## Util L NC

#### Disclosure Theory

##### Interpretation: Debaters must disclose the 1AC for this round in cite boxes on the 2021-22 LD wiki. disclose which positions had been read/gone for in prior speeches.

##### Violation: see the screenshot in the doc

##### Graphical user interface, text, application Description automatically generated

##### Standards:

##### 1] Pre-round prep- Prep becomes ridiculous when you make debaters sift through 20 pages of a word doc trying to figure out what impacts to prep

##### 2] Inclusion- Disadvantaged people have computers more prone to lag and expecting them to pull the case up in round on a time limit is unreasonable.

Prefer competing interps- reasonability is arbritrary

No RVIS- the chilling effect if we let debaters win on theory then they’ll just read abusive and beat on the RVI.

### FW

#### The standard is maximizing expected wellbeing. Two justifications:

#### 1. Policymakers use a utilitarian calculus

**Woller 97** (“An Overview by Gary Woller,” 1997 A Forum on the Role of Environmental Ethics, pg. 10)

Moreover, virtually all public policies entail some redistribution of economic or political resources, such that one group's gains must come at another group's expense. Consequently, public policies in a democracy must be justified to the public, and especially to those who pay the costs of those policies. Such justification cannot simply be assumed a priori by invoking some higher-order moral principle. Appeals to a priorimoral principles, such as environmental preservation, also often fail to acknowledge that public policies inevitably entail trade-offs among competing values. Thus, since policymakers cannot justify inherent value conflicts to the public in any philosophical sense, and since public policies inherently imply winners and losers, the policymakers' duty to the public interest requires them to demonstrate that the redistributive effects and value tradeoffs implied by their policies are somehow to the overall advantage of society.

**2. Respecting every individual entails trade-offs – that requires aggregation of value**

**Cummiskey** 96 (“Kantian Consequentialism,” David Cummiskey [philosophy chair at Bates College], 1996 - http://cmscontent.bates.edu/prebuilt/kantian.pdf)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself” (GMM 429). Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible (chapter 5). In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non-value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity, that is, an unconditional and incomparable worth” that transcends any market value (GMM 436), but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others (chapters 5 and 7). The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration suggests that one may have to sacrifice some to save many.

### Contention 1 = Economy

**The economic costs of labor strikes outweigh the intended benefits – even small actions can cause a ripple-effect in international trade**

**CM ’18:** Media statement from Creamer Media’s Engineering News. “Strikes and their economic consequences”. October 1st, 2018. <https://www.engineeringnews.co.za/article/strikes-and-their-economic-consequences-2018-10-01>. FD.

After conducting intensive research\* into the topic of strikes and labour unrest, the Mandela Initiative came to several conclusions. One of these was that the right to strike is made up of a delicate balance between the [power](https://www.engineeringnews.co.za/topic/power) of firms and the rights of employees, and is considered a sign of a healthy democracy. “Whilst there are potential benefits from strikes (e.g. better work morale, lower absenteeism, or improved labour productivity), strike action also brings about numerous direct and indirect **economic costs** that can be high, depending on duration, number of workers involved and divisions affected,” the Initiative confirmed. According to labour expert Suleyman Alley, there are seven key causes of labour unrest: [health](https://www.engineeringnews.co.za/topic/health) hazards in the workplace; excessive working hours; low wages; demand for leave with pay; discrimination; inadequate working tools; and aggressive behaviour of managers towards employees. While several activities can be taken in an effort to prevent strikes from occurring or escalating, in the South African context, the tendency towards violent outbursts seems to outweigh reasonable action. “Strikes and labour unrest have **marked negative impacts** on the employees themselves, the employers and their stakeholders, the government, consumers, and the economy,” advises Jacki Condon, Managing Director of Apache [Security](https://www.engineeringnews.co.za/topic/security) [Services](https://www.engineeringnews.co.za/topic/services). “The negative effects on **international trade** include the hinderance of economic development, creating great economic uncertainty – especially as the global media continues to share details, images and videos of violence, damage to property and ferocious clashes between strikers and [security](https://www.engineeringnews.co.za/topic/security).” Strike action results in less productivity, which in turn means less profits. Labour Law expert, Ivan Israelstam confirms that; “The employer is likely to lose money due to delayed [service](https://www.engineeringnews.co.za/topic/service) to clients or to lost production time. The employees will lose their pay due to the no work, no pay principle. If the strikers are dismissed they will lose their livelihoods altogether.” This year alone, Eskom, Prasa, various [manufacturing](https://www.engineeringnews.co.za/topic/manufacturing)plants, Sasol and the Post Office have faced crippling strikes – to name but a few. Condon argues that there are more immediate consequences to consider than loss of income. “As the socio-economic issues continue to affect South Africans across the board, tensions are constantly rising,” states Condon. “Businesses must protect themselves, their assets, [business](https://www.engineeringnews.co.za/topic/business) property, and their non-striking employees from violence and intimidation.” Condon believes that this requires the deft hand of well-trained and highly qualified close protection operatives. These operatives provide not only protection, but video evidence as well, ensuring those responsible for damage can be held to account. “The key is to create a strategic partnership with a reliable [security](https://www.engineeringnews.co.za/topic/security) provider. Plans must be put into place to protect businesses against vandalism, physical assault, property invasion and intimidation during labour unrest,” concludes Condon.

