# AC

#### I affirm Resolved: A just government ought to recognize an unconditional right of workers to strike. First, some definitions to clarify the round:

#### Unconditional is defined by Merriam-Webster as:

“Unconditional.” Merriam-Webster Dictionary. No Date. URL: https://www.merriam-webster.com/dictionary/unconditional

un·​con·​di·​tion·​al | \ ˌən-kən-ˈdish-nəl  , -ˈdi-shə-nᵊl \ Definition of unconditional: 1: not conditional or limited : ABSOLUTE, UNQUALIFIED unconditional surrender unconditional love; 2: UNCONDITIONED sense 2

#### A workers’ right to strike is defined by Guedes 18 as:

Guedes, Coralie. October 2018. “The right to strike in the private sector – Belgium.” *European Public Service Union.* URL: <https://www.epsu.org/sites/default/files/article/files/Belgium%20-%20Right%20to%20strike%20in%20the%20public%20sector.pdf> accessed on 11.5.21 by bwskat.

General The right to strike in Belgium is not enshrined in the Constitution nor regulated by law. It forms part of positive law by virtue of article 6§4 of the European Social Charter and has been mainly developed through case law. In 1981, the Belgian Supreme Court ruled that, in the event of a strike, an employee has the right not to perform the work as stipulated in the employment contract. 3 Therefore, participation in a strike is not in itself an unlawful act. A worker who goes on strike is exercising his or her freedom of association, and this action is therefore considered to be a justified suspension of the labour contract. The Belgian Supreme Court has founded the recognition of the strike intended is a collective and voluntary stoppage of work on the ‘Loi sur les Prestations d’intérêt public en temps de paix (1948)’, since at that time the ratification of the ESC was not yet completed. It fully recognised the right to strike, irrespective of whether it was recognised by trade union or whether it was “spontaneous”. The right to strike is accepted as a fundamental right, as the consequences are set out in the relevant legislation. In the public sector The civil service in Belgium is a career system, with guaranteed tenure but is to be noted that every more public servants are employed under a normal employment contract . Employees in the public sector are divided into two categories: public servants employed on the principle of statutory public employment (this is the rule), and contractual employees under private law whose relationship with the public employer is governed by an employment contract. Article 1 of the 1937 Decree defines a public servant as ‘any person who is permanently employed’ in the administration. Under Belgian public law, the principle of statutory public employment is the rule, while contractual employment is the exception. This principle is demonstrated by both the Royal Decree on the regulations governing public servants and case law. The distinction between an employee subject to private law and a public servant governed by public law depends on the nature of the document creating the employment relationship: a contract or a unilateral administrative order. Several judicial practices restrict the exercise of the right to strike, as they rule on the strike itself and its unlawful consequences, and may prohibit a strike. It is the general courts and not the labour court who judge in that respect.

**A government recognizing a right to strike means legal recognition. The right to strike is the right not to be subjected to legal penalties for engaging in a work strike. I submit that a just government would recognize this core right.  That affirms because it advocates government recognition of AN unconditional right to strike.**

## Framing

#### I value justice, as the resolution is a question of what a just government ought to do. Justice is defined as giving each their due.

#### Justice requires the right to self-ownership. Alternatives are immoral, unworkable, or absurd. Rothbard 78 [Rothbard, Murray N. Murray Newton Rothbard was an American economist, philosopher, political theorist, and historian "For a New Liberty: The Libertarian Manifesto. rev.ed." New York: Libertarian Review Foundation (1978).] SW 9/7/ 20170] The most viable method of elaborating the natural-rights statement of the libertarian position is to divide it into parts, and to begin with the basic axiom of the “right to self-ownership.” **The right to self-ownership asserts the absolute right of each man, by virtue of** his (or her) **being a human** being, **to “own” his or her own body; that is, to control that body free of coercive interference.** Since each individual must think, learn, value, and choose his or her ends and means in order to survive and flourish, the right to self-ownership gives man the right to perform these vital activities without being hampered and restricted by coercive molestation. Consider, too, the consequences of denying each man the right to own his own person. **There are then only two alternatives: either** (1) **a certain class of people**, A, **have the right to own another class**, B; **or** (2) **everyone has the right to own his own equal quotal share of everyone else.** The first alternative implies that while Class A deserves the rights of being human, Class B is in reality subhuman and therefore deserves no such rights. But since they are indeed human beings, **the first alternative** contradicts itself in **denies natural human rights** to one set of humans. Moreover, as we shall see, allowing Class A to own Class B means that the former is allowed to exploit, and therefore to live parasitically, at the expense of the latter. But this parasitism itself violates the basic economic requirement for life: production and exchange. **The second alternative**, what we might call “participatory communalism” or “communism,” **holds that** every man should have the right to own his equal quotal share of everyone else. **If there are two billion people in the world, then everyone has the right to own one two-billionth of every other person**. In the first place, we can state that **this ideal rests on an absurdity: proclaiming that every man is entitled to own a part of everyone else, yet is not entitled to own himself.** Secondly, **we can picture the viability of such a world**: a world in which no man is free to take any action whatever without prior approval or indeed command by everyone else in society. It should be clear that in that sort of “communist” world, **no one would be able to do anything, and the human race would quickly perish**. But if a world of zero self-ownership and one hundred percent other ownership spells death for the human race, then any steps in that direction also contravene the natural law of what is best for man and his life on earth. Finally, however, the participatory communist world cannot be put into practice. For it is physically impossible for everyone to keep continual tabs on everyone else, and thereby to exercise his equal quotal share of partial ownership over every other man. The concept of universal and equal other-ownership is utopian and impossible, and supervision and therefore control and **ownership of others necessarily devolves upon a specialized group of people, who thereby become a ruling class. Hence, in practice, any attempt at communist rule will automatically become class rule, and we would be back at our first alternative.**

