

I **AFFIRM** the resolution Resolved: A just government ought to recognize an unconditional right of workers to strike.

Definitions

European Public Service Union & Guedes, Coralie. October 2018. "The right to strike in the private sector – Belgium." European Public Service Union.
<https://www.epsu.org/sites/default/files/article/files/Belgium%20-%20Right%20to%20strike%20in%20the%20public%20sector.pdf>

WORKERS' RIGHT TO STRIKE:

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 .

Observations

1. The AFF world will provide workers with the unconditional right to strike but will not take away the government's right to intervene. The AFF will comply with the Taft-Hartley Act and any such similar international acts which enable governments to stop strikes in order to protect their societies.
2. Essential workers are considered EXEMPT workers according to the Department of Homeland Security. This means that they are technically not workers, but are part of the governmental entity. The Department uses the term "exempt" to describe functions and employees who may be required to continue to perform work to ensure continuity of DHS operations and services. Thus this unconditional right does not apply to essential workers, as their jobs are too important.

*** Department of Homeland Security DHS Directives System Directive Number: 250-05 DESIGNATION of ESSENTIAL and EXEMPT PERSONNEL.*

https://www.dhs.gov/sites/default/files/publications/mgmt/human-resources/mgmt-dir_250-05-designation-of-essential-and-exempt-personnel_revision-00.pdf

**** 1961 John F. Kennedy against shipping**

**** 1964 & 1971 Longshore strikes**

Value: Quality of Life

Maslow's Theory of Quality of Life

Ventegodt, Soren, et al. "Quality of Life Theory I. The IQOL Theory: An Integrative Theory of the Global Quality of Life Concept." The Scientific World JOURNAL, vol. 3, 2003, pp. 1030–1040, [livskvalitet.org/pdf/QOL_theory_I_\(The_IQOL_theory\).pdf](http://livskvalitet.org/pdf/QOL_theory_I_(The_IQOL_theory).pdf), 10.1100/tsw.2003.82. Accessed 29 May 2019.

well being, satisfaction with life, happiness, meaning in life, the biological information system (“balance”), realizing life potential, **fulfillment of needs, and objective factors.**

In order to achieve the most reasonable degree of quality of life for the most amount of people, my

Value Criterion: Egalitarianism

"Definition Of EGALITARIANISM". **Merriam-Webster**.Com, 2020,

<https://www.merriam-webster.com/dictionary/egalitarianism>. Accessed 18 Oct 2020.

a belief in human equality especially with respect to social, political, and economic affairs

Contention One: The unconditional right to strike creates equality for workers in poor conditions

Subpoint A: Incarcerated Workers

Incarcerated workers are uniquely vulnerable to exploitation, the right to strike is a key weapon in fighting for better conditions

Kelly 18 [Kim Kelly is a freelance journalist and organizer based in Philadelphia. Her work on labor, class, politics, and culture has appeared in the New Republic, the Washington Post, the Baffler, and Esquire, among other publications, and she is the author of FIGHT LIKE HELL, a forthcoming book of intersectional labor history. “How the Ongoing Prison Strike is Connected to the Labor Movement”. 9-4-2018. Teen Vogue. <https://www.teenvogue.com/story/labor-day-2018-how-the-ongoing-prison-strike-is-connected-to-the-labor-movement>. Accessed 11-1-2021; MJen]

