## **1**

#### **Interpretation: The affirmative must defend an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.**

**Merriam Webster ND**, <https://www.merriam-webster.com/dictionary/unconditional> //sid

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

**“Unconditional” necessitates the absence of narrowing restrictions.**

**US Legal ‘ND** (US Legal; dictionary of legal terms of art; US Legal; “Unconditional Law and Legal Definition”; https://definitions.uslegal.com/u/unconditional/; Accessed: 10-30-2021; AU)

Unconditional means **without conditions**; **without restrictions**; or **absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain.

#### **Violation – They only grant the Right to Strike to prison workers. That by definition is a condition since they condition the right to strike on a particular occupation.**

**Jensen ’18** (Eric; co-director of the Stanford Rule of Law Program, in collaboration with USAID, The Asia Foundation, and Stanford Law School; April 2018; “Introduction to the Laws of Timor-Leste”; Stanford Law School; <https://law.stanford.edu/wp-content/uploads/2018/04/Timor-Leste-Constitutional-Rights.pdf>; Accessed: 10-30-2021; AU)

If individuals want to defend their rights at work, the Constitution gives them the right form trade unions and to strike. Individuals are free to join and participate in professional associations that are peaceful. This includes trade unions. Individuals in trade unions have a right to organize their unions independent of the government or their employers. Trade unions should be free and independent, and individuals have the right to set the unions’ internal structure freely. Independent trade unions are important to allow individuals to organize with other workers to collectively defend their interests and their rights. It is important that they are independent so that they reflect the individuals’ interests and not the employer’s or the government’s interests. Individuals have the right to strike. If they feel that their employer is not respecting their rights or interests, employees can refuse to work in protest. The Constitution creates a duty that during a strike, the employer still has to maintain equipment and provide for safety. Individuals’ right to strike is **limited by the law**. The Constitution states that the right to strike is **conditional** on the strike being **compliant** with legal regulations that the government creates. This means that the **government can pass laws** that limit **when and how** individuals can exercise their right to strike. The right to strike is important to give individuals the power to defend their labor rights.

#### **Vote Neg –**

#### **1] Limits – there are endless conditions the aff can place on the right to strike – i.e based on occupation, national holidays, location of strike, etc. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.**

#### **2] Neg Ground – specifying scenarios lets affs spike out of core, reduction-based disads like Bizcon and Small Businesses. Links are already non-existent on this topic – letting affs impose restrictions on RTS makes it even narrower.**

#### **3] TVA – Defend an unconditional RTS in the US.**

**Drop the Debater –**

**[1] sets a precedent that debaters wont be abusive**

**[2] DTA is the same since you drop the aff**

**Voters:**

**[1] Fairness – constitutive to the judge to decide the better debater, only fairness is in your jurisdiction because it skews decision making**

**[2] Education – the only portable education from debate that we care about**

**Competing Interps - T is a binaristic question, you’re either topical or ur not**

**No RVI – yiou shouldn’t win for being topical**

## **2**

#### **Interpretation – if the affirmative reads both a Role of the Judge and Role of the Ballot as ways to frame offense, they must specify which one comes first and how each interacts with each other in the 1AC**

#### **Violation – they didn’t**

#### **Vote negative for Critical Engagement – absent specification the NC doesn’t know what types of offense to read to link under their multiple frameworks. Even if we somehow link offense under one, the 1AR can shift and moot the NC, and we still don’t know how each interacts with each other ie. does the ROTB influence the ROTJ. There are a couple impacts –**

#### **[1] Movement building – a) Dogmatism DA – Absent specification we can’t discuss countermethods of solving the affirmative which kills solvency and causes polarization b) Legitimacy DA – If NC’s don’t know how to link offense that means your ROTB or ROTJ becomes a NIB that the NC will have to frame out of which is bad because the nuances of the affirmative never get discussed**

#### **[2] Education – only my model allows debaters to rigorously test the affirmative and learn the literature through countermethods, anything else excludes offense and ends in commodification of literature for the ballot. Independently, not specifying is bad for novice inclusion because they won’t know how to engage with the affirmative and lose everytime – inclusion is a voter you can’t debate if you can’t participate**

#### **Framing is that they can’t use their aff to take out theory a) that proves the abuse of the shell they should have specified and that’s shifting b) truth testing – we couldn’t rigorously test the aff so we don’t know if it’s true c) form v content distinction – the shell criticizes the ability to read the framing in the first place**

