# Policy vs Healthcare

## 1

#### Interp – The affirmative may not specify workers.

#### Upward entailment and adverb of quantification determine whether a bare plural’s existential.

Leslie 16 [Sarah-Jane Leslie (Ph.D., Princeton, 2007) is the Dean of the Graduate School and Class of 1943 Professor of Philosophy. She has previously served as the Vice Dean for Faculty Development in the Office of the Dean of the Faculty, Director of the Program in Linguistics, and Founding Director of the Program in Cognitive Science at Princeton University. She is also affiliated faculty in the Department of Psychology, the University Center for Human Values, the Program in Gender and Sexuality Studies and the Kahneman-Treisman Center for Behavioral Science and Public Policy. She is the author of numerous articles in philosophy and psychology, published in journals such as Science, PNAS, Philosophical Review, and Noûs.] “Generic Generalizations” Stanford Encyclopedia of Philosophy April 24, 2016. DOA: 12/11/19, https://plato.stanford.edu/entries/generics/ SLHS-RR

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In (1b), we can replace “tiger” with “animal” salva veritate, but in (1a) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. (1a) does not entail that animals are striped, but (1b) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995). Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in (1a) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in (1b) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### Outweighs

#### 1] Controls internal link – people base prep off the rez – no stasis point for arguments.

#### 2] Jurisdiction – judge is contracted to vote inside the rez and they don’t have the authority to vote on the aff

#### Violation –

#### Prefer –

#### 1] Limits – infinite combination of affs from agricultural to hospital to manual laborers. Explodes aff ground – you cherry-pick affs with no neg ground and I must prep all affs while they prep one which pigeonholes me to generics.

#### 2] TVA – read this aff as an advantage – we still get discussion on their aff.

## 2

#### Interpretation: Debaters must, on the page with their name and the school they attend, disclose their contact information

#### Violation: They didn’t

A screenshot of a computer

Description automatically generated

#### Prefer

#### 1] Inclusion – Novices would have a way to contact you about your positions and learn from them and debaters would tell you before round about triggering positions that you’ve read before. Independent voter because inclusion is a gateway issue for debate to occur in the first place

#### 2] Prep Skew- Pre-round disclosure can’t happen if you don’t have a preferable means of contact because I would never know the aff.

#### They’ll say they contacted us but that’s only because we had contact info and if they didn’t reach out no disclosure would have ever happened.

#### Fairness – its constitutive to debate as competitive activity that requires objective evaluation

#### Education – it’s the only portable impact to debate

#### CI – a) brightlines are arbitrary and self-serving which doesn’t set good norms b) it collapses since weighing between brightlines rely on offense defense

#### DOD – a) it’s the only way to may up for time spent on theory b) it’s the only way to deter future abuse

#### No RVI’s- a) clash – people go all in on theory which decks substance engagement b) chilling effect – people will be too scared to read theory because RVI’s encourage baiting theory

## 3

#### CP text: A just government ought to

#### - reduce workloads that promote better mental health

#### - allocate resources for efficient task completion

#### - adequate infrastructure

#### - fill all vacant posts

#### - Offer better renumeration packages and incentives

#### - provide opportunities for rank advancement

#### - improve communication between management and staff

#### - create environment conducive to high quality care

Zodwa M. **Manyisaa** and Elsie J. van **Aswegen, 17** [Zodwa M .Manyisaa, (Doctor of Philosophy: Department of Health Studies University of South Africa) Elsie J. van Aswegen (Professor at Sefako Makgatho Health Sciences University)]. "Factors affecting working conditions in public hospitals: A literature review." Accessed 11-20-2021. https://www.sciencedirect.com/science/article/pii/S2214139117300082 // duongie