There is hope, though. For centuries, a worker’s most potent weapon against exploitation from capitalism and oppression from the powers that be has been direct action: the strike. And right now, America’s prisoners are on strike. **Incarcerated workers across the nation are standing up to protest their inhumane living conditions and** buck the horrific yoke of **prison slavery** with organized labor’s strongest weapons—solidarity and collective action. The prison strike was organized by workers both inside and outside detention facilities, spearheaded by Jailhouse Lawyers Speak (JLS), and supported by the Incarcerated Workers Organizing Committee (IWOC) and the Free Alabama Movement (FAM), and sparked by [deadly uprisings at Lee Correctional Institution in South Carolina earlier this year that cost seven prisoners’ lives. The strike began on August 21 and ends on September 9, dates that reflect the legacy of rebellion in American prisons: on August 21, 1971, George Jackson was killed by prison guards in San Quentin, and his death was met by protests from other prisoners across the country, culminating in the famed September 9 uprising at the Attica Correctional Facility in upstate New York. By choosing these dates, participants in the prison strike of 2018 are drawing a direct line between their current struggle and the struggles of those who have come before, emphasizing the stark fact that **very little has changed in terms of conditions or opportunities for those who are locked up and held by the state since the birth of the modern prison system.** The **striking prisoners of today have released a a list of ten demands. which calls for improvements to the current living conditions in prisons, increased rehabilitation programs, educational opportunities, and specific policy goals.** This essentially articulates the idea of non-reformist reforms, a central plank of prison abolition. By illuminating the barbarity of the current prison system and calling for its abolishment while advocating for an improvement in current conditions, they are—to paraphrase French socialist André Gorz—asking not for what can be achieved within a current system, but for what should be possible. As of August 21, across 17 states (and one Canadian province), these incarcerated workers are demanding real, tangible prison reform, and the abolition of one of America’s great enduring shames—the loophole enacted by the 13th amendment that decrees slavery can be used to penalize those convicted of a crime. This is where the term “prison slavery” originates, as director Ava DuVernay laid out in her groundbreaking 2016 documentary 13th, which argues that **slavery never ended — it was just repurposed by the prison industrial complex and blossomed as mass incarceration.** Her documentary argued that the new American plantations don’t grow cotton, they work prison jobs churning

out license plates and other cheap goods, for which prisoners are paid mere pennies on the hour—if at all. Meanwhile, **prison labor generates** an estimated **\$1 billion per year, proving to be** quite **a profitable business for the private companies and corporations who benefit from prisoners' work. Prison labor is used to manufacture a vast array of consumer goods**, from Christmas toys and blue jeans to military equipment, lingerie, **and** car parts.

Incarcerated people also frequently **serve** as a captive labor force for prisons themselves **as kitchen and maintenance workers**, and for a variety of other services, from shoveling snow after a Boston blizzard to harvesting oranges in Florida.

(California recently made headlines when it was revealed that it was using prison labor to fight its deadly wildfires, which it has done since the 1940s; the prisoners (which included some juvenile offenders) were reportedly paid \$1 per hour plus \$2 per day to risk their lives, and are barred from becoming firefighters after their release.) **Prisoners are paid very little for their**

work; the average wage in state **prisons, ranges**, on average, **from 14 cents to 63 cents per hour for “regular” prison jobs, and between 33 cents and \$1.41 per hour for those who work for state-owned businesses, and while they are working full-time jobs, prisoners do not always have the benefit of basic labor protections, such as minimum wage, sick leave, or overtime pay.** Given that the United States

has the highest incarceration rate in the world, with 2.3 million people currently behind bars, the prison industrial complex would collapse were it to pay incarcerated workers the minimum wage—which creates further incentive for them to keep locking people up. Many prisoners welcome the chance to work during their incarceration, because it gets them out of their cells, allows them to make purchases from commissary, and gives them the opportunity to send money home to their loved ones, but not everyone is

given a choice: according to Newsweek, some **prisoners in eight states—Alabama, Arkansas, Florida, Georgia,**

Mississippi, Oklahoma, South Carolina, and Texas—are not paid at all for their labor in government-run

facilities. Unlike most other workers, prisoners cannot simply walk off the job; they are forced to get more creative. Participants in the strike have several options available to them, according to Mother Jones, including commissary boycotts, work stoppages, sit-ins, and hunger strikes, and reports of participation are continually coming in from different facilities. In addition, these workers also have much more to fear in terms of retaliation, and several organizers say that they have already endured punitive

measures. **Participating in a prison strike is a matter of life or death, but for prisoners seeking justice,**

if not freedom, there is really no other option. There has been a huge amount of media coverage over this prison strike, a massive contrast to the last major national prison strike in **2016, which was said by some to be the largest prison strike in American history and involved what one organizer estimated as roughly 20,000 incarcerated workers and across at least 20 facilities** yet received little to no mainstream media coverage. The tide seems to be turning,

buoyed by a number of factors, from the continuing outcry over police brutality and more visible conversations over the horrors of the prison industrial complex to the overtly racist practices of the Trump regime.

