

**Part A:
Supporting Statement
Voice in the Workplace Survey
Justification**

Supporting Statement

Voice in the Workplace Survey

A. Justification

1. Necessity of the information collection

The purpose of this evaluation is to gauge the current level of workers' voice in the workplace and the factors affecting voice, specifically voice as it relates to the laws administered and enforced by The Department of Labor's Occupational Safety and Health Administration (OSHA) and Wage and Hour Division (WHD). Voice in the workplace is a key outcome goal for the Secretary of Labor and part of her vision of good jobs for everyone. DOL's working definition of voice in the workplace is the "worker's ability to access information on their rights in the workplace, their understanding of those rights, and their ability to exercise those rights without fear of recrimination." The survey will measure each of these items, first individually, and then combine those to come up with an overall measure of voice. The Department also hopes to learn how voice is related to workers' perceptions of employer noncompliance, such as whether or not particular dimensions of voice correlate to workers' perceptions of noncompliance. The study will also be useful in examining how noncompliance in one area, such as safety, is related to voice in the workplace and noncompliance in another area, such as wages.

The evaluation of voice will benefit the Department of Labor (DOL) in several important ways:

- It will establish a baseline level of voice to which future measurement could be compared.
- The study should provide the Department with information about what factors affect voice and how voice can be promoted in the workplace. In particular, the analysis of survey results should identify which aspects of voice are particularly sensitive or linked to actions the Department may conduct to increase workers' knowledge of their rights.
- The relationship between worker voice and worker outcomes, such as perceived workplace safety, fair compensation, and employer noncompliance (or perceived noncompliance) will also be explored.

- It may also provide information about types of workplaces where workers believe OSHA and WHD violations are more prevalent, which will be useful for targeting the Department's limited enforcement resources.

Because this evaluation will collect new and unique data, the contractor engaged in a rigorous process to develop the survey questions.

1. A comprehensive one-on-one qualitative review was undertaken with 25 stakeholders provided by OSHA and WHD, in order to understand concerns of DOL's constituency groups (see Attachment A—Stakeholder Interviewer Guide). Stakeholders came from both Federal and third-party nonprofit agencies. A report was prepared from these interviews and suggestions from the report were incorporated into the survey instrument.¹ The Department's internal review of the OMB submission package, determined that these stakeholder interviews were inadvertently conducted without the proper OMB clearance. The estimated burden and circumstances surrounding this incident are discussed more fully in section 12 of this submission.
2. The contractor conducted a thorough review of the literature that examined existing research and surveys related to traditional concept of worker voice as well as the concept of voice as defined for this study. The literature review resulted in a comprehensive bibliography of research articles, reports, and studies that are relevant to this effort.² Through the literature review, similar survey instruments on the concept of voice were identified and a few applicable questions incorporated into DOL's survey instrument. However, it was also discovered in the course of the literature review that DOL's undertaking is unique to the voice literature as its mandate focuses on compliance-related issues. As such, it is expected that this research will be groundbreaking in the voice (as defined for this study) literature and may lead to follow-on research articles.
3. A pilot survey will be undertaken so that the instrument and sampling design will be tested thoroughly to ensure the instrument is performing according to DOL needs. Upon completion of the pilot, a report will be written so that final results will be clearly outlined.

Using results from the first two tasks, the contractor developed a modularized survey questionnaire that is approximately 18 minutes in length. The questionnaire begins with a core set of questions about the DOL voice definition. These questions will be the crux of the voice survey and will provide DOL with an index for each respondent or a voice "score." This score will be applicable across agencies and is expected to be used in other research being undertaken with the Department. The second part of the instrument is two rotating modules,

¹ Gallup, Inc. *Stakeholder Interview Report: Department of Labor Voice in the Workplace*. Washington, D.C.: 2011.