#### **Voters – Fairness is a voter since debate is a competitive activity that intrinsically requires an equal shot at winning. Education is a voter since it’s the reason schools fund debate and its ultimate impact.**

#### **DD – a) to deter future abuse, b) otherwise they could just kick and go for the positive time tradeoff on theory, c) the round has been skewed so theory is the only fair place to vote d) DTA doesn’t make sense because it indicts you as a norm**

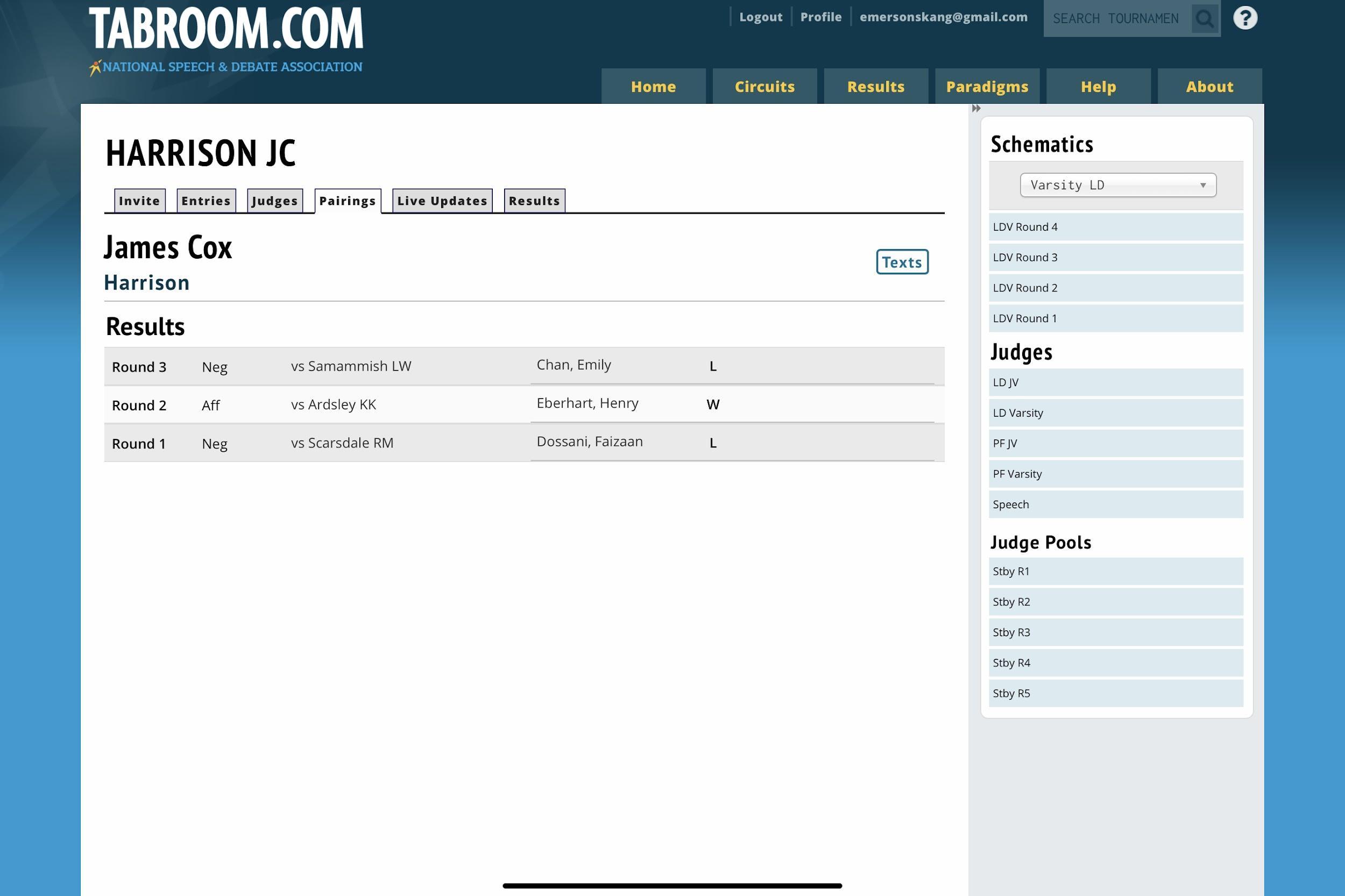
#### **CI – a) reasonability requires judge intervention because I don’t know where your BS meter is, and b) reasonability creates a race to the bottom since it motivates debaters to use increasingly unfair strategies and get away with them by playing defense on theory c) collapses because you garner offense based on the brightline d) footnoting because saying “oh lets be reasonable just this once” even if it’s a better norm means we never get the norming potential of the shell e) the bl is catered to your situation not the best situation f) race to the bottom because we never find better norms and think everything is reasonable**