IMPACT: (SLAVERY & FAIR WAGES) The fact that there are humans that are housed in cages who are forced to work for slave wages is completely unacceptable by any metric. For example, California recently made headlines when it was using prison labor to fight wildfires. The prisoners were paid \$1 per hour plus \$2 per day to risk their lives, and were prohibited from becoming firefighters after their release. An injury to one is an injury to all, and our fellow workers on the inside are bleeding out.

Subpoint B: Agricultural Laborers

The Right to Strike is crucial to combatting existing dangerous conditions experienced by these workers.

Reilly 11 Reilly, Jaclyn. Agricultural Laborers: Their Inability to Unionize under the National Labor Relations Act. Penn State Law. 2011. https://pennstatelaw.psu.edu/file/aglaw/Publications/Library/Agricultural_Laborers.pdf

These may be the workers that need the most protection because they **[Agricultural laborers] are the field workers who are subjected to abuse, poverty, and hazardous working conditions.** Agricultural

laborers are not always provided with access to clean drinking water⁵⁴ nor are there typically adequate restroom facilities for these workers to use.⁵⁵ Unions can help workers to gain access to sanitary facilities and clean drinking water by bargaining for these necessities with the employers. Agricultural laborers, especially those who apply pesticides, are at a greater risk of acute pesticide poisoning which many times is more prevalent than it needs to be because [further,]agricultural employers do not take the kinds of precautions necessary to prevent pesticide poisoning.⁵⁸ Unions again can aid agricultural laborers by limiting such exposure through a collective bargaining agreement because unions would be able to bargain for certain safety precautions to be taken before workers are able to spray pesticides and can also ensure that safety gear is provided before spraying commences. Inadequate facilities and pesticides are two examples of the hazardous conditions that agricultural laborers are exposed to that could be cured through the right to unionize and collectively bargain with employers. Unions [The right to strike] would be able to protect workers from such sub-standard conditions which in turn would lead to less illness and disease that [workers] agricultural laborers would be subjected to and would increase productivity on farms because field workers will not be slowed by sickness and would be able to work more as a result. The unionization of agricultural laborers would better equalize the bargaining position on each side affording laborers the protections they need against agricultural employers as they become more powerful through associations. Agricultural workers in 2008 made between \$8.64 per hour and \$13.02 per hour.⁵⁰ The hourly wage is relatively low, especially when compared to other occupations with the ability to [strike] unionize that [have] require similar training and working conditions. For example, construction laborers in 2008 earned between \$10.80 and \$14.95 per hour⁵¹ and textile, apparel and furnishing workers earned between \$9.14 and \$18.15 per hour.

IMPACT: (CONSUMERISM) Agricultural workers are among the most important laborers worldwide. Without the proper rights they deserve, entire systems of consumerism would collapse. How is it just for this group to not be able to fight for fair labor practices? To improve their quality of life? In the aff world, through the unconditional right to strike, conditions are better. People are valued. The status quo does nothing. And this must change.

Contention Two: Mass strikes are more likely to occur with the unconditional right to strike.

Subpoint A: Mass strikes are successful in encouraging political activism.

Mass strikes are much more effective than general strikes present in the status quo.