5.9. Strategies for improving working conditions in public hospitals From this review, it is clear that provision of a positive working environment is crucial for the wellbeing of the employees, the patients as well as the organisation. The literature review revealed strategies that will help mitigate the barriers to good working conditions. This review suggests that management has to find a way to address issues of excessive workloads, irregular shifts and long working hours as these have been found to be the major predictors of job dissatisfaction, high levels of burnout, low morale fatigue and emotional exhaustion among health care workers. The aspect of resources is also important in improving working conditions and towards the achievement of the organisational goal. It is therefore imperative that the necessary resources be made available to employees so that they can complete their tasks on time. Access to resources refers to one’s ability to acquire the financial means, materials, time given to complete the task, rest breaks, cognitive capacity, support staff and suppliers to do the work (Cho, Laschinger, & Wong, 2006: 45–46). Provision of adequate infrastructure is of high importance as poor infrastructure has been found to be associated with the increased level of job satisfaction and a potential risk factor for nosocomial infections (Manyisa et al., 2015). Filling of the vacant posts and offering better remuneration packages, incentives and career advancement opportunities should be a matter of concern for the Department of Health. Improving the promotion system and recognition for work done are other factors to be considered in trying to curb migration of health care personnel (SAHRC, 2000: 13–14). Marchal, Brouwere, and Kegels (2005: 3–6) suggest that for hospitals to retain qualified personnel in a competitive labour, they have to market policies and benefits comparable to those in other businesses, provide opportunities for career advancement, lifelong learning, flexible work schedules as well as develop policies that promote loyalty and retention. Failure to develop long term strategies that will address the challenges will lead to chronic inadequate hospital staffing as more nurses and doctors, particularly the younger ones, intend to leave their professions and pursue greener pastures. Improving communication, interpersonal relationships between management and staff and the allocation of resources may help in improving the present situation and in the creation of an environment that is conducive to high quality patient care.

#### That sovles case – nothing in the 1AC is specific to why strikes are uniquely key to reforms

## 4

#### Hospital Strikes are devastating to public health infrastructure and patient care and sky-rocket costs – hospital strikes are relatively low now but the Plan green-lights more aggressive Strike actions.

Masterson 17 Les Masterson 8-15-2017 "Nursing strikes can cause harm well beyond labor relations" <https://www.healthcaredive.com/news/nursing-strikes-can-cause-harm-well-beyond-labor-relations/447627/> (Senior Managing Editor at Quinstreet)//Elmer

