

AFF

I stand proudly in affirmation *Resolved: A just government ought to recognize an unconditional right of workers to strike*. To begin, I'd like to offer the following definitions, Oxford Languages reads

Just- based on or behaving according to what is morally right and fair.

Ought- used to indicate duty or correctness, typically when criticizing someone's actions.

Strike, as defined by Britannica reads

Strike - collective refusal by employees to work under the conditions required by employers.

National Labor Relations Board (NLRB) continues,

Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged

Oxford again reads,

Unconditional - without any conditions or limits

Right - a moral or legal claim to have or get something or to behave in a particular way.

The Value for the debate is Equity, with a Criterion of Constitutionalism.

Contention 1: Strikes 1st Worldwide

the [National Labor of Relations Act](#) (NLRA) states in ,” Section 7 of the [National Labor Relations Act](#) states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right. “This concept is found worldwide, proven in, Article 38 of the [Northern Macedonian Constitution](#) that reads “The right to strike is guaranteed” Going to Europe, [Andon Majhosev](#), Professor with a PHD in Law finds that, “ [The European Council](#) has adopted several legal instruments that directly or indirectly regulate the right to strike. In an indirect way, this right is regulated in the European

Convention on Human Rights in Part I concerning the rights and freedoms of the individual. The right to strike stems from the right to freedom of assembly and association. In fact, the Convention states that "Everyone has the right to freedom of peaceful assembly and association with others, including the right to form trade unions and join unions to protect their interests." These protections are found even on the international level as seen in the United Nations Human Rights meeting. [Maina Kiai, UN Special Rapporteur](#) finds that, "Moreover, protecting the right to strike is not simply about States fulfilling their legal obligations. It is also about them creating democratic and equitable societies that are sustainable in the long run. The concentration of power in one sector – whether in the hands of government or business – inevitably leads to the erosion of democracy, and an increase in inequalities and marginalization with all their attendant consequences. The right to strike is a check on this concentration of power." It's not hard to see that universally, the right to a purposeful protest is right and needed in a just government. Without a just government to uphold Equity for workers to strike, oppressive corporations and governments have a clear path to ruin lives and the economy. The impact of not recognizing the right to strike proportionally hurts underprivileged communities. This is proven in teacher strikes. [Givan 20](#) finds that "Teacher strikes are illegal in the remaining 35 states and Washington D.C." Givan's analysis found "Givans continues," "Striking teachers won significant victories—increases in school funding including resources to hire additional nurses and social workers, raises for teachers and support staff, reductions in class size—but they took great risks to do so. The penalties for an illegal strike vary from state to state, ranging from ambiguous to severe. However, illegal strikers in 2018 and 2019 were seldom punished for walking off the job, sending the signal to teachers elsewhere that strikes can be a successful tactic." [Reading Partners](#), an organization that specializes in helping young children with literacy, reads that, "Every state in the nation has large percentages of students who are unable to read at grade level. In fact, nationally more than 8.7 million low-income students in kindergarten through fifth grade are not proficient in reading — the equivalent of the entire populations of Los Angeles, Chicago, San Francisco, Boston, and Atlanta." [Diallo 20](#) then quantifies, "Without large-scale investments, equitable resources to low-income schools with high concentrations of students living in poverty, and teachers explicitly trained in science of reading practices in every classroom, efforts to progress literacy and reading success will be blunted." Being able to gain an education, for all students, must be a top priority in a just government and when teachers aren't allowed to exercise their constitutional right to protest to provide that education, equity cannot be upheld.

Contention 2: Covid-19 Strikes

[Abrams 21](#) finds that, "An uptick in interest in labor organizing. Walk-outs and strikes tend to have an add-on effect. When workers see their peers advocating for themselves and winning benefits, labor experts say they're more likely to consider organizing, too. This past fall, for example, [nurses, respiratory therapists, radiologists and other workers who belong to Teamsters Local 332 at Ascension Genesys Hospital near Flint, Michigan banded together with unions at five other regional hospitals to push administrators to implement hazard pay and guarantee higher staffing levels. Workers at those six hospitals had never collaborated in that way before. After the Local 332 union secured a letter of agreement from Ascension Genesys guaranteeing some hazard pay, other unions used that agreement as leverage to get their hospital to extend the same bonuses to them, too.](#)" "The coalition is definitely picking up momentum amid the pandemic," says Nina Bugbee, president of Teamsters Local 332. [Many unionized workers also](#)

began to see an increase in outreach from nonmembers interested in joining their ranks.

