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WHY WORKERS NEED PHYSICAL SPACES FOR WORKPLACE DISCUSSIONS— AND WHAT LABOR LAW CAN DO

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American labor and employment law is broken.¹ Compared to their counterparts in other rich democracies, U.S. workers have far fewer rights on the job.² And federal and state governments all too often fail to enforce the patchy set of protections that American workers do have. Violations of basic workplace rights, like failing to pay workers the minimum wage or overtime and breaking health and safety laws, are surprisingly common in many segments of the economy.³ Labor unions, the most natural source of worker protections and voice, only reach about 12% of workers, and just 7% of workers in the private sector. Workers need reforms to American labor law that will guarantee better working standards and more opportunities for representation.

In this memo, I underscore one underappreciated element of worker rights that ought to be part of labor law reform: guaranteeing worker access to spaces to talk frankly and openly with coworkers about workplace issues free from managerial interference, supervision, or surveillance. As I document, only slightly over half of workers report having access to such physical spaces—and access is more likely for higher-income and more highly educated workers. Access to physical spaces for workplace discussions matters because it shapes how frequently workers can talk with one another, which in turn affects how knowledgeable workers are about their rights and their ability to act on those rights. It is also a crucial precondition to further collective action in the workplace.

WHY WORKPLACE DISCUSSIONS MATTER

Discussions at work between coworkers provide an important mechanism through which workers can learn about, and act on, their labor rights. It is often only through these conversations, for instance, that a female worker might learn that she is getting paid less than men doing comparable work, or that managers are treating certain classes of workers differently from others.⁴ Indeed, in a prominent example Lilly Ledbetter worked for years alongside other

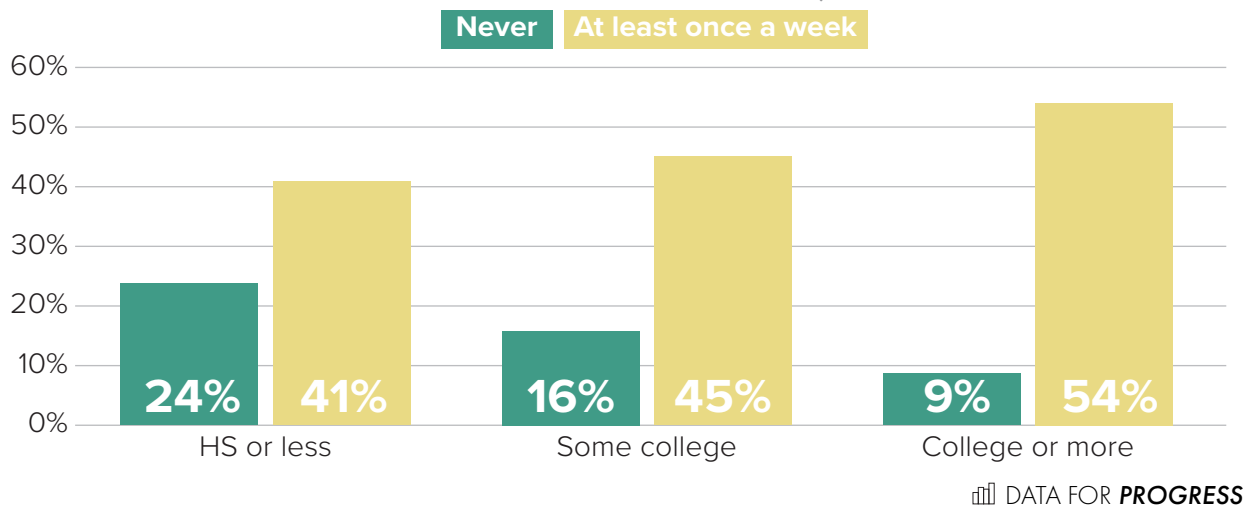
male coworkers without knowing that she was systematically underpaid relative to the men.⁵ In this way, coworker discussions can help reveal violations of labor rights and spur action to address those violations. Coworker discussions can also help disseminate formal procedures and informal norms within an organization, as well as strategies for addressing common problems faced by workers in an organization. And workplace discussions are a necessary first step for further collective action—from forming unions to organizing work actions like walk outs or strikes.