Officials said the lockout was required because they needed to give at least five-day contracts to 320 temporary nurses brought in to fill the gap. The nurses are back on the job now without a new contract, but the strike and subsequent lockout got the public’s attention. **Hospital strikes aren't** that **common** — usually, the sides agree to a new contract. Strikes or threatened strikes in recent years have typically involved conflicts over pay, benefits and staff workloads. **When strikes do happen**, however, **they can hurt a hospital’s reputation, finances and patient care**. Strike’s effect on patient safety A **study** on nurses’ strikes in New York **found** that labor actions have a temporary **negative effect on** a hospital’s **patient safety**. Study authors Jonathan Gruber and Samuel A. Kleiner found that nurses’ strikes **increased** **in-patient mortality by 18.3%** **and 30-day readmission by 5.7%** for patients admitted during the strike. **Patients admitted during a strike got a lower quality of care, they wrote.** “We show that this deterioration in outcomes occurs only for those patients admitted during a strike, and not for those admitted to the same hospitals before or after a strike. And we find that these changes in outcomes are not associated with any meaningful change in the composition of, or the treatment intensity for, patients admitted during a strike,” they said. They said a possible reason for the lower quality is fewer major procedures performed during a strike, which could lead partially to diminished outcomes. The study authors found that **patients that need the most** nursing **care** **are** **the ones who make out worst during strikes.** “We find that patients with particularly nursing-intensive conditions are more susceptible to these strike effects, and that hospitals hiring replacement workers perform no better during these strikes than those that do not hire substitute employees,” they wrote. Allina Health’s Abbott Northwestern Hospital in Minneapolis faced a patient safety issue during a strike last year that resulted in the CMS placing the hospital in “immediate jeopardy” status after a medication error. A replacement nurse administered adrenaline to an asthmatic patient through an IV rather than into the patient’s muscle. The patient, who was in the emergency room (ER), wound up in intensive care for three days because of the error. Allina said the error was not the nurse’s fault, but was the result of a communication problem. The CMS accepted the hospital plan of correction, which included having a nurse observer when needed and retraining ER staff to repeat back verbal orders. A strike’s financial impact **Hospitals** also **take** a **financial hit during strikes.** **Even the threat of** a **one- or two-day nurse strike** **can cost a hospital millions.** **Bringing in** hundreds or **thousands of temporary nurses** from across the country **is costly** for hospitals. They need to advertise the positions, pay for travel and often give bonuses to lure temporary nurses. The most expensive recent nurse strike was when about 4,800 nurses went on strike at Allina Health in Minnesota two times last year. **The two strikes of seven days and 41 days cost the health system $104 million.** The hospital also saw a $67.74 million operating loss during the quarter of those strikes. To find temporary replacements, Allina needed to include enticing offers, such as free travel and a $400 bonus to temporary nurses. Even the threat of a strike can cost millions. Brigham and Women’s **Hospital** in Boston spent more than $8 million and **lost $16 million** in revenue **preparing for a strike** in 2016. The 3,300-nurse union threatened to walk out for a day and much like Tufts Medical Center, Brigham & Women’s said the hospital would lock out nurses for four additional days if nurses took action. At that time, Dr. Ron Walls, executive vice president and chief operating officer at Brigham and Women’s Hospital, said the hospital spent more than $5 million on contracting with the U.S. Nursing Corp. to bring on 700 temporary nurses licensed in Massachusetts. The hospital also planned to cut capacity to 60% during the possible strike and moved hundreds of patients to other hospitals. They also canceled procedures and appointments in preparation of a strike. The Massachusetts Nurses Association and Brigham & Women’s were able to reach a three-year agreement before a strike, but the damage was already done to the hospital’s finances. Richard L. Gundling, senior vice president of healthcare financial practices at Healthcare Financial Management Association, told Healthcare Dive that healthcare organizations need to plan for business continuity in case of an event, such as a labor strike, natural disaster or cyberattack. “Business continuity is directly related to the CFO’s responsibility for maintaining business functions. The plan should include having business continuity insurance in place to replace the loss associated with diminished revenue and increased expenses during the event,” Gundling said. These plans should provide adequate staffing, training, materials, supplies, equipment and communications in case of a strike. Hospitals should also keep payers, financial agencies and other important stakeholders informed of potential issues. “It’s also key to keep financial stakeholders well informed; this includes insurance companies, bond rating agencies, banks, other investors, suppliers and Medicare/Medicaid contractors,” he said. “Business continuity is directly related to the CFO’s responsibility for maintaining business functions. The plan should include having business continuity insurance in place to replace the loss associated with diminished revenue and increased expenses during the event." Richard Gundling Senior vice president of healthcare financial practices, Healthcare Financial Management Association Impact to a hospital’s reputation Hospital strikes, particularly nurses’ strikes, can also wreak havoc on a hospital’s reputation. Nurses are a beloved profession. They work hard, often long hours and don’t make a fortune doing it. The median registered nurses’ salary is about $70,000, according to the Bureau of Labor Statistics.

#### High Hospital Costs force closures – COVID puts them on the brink.

Thompson 2-26 Dennis Thompson 2-26-2021 "Pandemic Is Hitting Hospitals Hard, Including Their Bottom Line" https://consumer.healthday.com/2-26-pandemic-is-hitting-hospitals-hard-including-their-bottom-line-2650625725.html (Healthday Reporter)//Elmer

FRIDAY, Feb. 26, 2021 (HealthDay News) -- **U.S. hospitals** are expected to lose billions again in 2021, leaving them **in dire financial shape** **as** the **COVID**-19 pandemic **guts** the **industry** for a second year. Hospitals could lose $53 billion to $122 billion in revenue in 2021, between 4% and 10% of their total revenue, according to an analysis prepared by consulting firm Kaufman Hall & Associates for the American Hospital Association. These revenue declines would come on top of $320 billion in lost revenue in 2020, said Rick Pollack, the hospital association's president and CEO. The reasons? Hospitals are spending more to treat COVID-19 patients as well as maintain regular operations during the pandemic, Pollack said. At the same time, drug expenses increased by 17% in 2020; labor by 14%; and supplies by 13%, the Kaufman Hall report says. "All those **expenses keep going up**, and **at least four dozen hospitals entered bankruptcy** in 2020 according to data compiled by Bloomberg," Pollack said. "**This is of particular concern** for rural hospitals," he added. "**Nineteen** rural **hospitals closed in 2020**, and **135 have closed since 2010.** In many of these rural areas, residents lack other options for dependable care." Labor costs have increased because hospitals have had to hire part-time contract workers to cover for employees exposed to COVID-19, said David Ramsey, president and CEO of the Charleston Area Medical Center and Health System in West Virginia.