²Gallup, Inc. *Worker Voice Literature Review*. Washington, D.C.: 2011.

one each for OSHA and for WHD, in which specific questions can be directed to respondents about each agency. Each respondent will be directed to just one module (i.e., no respondent will get both the OSHA and the WHD modules). Each module will focus on knowledge, voice, and perceived noncompliance for the given agency, providing a second gauge of a voice measure—one that has more granularities around the topics. For example, knowledge of specific laws will be tested for each agency as well as more detail on noncompliance. A final section will query how worker rights are being communicated. In the knowledge section, respondents will be asked about worker rights (corresponding to agency specifics) and a knowledge score will be derived to assess a knowledge index score for each respondent. This knowledge index will then play into a second overall actual voice score that is calculated for each respondent. The survey will be conducted in both Spanish and English, and will be administered only to people who, according to the CPS, say they are currently employed.

The contractor convened a Technical Working Group (TWG) meeting of technical and methodological experts in the worker voice area, along with DOL, to review the draft instrument and collect detailed feedback. The TWG members were recruited by DOL and the contractor for their expertise in employee voice and research knowledge. They are as follows:

- Professor John Budd, Human Resources/Labor Studies, University of Minnesota. Professor Budd is at the Industrial Relations Center, Carlson School of Management and the current Industrial Relations Land Grant Chair. He is also the Director for the Center for Human Resources and Labor Studies and well as Chair of the Department of Human Resources and Industrial Relations at Carlson School of Management. He is an author and one of the leading experts on Industrial and Labor Relations.
- Professor Rosemary Batt, Human Resource Studies, ILR School, Cornell University. Dr. Batt is the Alice Hanson Cook Professor of Women and Work at the Industrial and Labor Relations School within Cornell University. Her research focuses on collective bargaining and outcomes within the workplace. She is also well published in the area of employee/worker voice.
- Professor Cynthia Estlund, Catherine A. Rein Professor of Law, New York University School of Law. Her expertise encompasses labor laws and employment. She is a well-published authority on issues such as low-income workers, minority workers, and unions. Her most recent publication in the Harvard Law Review focused on union organizing and voting rights.

- Professor Pauline Kim, Charles Nagel Professor, Washington University School of Law. Professor Kim graduated with a J.D. *magna cum laude* from Harvard Law School. Her focus includes employment law and civil procedures. Publications include subjects such as protecting employee privacy, wrongful discharge topics, and FMLA laws.
- Professor Catherine L. Fisk, Chancellor's Professor of Law, School of Law, University of California, Irvine. Prof Fisk is a Labor Law expert who has worked in a diverse set of workforces, including the Department of Justice, the United States Appellate Staff, as well as clerked in the United States Court of Appeals (Ninth Circuit). She now focuses her time on teaching and writing about employee harassment and arbitration issues.

Once the survey was reviewed and agreed upon by both the TWG and DOL, the contractor executed a pretest with nine respondents in each module for OSHA and WHD. The purpose of the pretest was to administer the instrument and obtain qualitative feedback on whether any questions or terms were difficult to understand, to evaluate the overall ease of responding to the questionnaire, and to generate any recommendations for improving the instrument. In addition, the knowledge section was assessed in terms of its ability to have easy, medium, and hard questions about the given agency laws. The pretest interviews were conducted by contractor research staff and were compiled into a pretest report that guided the finalization of the instrument. The contractor used members of the Gallup Panel who were identified as employed, low income, and in occupations of interest to OSHA and WHD.

Although the pretest provided valuable information, it was very limiting in the amount of feedback received. Therefore, DOL decided to undertake an extensive pilot study before the final study begins. The pilot will entail a total of 800 completes, 400 for the OSHA module and 400 for the WHD module. Everything in the pilot will mimic the final study, including the questionnaire and the sampling design. Completing a full pilot of this magnitude will allow DOL to understand exactly what the instrument can provide in terms of their strategic planning needs as well as what the analysis can provide.

