**AFF**

In today’s debate we look at both sides of the topic of whether or not the right to strike ought to be unconditional. For today’s round I will represent the AFF and the PROS of allowing this right to be unconditional.

I start off the debate by stating my framework or what should be the deciding factor in the debate today:

In today’s debate I value **Societal Good**

Which is defined by Investopedia dot com as: something that benefits the largest number of people in the largest possible way, such as clean air, clean water, healthcare, and literacy. Also known as "common good,"

To achieve this value it is best that we use the value criterion of **Utilitarianism:**

Which is defined by Marium Webster as: a theory that the aim of action should be the largest possible balance of pleasure over pain or the greatest happiness of the greatest number

Interpretation- This means that the debater who provides the most universal net benefit on their side ought to win the debate today.

**Inherency-**

**Many individual’s right to strike is limited, allowing for unconditional right to strike is the only legitimate solution!**

Reddy 21

<https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

Under the NLRA, workers are generally understood to have a “right” to strike. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”[79](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref79) which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to interfere with or impede or diminish in any way the right to strike . . .”[80](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref80) Note that it is a testament to deeply-held disagreements about the strike (is it a fundamental right which needs no statutory claim to protection, or a privilege to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.[81](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref81) **To say that a strike is** ostensibly **legal**, though, **is not to say** whether **it is sufficiently protected** as **to make it practicable for** working **people.** Within the world of labor law, this distinction is often framed as the difference between whether an activity is legal and whether it is protected. So long as the state-as-regulator will not punish you for engaging in a strike, that strike is legal. But **given that striking is protest against an employer**, **rather than against the state**-as-regulator, **being legal is insufficient protection from the repercussion** most likely to deter it**—job loss.** Employees technically cannot be fired for protected concerted activity under the NLRA, including protected strikes. But in a distinction that Getman and Kohler note “only a lawyer could love—or even have imagined,”[82](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref82), judicial **construction** of the NLRA **permits employers to permanently replace them** in many cases. **Consequently**, under the perverse incentives of this regime, **strikes can facilitate deunionization. Strikes provide employers an opportunity**, unavailable at any other point in the employment relationship, **to replace** those **employees who** most **support the union**—those who go out on strike—in one fell swoop. As employers have increasingly turned to permanent replacement of strikers in recent decades, strikes have decreased.[83](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref83) A **law** with a stated policy of giving workers “full freedom of association [and] actual liberty of contract” offers a “right” which too many workers cannot afford to invoke.[84](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref84) It is not just that the right is too “expensive,” however; it is that its **scope is too narrow**, particularly following the Taft-Hartley Amendments. Law cabins legitimate strike activity, based on employees’ motivation, their conduct, and their targets. **The legitimate purposes are largely bifurcated**, either “economic,” that is to provide workers with leverage in a bargain with their employer, or to punish an employer’s “unfair labor practice,” its violation of labor law (but not other laws). A host of **reasons that workers** might **want to protest are unprotected**—Minneapolis bus drivers not wanting their labor to be used to “shut down calls for justice,” for instance. **Striking employees** also **lose** theirlimited **protection if they act** in ways that are deemed **“disloyal” to their employer,**85 **or if they engage in** the broad swath of **non-violent activity construed to involve “violence,” such as** mass picketing.[86](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref86) Tactically, **intermittent strikes, slow-downs, secondary strikes, and sit-down strikes** are unprotected.[87](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref87) **Strikes are** also **unprotected if unionized workers engage** in them **without** their **union**’s **approval**,[88](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref88) **if they concern nonmandatory** subjects of **bargaining,**89 **or if they are inconsistent with a no-strike clause.**[90](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref90) Independent contractors who engage in strikes face antitrust actions.[91](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref91) Labor unions who sanction unprotected strikes face potentially bankrupting liability.[92](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref92) The National Labor Relations Board—the institution charged with enforcing the policies of the Act—summarizes these “qualifications and limitations” on the right to strike on its website in the following way: The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.[93](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref93)

**The “right” to strike**, it seems, **is filled with uncertainty and peril.**

**Warrant- To allow for any benefit of striking we must first choose the affirmative. This way we can get past these major restrictions that we see right now in the status quo. Not only does this mean that any advantage of the AFF is unachievable through the NEG but also that the negative is the sole reason the following advantages can’t be achieved.**

**Strikes have been proven to be successful!**

**Richards 19**, [[Erin Richards](https://www.usatoday.com/staff/2647805001/erin-richards/), 6-18-19, “Strikes, pay raises & charter protests: America's teachers' exhausting, exhilarating year” <https://www.usatoday.com/story/news/education/2019/06/18/teacher-pay-raises-strike-last-day-of-school-summer/1437210001/>] // SC SD

"Oh, the places you'll go!" the popular Dr. Seuss book promises to new graduates.