#### Thus, as the antithesis of a just government is one in which people do not have self-ownership and are, thus, oppressed by others, my criterion is resisting oppression.

#### Prefer for 3 reasons:

1. **It’s the foundation for all deontological claims - everything we call categorically wrong, like slavery, is wrong because it inhibit our right to self-ownership**

#### Consequentialism collapses to self-ownership – there is no way to achieve good ends without the ability to choose what ends are good and worth pursuing. Korsgaard 83:

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS/Recut Lex AKu \*brackets for gendered language // recut: bws kat 11.4.21

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action,[they] he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). **In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness**. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. **So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end**" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." **By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good.** But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Provides a necessary side-constraint on util; utilitarianism is good UNTIL it denies rights to self-ownership.

#### Real World Policy-making: policymakers do not use strict util, they use util in tandem with the right to self-ownership, hence why slavery was abolished; people no longer had self-ownership even if it was economically successful, or why a government can never compel people to donate their organs upon death, even if it would cause the most material good.

## C1 – A Right to Strike Protects Workers from Poor Working Conditions

#### There have been millions of work-caused accidents and deaths every year. ILO 11

ILO, 7-13-2011, "World Statistic," No Publication, <https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm>

The ILO estimates that some 2.3 million women and men around the world succumb to work-related accidents or diseases every year; this corresponds to over 6000 deaths every single day. Worldwide, there are around 340 million occupational accidents and 160 million victims of work-related illnesses annually. The ILO updates these estimates at intervals, and the updates indicate an increase of accidents and ill health. The estimated fatal occupational accidents in the CIS countries is over 11,000 cases, compared to the 5,850 reported cases (information lacking from 2 countries). The gross underreporting of occupational accidents and diseases, including fatal accidents, is giving a false picture of the scope of the problem. Some of the major findings in the ILO’s latest statistical data on occupational accidents and diseases, and work-related deaths on a world-wide level include the following: Diseases related to work cause the most deaths among workers. Hazardous substances alone are estimated to cause 651,279 deaths a year. The construction industry has a disproportionately high rate of recorded accidents. Younger and older workers are particularly vulnerable. The ageing population in developed countries means that an increasing number of older persons are working and need special consideration. Attached you find the ILO estimates divided by geographical areas. The estimates for the CIS countries can be found in the FSE area.

#### Empirics prove—right to strike is key to improving worker conditions.

**McNicholas and Poydock 20** (Celine McNicholas (Director of Policy and Government Affairs for EPI) and Margaret Poydock (Policy Analyst for EPI). “Workers are striking during the coronavirus: Labor law must be reformed to strengthen this fundamental right.” Economic Policy Institute. 22 June 2020. JDN. https://www.epi.org/blog/thousands‐of‐workers‐have‐ gone‐on‐strike‐during‐the‐coronavirus‐labor‐law‐must‐be‐reformed‐to‐strengthen‐ this‐fundamental‐right/ )

The BLS’s monthly data on work stoppages do not capture any strikes directly related to the coronavirus pandemic. However, it is evident essential workers are going on strike as seen in the recent walkouts organized by Amazon, Instacart, and Target workers as well as the dozens of strikes organized by fast food and delivery workers. Consequently, there is a large gap in knowledge about the true extent of strikes that occur during the coronavirus pandemic and beyond. **Based on** the very limited **data available**, **the resurgence of strike activity in recent years has given over a million workers an active role in demanding improvements in their pay and working conditions. Essential workers during the coronavirus pandemic are continuing this trend by demanding better pay and safer working conditions from their employers.** However, without comprehensive data, it’s impossible to understand the scope of how many workers are utilizing their fundamental right to strike. This knowl‐ edge gap makes it difficult for policymakers to adequately address the needs for work‐ ers in the United States, and the Bureau of Labor Statistics should be provided funding to gather comprehensive data on worker strikes. But even **with the** limited **knowledge we have, it’s evident that strikes are an effective tool to improve the pay and working conditions of working people**. Therefore, strengthening the right to strike for workers needs to be at the heart of labor law reform going forward.

