# I negate resolved: A just government ought to recognize an unconditional right of workers to strike.

#### Observation 1: The phrase unconditional strike in the resolution means that the affirmative needs to prove that all strikes at any time during any circumstances are good. The negation needs only prove that some strikes are bad and need to be restricted.

# Framework

#### I value justice, the resolution is a question about what is or isn’t just via the use of the term ought. It is specific to the resolution and thus the boundaries for this debate.

#### My criterion is minimizing structural violence. Defined as systematic violence that manifests itself in inequality.

#### 2. Warrants

#### 1. Structural violence is a violation of human rights

**Ho 07** Kathleen Ho, published September 2007, Essex Human Rights Review, “Structural Violence as a Human Rights Violation”, accessed 5/12/2021, <http://projects.essex.ac.uk/EHRR/V4N2/ho.pdf#:~:text=constrained%20to%20the%20extent%20that%20fundamental%20human%20needs,need%20for%20special%20protection%20of%20social%20and%20economic>, Kathleen Ho has a masters in Human Rights from the University of Essex, she has an undergrad degree in literature and internal studies at Northwestern University. After her MA she began her law degree at the Univerity of Virginia. [pg 4-5]

**Paul Farmer posits, ‘human rights can and should be declared universal, but the risk of having one’s rights violated is not universal’.**62 This observation is at the heart of structural violations of human rights. **There are systemic and structural causes that place some populations at a greater risk of human rights violations than others**. This inequality in risk can be traced to uneven distributions of power. **This central tenet of structural violence reveals the pattern of human rights violations that manifest themselves as economic and social inequalities.** Structural violence, as this essay has shown, exists when there is an avoidable gap between actual and potential abilities to meet human needs. This framework is applicable to human rights violations in that constrained agency plays a pivotal role in how individuals experience this gap between the actual and the potential. **When economic and social structures conspire to limit one’s agency to the extent that fundamental human needs cannot be met then structural violence becomes a structural violation of human rights.**

#### 2. Structural violence is the root cause of global violence

**Farmer 04** Paul Farmer, published June 2004, THE UNIVERSITY OF CHIGACO PRESS JOURNALS, “An Anthropology of Structural Violence”, accessed 5/12/2021, <https://www.jstor.org/stable/pdf/10.1086/382250.pdf?refreqid=excelsior%3A9de31f965e90124e939ff4f9e5e9efb3>, Farmer is a professor of Medical Anthropology at Harvard University and a researcher on social inequalities, pg 317

The distribution of AIDS and tuberculosis—like that of slavery in earlier times—is historically given and economically driven. What common features underpin the afflictions of past and present centuries? **Social inequalities are at the heart of structural violence.** **Racism of one form or another, gender inequality, and above all brute poverty in the face of affluence are linked to social plans and programs ranging from slavery to the current quest for unbridled growth.** **These conditions are the cause and result of displacements, wars both declared and undeclared, and the seething, submerged hatreds that make the irruption of Schadenfreude a shock to those who can afford to ignore, for the most part, the historical underpinnings of today’s conflicts.** Racism and related sentiments—disregard, even hatred, for the poor—underlie the current lack of resolve to address these and other problems squarely. It is not sufficient to change attitudes, but attitudes do make other things happen.

# Contention 1- Conditions are Necessary

#### The unconditional right to strike would allow people to strike at any time for any given reason.

#### The jobs of medical workers for example is absolutely crucial, if they leave in the middle of a medical emergency it would lead to mass chaos and likely death.

**Conditions ought to be set to require medical workers to give medical facilities a notice to strike in order arrange patient care.**

**King et al ‘03** [Roger King is a Partner of the law firm Jones Day, Jeffrey Winchester is an Associate of Jones Day, Michael Rossman is an Associate of Jones Day, Published: July 2003, “When 10 Days Is Not 10 Days – The National Labor Relations Act’s Strike Notice Requirement in the Health Care Industry ” IRI Consultants to Management, <https://www.jonesday.com/files/Publication/c1e2bc35-4acf-42c5-b59d-ee992a60ca4c/Presentation/PublicationAttachment/ddf68290-9515-44f7-ac1d-d3c87b790418/10.Days.Not.10.Days_7-03.pdf> ]Accessed on 11/16/21

