

A Positive Outlook For Minnesota Employees After The Mid-Term Elections



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Introduction

At the national level, the mid-term elections included dramatic results across the board. Despite reported voter suppression efforts, gerrymandering, and other anti-democratic tactics, an overarching trend could not be stymied. In particular, the majority of voters in virtually every part of the country rejected a pro-corporation agenda in favor of pro-human, including pro-employee, priorities. This "Blue Tsunami,"¹ – to use CNN's term – hit Minnesota with greater force than almost anywhere else, and it could pave the way for long-term benefits for employees in Minnesota.

I. Visionary Leadership In The Executive Branch Bodes Well For Minnesota

The recently elected Minnesota Governor Tim Walz, who is a former high school teacher, and Lieutenant Governor Peggy Flanagan, who is Native American, ran on a platform that explicitly makes a priority of enhancing employee rights and workplace protections.² Governor Walz's and Lieutenant Governor Flanagan's policy goals include establishing paid sick leave and living wages across Minnesota. In addition, Governor Walz and Lieutenant

Governor Flanagan are putting into place leadership at the Minnesota Department of Labor & Industry, the Minnesota Department of Human Rights, and other key enforcement agencies to build on the important legacy created by Governor Mark Dayton concerning workplace fairness and the rule of law.

Similarly, the recently elected Minnesota Attorney General Keith Ellison, who is Muslim and African American, has continued to put working people front and center in the plans for Minnesota's future.³ This approach closely follows the vital work he did while serving in the United States House of Representatives. As Co-Chair of the Congressional Progressive Caucus in Congress⁴ – the largest Congressional Caucus even before the arrival of the Blue Tsunami – then Representative Ellison consistently proposed and helped to enact legislation fostering greater workplace fairness.

In short, Minnesota employees and employers alike should expect progressive expansion of employee rights and workplace protections as well as more robust enforcement activity. In this way, the North Star State could serve as a model for the rest of the country as has often been true in the past.

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II. The Legislative Branch, In Becoming More Representative Of All Minnesotans, Should Be More Responsive To The Concerns Of All Minnesotans

During the most recent election cycle, the Minnesota House of Representatives flipped by a substantial margin from Republican-Party controlled to Democratic-Farmer-Labor-Party controlled. The new House Speaker, Melissa Hortman, developed a decidedly progressive track record during her tenure in the Minnesota Legislature before becoming leader of the Minnesota House of Representatives.⁵ Although the Minnesota Senate remains Republican controlled, it is so by the narrowest of margins. Overall, the Minnesota Legislature is now more diverse than ever – with many newly elected legislators who are African-American, Asian-American, Latino, or immigrants from different parts of the world.⁶ More to the point, many of the newly elected legislators ran campaigns based on a progressive vision that includes an emphasis on workplace fairness.

Given the significant shift at the Minnesota Legislature, both Minnesota employees and employers will likely see fewer legislative attempts at the State level to curtail employee rights and workplace protections in the coming years. To the contrary, and in collaboration with an invigorated executive branch in Minnesota, the legislative branch in Minnesota could generate important advances in workplace law. That is especially important as the Trump Administration continues to roll back rights, reduce protections, and limit enforcement.

Conclusion

Although nothing is certain, especially in this time of Tweetstorms and escalating scandals at the highest levels, the Blue Tsunami signals that there should be better times ahead. Nowhere is this more possible than in Minnesota, especially when it comes to the expansion and enforcement of employee rights and workplace protections. Plaintiff counsel who represent employees will continue to play a key role in that process through careful and tenacious litigation as well as other forms of advocacy. ¶

¹<https://www.cnn.com/2018/12/06/politics/latest-house-vote-blue-wave/index.html>.

²<https://walzflanagan.org/our-agenda/wages-benefits-workers-rights/>

³<https://keithellison.org/issues>.

⁴<https://cpc-grijalva.house.gov>.

⁵<https://www.leg.state.mn.us/legdb/fulldetail?ID=12266>.

⁶<https://www.minnpost.com/state-government/2018/11/the-2019-minnesota-house-of-representatives-is-going-to-be-a-little-more-representative/>

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