Yet despite these advantages to workplace conversations, many workers report that they are not having these discussions with their coworkers, and troublingly, it tends to be lower-

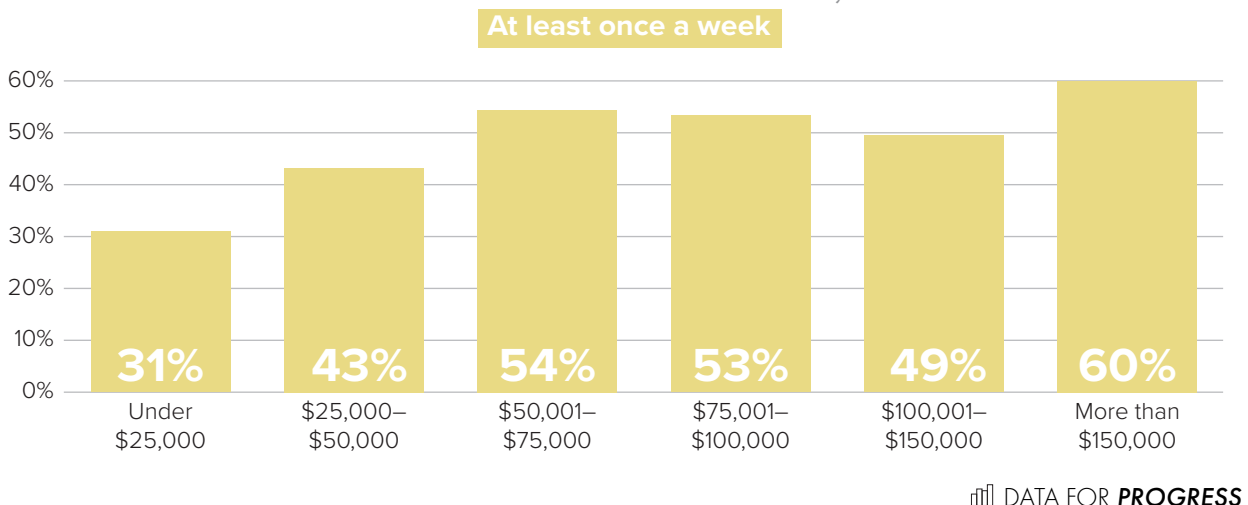
income and less educated workers who are least likely to report having these conversations. In a recent Data for Progress poll of 1,226 employed workers conducted by Civis Analytics I asked the following item, intended to probe the frequency of workplace conversations: “How often do you talk with coworkers about issues or problems in your workplace?” 14% of workers reported that they never had such conversations, 15% said a few times a year or less, 22% said a few times per month, and 49% said that they had such conversations at least once a week.

Workers with higher levels of formal education and higher incomes were much more likely to say that they had ever discussed issues with coworkers and to discuss issues more frequently, as the figure below illustrates. Workers with a high school degree or less were nearly three times more likely than those with a BA or more to say that they never discussed problems with coworkers, and workers with a BA or more were 32% more likely than those with a high school degree or less to say that they discussed issues weekly with coworkers.

HOW OFTEN DO YOU DISCUSS WORKPLACE ISSUES AND PROBLEMS WITH COWORKERS? By worker education



HOW OFTEN DO YOU DISCUSS WORKPLACE ISSUES AND PROBLEMS WITH COWORKERS? By worker income



Differences by income were even more striking, as the second figure above illustrates, showing that the frequency of weekly conversations with coworkers about workplace problems and issues increased from just 31% of workers with family incomes under \$25,000 to 53% for workers with incomes between \$75,001 and \$100,000, and 60% for workers with incomes over \$150,000.