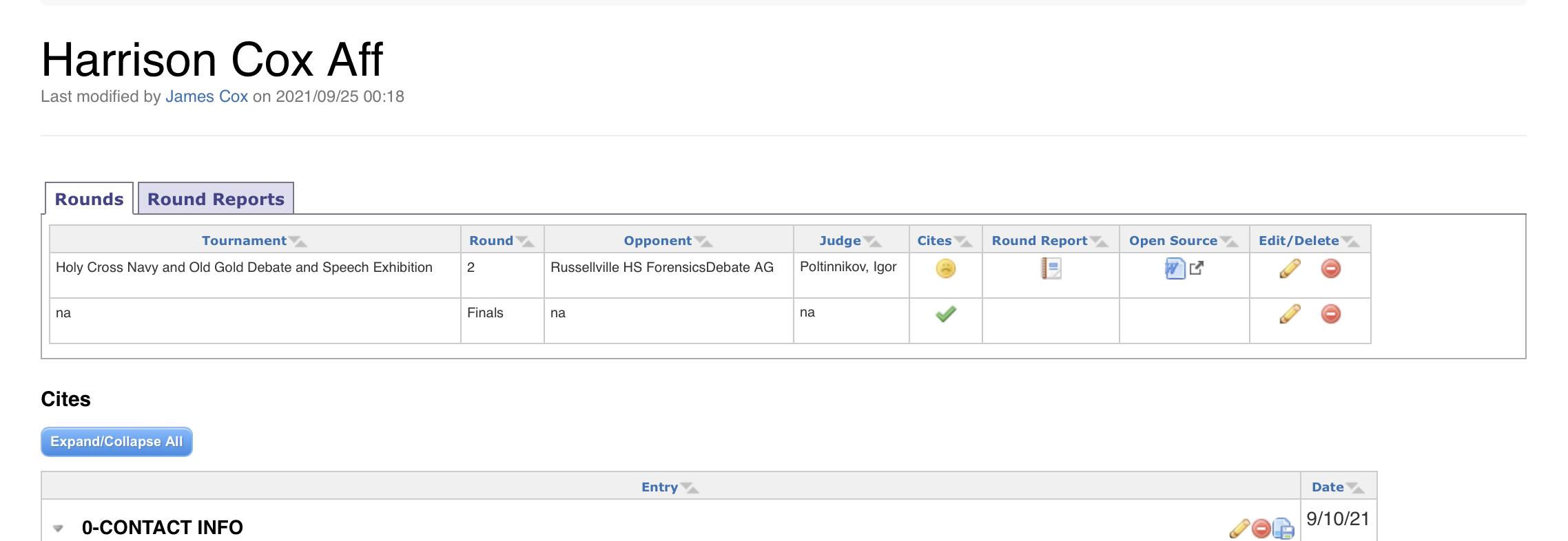
#### **No RVIs – a) It’s illogical to vote for you for being fair, rounds without theory would be irresolvable b) It incentivizes you to bait theory and win off a scripted CI which means infinite abuse c) you have the 2ar to blippily extend rvis which kilsl substance education**

### **3**

#### **Interpretation: Debaters must disclose all constructive speech docs open source with highlighting on the NDCA LD wiki within an hour after debating.**

#### **Violation – [insert screenshots] they opened source 1 of their rounds. 0 were even of SEPTOCT**





#### **Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs. Best for norms.**

#### **Evidence ethics – open source is the only way to verify before round that cards aren’t miscut – otherwise you could have highlighted unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat**

#### **1ac theory is -DTD, No RVIS, Competing Interps, and highest layer of round anything else means Neg can just dump.**

#### **Fairness is a voter – its constitutive of any competitive activity**

#### **Drop the debater to set a norm for deterrence**

#### **Competing interps – reasonability is arbitrary and bites intervention**

#### **No neg rvi – otherwise the 7 minute 1nc can collapse to a short shell and get away with infinite 1nc abuse via sheer brute force**