#### The right to strike is an intrinsic right that protects against oppressive systems.

**Lim 19** (Lim 19 Woojin Lim (Editor for the Harvard Crimson). “The Right to Strike.” The Harvard Crimson. 11 December 2019. JDN. <https://www.thecrimson.com/article/2019/12/11/lim-right-to-strike/>)

### The right to strike is a right to resist oppression. The strike (and the credible threat of a strike) is an indispensable part of the collective bargaining procedure. Collective bargaining (or “agreement-making”) provides workers and employees with the opportunity to influence the establishment of workplace rules that govern a large portion of their lives. The concerted withdrawal of labor allows workers to promote and defend their unprotected economic and social interests from employers’ unilateral decisions, and provide employers with pressure and incentives to make reasonable concessions. Functionally, [S]trikes provide workers with the bargaining power to drive fair and meaningful negotiations, offsetting the inherent inequalities of bargaining power in the employer-employee relationship. The right to strike is essential in preserving and winning rights. Any curtailment of this right involves the risk of weakening the very basis of collective bargaining.

Strikes are not only a means of demanding and achieving an adequate provision of basic liberties but also are themselves intrinsic, self-determined expressions of freedom and human rights. The exercise of the power to strike affirms a quintessential corpus of values akin to liberal democracies, notably those of dignity, liberty, and autonomy. In acts of collective defiance, strikers assert their freedoms of speech, association, and assembly. Acts of striking, marching, and picketing command the attention of the media and prompt public forums of discussion and dialogue.

**Thus, no worker has the obligation to work under conditions they do not agree to.  This is inalienable, since no person can ever enslave themselves, so the right must be unconditional.**

## C2  - Conditioning the Right To Strike Allows for Structural Abuse

#### Workers have a right to protest bad working conditions – this is the right to strike. All workers are entitled to protest working conditions that they disagree with or did not consent to, because if they weren’t, then employers could simply change the terms and conditions of employment without the say of the worker, thus justifying the enslavement of workers. Independently, this is a reason as to why an unconditional right to strike is necessary to ensure the self-ownership of all workers.

#### A right to strike ensures that workers are not subject to the authoritarian rule by their employers. Bahn 19:

Bahn, Kate. August 29, 2019. “The once and future role of strikes in ensuring U.S. worker power.” Washington Center for Equitable Growth. Url:<https://equitablegrowth.org/the-once-and-future-role-of-strikes-in-ensuring-u-s-worker-power/> accessed on 11.5.21 by bws kat

The role of monopsony power in the U.S. labor market Monopsony power is a situation in the labor market where individual employers exercise effective control over wage setting rather than wages being set by competitive forces (akin to monopoly power, where a limited number of firms exercise pricing power over their customers.) In a new Equitable Growth working paper by Mark Paul of New College of Florida and Mark Stelzner of Connecticut College, the role of collective action in offsetting employer monopsony power is examined in the context of institutional support for labor. Paul and Stelzner construct an abstract model with the assumption of monopsonistic markets and follow the originator of monopsony theory Joan Robinson’s insight that unions can serve as a countervailing power against employer power. Their model shows that institutional support for unions, such as legislation protecting the right to organize, is necessary for this dynamic process of balancing employers’ monopsony power. In an accompanying column, the two researchers write that they “find that a lack of institutional support will devastate unions’ ability to function as a balance to firms’ monopsony power, potentially with major consequences … In turn, labor market outcomes will be less socially efficient.” In short, policies and enforcement that support collective action such as strikes not only creates benefits for workers directly but also addresses a larger problem of concentrated market power.