National Nurses United, the largest nurses' union in the country, won six union elections in 2020, up from four in 2019, and says it saw members engage in more than double the number of union actions from the previous year. The New York State Nurses Association, which represents the nurses in Albany and around the state, says it had 100 nurses at a hospital in the Hudson Valley vote to join the union in August, and in North Dakota, the Teamsters Local 120 got a new request from workers at another Cash-Wa facility who wanted to organize their own bargaining unit—a rare occurrence in a state where just 6% of workers are unionized. Joe Crane, a representative for UAPD says that, during the first month of the pandemic alone, his union heard from as many doctors reaching out to learn about organizing as it does in a typical year. Bazel, the nurse at Albany Medical Center, also reports a surge in union membership from nurses who didn't previously think the union was necessary. "A lot of them are now right with us," she says. Cash-Wa had for months failed to require masks in its warehouses, enforce social distancing rules or otherwise screen employees. By late November, Cotton and her fellow workers—all deemed "essential," under guidance from the federal government—had reached breaking point: they banded together and refused to work for 24 hours. Notably, some of the newly organized workers' groups have sprouted up in conservative states, where right-to-work rules tend to limit traditional unions. Steve Sandman, a delivery driver for Cash-Wa in North Dakota had never belonged to a union before he took his current job and hardly considered himself an activist. But when his employer failed to take adequate safety precautions, Sandman says he took it upon himself to lobby his non-union coworkers to join the union and hold the company accountable. "They've seen the benefits and the number of union employees has increased," he says. Matthew Carey, a physician assistant in Lacey, Washington didn't know his union existed when he took the job at the MultiCare Indigo Urgent Care clinics, and he wasn't excited about joining. He'd always thought unions were mostly just "extra work." But in 2020, after MultiCare management repeatedly refused to provide N95 masks or address providers' other concerns, Carey stood on the strike line with his colleagues. Multicare's "main goal is to preserve profits, which I'm fine with profits, but you can't do it at the expense of the workers," he says. Carey later tested positive for COVID-19, which he says he picked up at the clinic after working without proper protective equipment. (MultiCare told TIME it could not comment on Carey's situation but suggested that workers who fall ill are likely getting infected through socializing with other staff or out in the community.) For Carey, the decision to strike was driven not only by concerns about his own safety, but the safety of his community. It's a sentiment that dozens of workers and labor activists expressed. "If we can't take care of ourselves, how can we take care of patients?" says Dr. Atabeygi. Brian Nowak, who works for Teamsters Local 120, the union representing the 75 Cash-Wa workers who went on strike in North Dakota, made a similar point. "If drivers come in contact with somebody in the warehouse who is infected, and they take this back out to their customer, that affects our community," he says. "This could in essence become a hub" for the coronavirus. In September,

Adam Dean, a professor of political science at George Washington University, co-authored a study in Health Affairs showing that unionized nursing homes were associated with a 30% relative decrease in mortality rate at the height of the first coronavirus surge compared to nursing homes without unions. The unions were also associated with greater access to PPE and a relative decrease in the COVID-19 infection rate. "Labor unions provide protections that not only benefit workers in the union, but have broader benefits for society," Dean says.

The protests and pushing forwards of unions allowed for better health and security for essential workers. [Subasinghe 20](#) follows with, "The CFA has consistently held that strikes are "essential means available to workers and their organizations to protect their interests". This would necessarily mean that strikes to demand adequate PPE, a safe workplace or the closure of non-essential businesses would fall well within this scope of protection. The right to take collective action over occupational safety and health issues is also intrinsically linked to the right of workers to remove themselves from dangerous work without fear of retaliation. This right, enshrined in ILO Convention 155 is especially important for workers in non-standard forms of employment who may not enjoy the right to freedom of association and are in any event 50 per cent less likely to be in a union than workers in open-ended contracts."

Protection of these workers is vital as they played and currently play a major role in protecting lives. The impact is clear, without strikes, Essential workers are forced into low safety areas and poor conditions against their will, causing millions of vulnerable people to suffer. Kinder 20 details, "Despite being undervalued, low-wage health workers make essential contributions during the pandemic and beyond. "Nobody is insignificant," said Tony Powell, a 62-year-old administrative coordinator of a hospital surgical unit in Washington, D.C. "Without environmental service, without dietary, without secretaries, without medical and surgical techs and certified nursing assistants (CNAs), it wouldn't be a hospital." Home health workers, for instance, provide the first line of defense against COVID-19 for millions of

elderly and vulnerable people living at home. Without that, the limited capacity of hospitals today would be stretched even further.”

Constitution Supports Labor - section 23(2)(c) of the Constitution,

Everyone has the right to fair labour practices. Every worker has the right to form and join a trade union; to participate in the activities and programmes of a trade union; and to strike.