## **4**

CP Text: Amend the National Labor Relations Act to extend definition of employee to include prison workers

#### **Squo NLRA fails to protect farmer’s rights to strike – plan amends the NLRA to collectively bargain**

**Reilly, 11**, Penn State Law, “Agricultural Laborers: Their Inability to Unionize Under the National Labor Relations Act”, Penn State: Masters of Science, JD Law, URL: <https://pennstatelaw.psu.edu/_file/aglaw/Publications_Library/Agricultural_Laborers.pdf>, 2011 + since most recent citation is from then, KR

**The NLRA gives workers “freedom of association, self-organization, and designation of representatives of their own choosing” in order to equalize the bargaining power** between employers and employees in the hopes of limiting the interruptions to the free flow of commerce.10 **The statute covers a large number of workers based on the broad definition of “employee,”11 but excludes from coverage all agricultural laborers**.12 The NLRA does not define who these agricultural laborers are that are excluded from the right to organize, but rather Congress has instructed the National Labor Relations Boards (NLRB)13 in the annual Appropriations Act that in determining who is an agricultural laborer excluded from the NLRA, to rely on the definition of “agriculture” **found in the Fair Labor Standards Act (FLSA).14 Agriculture in the FLSA is defined as “farming in all its branches ... and any practices ...** performed by a farmer or on a farm as an incident to or in conjunction with such farming operations...”15 The definition also lists specific activities to further define what would specifically be considered agricultural work.16 Therefore, workers whose responsibilities are contained in the FLSA’s definition of “agriculture” are excluded from the right to organize and form unions under the NLRA.

The reasoning behind this exclusion is somewhat vague, especially considering that the bill originally proposed in the Senate did not exclude agricultural laborers from the definition of “employee.”17 There is not much mentioned about the agricultural exclusion because of the statute’s primary focus on addressing problems in the industrial sector. There is, however, a debate from in the House addressing the agricultural laborer exemption,18 where an argument was made that **agricultural laborers should be included because they needed the same protections as industrial** workers. Agricultural labor issues were brought to light in 1935 after governmental investigations into child labor issues and the lack of clean water provided for such workers.19

In response, **two possible reasons were briefly mentioned that may explain why agricultural laborers were excluded: first, in regions like the Midwest, farms are mostly family farms and should not be within the scope of the NLRA,** and second there was a concern that Congress did not have jurisdiction over agricultural workers because it was questionable whether such workers were engaged in interstate commerce.20 Many commentators believe that it was the former argument that led to the exclusion of agricultural workers from protection under the NLRA. Another possible reason for this exclusion as presented by some commentators is that the larger farms lobbied to have their workers excluded from the NLRA.21 While not expressly stated, the most likely explanation is that Congress wanted to protect the family farmer from having to pay higher wages that unions would inevitably demand of the employers.22 Realizing that agriculture was important to the entire nation, Congress wanted to shield this industry from unionization, and wanted to protect the family farmer from having to pay what they could not afford. Congress did not think it necessary to equate the family farmer with big business.

The broad definition of “agriculture” under the FLSA would seem to exclude from the NLRA any worker who is employed by any agricultural entity. This is not the case, however, because **the Supreme Court has adopted a two-part test to determine if an employee is in fact an agricultural laborer excluded from the NLR**A.23 An agricultural employee will be excluded from the right to organize if he or she is engaged in either primary or secondary farming. The Supreme Court has taken the FLSA definition of agriculture and essentially limited its application based on a strict application of the statutory language. Primary farming are those tasks specifically referred to in the statutory definition of “agriculture” such as “cultivation and tillage of the soil [and] dairying.”24 The rest of the definition is considered secondary farming, and therefore a worker is an agricultural laborer if the work performed is of the type that would be performed “by a farmer or on a farm as an incident to or in conjunction with such farming operations.”25

In one of the more recent cases to address the question of who is considered an agricultural employee, the Supreme Court in Holly Farms Corp. v. N.L.R.B. upheld the determination made by the NLRB that workers on live-haul chicken crews do not engage in agricultural labor and therefore are not subject to the agricultural exception from the NLRA.26 The responsibility of the live-haul crew is to enter the farms of independent contractors who raise chickens supplied by Holly Farms; the chickens are then caught and caged by nine chicken catchers, moved by a forklift operator onto a truck to be transported by a truck driver to the processing plant.27 These live-haul crews were not engaged in primary farming because primary farming would have been the actual raising of the poultry, which was the responsibility of the independent contractors, not the live- haul crews.28