### Contention 2 = Strikes Backfire

**Strikes are ineffective– they can’t overcome the power imbalance and have a net negative impact on workers**

**Waldersee ’17:** Victoria Waldersee. “We asked economists whether strikes really work”. Our Economy. Thursday September 7th, 2017. <https://www.ecnmy.org/engage/we-asked-economists-whether-strikes-really-work/>. FD

“Strikes are always the last resort. Everyone from unions to HR managers pretty much agrees on that,” says Simms. “You only do it if you’ve tried everything to get the other side to understand, and they either can’t, or they just won’t. Obviously there’s an imbalance of power, so unions are always in a weaker position, and individual employees even more so.” Often, strikers just feel they’re being expected to do more than they’re being paid for. But recently, says Professor Crossman, it’s been about more than that – people’s pay isn’t rising, but inflation is, and executive salaries are going up too. So people end up feeling like they’re being unfairly treated, and the money they’re earning is buying them less because prices are going up. Another big issue is flexible working. It’s good for some, but others feel like it’s been imposed on them by big companies making it the norm. Not knowing how many hours work you’ll have means your income stream is unpredictable, and that’s a real problem for people. “Most of us have regular bills – we know what the outflows of cash from our account are looking like,” Crossman points out. “We want to make sure the inflows match.” “The basic ‘economics’ idea is that we have the right to decide how we use our labour,” says Simms. “If we didn’t, we’d be slaves, literally. But if we’re freely making the choice to exchange our work for pay, and other benefits, then in principle we have the right to withdraw it, too.”It depends on a few things: One, how much it’s going to affect the employer’s business in the short term; two, how replaceable the workers are; and three, to what extent the strikers have the public and the government on their side. “I work at a university,” says Simms. “If I decide not to work today, not much happens to my employer’s business. But if I were a train driver, and I decided not to do my job, it would obviously have an immediate effect.” If workers can easily be replaced by other workers, their ‘bargaining power’ is pretty low. If there is what economists call ‘surplus labour’ – i.e., people available and willing to do the job in the current conditions – then companies can just fire unhappy staff and call on a bank of new workers. When public sector workers go on strike, there are often private companies happy to do the work instead. And then there’s technology What's this?. “Advances in technology are really reducing the power of workers to fight their corner,” says Crossman. In low-wage, manufacturing jobs, people can just be replaced by obedient robots, and that’s the end of that. If the government and the public take a stand against the way workers are being treated – regardless of whether they could be replaced by other workers, or by robots – all this changes. Customers could simply boycott a product or service, and governments could launch official inquiries as to whether people’s rights are being breached. That puts companies in a vulnerable place, which workers can’t do. “ “Trade unions would say customers are secondary,” says Simms. “The workers have decided it’s necessary, because someone isn’t listening to them.” According to Crossman, it’s a matter of opinion. “If you look at the train strike [in the UK], **customers were angry** about the fact they couldn’t get to work, but they knew the service was bad before. So they tend to blame government and management, not unions. But there’s only so much they’ll take before they start turning on staff.”Governments have got to try and help the parties reach an agreement – a bit like a marriage counselor,” says Simms. Whether they’ve got an obligation to get involved varies country to country – in the UK, it’s optional, bu in other places, it’s mandatory. The other option is setting rules to avoid the things that cause strikes to kick off in the first place from happening. But, as Crossman points out, companies tend to find a way around them.”When companies were supposed to regulate how much they could increase executive pay in the 1970s, they just started handing out company cars. It’s like a computer virus: the virus comes after the computer has been created, so you’re always playing catch up.” Governments can do the opposite, too: make it harder for unions to go on strike, by doing things like requiring a minimum vote among union members to allow industrial action. You can also make votes secret, to avoid any kind of peer pressure. How else could workers express their dissatisfaction with the way they’re being treated? Simms suggests some simple things: “Pull a sickie! It’s definitely not legal for your union to ask you to do that, but..” Another simple act of protest, especially in hospitality, is just getting really grumpy. “There was a smile strike at Disneyland about 20 years ago,” says Simms. “Which at Disneyland is obviously a seriously huge thing” You can also only agree to do things strictly outlined in your contract - that’s called a Work To Rule, and is often really annoying for employers. Plus, as Crossman pointed out, you still get paid. But there’s not much you can do. “It feels like these days, the power is just really imbalanced,” says Crossman. “Because no-one in their right mind is going to put their house in jeopardy, or not be able to pay rent, so they’ll ultimately go back, because they need to, economically. Employers suffer financial damage, but evidence suggests it doesn’t take too long to recoup the losses. But **once an employee has lost their wage, they can’t get that back** without working overtime.”