#### Even if strikes are not perfect solutions to worker exploitation, an unconditional right to strike is an essential first step – it guarantees self-ownership for of all workers. Gourevitch 18:

Alex Gourevitch (Assistant Professor of Political Science at Brown University). “The Right to Strike: A Radical View.” American Political Science Review, Volume 112, Issue 4, November 2018, pp. 905 – 917. JDN. https://www.cambridge.org/core/journals/american-political-science-review/article/abs/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424There is more than one way to justify the right to strike and, in so doing, to explain the shape that right ought to have. As we shall see, there is the liberal, the social-democratic, and the radical account. Any justification of a right must give an account not just of the interest it protects but of how that right is shaped to protect that interest. In the case of the radical argument for the right to strike, which I will defend against the other two conceptions, the relevant human interest is liberty. Workers have an interest in resisting the oppression of class society by using their collective power to reduce that oppression. Their interest is a liberty interest in a double sense. First, it is an interest in not being oppressed, or in not facing certain kinds of forcing, coercion, and subjection to authority that they shouldn’t have to. Any resistance to those kinds of unjustified limitations of freedom carries with it, at least implicitly, a demand for liberties not yet enjoyed. That is a demand for a control over portions of one’s life that one does not yet enjoy. Second, and consequently, the right to strike is grounded in an interest in using one’s own individual and collective agency to resist—or even overcome— that oppression. The interest in using one’s own agency to resist oppression flows naturally from the demand for liberties not yet enjoyed. After all, that demand for control is in the name of giving proper space to workers’ capacity for self-determination, which is the same capacity that expresses itself in the activity of striking for greater freedom. On this radical view, the right to strike has both an intrinsic and instrumental relation to liberty. It has intrinsic value as an (at least implicit) demand for self-emancipation or the winning of greater liberty through one’s own efforts. It has instrumental value insofar as the strike is on the whole an effective means for resisting the oppressiveness of a class society. For the right to strike to enjoy its proper connection to liberty, workers must have a reasonable chance of carrying out an effective strike, otherwise it would lose its instrumental value as a way of resisting oppression. If prevented from using a reasonable array of effective means, exercising the right to strike would not be a means of reducing oppression and, therefore, strikes would also be of very limited value as acts of self-emancipation. It would not be an instance of workers attempting to use their own capacity for self-determination to increase the control they ought to have over the terms of their daily activity.

#### Restrictions on the right to strike prevent many strikes from succeeding.

**Tucker 13** (Tucker, Eric. “Can Worker Voice Strike Back? Law And The Decline And Uncertain Future Of Strikes.” Osgoode Hall Law School, York University, Research Paper Series. 2013. Web. October 12, 2021. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1300&context= clpe>.)

There are three dimensions of labour law that are most directly involved in this analysis. First, there is the freedom to strike, which refers to whether and in what circumstances strikes are legally permissible. Second, there is the right to strike, which refers to provisions in the law that protect the exercise of the freedom to strike, such as protection against dismissal or a right to reinstatement. Finally, there is the law of industrial action that determines what actions striking workers can take to make their strike effective. In the section that follows, I offer a brief and preliminary assessment of the ways in which the law regulating strikes has operated as a mediating variable in the countries covered by this project. Canada It is important to note that most collective bargaining is governed by provincial law and so there are many collective bargaining statutes, although at least with private sector all legislation is based on the Wagner Act model, which imposes significant restrictions on the freedom to strike. Most notably, recognition and mid-term strikes are prohibited and replaced by an administrative recognition procedure and binding grievance arbitration respectively. Generally, strikes are only legal after recognition when no collective agreement is in force. But even then, there are procedural requirements that must be met, including completion of a conciliation process and the taking of a strike vote. Unlawful strikes can result in serious penalties for both the union and participating members. Apart from restrictions on the freedom to strike, the law also protects striking workers in two ways. First, it provides that strikers retain their status as employees for the purposes of labour statutes and, second, workers have a right to return to their jobs within a certain time (e.g. six months). Only Quebec and British Columbia ban temporary replacement workers. Finally, the law of picketing has become somewhat less restrictive over the last thirty years or so as some provinces have limited the availability of labour injunctions and the Supreme Court of Canada altered the common law so that secondary action is not per se tortious. The major change to private sector collective bargaining legislation has been the abolition of card-count certifications in most provinces, resulting in a near exclusive reliance on certification elections. While this change does not directly affect the freedom to strike, studies have demonstrated that it has contributed to a decline in union density, which would undermine bargaining strength and make unions more reluctant to strike. Dachis and Hebdon found that the introduction of mandatory secret ballots results in a decrease in strike frequency, but that the effect is weakly statistically significant and so at best would explain only a small part of the decline. More generally, it is fair to conclude that changes to private collective bargaining law have not been a significant cause of the decline in private sector strike activity, but that in the context of less favourable structural conditions private sectors workers are less able to successfully use the limited freedom and right to strike and picket that the law provides.

#### The only way to maintain self-ownership for all people in a society is to recognize an unconditional right to strike. A just government has an obligation to EVERY ONE of its citizens to protect their right to protest unfavorable working conditions. A right to strike that is limited in any way ensures that some workers within a society are denied their ability to protest unfavorable working conditions,.