The court then focused on whether these live-haul crews were engaged in secondary farming. In doing so, the court immediately found that that the work performed by the live-haul crews were not of the kind “performed by a farmer” because Holly Farms gave up its farmer status as soon as the chicks were delivered to independent contractors for raising.29 As a result of this determination, the truck drivers were not considered agricultural laborers and were therefore not part of the agricultural exception to the NLRA and were able to unionize.30

The court then looked to whether the chicken catchers and forklift operators were engaged in work “on a farm as an incident to or in conjunction with” raising poultry.31 The Supreme Court found that neither the chicken catchers nor the forklift operators “worked on a farm” because the work these employees performed were part of Holly Farms’ poultry processing operations and was not of the type of work contemplated to be included in the statutory definition of “farming.”32 The Supreme Court adopted the reasoning of the NLRB in deciding that the catchers and forklift operators were not performing work “incident to or in conjunction with” the farming operations of the independent contractors.33 In doing so, the Supreme Court decided that it was more important to look at the status of the employer as a farmer rather than where the laborer carried out the responsibilities of the job he or she was hired to perform. Because, as previously determined, Holly Farms was not considered a farmer by the time the live- haul crews went in to catch the chickens, the catchers and the forklift operators were not engaged in secondary farming as defined in the FLSA.34 This meant that all the members of the live-haul crews were not agricultural laborers and therefore all had the right to organize under the NLRA.

The Supreme Court limited the applicability of the definition of “agriculture” in Holly Farms and in doing so opened up the possibility that more workers employed by large, vertically integrated employers would be able to organize.35 By taking the approach to look at the status of the employer rather than where the work is performed, the Supreme Court broadened the already broad definition of “employee” under the NLRA. More employees working for these vertically integrated employers will be able to experience the protection of the NLRA that has been open to industrial workers since the act was first passed in 1935. The impact of the Holly Farms decision is for courts to engage in an in depth analysis before deciding whether a worker is an agricultural laborer not protected by the NLRA. Switching the focus to the status of the employer rather than where the employees are performing their responsibilities will ensure greater protection for workers and a broader reach of the NLRA.

While the definition of “employee” has expanded to include some employees who are employed by agricultural employers, **there is still the exception for agricultural laborers included in the statute and therefore there are still many workers who are unable to form unions.** These may be the **workers that need the most protection because they are the field workers who are subjected to abuse, poverty and hazardous working conditions.36** Many commentators would like to see **the NLRA extended to include agricultural laborers**. The main advantage to **extending the definition of “employee” to include agricultural laborers under the NLRA is that the statute has been in existence for many years, and most of the challenges that would be brought up with respect to agricultural laborers attempting to unionize have most likely already been resolved in other employment sectors allowing the NLRB and courts to rely on precedent. This will make application of the statue to the agricultural laborers consistent with other employment sectors. Reliance on precedent would lead to predictable outcomes when labor disputes arise.** Agricultural laborers still have a ways to go before they will be able to reap the benefits of the NLRA; but, if this were to happen, **agricultural laborers would be able not only to unionize and have their association protected, but also would have the advantage of being able to rely on others with experience and knowledge of the NLRA and its intricacies**.

