I negate the resolution

# Framing

## Definition of unconditional

**Merriam Webster**

: not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

## NEG Burden: voting issue:

Because of the use of the word “unconditional” in the resolution to describe the right to strike. All I have to do as the negative is prove that at least one condition on the right to strike is necessary. I will explain three reasonable conditions that are needed for the right to strike. If the judge believes any of these three conditions are needed then they must vote negative.

# Condition 1: **the right to strike should be conditional to peaceful strikes. Violence cannot and should not be permissible under the right to strike**

**Strikers who commit violent acts should not be protected**

**NLRB.** “NLRA and the Right to Strike.” *NLRA and the Right to Strike | National Labor Relations Board*, https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/nlra-and-the-right-to-strike.

Strikers who engage in serious misconduct in the course of a strike may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sitdown” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are: Strikers physically blocking persons from entering or leaving a struck plant. Strikers threatening violence against nonstriking employees. Strikers attacking management representatives.

# Condition 2: Strikes can be prohibited during a national emergency

**The International Labor organization says that national emergencies justify prohibiting strikes**

**International Labour Organization**. “Compilation of Decisions of the Committee on Freedom of Association.” *Compilation of Decisions of the CFA Content*, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A70002%3A0%3A%3ANO%3A70002%3AP70002\_HIER\_ELEMENT\_ID%2CP70002\_HIER\_LEVEL%3A3943709%2C2.

Cases in which strikes may be restricted or even prohibited, and compensatory guarantees *Acute national emergency*A general prohibition of strikes can only be justified in the event of an acute national emergency and for a limited period of time. Responsibility for suspending a strike on the grounds of national security or public health should not lie with the Government, but with an independent body which has the confidence of all parties concerned.

# Condition 3: **A strike that attempts to force an employer to do something illegal must not be protected**

**NLRB.** “NLRA and the Right to Strike.” *NLRA and the Right to Strike | National Labor Relations Board*, https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/nlra-and-the-right-to-strike.

A strike may be unlawful because an object, or purpose, of the strike is unlawful. A strike in support of a union unfair labor practice, or one that would cause an employer to commit an unfair labor practice, may be a strike for an unlawful object. For example, it is an unfair labor practice for an employer to discharge an employee for failure to make certain lawful payments to the union when there is no union security agreement in effect (Section 8(a)(3)). A strike to compel an employer to do this would be a strike for an unlawful object and, therefore, an unlawful strike.

Furthermore, Section 8(b)(4) of the Act prohibits strikes for certain objects even though the objects are not necessarily unlawful if achieved by other means. An example of this would be a strike to compel Employer A to cease doing business with Employer B. It is not unlawful for Employer A voluntarily to stop doing business with Employer B, nor is it unlawful for a union merely to request that it do so. It is, however, unlawful for the union to strike with an object of forcing the employer to do so. In any event, employees who participate in an unlawful strike may be discharged and are not entitled to reinstatement.

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# In the end, these conditions on the right to strike are necessary and agreed upon by many labor unions. There are no examples of rights that are unconditional. ALL RIGHTS HAVE LIMITS!

**The International Trade Union Confederation agrees that conditions are needed on the right to strike**

**International Trade Union Confederation 2014**. “THE RIGHT TO STRIKE AND THE ILO: THE LEGAL FOUNDATIONS.” *Csi*, Mar. 2014, https://www.ituc-csi.org/IMG/pdf/ituc\_final\_brief\_on\_the\_right\_to\_strike.pdf.

Again, we do not argue that the right to strike is an absolute right under customary law. Most of the international instruments, national laws and decisions impose some procedural requirements of greater or lesser stringency. These are characterised variously as “necessary in a democratic society,” “not jeopardizing public health,” “in accordance with national law,” and so on. This last is perhaps the most restrictive on its face, though national law cannot become an excuse to nullify basic rights. Between the extremes of an unconditional right to strike and an absolute prohibition on strikes “in accordance with national law,” the international community is converging on the general principle of the right to strike within reasonable limits. The authors of this document acknowledge the tension between countries’ varying degrees of limitations on the right to strike and the normal requirement of uniformity of state practice to find customary international law. It is believed that the tension can be resolved by distinguishing between divergence in detail and convergence in principle. Procedural requirements in national law are details; the right to strike within reasonable limits is the common principle.