### Contention 3 = Violence

**Strikes often become violent, endangering the public and threatening bargaining process**

**Tenza ’20:** Mlungisi Tenza. Senior lecturer, University of KwaZulu-Natal. “The effects of violent strikes on the economy of a developing country: a case of South Africa”. Scientific Electronic Library of South Africa. 2020. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004>. FD.

Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike [17](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn17) are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally.[18](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn18) For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful.[19](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn19) Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.[20](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn20) The question is whether employers succumb easily to workers' demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: "[T]here is no sweet strike, there is no Christian strike ... A strike is a strike. [Y]ou want to get back what belongs to you ... you won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that."[21](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn21) The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers' homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour.[22](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn22) This points to the fact that for many workers and their families' living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),[23](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn23) it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.[24](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn24)In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,[25](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn25)striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer's business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.[26](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn26)

### Contention 4 = Unemployment

**Strikes result in higher unemployment – employers will find ways to justify firing people**

**Tenza ’20:** Mlungisi Tenza. Senior lecturer, University of KwaZulu-Natal. “The effects of violent strikes on the economy of a developing country: a case of South Africa”. Scientific Electronic Library of South Africa. 2020. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004>. FD.

An unprotected strike has a negative effect on employment and may result in the dismissal of employees. In South Africa, it seems that everyone agrees that unemployment is the major economic problem and that government policy needs to address this scourge. The high levels of unemployment could pose a danger as stretches the government's ability to provide people with social services. Generally, the LRA prohibits the dismissal of employees if the reason for their dismissal is participation in a protected strike.[35](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn35)However, and despite this prohibition, the employer may dismiss employees if they commit misconduct[36](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn36) during a strike or on the basis of operational requirements.[37](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn37) Since it is expected that the employer will not make production or profit during a strike as a result of work stoppage, he or she may put forward economic conditions that have turned around since the commencement of the strike as a reason to cut down his or her workforce. In this regard, he or she will attempt to justify dismissal based on operational requirements. In SACCAWU v Pep Stores[38](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn38)the court held that it is permissible for an employer to retrench employees where their misconduct has given rise to a genuine operational requirement. In order for an employer to justify terminating the contracts of employees for operational requirements, the dominant reason for the dismissal must be that operational requirements are impacting on the survival of the business. In other words, the economic viability of the employer must be at stake.[39](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn39) In Tiger Food Brands Ltd t/a Albany Bakeries v Levy NO[40](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn40)violence was ongoing and the employer considered the threats so great that it closed down the business pending section 189 of the LRA procedure. As with the Pep Store case, no solution was found to the anarchic situation, and indications were that such would continue as a concerted effort by the employees. Thus, no alternatives could be found, and retrenchments took place. Other than dismissal, the "no work no pay" principle applies where employees are on strike. A contract of employment is a contract with reciprocal rights and obligations. The employee is under an obligation to make him or herself available for work, and the employer in return has to remunerate the employee for the work he or she has done or services rendered. The employer is entitled to refuse to pay the employee if the latter refuses to do the work he or she was employed to do.[41](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn41) The LRA also emphasises this common law rule by providing that "an employer is not obliged to remunerate an employee for services that the employee does not render during a protected strike or protected lock-out".[42](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn42) Section 67(3) of the LRA does make one exception to this rule (no work no pay) that is "if the employee's remuneration includes payment in kind in the form of accommodation, food and other basic amenities of life, at the request of the employee, the employer may not discontinue payment in kind during a strike or lock out". The LRA does provide, however, that the employer may at the end of the strike recover the monetary value of such remuneration by way of civil proceedings in the Labour Court.[43](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn43) On the question of whether the employer has to provide benefits such as medical aid, pension fund, and a housing subsidy to employees on strike, the Labour Court in SAMWU v City of Cape Town[44](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn44)answered this question in the negative. The court held that it was not an unfair labour practice for an employer to apply a policy of "no work, no pay, no benefits" because there was no difference between withholding a pro rata share of contributions in respect of benefits and withholding remuneration during a strike. This decision does not, however, set a clear precedent because section 5(1) of the LRA states that no person may discriminate against an employee for exercising a right under the Act. This would include the right to strike. The withholding of benefits may be challenged on the ground that the conduct of the employer is contrary to section 5(1) of the LRA and amounts to discrimination.