2. Purpose of the information collection

DOL will conduct a quantitative survey measurement that will be used to measure worker voice and its relationship to compliance with OSHA and WHD rules and regulations. This voice

measurement tool will help DOL achieve one of the key outcome goals of its strategic plan: to ensure worker voice in the workplace.³ According to the DOL Strategic Plan, when workers have a strong voice in the workplace, they become more involved in their workplace and ensure that working conditions are safe.⁴ To help achieve this goal, the voice measure developed will contribute to baseline statistics of the level of voice in the U.S. economy. Worker industry information gathered by the survey will possibly allow for analysis at the industry level for some industries with sufficient sample size. It was decided that there would be no screening among respondents for specific industries, because a worker in one industry today may be working in a different industry next year. Rather, DOL's goals are that workers in the U.S. know certain facts about their wages and hourly pay as well as their health and safety in the workplace, regardless of where they work. As such, every worker in the survey will be eligible (and randomly chosen) for either the OSHA or the WHD module. In this manner, DOL will get a true understanding of the working population's knowledge of important labor laws.

The contractor will retain control over the information and safeguard it from improper access, modification, and destruction. These surveys are anonymous and no names will be attached to or associated with the response. Sensitive information will be protected to the greatest extent allowed by law. The information collection is designed to yield data that meet all applicable information quality guidelines. Information collected in this study is expected to be disseminated publicly and therefore, may result in scientific, management, technical or general informational publications. All publicly disseminated information will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106 554.

3. The use of automation, electronic, mechanical, or other technological collection techniques

The contractor will use its state-of-the-art Computer-Assisted Telephone Interviewing (CATI) system to conduct the interviews. All interviews will be conducted using a random-digit-dialing (RDD) sample. Both landline and cell phone numbers will be included in the sample to minimize coverage bias. The landline RDD sample will be selected following the list-assisted telephone

³U.S. Department of Labor. *Strategic Plan: Fiscal Years 2011-2016*. Washington, D.C.: GPO, 2010.

⁴U.S. Department of Labor. *Strategic Plan: Fiscal Years 2011-2016*. Washington, D.C.: GPO, 2010: 50.

sampling method proposed by Casady and Lepkowski (1993). The cell phone sample of telephone numbers will be drawn separately from telephone exchanges dedicated to cell phones. For further details on RDD sampling, please refer to Part B of this package. The survey will be programmed with filter and skip patterns to ensure that different respondents can be asked about different agencies or issues, with some sections of the instrument appearing as abbreviated versions of the longer module. English and Spanish versions of the questionnaires will be available. The CATI scripts will be created from the final English (and Spanish-language) versions of the questionnaire.

4. Efforts to identify duplication

The contractor reviewed all existing information collections related to worker voice as a component of the literature review. The contractor identified no existing state- or national-level information collections that capture the same or similar information. However, a small number of academic studies have been conducted in the area of worker voice. The existing research is outlined below. It is important to note that none of the existing research has examined employee voice and its relationship to labor laws. Most research to date has focused on the communication behavior of voice, the conditions necessary for voice to occur in the workplace, and factors that are likely to be predictive of voice.

- In 1992, Saunders, Sheppard, Knight, and Roth published the results of their voice survey research in a paper titled "Employee Voice to Supervisors."⁵ The primary focus of the research was the development of survey scales to measure worker voice, and no questions were asked related to knowledge of and compliance with OSHA or WHD regulations.
- In 1988, Gorden, Infante, and Graham published a paper that examined the results of a survey the authors created to examine the corporate conditions necessary for employees to voice. The results were published in a paper titled "Corporate Conditions Conducive to Employee Voice: A Subordinate Perspective."⁶ The sample size of the study was low (n=150) and was a convenience sample. The results supported the hypothesis that when conditions are conducive to worker voice, the net result is that employees have higher career satisfaction and improved perceptions of supervisor effectiveness.

⁵David M. Saunders, Blair H. Sheppard, Virginia Knight, and Jonelle Roth. "Employee Voice to Supervisors," *Employee Responsibilities and Rights Journal* 5 (1992): 521.