Gabriel 2006 (Jeannette Gabriel is a member of Workers Democracy Network and New Jersey Civil Rights Defense Committee, "Building a Mass Strike Wave: Alternatives for a New Immigrant Workers Movement," <https://mronline.org/2006/08/24/building-a-mass-strike-wave-alternatives-for-a-new-immigrant-workers-movement/>, August 24th 2006)

A mass strike is very different from a normal strike which is based in a specific workplace or an industry and involves a set number of workers. In contrast, the mass strike involves workers from many different industries and has potential to be open-ended. It can grow to encompass the entire population of a city, thus turning into a general strike. When workers go out on a mass strike, they have the ability to make economic and political demands on whole industries and the government that go far beyond what can be achieved in a normal strike. By unifying ever-growing numbers of workers, mass strikes can transform political power. But it's important to keep in mind that victories cannot be achieved from a single mass strike, or even a single powerful general strike. These one-time events give participants a taste of the power they have to shut society down, but that is not enough. Strikers also need to develop consciousness of their solidarity with other workers and

their ability to affect state policy. Only through a series of ongoing mass strikes that happen on local, regional, and national levels can workers develop consciousness about their strength and make increasingly radical demands on employers and the state. Examining past mass strike movements can help illuminate how such a movement could be built today. The closest parallels to the 2006 May Day strike were the railroad strike of 1877 and the eight-hour day movement that culminated in 1886. **These strikes were mass uprisings that were not bound by unions, but instead represented broad community-based movements** that in 1877 came out in solidarity with striking railroad workers and in 1886 won the eight-hour day nation-wide.

The May Day strike is a significant example of effective mass strikes.

Gabriel 2006 (Jeannette Gabriel is a member of Workers Democracy Network and New Jersey Civil Rights Defense Committee, “Building a Mass Strike Wave: Alternatives for a New Immigrant Workers Movement,” <https://mronline.org/2006/08/24/building-a-mass-strike-wave-alternatives-for-a-new-immigrant-workers-movement/>, August 24th 2006)

What Happened on May Day? On May 1, 2006, the largest strike in US history took place, with over a million people on the streets in a powerful show of force. **The May Day strike [sparked]** represented a culmination of waves of **marches across the country demanding full, immediate legalization for all undocumented immigrants [and] workers’ rights for all, and an end to detention and deportations. These local and regional actions**, which began in Chicago on March 10 when 250,000 people took to the streets, **mobilized millions of** immigrant rights **activists**. The mass strike on May 1 represented a historic turning point for the immigrant rights movement, an opportunity to combine political and economic demands. **The mass strike was far more powerful than the earlier marches**, as it closed down entire industries and impacted local economies. The Los Angeles port, garment industry, and taxi service to the airport were entirely shut down, as was much of agriculture in the surrounding region. In Florida, construction and agriculture stood still almost statewide. Much of the independent trucking industry and the entire meat-packing industry were idled because employers voluntarily recognized workers’ power and closed plants that would be crippled by the strike. In addition, huge numbers of workers also struck outside of these regions and industries. Out on the streets, workers proclaimed their new-found power. Equally significant, undocumented people could walk through the streets without fear. This is truly a powerful new workers’ movement, far beyond anything the labor unions have ever been able to accomplish in the United States. Many inside the progressive community were skeptical about the strike. In fact, some national immigrant rights organizations and unions who had strongly supported the earlier marches came out against the strike, saying that it would alienate Congress and result in a vicious backlash. None of these doom and gloom predictions came true. Instead, **the strike led to a complete defeat of the Sensenbrenner Bill, which would have criminalized immigrants and activists who work in support of immigrant rights. More importantly, public opinion about immigrants was transformed from hostility to supportive acknowledgment of their contributions. The immigrant community itself was also changed by the strike, both in terms of the level of consciousness about their own power as well as their ability to make significant demands for equal rights and a better life.** Important and powerful, **yet the strike was not perfect.** The major limitation of the May Day mass strike was its brevity. It lasted only a single day. **Attempts to sustain the strike movement beyond a day were unsuccessful.** For example, some troqueros, the truckers at the Port of Los Angeles, made an attempt to hold a strike meeting on May Day and extend the strike at the port for five days. Few attended that strike meeting and a follow-up meeting scheduled a few days later. In addition, the vast majority of the people who took to the streets had not been politically active before May Day and have not become active in community or workplace organizations since then either. Although May Day had an enormous impact on immigrant workers’ consciousness, the strike represented a sudden burst of energy that did not lead to organizational follow-through or to more actions. A strategy **to move beyond this initial strike and develop ever-growing levels of organization** and **action is needed in order to maintain the immigrant rights movement’s momentum.**

Subpoint B: Mass strikes contribute to combating climate change.