## **On case**

#### **Counter role of the ballot is to vote for the better debater.**

#### **1. Any other ROB is infinitely regressive, self-**

#### **serving, and arbitrary because anyone can name**

#### **something that is important**

#### **2. It is the only real decision at the end of the round**

#### **because inevitably, the judge has to ask "who did**

#### **the better debating as a whole."**

#### **3. There is no a-priori role of the ballot. Debate is**

#### **merely a tool which can lead to a whole bunch of**

#### **outcomes - anything other than voting for who**

#### **did the better debating leads to tunnel vision**

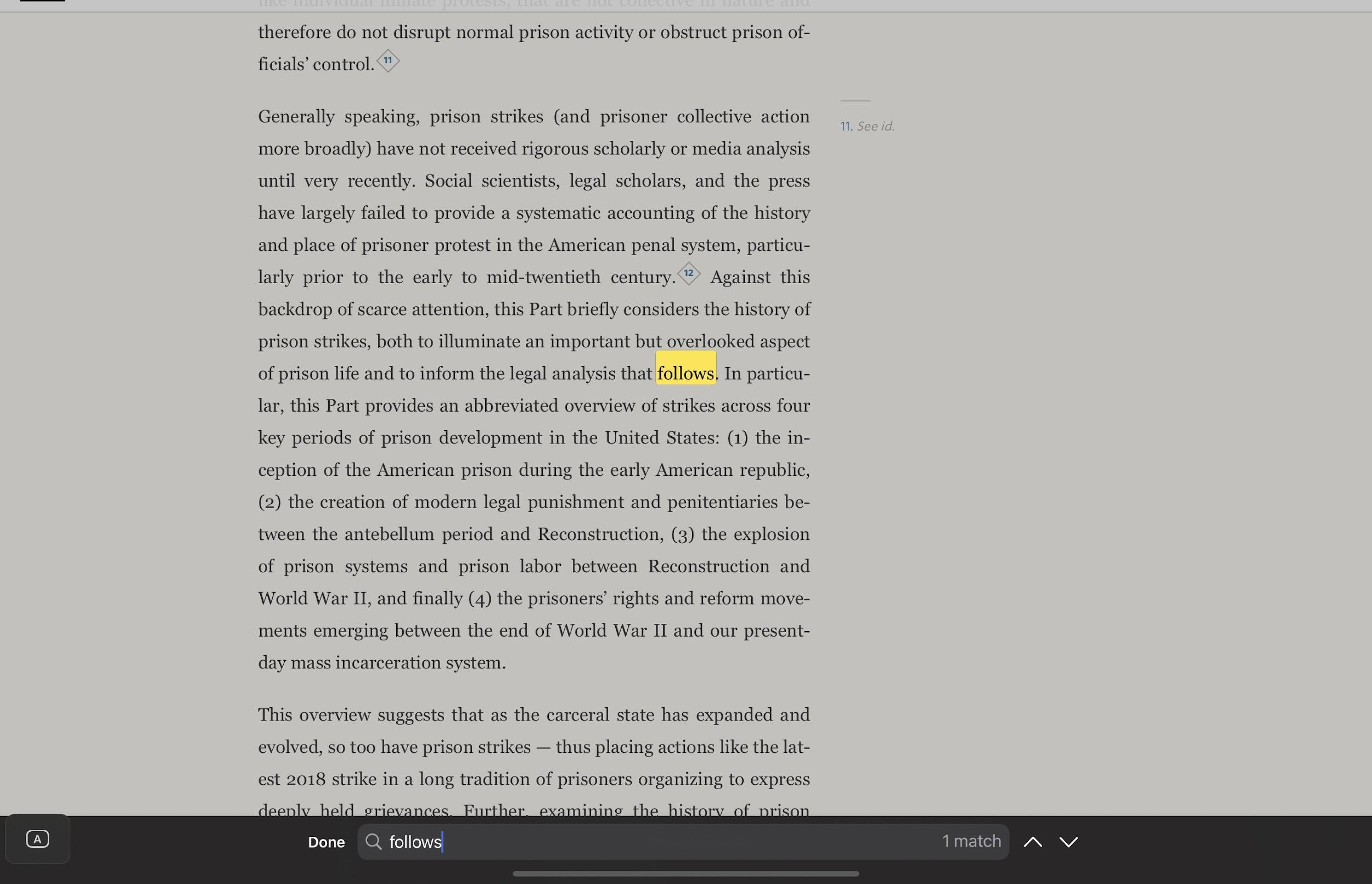
#### **5. No evidence for the power of the ballot – debate specific – negate on presumption.**

**Ritter 13** [Michael, JD UTexas Law, B.A. cum laude Trinity University. September 2013. “Overcoming the Fiction of ‘Social Change Through Debate’: What’s to Learn From 2Pac’s Changes?” https://docs.wixstatic.com/ugd/9896ec\_8b2b993ec42440ecaab1b07645385db5.pdf]

Up to this point, this article has shown how each of the essential components of “**competitive interscholastic debate**” makes it very different from any other kind of debate. But one thing that is persuasive in any kind of debate is some sort of properly conducted study (or even a mere survey) that provides empirical proof or even substantial anecdotal support. To date, **none of the many academics** who coach or participate in the debate community have published a study or survey to support **the social change fiction**. (Perhaps they have tried, and discovered they were just wrong.) But until such an empirical study of competitive interscholastic debate is conducted, **students, judges, and coaches should not take it for granted**.