⁶William I. Gorden, Dominic A. Infante, and Elizabeth E. Graham. "Corporate Conditions Conducive to Employee Voice: A Subordinate Perspective," *Employee Responsibilities and Rights Journal* 1 (1988): 101.

No questions were asked related to knowledge of and compliance with OSHA or WHD regulations.

- In 1998, Van Dyne and LePine developed and empirically validated a six-item voice scale in a longitudinal field study.⁷ While their voice instrument was originally intended to measure voice for workgroups, the authors did apply the scale to individuals. Data were collected from 441 employees in 91 workgroups from 25 firms. The study focused primarily on voice and satisfaction, and no questions were asked related to knowledge of and compliance with OSHA or WHD regulations.
- In 1988, Rusbult, Farrell, Rogers, and Mainous published a paper with the results from three separate surveys, each with its own measure of voice.⁸ The authors measured the effect of different variables on response to employee dissatisfaction. A total of 681 individuals were surveyed. The results dealt largely with the relationship between voice and job satisfaction and did not examine knowledge of and compliance with OSHA or WHD regulations.
- In 1998, Kassing developed a measurement tool called the Organizational Dissent Scale (ODS) to capture how employees verbally express contradictory opinions and disagreements about organizational issues.⁹ Kassing viewed dissent as a subset of worker voice behavior that focused on expression of disagreement and contrary opinions to management, with whistleblowing as a subset of dissent behavior. 386 surveys were collected. The primary focus of the research was the development of a measurement scale. The author did not examine knowledge of and compliance with OSHA or WHD regulations.
- In 1991, Gorden and Infante developed a scale to measure the freedom an individual has to communicate in the workplace.¹⁰ The main focus of the research was to test the relationship between freedom of speech and workplace satisfaction. Data were collected from 253 respondents. The results dealt largely with the relationship between freedom of speech and job satisfaction and did not examine knowledge of and compliance with OSHA or WHD regulations.

⁷Linn Van Dyne and Jeffrey A. LePine. "Helping and Voice Extra-Role Behaviors: Evidence of Construct and Predictive Validity," *Academy of Management Journal* 41 (1998): 108.

⁸Caryl E. Rusbult, Dan Farrell, Glen Rogers, and Arch G. Mainous III. "Impact of Exchange Variables on Exit, Voice, Loyalty, and Neglect: An Integrative Model of Responses to Declining Job Satisfaction," *Academy of Management Journal* 31 (1988) 599.

⁹Jeffrey W. Kassing. "Development and Validation of the Organizational Dissent Scale," *Management Communication Quarterly* 12 (1998): 183.

¹⁰William I. Gorden and Dominic Infante. "Test of a Communication Model of Organizational Commitment," *Communication Quarterly* 39 (1991): 144.

5. Impact on small businesses

As the information collection will go to individuals, no impact on small businesses, organizations, or government bodies is expected.

6. Consequences of less frequent collection

DOL currently plans for only this data collection of the worker voice survey. Without the information from this data collection DOL would not have a mechanism for measuring workers' voice in the workplace.

7. Explain any special circumstances

There are no special circumstances for this data collection.

8. Public comment Federal Register notice and consultation with outside representatives

The Department of Labor (the Department or DOL) published a Federal Register Notice on December 12, 2011, inviting public comments about this information collection. 76 FR 77259. The agency received 4 timely comments. Three of the comments addressed the information collection of the surveys and the other comment related to the necessity of the data collection. Comments were received from The National Partnership for Women and Families; joint comments from Change to Win, the International Brotherhood of Teamsters and the United Food and Commercial Workers; the United Steelworkers-Tony Mazzocchi Center, and an unidentified individual. The agency considered all comments received during the open comment period.

The National Partnership states, "We applaud the Department of Labor for undertaking much-needed research on the use and understanding of laws enforced by the Department's Wage and Hour Division and the Occupational Safety and Health Administration." Many of the other comments related to specific wording of survey questions. The Department appreciates the detailed feedback and has adopted suggestions as appropriate.