HOW PHYSICAL WORKPLACE SPACE MATTERS FOR COWORKER DISCUSSIONS

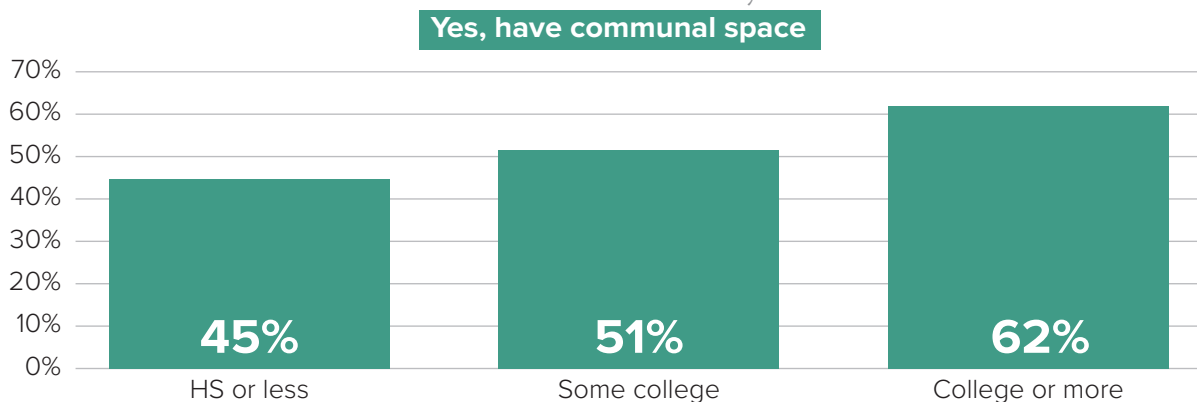
Why are there such sharp differences in coworker discussions by income and education? There may be any number of factors relating to the nature of work to workers' own personalities and dispositions—or workers' fear of retaliation from their bosses. And many of these factors may not be easy to change through either employer action or public policy. But one factor that employers and elected officials might be able to change is the presence or absence of a communal space where workers can see one another and have frank and

open conversations about issues and problems—ideally free from managerial supervision or interference. Indeed, it is no coincidence that this is a frequently-contested issue for labor organizers trying to foster collective action at a worksite.⁶ In the same Data for Progress poll I described above, I asked about whether workers had access to such a physical space with the following item: “Is there a communal space at your work where you and your coworkers can discuss issues or problems?”

55% of workers responded that they did have such a space—and whether or not workers reported that they had access to a communal discussion space was a powerful predictor of whether workers reported having regular discussions about issues and problems with their coworkers. Compared to workers without a space for discussion, workers with a communal space were eight percentage points less likely to say that they “never” discussed issues and problems with coworkers net of other worker and firm characteristics (including worker demographics, union membership, industry, and workplace size; see Appendix for more details).

Similarly, workers who reported having a communal space for discussion were about seven percentage points more likely to report having coworker discussions at least once a week, net of other worker and firm characteristics. In fact,

HAVE PHYSICAL COMMUNAL SPACE FOR WORKPLACE DISCUSSION? By worker education



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in these regression models, the strength of the relationship between access to communal space and the frequency of coworker discussions is roughly the same as for union membership, which also substantially increases the odds that workers report more frequent conversations about workplace issues and problems.

Summing up these findings, one important reason why some workers have more opportunities to talk to coworkers about issues and problems is the availability of physical spaces where they can do so on a regular basis. Indeed, the availability of communal spaces for workplace discussions can, in part, help to account for the differences in coworker discussions by education and income that I documented in the previous section. That is because access to communal physical spaces for coworker discussion is itself stratified by income and education, as the figure above documents.

HOW PUBLIC POLICY COULD ENABLE COWORKER DISCUSSIONS AND WORKER COLLECTIVE ACTION

This memo has underscored the importance of physical communal space in the workplace for coworker discussions, which in turn are essential for upholding workers' rights and building further workplace collective action. Yet current labor law

fails to provide such spaces for workers. Although the National Labor Relations Act, governing private-sector labor rights, upholds workers' right to work collectively to improve their working conditions, even outside of unions, existing law does not do much to provide spaces where employees can organize or discuss issues on the job. Court rulings and regulatory decisions have generally upheld employers' rights to limit access to their property and equipment—even if that means restricting employees' rights to collective action on the job.⁷ In a recent decision, the Trump administration's labor board ruled that employers also have the right to limit employees' use of online work spaces (like email) for workplace collective action.⁸

Since many workers—and especially lower-income workers and those with less formal education—lack physical spaces at their job for these discussions, elected officials should consider requiring that employers provide physical spaces at their work site where coworkers can meet regularly to discuss workplace issues and problems free from managers' interference or supervision. If physical spaces are not possible because of the nature of work at an establishment, employers might instead be required to provide online platforms for workers to accomplish a similar objective—like an online forum, chatroom, or listserv. Just as with the physical spaces, however, employers should be barred from reading workers' online discussions to prevent retaliation or interference. Together, these reforms could help workers to realize their labor rights and boost working standards, voice, and representation for millions of American workers.⁹

APPENDIX

The Relationship Between Physical Space and Coworker Discussions

To measure the relationship between the availability of communal spaces for workplace discussion and the frequency with which workers had such discussions net of other worker and firm characteristics, I estimated a series of OLS regressions.

The main explanatory variable is a binary indicator for whether the worker reported having access to a communal space for workplace discussions of issues and problems.

