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Poll on Striker Replacement and Other Labor Law Issues Released

Employment Policy Foundation
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Comments
Survey Report Submitted to the Commission on the Future of Worker-Management Relations

Suggested Citation

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POLL ON STRIKER REPLACEMENT AND OTHER LABOR LAW ISSUES RELEASED

Today, the Employment Policy Foundation and the Council on Labor Law Equality released a national poll conducted by Penn + Schoen Associates, Inc. on several labor law issues related to the striker replacement legislation—S. 55 and H.R. 5—currently being considered by the Senate and the House of Representatives.

Penn + Schoen is a highly regarded New York and Washington, D.C. survey research firm that has performed similar studies for the AFL-CIO and its member unions. The Employment Policy Foundation conducts in-depth research on the practical implications of employment policies being formulated by the courts, governmental agencies, and Congress. The Council on Labor Law Equality is an employer association committed to maintaining a balanced approach to national labor law.

Between January 19-28, 1991, Penn + Schoen Associates, Inc. conducted a national telephone poll of 1,002 persons. Twenty percent (20%) of the respondents were union members. The margin of error on the poll results was plus or minus 3.1%.

Union Power

The Penn + Schoen poll shows that 73% of all Americans say that unions have too much or just enough power. These are the same results as found by a March 1990 Time-CNN poll that asked the same question.

Do You Think Labor Unions In This Country Are Too Powerful, Have Just The Right Amount Of Power, Or Are Not Powerful Enough?

- too powerful 39%
- right amount 34%
- not enough power 22%
- don't know 6%
Need for Additional Union Protections

By a better than 2 to 1 margin (64% to 28%), Americans do not want Congress to do more to protect labor unions.

Some People Say We Need The Congress To Do More To Protect Labor Unions. Other People Say That Unions Have Sufficient Safeguards And Congress Does Not Need To Pass More Legislation. Which Comes Closer To Your View?

- Congress more 28%
- enough now 64%
- don't know 7%

Right to Operate

The Penn + Schoen poll shows that most people think that companies should have a right to operate if unions have the right to strike. Sixty-three percent (63%) support the use of replacement workers during a strike compared to 25% who oppose the use of replacement workers.

If Unions Have The Right To Strike, Should Companies Be Permitted To Operate During A Strike Using Replacement Workers?

- yes 63%
- no 25%
- depends (vol) 8%
- don't know (vol) 3%

Firing Replacement Employees

The public opposes the firing of replacement workers at the end of a strike by 54% to 34%.

Once A Strike Has Ended In Which Replacement Employees Have Been Hired, Should The Replacements Be Fired?

- no 54%
- yes 34%
- don't know 12%
Public Health and Safety Injunctions

The law currently does not permit injunctions to stop a strike if public safety is at stake. The Penn + Schoen poll shows that 84% of the American public thinks that judges should be able to enjoin strikes if public safety is in jeopardy.

Some Organizations, Like Hospitals, Must Continue To Provide Services Even If Employees Go On Strike. If Public Safety Is At Stake, Should A Judge Have The Power To Stop The Strike?

- yes 84%
- no 13%
- don't know 3%

Significantly, union member respondents agree.

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<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>dk</th>
</tr>
</thead>
<tbody>
<tr>
<td>not a union member</td>
<td>85%</td>
<td>12%</td>
<td>3%</td>
</tr>
<tr>
<td>public sector union member</td>
<td>86%</td>
<td>13%</td>
<td>1%</td>
</tr>
<tr>
<td>private sector union member</td>
<td>76%</td>
<td>19%</td>
<td>5%</td>
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Secret Ballot Strike Vote

There is broad public support, including union members, for requiring a secret ballot vote before a union can call a strike. A 84% to 11% majority favor a law that requires a secret ballot before a strike.

There Is No Law That Says A Majority Of Employees Must Vote Yes To Strike Before The Union Can Call A Strike. Would You Favor Or Oppose A Law That Gives The Employees The Right To A Secret Ballot Before A Strike Can Take Place?

- favor 84%
- oppose 11%
- don't know 5%

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<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>dk</th>
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</thead>
<tbody>
<tr>
<td>not a union member</td>
<td>84%</td>
<td>11%</td>
<td>4%</td>
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<tr>
<td>public sector union member</td>
<td>80%</td>
<td>12%</td>
<td>7%</td>
</tr>
<tr>
<td>private sector union member</td>
<td>85%</td>
<td>12%</td>
<td>3%</td>
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Right to Vote for Union Representation

Strong majorities of Americans, including union members, favor a secret ballot election to determine whether a union can represent employees. Seventy-nine percent (79%) favor requiring a secret ballot vote as opposed to 15% who disagree.

Right Now A Union Can Represent Employees Without A Majority Of Them Choosing The Union In A Secret Ballot Election. Should A Secret Ballot Election Be Required To Determine Whether A Union Can Represent The Employees?

- yes 79%
- no 15%
- don't know 6%

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<td>79%</td>
<td>15%</td>
<td>6%</td>
</tr>
<tr>
<td>public sector union member</td>
<td>85%</td>
<td>11%</td>
<td>4%</td>
</tr>
<tr>
<td>private sector union member</td>
<td>73%</td>
<td>19%</td>
<td>8%</td>
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Union Representation

For the past several years, organized labor's representation of the workforce has been declining. Currently, only about 12% of private sector employees are represented by a union. A number of reasons have been advanced for this trend, but the Penn + Schoen poll indicates that most Americans do not favor a union at work. In the Penn + Schoen national sample, 59% opposed a union, while 27% favor a union in the workplace. Twenty percent (20%) of the persons polled were union members.

It is often stated that the reason employees oppose unions in the workplace is because they are afraid of the employers' reaction. Only 1% of those opposed to unions stated that they were afraid of the employers' reaction. Fifty-four percent (54%) said that unions were not relevant to their job, that unions would not help them in their situation or that there were better ways to protect their interests than unions.
Why Don't You Want A Union Where You Work? Afraid Of Employer's Reaction? Don't Like Union? Anti-Union, Don't Think Union Would Help Or Protect Interests Not Relevant To My Job/Profession? There Are Other/Better Ways To Protect Interests Than Unions?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>afraid</td>
<td>1%</td>
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<tr>
<td>anti-union</td>
<td>10%</td>
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<tr>
<td>not help</td>
<td>19%</td>
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<tr>
<td>not relevant</td>
<td>27%</td>
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<td>better ways</td>
<td>8%</td>
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<tr>
<td>other</td>
<td>25%</td>
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<tr>
<td>don't know</td>
<td>11%</td>
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