Cutting cards in the middle of a paragraph is a voting issue. Strawmanning DA- taken out of context which turns any education offence cuz we can't understand Daosim if its taken out of context. Literally cheating and a D rule for the judge- incentives and justifies debaters to cut evidence to say things it doesn’t say. It’s about the norms you set. Even if it was a mistake, you should still lose. No exceptions, Baseball players can hollow out their bat to make the ball go further, but even if they didnt know it and picked up the wrong bat, you lose anyway.

HRL2



Plan text- prison workers- people who work at the prison

Plan flaq

#### **[Hill]** The aff must defend **a just government** as the agent of action – that means a state that treats people equally.

**Hill:** Hill, R.A. [Professor of Political Philosophy, Virginia State University] “Government, Justice, and Human Rights.” Boston University, August 10-15, 1998. <https://www.bu.edu/wcp/Papers/Poli/PoliHill.htm> CH

Why not have differing levels of respect and noninterference depending on differing abilities? Human beings demonstrating mind-numbing levels of rationality or scoring in the 99th percentile on rationality tests could be accorded higher levels of respect and noninterference than others. But the respect is not parceled out in chunks upon receipt of rationality vouchers, or distributed as a reward for dexterity in forming Venn diagrams or executing syllogistic reasoning. It results from humanity as a group crossing a threshhold; because human beings can make choices, importantly moral choices, and formulate plans, they are due the opportunity to make the choices and design the plans. No matter how well or poorly thought-out the plans or how selfish or altruistic the choices, the fundamental human ability to choose and plan grounds the moral rights equally for all human beings. The ability is a shared, species-wide ability (I do not mean to claim that this has some biological foundation) and the concomitant moral rights are also equally shared. **Being treated equally is one of the indicators of justice.** Rawls muses about justice "always expressing a kind of equality" (1971, p. 58) and John Stuart Mill claims that equality is "included among the precepts of justice" (1987, p. 474). **Being treated justly, in the sense of being treated fairly and equitably, would seem to flow naturally out of the minimal moral rights mentioned above.** (I am referring here only to fairness and equity in respect of basic rights, not with respect to distribution of resources, as presented by Rawls.) Relating to others respectfully requires evenhandedness: It would be disrespectful to take advantage of someone, cheat her or coerce her into an action. **A State, recast here as a collective of human beings, should operate with the injunction that it must respect all human beings based on recognition of their moral rights. In its pursuit of that goal, it would be forced to act justly, for to treat another with respect, in Kantian terms as an "end" rather than as a "means" only, is simply to act with the equality and impartiality that characterize justice.** It might be charged that if the government has to treat everyone justly and with this minimal level of respect, then it would have to treat citizen and non-citizen in the same way. Citizen and non-citizen would be afforded security and protection under the law. So diffuse would government regulation become that it would be difficult to tell where one country ended and another began since all persons would be showered with benign superintendence. This charge stretches "minimal respect and just dealings" to an unsupportable extent. The possession of minimal rights does not entail voting rights or other benefits accruing from citizenship. It simply ushers forth forbearance from harm, justice in transactions. A question has been raised as to whether grounding the justification of the state in the upholding the rights of its citizens may not be too strong; that is, it would preclude states from taking actions that are necessary for the maintenance and progress of the state, such as sending citizens to war, or exercising "eminent domain" over property. To this objection I would argue that having a right does not guarantee that a person always gets her way. This would depend on whether there were another competing and equally valid right held by another or whether there were some compelling need by other right-holders which could temporarily override the claiming of the original right. Having rights would entail that a person's concerns, goals, interests would be taken into account and weighed carefully against the competing claims of other rights-holders. It would ensure that citizens not be sent to fight wars for frivolous or unjust causes, that they not be tricked or forced into testing mustard gas, Agent Orange, or suffering unnecessarily the long-term effects of syphilis, and that they not have their house demolished to build a freeway without good reason and compensation**. If, as Locke and others argue, the state's only raison d'être is the betterment of its citizens' lives, then I see no reason why the argument that the state must recognize the rights of its citizens and base its actions on upholding those rights would be deemed dangerous. A State is obligated, then, because of the moral rights attached to humanity, to relate to all human beings with which it comes into contact with at least minimal respect and forbearance, or more succinctly, with justice.**

#### **The term ‘worker’ excludes prisoners**

**McCrossin 97** (Scott, JD from Osgoode Hall Law School) Workfare or Workhouse - Occupational Health and Safety under Ontario Works, 12 J.L. & Soc. POL'y 140 (1997).

