for companies to try to protect themselves against the expense of having to go to court by setting rules like this for employees.

### **What do we want to know from you?**

What do you like about arbitration? What bothers you about it? Would this system work at your own company or organization? Is this new idea for solving employment problems better or worse than the current system? Would you like to see it used in most cases?

*The Regulatory Committees Materials (order of “advantages/disadvantages” sections switched for Forms 2 and 3)*

## **Committees for Workplace Standards**

### **What is a committee for workplace standards?**

A committee for workplace standards is a group of workers and managers within a company that meets regularly to discuss and solve problems with how the company meets government standards and regulations.

A company might have several different committees operating at the same time with responsibility for different types of standards and regulations. For example, there might be one committee for health and safety standards, one for wage and overtime standards, and one for production standards.

The managers on the committee would be appointed by management. The employees on the committee would be elected by their fellow-employees. The company would pay for all committee members to receive training about the regulations and standards for which they are responsible.

The company would set aside time during company hours for the committee to meet, and give the committee the support it needs to investigate problems.

In areas of special concern, such as health and safety regulation, members of the committee would be given legal powers by the government, for example, to stop a practice that it thought was harmful to employees' health. When they needed help, committee members could call government inspectors to give advice about difficult problems.

### **How is this different from the procedures that are used now?**

There are many state and national laws that set workplace standards for companies. The government enforces these laws by sending inspectors to companies to make sure they are following the regulations. Sometimes, an inspector visits a company because one of the employees has made a complaint about a problem. Sometimes, an inspector visits just to check up on things, with no specific complaint to investigate. If an inspector finds a violation, he or she tells the

company what it has to do to solve the problem.

### **What are some of the advantages of standards committees over the current system?**

The committees would make sure all companies pay attention to workplace standards. The government does not have enough money or people to make sure all companies are meeting workplace standards. And it is difficult for inspectors to take the time to get to know how any individual company really works.

For example, there are about six million U.S. workplaces, but only a few thousand government health and safety inspectors. With committees on site at each company, government inspectors can concentrate on the companies that need the most help meeting standards.

Since committee members work at the company, they are more likely to come up with solutions to problems that fit well with the company's existing procedures. Sometimes, the solutions required by government inspectors are very expensive to put in place, or cause too much disruption at the company. The committees would make sure that government standards are met in ways that make the most sense.

Some people say workers would enjoy their jobs more if they had more say over some workplace decisions. If workers and managers cooperate with each other on these committees, there might be better labor-management relations at companies.

### **What are some of the disadvantages of standards committees over the current system?**

The committees would cost companies money to train employees and managers to learn about workplace standards and regulations and to give them time off from their regular jobs to attend committee meetings. It would also cost money to support the committees in their monitoring of standards and investigation of problems.

Some people worry that even with training, members of these committees would not have enough knowledge and skill to make good decisions about enforcement of government regulations. They feel there is no substitute for inspectors and other professionals who specialize in monitoring and enforcing particular types of standards.

Employees on these committees might also feel they are putting their jobs at risk if they point out problems at work. They might feel pressure to overlook problems and hesitate to recommend serious action if they think management might object to it. Employees who think their company might lose money and lay off workers if it were forced to meet government standards might agree to ignore the standards in order to save jobs. In any of these situations, the committees would not be effective in making sure government standards are being met.

### **What do we want to know from you?**

What do you like about these committees? What bothers you about them? Would these committees work at your own company or organization? Is this new idea for solving company

problems better or worse than the current system? Would you like to see it used in most companies?

\*Excerpt from What Workers Want, Freeman, Richard B. and Joel Rogers, Cornell Press, spring 1999 (forthcoming).