There were comments suggesting the survey be more industry specific regarding risks factors as it relates to OSHA regulations. While the Department appreciates and understands the desire to have more industry specific questions, the study is designed to get a baseline of overall understanding and awareness of the general working population as it relates laws administered and enforced by OSHA and WHD. Therefore any industry specific questions would result in having to oversample specific sub-populations and asking additional questions that would lengthen the survey and incur additional costs. However, the Department's aim is to get all modules of the survey to align with other similar data collection efforts across sub-agencies. The Mine Safety and Health Administration (MSHA) is conducting a similar/related study that focuses on exploring topics of voice among miners. The MSHA voice survey is still in the pilot testing phase, which is being used to determine whether voice can be measured among the miner workforce and the best methodological approach for any future full-scale data collection effort. The Department will determine the direct relationship between the two data collection efforts once the pilot is complete and the MSHA module is finalized.

The Department has reexamined the survey questions, and edited existing questions and answer options in response to commenters' suggestions, in order to maximize the value of the data received. The Department believes that the revisions made will maximize the utility of the data while minimizing the burden to the public. A few survey question comments suggest revisions to the knowledge of laws section that is designed to gather information on the level of awareness around salient OSHA and WHD laws. In order to enhance the clarity of these questions, revisions were made to further define health and safety rights, add additional examples to potential dangers, revising wording options for type of actions that could result from reporting health and safety risks, and including a response category to account for the tipped minimum wage.

The National Partnership for Women & Families commented that an employee may talk to additional persons about pay and suggested that a category for "coworker" should be added to the response choices. Modifications were made to include the suggested category. Also, additional comments from the National Partnership include revisions to explicitly ask about

employee reluctance due to "fear of discipline or retaliation". The Department believes that the existing options are a simpler and unbiased way to measure reluctance. (See response choices for Q44 OSHA and Q40 & Q43 WHD).

Specific joint comments from Change to Win, the International Brotherhood of Teamsters and the United Food and Commercial Workers highlighted the existence of a dual grievance process and suggested including "a union grievance procedure" (also highlighted by United Steelworkers) as a response choice, and they also highlighted the existence of both classroom and online training and the need to specify type of training. Modifications were made to include the suggested response choices. Additional joint comments indicated that Q38-Q40 in the OSHA survey were very confusing and misleading. The Department believes the intent of questions Q38 and Q39 is to allow for use as filters of type of action whether positive or negative rather than an attempt to collect specific information on employer or employee action. On the other hand, Q40 is designed to capture information on the specific action taken by the employer and the government.

The comments received from United Steelworkers, were mostly centered on the intent and interpretation of particular survey questions. The Department believes the series of questions highlighted are designed to measure respondent perceptions on their level of input in the decision-making process and are not focused on evaluating the outcomes of employer decisions. In addition, modifications were made to add clarity to the question wording and reduce bias by replacing the word "improve", and question S2 was modified to allow respondents to self-identify with more than one of the employment categories.

Finally, there was a comment request that the final survey results be released in a way that can be utilized by the public. The Department will publish a written report describing the final survey results. The Department has conducted extensive outreach efforts with internal, academic, and private industry constituencies as well as other interested entities. Comments and suggestions from all interested parties were solicited, reviewed and considered in preparing for the final survey product in an effort to efficiently extract required information while minimizing the reporting burden on the public.

9. Payment or gifts to respondents other than remuneration to contractors or grantees

Respondents will not receive any payment or gifts for completion of surveys.

10. Assurances of confidentiality provided to respondents and the basis

Individuals contacted will be assured that the survey is anonymous and that all sensitive information will be protected to the greatest extent allowed by law.

11. Questions of a sensitive nature

The contractor will survey workers about potentially sensitive topics regarding violations of labor law. This will be necessary because one of the main objectives of this study is to understand the pattern of potential violations of workers' rights. The plan is not to interview workers in their workplace; the phone survey will not proceed if the respondent reveals that he/she is currently at work. This should mitigate any risk associated with this potentially sensitive topic.