### Contention 5 = Health Care

**Health care workers should not be guaranteed an unconditional right to strike – broadening the scope of exceptions puts patients at risk**

**Kemp ’13:** David S. Kemp. “Can Health Care Providers Ethically Go on Strike?”. Verdict. January 14th, 2013. <https://verdict.justia.com/2013/01/14/can-health-care-providers-ethically-go-on-strike>. FD.

The right of many American workers to strike as a form of objecting to unfair labor terms or conditions is one that has found both fervent support and fervent opposition. Although the federal National Labor Relations Act generally permits strikes, in certain industries the right of employees to strike is restricted or prohibited altogether under federal and/or state law. For example, federal law prohibits U.S. government employees from striking, as well as railroad and airline employees. In many states, firefighters and police officers are prohibited from striking. In other states, such as New York, all public workers are subject to the ban on striking. One industry where employee strikes are an increasing subject of controversy is health care. Health care providers—including physicians, nurses, physical therapists, nurse practitioners, and mental health counselors—are indisputably entitled to a voice in the terms of their employment, just as employees in any industry are. However, much like firefighters and police officers, these workers provide an essential public service. Without hospital staff to care for them, sick patients may languish in their pain and their suffering. Injured persons may face worsening conditions, or find their injuries becoming irreversible or vastly more complicated. Why, then, are nursing strikes and strikes by other unionized health care workers not only legal but even commonplace in some states, such as [California](http://www.sfgate.com/health/article/Nurses-to-strike-Bay-Area-hospitals-again-4048916.php)? Rather than delve into the nuances of labor law in this column, I instead explore the ethical dilemma presented by the decision of health care workers to go on strike. On one hand, the unjust treatment of employees is intolerable. In the health care context, unjust treatment often means understaffing, overworking, and underpaying employees not only to their detriment, but also to the detriment of patients who depend on the attentive care of their medical providers. On the other hand, nurses, doctors, counselors, and most other care providers must abide by ethical guidelines imposed by state licensing boards. One ethical principle in particular is imposed universally on all providers in all jurisdictions: the provider’s first duty is to care for the patient. I first will describe the normative frameworks for choosing the most ethical option from two untenable choices. Then I will apply one framework to the context of strikes by health care providers. I conclude that **the risk of harm to patients outweighs the need to use the strike as an objection to working** **conditions** in most circumstances, and that the strike is only an ethical option in exceptional situations. For the purpose of brevity, this column focuses on the individual as the decisionmaker. However, the factors surrounding the decision to strike are much more complex. The employer, as an institutional provider of health care, has ethical obligations to both its patients and its employees. (A discussion of the norms of business ethics is essential to a comprehensive look at the ethical issues surrounding health-care-provider strikes but is outside the scope of this column.) Choosing the Most Ethical Option In classical philosophy, there are various ways of approaching an ethical question. In a few circumstances, the most ethical decision depends on what approach one uses. Here, I discuss three approaches to normative ethics for the purpose of applying them to the circumstance of health-care-provider strikes. These three are: Virtue Ethics: “The ethical choice is the one that develops moral virtue in our self and our community.” Deontological Ethics: “The ethical choice is the one that conforms with one’s duty.” Utilitarian: “The ethical choice is the one that produces the greatest benefit to the greatest number of people.” Virtue ethics focuses on the role of one’s character or being, rather than on the nature of one’s actions. Under this approach, there are certain desirable characteristics—“virtues”—the mere possession of which makes one moral. What constitutes a virtue depends on the context and the society. Aristotle identified nine important virtues: wisdom, prudence, justice, fortitude, courage, liberality, magnificence, magnanimity, and temperance. While many might agree that these are important qualities for a person to possess, a modern society might list a different set of attributes. For example, in our society and in many others, altruism is considered a virtue. By contrast, in an ideal world as imagined by objectivist Ayn Rand, egoism would be a virtue. Deontology emphasizes a person’s duty or responsibility. Perhaps the most known form of deontological ethics comes from