**In short, Section 8(g) requires a "labor organization" to provide a "healthcare institution" with "not less than ten days prior" notice before engaging in any "strike, picketing, or other concerted refusal to work" against the institution. This notice must include "the date and time" that the labor action will begin.** The term "healthcare institution" for purposes of this section of the Act is defined as "any hospital, convalescent hospital, health maintenance organization, health clinic, nursing home, extended care facility, or other institution devoted to the care of sick, infirm, or aged persons." 29 U.S.C. § 152 (14). **Congress' stated purpose for Section 8(g) was to provide healthcare institutions with sufficient notice prior to a strike or picketing to allow them to make "appropriate arrangements . . . for the continuance of patient care in the event of a work stoppage**."4 Putting teeth into this requirement, the National Labor Relations Board ("Board") and the Courts5 hold that **where a union fails to provide notice as required by Section 8(g), a union's strike is unlawful and unprotected by the Act. This is extremely serious because, generally speaking, employees who participate in an unprotected strike may lawfully be subject to discipline up to and including termination**. 6 Section 8(g) is thus a highly valuable tool for healthcare employers -one that greatly aids their ability to maintain continuity of patient care in the event of labor unrest. It is not, however, without limits. Indeed, its reach, while broad, may not be as expansive as many employers would wish and, under current Board case law, sometime 10 days is just not 10 days. This paper is designed to answer some basic questions healthcare employers often pose about Section 8(g) and to provide such employers with a general understanding of the reach and limits of the provision.

#### Currently conditional strikes cost lives. Unconditional striking would cause more death among patients. Sarah Wright a Harvard graduate explains in a paper published by the National Bureau of Economic Research

**Wright’10**; Sarah H. Wright; July 7, 2010; Evidence on the Effects of Nurses' Strikes; nber.org/digest/jul10/evidence-effects-nurses-strikes; Accessed on 11/3/21; National Bureau of Economic Research; American private nonprofit research organization "committed to undertaking and disseminating unbiased economic research among public; Wright is a journalist with a masters degree from Harvard University;

U.S. hospitals were excluded from collective bargaining laws for three decades longer than other sectors because of fears that strikes by nurses might imperil patients' health. Today, while unionization has been declining in general, it is growing rapidly in hospitals, with the number of unionized workers rising from 679,000 in 1990 to nearly one million in 2008. In Do Strikes Kill? Evidence from New York State (NBER Working Paper No. [15855](https://www.nber.org/papers/w15855)), co-authors [Jonathan Gruber](https://www.nber.org/people/Jonathan_Gruber) and [Samuel Kleiner](https://www.nber.org/people/Samuel_Kleiner) carefully examine the effects of nursing strikes on patient care and outcomes. **The researchers match data on nurses' strikes in New York State from 1984 to 2004 to data on hospital discharges, including information on treatment intensity, patient mortality, and hospital readmission. They conclude that nurses' strikes were costly to hospital patients: in-hospital mortality increased by 19.4 percent and hospital readmissions increased by 6.5 percent for patients admitted during a strike. Among their sample of 38,228 such patients, an estimated 138 more individuals died than would have without a strike, and 344 more patients were readmitted to the hospital than if there had been no strike. "Hospitals functioning during nurses' strikes do so at a lower quality of patient care,"** they write. Still, at hospitals experiencing strikes, the measures of treatment intensity -- that is, the length of hospital stay and the number of procedures performed during the patient's stay -- show no significant differences between striking and non-striking periods. Patients appear to receive the same intensity of care during union work stoppages as during normal hospital operations. Thus, the poor outcomes associated with strikes suggest that they might reduce hospital productivity. **These poor health outcomes increased for both emergency and non-emergency hospital patients, even as admissions of both groups decreased by about 28 percent at hospitals with strikes**. **The poor health outcomes were not apparent either before or after the strike in the striking hospitals, suggesting that they are attributable to the strike itself.** **And, the poor health outcomes do not appear to do be due to different types of patients being admitted during strike periods, because patients admitted during a strike are very similar to those admitted during other periods**. Hiring replacement workers apparently does not help: hospitals that hired replacement workers performed no better during strikes than those that did not hire substitute employees. **In each case, patients with conditions that required intensive nursing were more likely to fare worse in the presence of nurses' strikes.**

#### Hospitals are already short-staffed and backlogged due to COVID-19. If medical employees leave in the middle of a shift, many would die or worsen in the process.

# Contention 2- Alternatives

**Strikes can put the public at risk in 2021 it was reported in Puerto Rico that**

**Coto, ‘21** [Dánica Coto is a reporter with AP News, Published: 8/4/21, “Puerto Rico dock workers to end strike as goods accumulate ” AP News, <https://apnews.com/article/business-health-caribbean-coronavirus-pandemic-puerto-rico-48e1e28b79a413239f748a8448a5a6d2> ] Accessed on 11/4/21