"Worker"

Under section 1(1) of the OHSA, **"worker" is defined as**: **a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program**

Of note is that this definition is not explicitly inclusive in scope. On the other hand, the term "worker" is used as opposed to "employee". Given the extensive case law interpreting the nature of the "employee-employer" relationship, it can be assumed that "worker" was used to denote a broader category of persons than that covered by "employee". This is especially true in light of the remedial nature of the OHSA, which as a result should be interpreted liberally and purposively in order to best achieve the objectives set out in it, in accordance with section 10 of the Interpretation Act.35 It is also a principle of statutory interpretation that the law be interpreted as "always speaking", and it is arguable that the recent introduction of workfare should not lead to the exclusion of workfare participants from the OHSA's minimal protections, but rather that the Act should be read to include and recognize their status as workers. As Norman Keith, author of Occupational Health and Safety Law, states:

The meaning of the term "worker" in the O.H.S.A. is much broader than the legal meaning of the word "employee". A worker can be, but is not necessarily, an employee.36

Nonetheless, the definition is not without its restrictions. For example, the Ministry of Labour does not consider students on career training programs who receive monetary compensation while attending classes or while with an employer to be workers for the purposes of the OHSA:

While the students described receive some monetary compensation, their primary role at the college is to take part in an educational program. It is clear that they are not employees of the community college. Thus, students in Manpower training courses at community colleges are not workers for the purposes of the Act and are not covered by its provisions.37

Of course, this is only the Ministry's view. An adjudicator might interpret the matter differently if an appropriate case arose. Nonetheless, it should also be noted that workers in correctional facilities are explicitly excluded from the definition of "worker" in the Act. As a matter of policy, one must wonder why they too should not be protected from unsafe working conditions. And as social assistance recipients become increasingly marginalized, there is no guarantee how their rights as workfare participants may be interpreted. 38

#### **Kills limits and ground – including unpaid labor spikes the link to core neg ground about business confidence, the economy, and employer property rights and allows affs to**

#### **No RVIs on theory (1) RVIs chill me from reading theory to check abusive practices because I know they can turn the tables on me, outweighs other theoretical justifications for RVIs because this means abuse will further proliferate because there’s no check on it (2) logically incoherent – I read theory because they’re abusive, if they prove that they are not through a counter interp or I meet, that doesn’t warrant voting me down, the time skew is negligible and can’t be quantified. Logical justifications come first because arguments have to make logical sense before we can justify if they’re good or not on the theoretical level (3) RVIs force prep skew –**

#### **Unions are inherently capitalist which the aff strengthens**

**Saba 69** Paul Saba, founder and editor of the Encyclopedia of Anti-Revisionism Online, 05-1969"Unions: Capitalist or Workers’ Organizations?," Encyclopedia Of Anti-Revisionism On-Line, <https://www.marxists.org/history/erol/australia/unions-1.htm/> // EH

**Trade union and parliamentary politics confine the working people to capitalism**. They put blinkers on them, limit their vision. **Trade union and parliamentary politics generate the idea that social change can be achieved “constitutionally**,” that is, **through peaceful negotiation with the capitalist class.** There are about three million Australian porkers organized in trade unions. The large trade union apparatus in Australia continually stimulates the erroneous idea that the unions themselves can force the capitalist class to give way and hand over their factories to the working class. **Calls for strengthening trade union organization, for building job organization flow from this wrong idea.** The job is not **to strengthen trade union organization** for that **only strengthens the hold of the capitalist class over the working class.** The **job is to smash up the trade union bureaucracy by bringing revolution**ary Marxism-Leninism, the thought of Mao Tse-tung **to the working class**. The job of lifting revolutionary class consciousness is at once **the job of breaking with trade union politics**. This means pointing out the limits of trade unions, showing how the capitalist class controls them through the union bureaucracy. Today **trade unions are necessary for the capitalist class**. They are a burden on the backs of the working class. We do not want to make the burden heavier. As we have said **the** Australian **working class** is striving to find the revolutionary path. It is absolutely essential that its **energies should not be diverted into “strengthening trade unions.” Rather it should be directed into STRENGTHENING REVOLUTIONARY ORGANIZATION**.

#### **Bringing down capitalism is a prereq to unions succeeding**