12. Burden hour estimates and annualized costs to respondents for the hour burdens

Two survey undertakings will be completed, the first being the pilot with 800 respondents and the second being the full study with 4,000 respondents.

Type of Respondent	Form Name	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
General Working Population	Pilot Voice Study	800	1	18/60	240
General Working Population	Full Voice Study	4000	1	18/60	1200

The annualized cost to respondents was estimated to be the burden hours estimate multiplied by the median hourly wage estimate (Source: Occupational Employment Statistics (OES), BLS). The median hourly wage estimate for all occupations combined (\$16.27), with an additional 40% for fringe benefits, was used for the purpose of this calculation.

Type of Respondent	Total Burden Hours	Hourly Wage Rate ¹¹	Total Respondent Costs
General Working Population	240	\$22.78	\$5467.20
General Working Population	1200	\$22.78	\$27336.00

As noted earlier, the Department's internal review of the OMB submission package revealed that the initial stakeholder interviews were inadvertently conducted without OMB clearance. The Department investigated this incident and determined that because the interview lists were submitted by two different agencies, it was not clear that both lists would be counted together due to the fact that they both are being submitted under the same ICR request. Furthermore, for two of the interviews, there were two participants in the discussion instead of the one-on-one interviews that were initially planned for. These factors led to more than 9 interviews with non-Federal government employees. The estimated additional respondent burden is included below:

Type of Respondent	Form Name	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Social and Community Service Managers	Stakeholder Interviews	20	1	60/60	20

The annualized cost to respondents was estimated to be the burden hours estimate multiplied by the median hourly wage estimate (Source: Occupational Employment Statistics (OES), BLS).

¹¹<http://www.bls.gov/news.release/ocwage.htm>

The median hourly wage estimate for social and community service managers (\$28.20), with an additional 40% for fringe benefits, was used for the purpose of this calculation.

Type of Respondent	Total Burden Hours	Hourly Wage Rate ¹²	Total Respondent Costs
Social and Community Service Managers	20	\$39.48	\$789.60

The Department has taken several steps to prevent this type of oversight from happening again in the future. The Department has centralized all evaluation activities under the Chief Evaluation Office. Additionally, staff will receive more intensive training on PRA and related OMB submission requirements for Federal data collections.

13. Total annual cost burden to respondents or record-keepers resulting from the collection

There are no start-up or annual operation and maintenance costs incurred by respondents.

14. Annualized cost to the Federal government estimates

The total cost of the study to the federal government to conduct all surveys is \$1,716,665.74. These costs include the following major expense categories required to conduct this study:

Cost to the Federal Government

Activity	Cost
Stakeholder interviews with managers and review of program information	\$94,914.66
Survey Development and Design for both OSHA and WHD modules ¹³	\$254,790.56
Administration of National surveys	\$366,147.87
Analyze Survey Results	\$210,366.80
Drafts and Final Reports	\$266,407.80
Pilot Test data collection, analysis and report—both OSHA and WHD modules	\$332,273.55
Non-response follow-up, data collection, analysis and report	\$191,764.50
Total Cost to the Government	\$1,716,665.74

¹²<http://www.bls.gov/news.release/ocwage.htm>

¹³ This includes sampling design, cognitive testing, proofing, programming and translation of both survey instruments.

15. Reasons for program changes or adjustments reported in Items 13 or 14 of the OMB 83-I

This is a new information collection.

16. Plans for publication

Current plans are to publish findings from this study. Additional discussions will determine if the results will be submitted for publications in journals. In any event, it is expected that this research will produce groundbreaking data and will lead to numerous follow-on research articles.

17. If seeking approval not to display the expiration date for OMB approval, explain reason(s)

The DOL is not requesting approval not to display the expiration date for OMB approval.

18. Exception to the certification statement identified in Item 19 of the OMB form 83-I

The DOL is not requesting an exception to the certification requirements.