**Dock workers who launched a strike that prevented thousands of shipping containers with items including food and medicine from reaching Puerto Rico in recent weeks have reached a tentative agreement with their employer, officials said Wednesday. Many in the U.S. territory were relieved at the announcement, given the island’s huge dependence on imports**. However, concerns remain since the deal between Puerto Rico’s Union of Dock Workers and stowage company Luis Ayala Colón Sucres, Inc. is in place for only 45 days. **The strike had prevented some 4,500 shipping containers and 13 boats from reaching Puerto Rico and another 5,000 containers from leaving the island. It also prompted the U.S. territory’s government to file a lawsuit on Monday against union workers and the company known as LAC, which handles 80% of all international cargo entering the Port of San Juan.** “The situation has reached a breaking point,” Puerto Rico’s Ports Authority said in the lawsuit. It is seeking a permanent injunction ordering that those sued meet their responsibilities, noting that it has been unable to collect more than $400,000 in fees and tariffs. Noelia García, the government’s chief of staff, said the lawsuit will be withdrawn only when the deal between dock workers and the stowage company is final. She also hinted that government officials might look into contracting other companies to avoid a repeat. “Diversity is healthy,” she said. “We’re going to take proactive measures to ensure this won’t happen again.” García declined to provide more details. Hernán Ayala, vice president of the stowage company, said there are no plans to prioritize items. “We’ll empty the ships as they arrive,” he said. “This will be done as quickly as possible.” **The workers were striking in part because they said the company had given workshop tasks to managers. While the strike did not cause severe shortages of life-saving items, the Association of Hospitals of Puerto Rico issued a statement Tuesday warning that supplies of certain medical equipment would run out in two to six weeks as the island faces a spike in COVID-19 cases it blames on the delta variant.**

**To avoid such large risks to the public, highly effective alternatives like work to rule can be implemented.**

**Labor Notes, ‘19** [Labor Notes is a media and organizing project that has been the voice of union activists since 1979, Published: 10/17/19, “Ways to Not Quite Strike”, Labor Notes, <https://www.labornotes.org/2019/10/ways-not-quite-strike>] Accessed on 11/4/21; [Bracketed for clarity and flow]

**In 2003, [1.]Verizon was ready for a strike. The company was already on the hook for extra security, 30,000 scabs, and eight months of hotel rooms… when the unions decided to work to rule instead of walking out. Work to rule means adhering literally to the rules set out in the contract or the company handbook. It means skipping all the daily shortcuts and extras that you know the boss relies on to get the work done. The union distributed a fact sheet that instructed workers, “Never go by memory, check your reference material” and “Never use your own judgment—ask!” Every morning, technicians delayed the start of their day with the required 20-minute truck safety check that required two people.** They refused to take trucks out without all the cones, signs, and flags required by state and federal regulations. They followed the company protocol requiring “five points of contact” with customers before, during, and after the job—even if that meant driving back and forth between the customer’s home and the location of the problem, to give updates. **They completed their paperwork in detail. They spent extra time looking for legal parking places in busy cities where they typically parked in loading zones. Instead of borrowing a ladder from the customer, they waited for one to be delivered. Instead of making do, they drove back to the garage to pick up the special hammer they were supposed to use for a particular job. They called their managers about anything slightly tricky. The advantages over a strike were obvious. Workers kept getting their paychecks and kept building their public campaign about Verizon’s greed and its threat to “hometown jobs” and quality service. All the while, since the unions could still strike at any moment, Verizon had to keep its expensive strike contingency plan in place.** The danger is that the employer will label the tactic as a partial strike or slowdown, both unprotected by the NLRA. The union must be careful to avoid giving the employer evidence of a coordinated or orchestrated campaign. So the campaign should be conducted covertly, with no mention in union literature. Workers should not refuse direct orders. **Safety is often central to a work-torule campaign. [2]West Coast dockworkers worked safe in the summer of 2003 while they fought a hard-line employer at the bargaining table. The dockworkers’ safety concerns were real. Five members had died on the job in the six months leading up to negotiations. The ports were extra busy that year as shippers, fearing a holiday season strike or lockout, tried to rush the work. Dockworkers pushed back by reminding each other to honor stop signs and the 15 mile-an-hour speed limit, insist on appropriate railings and earplugs, and follow protocols for operating the giant cranes. Productivity dropped dramatically. By the end of November they had a contract settlement with victories on the union’s key issues**. Working to rule has recently become a popular tactic in schools. Teachers reignited it in 2012 at Hawaii’s largest high school, just outside Honolulu. Within two weeks the tactic had spread to 51 schools across the state. On Thursdays the teachers would arrive exactly when school started—no early hours to plan lessons, make photocopies, or prepare for the day—and leave promptly when school got out—no afterschool tutoring, grading papers, lesson planning, supervising clubs, or planning homecoming or proms with students. Instead, before and after school they would gather to wave signs outside their schools, along roads, and over bridges, calling for better pay. After the morning sign-waving session they would march into the school in unison.