Strikes incentivize companies to take climate action seriously.

Ivanova 19 [Irin. Work, tech, climate and data for @CBSNews. Priors: @HuffPost, @CrainsNewYork, @newmarkjschool. "These businesses are closing for Friday's climate strike". 9-20-2019. No Publication. [https://www.cbsnews.com/news/global-climate-strike-businesses-close-their-doors-in-time-for-climate-strike-2019/.](https://www.cbsnews.com/news/global-climate-strike-businesses-close-their-doors-in-time-for-climate-strike-2019/)]

Thousands of people are planning to walk out of work or school on Friday to press global leaders for solutions to rapidly escalating climate change. And while it was students who started the movement, **more and more workers**—and even companies—**are joining [climate change activists]** them **in support**. Some businesses are letting workers take the day off to protest, while others plan to close their doors outright. They tend to be small or mid-sized businesses — most of the country's largest corporations have yet to weigh in on the strike, although plenty of people who work at them might yet participate when walkouts are set to start Friday afternoon. Here are the ways workers and companies are supporting the strike.

Walkouts **Amazon is expected to see more than 1,500 employees walk out [illegally]**, with the largest contingent exiting its Seattle headquarters, **as they push the company to cut ties with fossil-fuel companies and stop funding groups that deny climate science**. The company on Thursday announced it would make its operations carbon-neutral by 2040 and run entirely on renewable energy within a decade. **More than 900**

Google workers and unknown numbers of workers from [several companies] Facebook, Atlassian, Cobot, Ecosia, Microsoft and Twitter are vowing walkouts. The strikers have details at Tech Workers Coalition. Some smaller companies are giving workers paid time off to participate in the walkouts. These include Atlassian, Sustain Natural, Grove Collaborative and others. Closures **Ben & Jerry's corporate offices in South Burlington, Vermont, will be closed during the strike on Friday, while shops worldwide will either be closed or open later than usual. The company is also stopping production at its manufacturing plants in Vermont and the Netherlands**, according to Adweek. **"We recognize that climate change is an existential threat to our planet and all its inhabitants, and therefore we are proud standing with the youth-led movement demanding bold action in response to the climate emergency,"** a spokesperson said. Patagonia is closing its retail stores for 24 hours on Friday. **"For decades, many corporations have single-mindedly pursued profits at the expense of everything else — employees, communities and the air, land and water we all share,"** CEO Rose Marcario wrote on LinkedIn. **"[C]apitalism needs to evolve if humanity is going to survive."** Lush Cosmetics will close its manufacturing facilities and retail outlets on September 20 in the U.S. and on September 27 in Canada. It's also halting online sales on Friday. Badger Balm is closing for the day and giving workers paid time off to demonstrate or volunteer. The company is also donating 5% of online sales from September 16 to 27 to AmazonWatch.org to aid in preserving the shrinking Amazon's ecological systems, it said.

IMPACT: In the status quo, federal and private sector employees are prohibited from striking for any cause. However, to actually be able to implement any changes and to have successful strikes, each individual must have the right to strike. The condition being one's occupation prevents social change. Mass strikes are necessary to prevent structural violence and climate change and are unable to be effective in the status quo. People live in fear of replacement as striking is illegal. Structural violence and climate change are issues too grand to ignore. Climate change will be inevitable without this unconditional right. All workers deserve the opportunity to improve their quality of living and this is only possible in the AFF world. Thus, I strongly affirm.