And, this past year, to their teachers.

America's educators have survived a rollicking year in the public spotlight — and no slowdown is in sight.

In the last 18 months, we've seen **teachers striking for higher pay**, teachers running for political office, teachers protesting charter schools, teachers organizing insurgent groups within their unions and teachers broadcasting the state of their under-resourced classrooms.

USA TODAY tracked the pressures on America's teachers with a school-year-long series of stories, capped by a [nationwide analysis of teacher pay and housing costs](https://www.usatoday.com/in-depth/news/education/2019/06/05/teachers-pay-cost-of-living-teaching-jobs/3449428002/).

Here's what happened.

**It's working: Teachers are pushing policy changes**

Starting last summer, it was front-line teachers rather than policymakers driving the national discussion over how best to educate children and compensate educators.

**How the movement started:** [‘Any talks of striking?’ A West Virginia teacher’s Facebook post started a national wave](https://www.usatoday.com/story/news/education/2019/02/20/teacher-strike-west-virginia-school-closings-education-bill/2848476002/)

Their actions are helping to change the narrative. Red-state governors who cracked down on teachers unions a decade ago and trimmed education budgets are now adding money to education efforts. In Texas, state Gov. Greg Abbott, a Republican, just signed into law [a $5 billion school finance package](https://bit.ly/2Y3pFuk), with much of the money slated for teacher raises.

In Oklahoma, home to [one of the first statewide teacher strikes](https://www.usatoday.com/story/news/nation/2018/04/02/teacher-strikes-shut-down-schools-across-oklahoma-kentucky/478102002/) in 2018, Republicans passed a budget that offers about $200 million in new education spending, partly to fund teacher raises.

On the Democratic side, presidential candidates Kamala Harris, a senator from California, and Joe Biden, former vice president, have both made pay raises for teachers part of their platforms.

In general, the public has backed the idea.

In a national poll from USA TODAY and Ipsos Public Affairs, a majority of people said teachers [had the right to strike](https://www.usatoday.com/story/news/2018/09/12/teachers-union-strike-pay/1227089002/), a view held even by the parents whose lives were most disrupted when teachers walked off the job.

**Warrant: We can see that right now many strikes are effective!**

**Warrant: We also see from this article that the majority of people who were disrupted by this strike actually agreed in favor of the strikers**

**Strikes can improve wages**

**Yan 18**

<https://www.cnn.com/2018/05/29/us/what-teachers-won-and-lost/index.html>

What teachers wanted: **West Virginia teachers** -- with an average salary of $45,642 -- **demanded better pay and a fix to the Public Employees Insurance Agency.** The night before the strike began, Republican Gov. Jim Justice signed off on a 2% teacher raise this year and 1% raises for each of the next two years -- still not enough to keep up with inflation. So the first statewide teacher strike of the year ensued. What they got: **After nine days of the strike, Justice agreed to a 5% raise for teachers. As part of the negotiations, legislators also agreed to give all state employees a raise. The governor also issued an executive order aimed at creating a long-term revenue fix to public employees' insurance program.** What's going to happen next: While the strike ended amicably -- with both teachers and lawmakers celebrating -- some teachers and students will now have to prolong the school year into June to make up for days lost to the strike. Oklahoma What teachers wanted: Like West Virginia, **teachers in Oklahoma rank in the bottom three states for teachers salaries. Veteran teachers had often worked about 10 years before cracking the $40,000 mark. The Oklahoma teachers' union wanted $10,000 raises for teachers; $5,000 raises for support staff, such as janitors and cafeteria workers; and $200 million in education funding.** What they got: Shortly before teachers walked out, **Gov. Mary Fallin approved an average raise of $6,100 for teachers; $1,250 for support staff; and a $50 million increase in education funding** -- fractions of what teachers wanted.

**Warrant: Strikes usually result in better wages for workers! Putting more money into the hands of employees.**

**Strikes can help employees gain bargaining power- this leads to universal benefit to everyone!**

**Myall 19**

https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/

**The right of workers to organize and bargain with their employer benefits all** Mainers. **Collective bargaining leads to better wages, safer workplaces, and a fairer** and more robust **economy** for everyone — not just union members. **The right to strike is critical to collective organizing and bargaining. Without it,** Maine’s public **employees are unable to negotiate on a level playing field.**

**Warrant: With this success we see a universal impact that allows for all of us to benefit together and achieve the**