the German philosopher Immanuel Kant. According to Kant, the moral action is one that arises out of one’s duty, and the motivation for the action determines whether the action was right or wrong. In other words, a moral action is one that is done willingly and out of respect for one’s duty. Finally, utilitarian ethics focuses on the balance of good and harm. Using this approach, the ethical option is the one that maximizes happiness and minimizes suffering. Traditionally attributed to British philosophers Jeremy Bentham and John Stuart Mill, utilitarianism focuses exclusively on the consequences of a given action (in contrast with the other two approaches, which look, respectively, to being and motive). Because virtue ethics is widely viewed by the medical community as an acceptable framework for ethical decisionmaking, I will discuss only that approach in this column. Applying a Framework to Strikes by Health-Care Providers The question before us is this: Is it ethical for health-care providers to go on strike? Taking the virtue ethics approach, we would ask whether going on strike is an action that a virtuous nurse/physician/surgeon/health-care worker would take. The medical community has widely accepted certain principles, first proposed by Thomas Beauchamp and James Childress, as the pillars of the code of the virtuous health care provider: beneficence, non-maleficence (“first, do no harm”), autonomy, and justice. To abide by these principles, a virtuous provider would strike only for the purpose of benefiting the patient. Assuming that a strike is based on the complaints previously described in this column—understaffing, underpay, and overwork—the goal of the strike may be aligned with keeping the patients’ best interests in focus. There are two broad categories of patient benefits, which I categorize as “hard” and “soft” benefits. If the concern is that there are not enough providers to care for the number of patients on the service, or if due to overwork the providers are too exhausted to perform their duties effectively, then the goal of negotiations would be a hard benefit to patients. In contrast, a soft benefit for patients would be having providers who are fairly compensated and content with their jobs. While the soft benefits may be a matter of subjective measurement, objective statistics such as clinical outcomes and provider-to-patient ratios are more easily classified as adequate or inadequate. There is concededly a limited circumstance in which a strike may be primarily for the purpose of something other than the benefit of the patient (such as for individual compensation) while still being ethical. In such a circumstance, the striking individuals must have preemptively ensured that patient care would not be negatively impacted by the strike. If such assurances have not been made before the strike, then **the decision to strike would be ethically wrong because a strike presents a risk of harm to the patient**. If the purpose of the strike satisfies the first prong of the value ethics framework—that is, if it is entirely or substantially for the benefit of patient—then the second question is whether the provider has exhausted all other avenues of negotiation before resorting to the strike. Because of the potential harms to patients that could be caused by striking, a virtuous provider must first exhaust all other avenues of negotiation that do not present such a risk. Some have advocated for the use of the symbolic 24-hour strike, which raises public awareness of the dispute, but has arguably fewer potential negative consequences for the patients due to its short duration. Another less drastic device to raise awareness of working conditions is the picketing protest, which may last anywhere from one hour to several. Part of the power of the worker strike lies in the potent message that the system cannot function without those workers. There is a widespread stigma among workers toward the replacement workers who are hired during a strike, pejoratively called “strike breakers,” as these replacements diminish the message of the strike. However, any efforts by the striking workers to impede the ability of replacement workers to care for patients effectively contravenes any notions of virtue. Health-Care-Provider Strikes Are Ethical Only in Exceptional Circumstances No one can reasonably argue that health care providers do not deserve fair terms of employment, nor can it reasonably be disputed that the treatment of the sick and the infirm should always be paramount for those charged with their care. The failure of a hospital or other health-care institution to act ethically (by unfairly or inadequately providing for its employees) cannot be corrected by serving injustices to patients. Only when the benefit of the patient is the ultimate goal, and only after all other avenues of negotiation have been exhausted, can health-care providers ethically leave their patients’ bedsides to go on strike. If we as a society allow those who care for our sick to abandon their oaths and their duties any more readily than this, then we too have abandoned our sick.