I used three outcomes: a 1-4 scale of workplace discussion (where 1 indicated that a worker never had workplace discussions, 2 indicated that discussions happened a few times a year or less, 3 indicated a few times per month, and 4 was at least once a week), a binary indicator for whether a worker said that they never discussed workplace issues, and a binary indicator for whether a worker said that they discussed workplace issues at least once a week.

To account for alternative explanations for workplace discussions, I used the following variables as controls: worker gender, education (in four categories, entered as dummies), age (in five categories, entered as dummies), race (with binary indicators for white, black, and Hispanic), union membership (a binary indicator), household income (in six categories, entered as dummies), the size of a worker's establishment (in five categories, entered as dummies), and a worker's industry (in 23 categories, entered as dummies). The following table summarizes regressions with the three outcomes, applying survey weights and robust standard errors, and estimating models with and without control variables.

	Discuss Workplace Issues? (1-4)	Never Discuss Workplace Issues (0/1)	Discuss Workplace Issues At Least Weekly (0/1)
Communal space for discussion?	0.45 (0.08)	-0.15 (0.03)	0.13 (0.04)
Control Variables?	N	N	N
N	1,226	1,226	1,226
Communal space for discussion?	0.26 (0.09)	-0.08 (0.03)	0.07 (0.04)
Control Variables?	Y	Y	Y
N	971	971	971

Notes: OLS regressions; robust standard errors and survey weights applied. Standard errors below coefficients in parentheses.

APPENDIX

Further Descriptives

In this section I provide further descriptive statistics about the distribution of communal space for workplace discussions by industry, establishment size, employment status, union membership, and region.

Industry	Communal Space for Discussion?	Obs.
Construction	32%	60
Accommodation and Food Services	37%	59
Other Services (repair and maintenance, etc.)	42%	38
Manufacturing	45%	69
Transportation and Warehousing	49%	44
Administrative and Support	50%	46
Retail Trade	51%	117
Information	60%	62
Education Services	60%	155
Health Care and Social Assistance	62%	161
Finance and Insurance	64%	57
Professional, Scientific, and Technical	74%	52

Note: This table shows the prevalence of communal space for workplace discussion in select industries (with at least 25 observations). Communal space is more common in white-collar service industries.

Establishment Size	Communal Space for Discussion?	Obs.
9 or fewer workers	44%	140
10-49	49%	260
50-99	63%	149
100-499	61%	237
500 or more	61%	366

Note: This table shows the prevalence of communal space for workplace discussion by establishment size. Communal space is more common in larger establishments.

Employment Status	Communal Space for Discussion?	Obs.
Full time	57%	984
Part time	49%	242

Note: This table shows the prevalence of communal space for workplace discussion by employment status. Communal space is more common among full-time workers.

Union Membership	Communal Space for Discussion?	Obs.
Non-Member	53%	1,063
Member	71%	163

Note: This table shows the prevalence of communal space for workplace discussion by union membership. Communal space is more common among union members.

Union Membership	HS or less	Some college	College or more
Non-Member	42% (227)	51% (361)	58% (475)
Member	66% (20)	52% (31)	77% (112)

Note: This table shows the prevalence of communal space for workplace discussion by union membership and education. Communal space is more common among union members across all education groups, but the union difference is especially large for workers with just a high school degree or less. Observations in parentheses for each sub-group.

Census Division	Communal Space for Discussion?	Obs.
South Atlantic	49%	233
West North Central	50%	91
West South Central	52%	150
East North Central	54%	195
New England	54%	61
East South Central	56%	95
Mountain	57%	83
Mid-Atlantic	63%	158
Pacific	66%	159

Note: This table shows the prevalence of communal space for workplace discussion by region. Communal space was least common in South Atlantic and Midwest and most common in the Pacific and Mid-Atlantic states.

ENDNOTES

1. For summaries, see: Andrias 2016; Block and Sachs 2020; Estlund 2002.
2. See for instance: <https://www.oecd.org/employment/emp/oecdindicatorsofemploymentprotection.htm>
3. See for instance: Bernhardt et al. 2009; Galvin 2016; Weil 2014.
4. See for instance: Edwards 2005; Kim 2015; Rosenfeld 2017.
5. Stolberg 2009.
6. See, for instance: Kanu 2019.
7. Gorman and Finkin 2013, 176-7.
8. Caesars Entertainment d/b/a/ Rio All-Suites Hotel and Casino, 368 NLRB No. 143.
9. Block and Sachs 2020.

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