#### Hospitals are the critical internal link for pandemic preparedness.

Al Thobaity 20, Abdullelah, and Farhan Alshammari. "Nurses on the frontline against the COVID-19 pandemic: an Integrative review." Dubai Medical Journal 3.3 (2020): 87-92. (Associate Professor of Nursing at Taif University)//SJDH

The majority of infected or symptomatic people seek medical treatment in medical facilities, particularly hospitals, as a high number of cases, especially those in critical condition, will have an impact on hospitals [4]. The concept of hospital resilience in disaster situations is defined as the ability to recover from the damage caused by huge disturbances quickly [2]. The resilience of hospitals to pandemic cases depends on the preparedness of the institutions, and not all hospitals have the same resilience. A lower resilience will affect the **sustainability of the health services**. This also affects healthcare providers such as doctors, nurses, and allied health professionals [5, 6]. Despite the impact on healthcare providers, excellent management of a pandemic depends on the level of **preparedness of healthcare providers, including nurses**. This means that if it was impossible to be ready before a crisis or disaster, responsible people will do all but the impossible to save lives.

#### Pandemics cause Extinction

Bar-Yam 16 Yaneer Bar-Yam 7-3-2016 “Transition to extinction: Pandemics in a connected world” <http://necsi.edu/research/social/pandemics/transition> (Professor and President, New England Complex System Institute; PhD in Physics, MIT)//Elmer

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7]. In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2). When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread. As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold. In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world. The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events. A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase. So how close are we to the tipping point? We don’t know but it would be good to find out before it happens. While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated. As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase. Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

## 5

#### Biden’s continued PC is key to pass Build Back Better next week – despite inflation concerns

Barrón-López 11-11 (Laura Barrón-López, White House Correspondent for Politico, formerly covered Congress for the Washington Examiner, HuffPost and The Hill, BA political science, California State University, Fullerton, “Dems to White House: The only prescription is more Biden,” Politico, 11-11-2021, <https://www.politico.com/news/2021/11/11/dems-white-house-biden-520946)//re-cut> by Elmer

After months of deference to Congress, President Joe **Biden moved** more **assertively last week** to shepherd half his domestic agenda into law. With the other half still in limbo, Democrats want some of that Biden punch again. Outside groups fear that congressional Democrats could come up short on Biden’s social spending package. They are **concerned** that moderates in the House may end up buckling if the budget scores on the bill come back worse than anticipated. And there is residual anxiety that one of the two wavering Senate Democrats — Joe **Manchin** of West Virginia **and** Kyrsten **Sinema** of Arizona — **could vote “no” over concerns about inflation** and long-term debt. **The** clearest **solution** to avoiding this, they argue, **is more Biden**. “All eyes are on the president, all expectations are on the president,” said Lorella Praeli, co-president of the progressive Community Change Action. “We are playing our role. We are mobilizing. We're reminding people everyday what this is about.” Praeli added that Biden must ensure there aren’t future cuts to the package, which dropped from $3.5 trillion to $1.75 trillion to accommodate centrist Democrats in the House and Senate. “This is what he campaigned on. Only the president can deliver it in the end.” Until last week, Biden’s involvement in negotiations had been more deferential than managerial. That befuddled lawmakers, who were waiting for him to draw red lines about which priorities he wants in and out of the deal or to even demand votes. To date, Biden has publicly refrained from drawing a red line around including paid leave in the final version of the legislation, leaving the leadership in the House at odds with centrists in the Senate. But Biden did ramp up his involvement in the negotiations last week. And Democrats viewed that as key to getting an agreement in the House on their infrastructure bill, as well as on a rule to move forward with their social spending package, which funds universal pre-K, expands Medicare access, cuts taxes for families with children 18 years old and under, and combats climate change. Now they want more. Expectations are high for Biden to keep the House to its promise of a vote on that social spending plan the week of Nov. 15. “They basically made a promise,” said Rahna Epting, executive director of the progressive advocacy group MoveOn. “And Biden was able to get enough progressives to vote for the bipartisan infrastructure bill, on that promise. We are expecting Biden and the Democratic Caucus will make good on their word and pass the Build Back Better Act no later than Nov 15th as stated.” White House officials contend that Biden and his team remain in close touch with the Hill, and their legislative affairs staff continues to push the social spending bill toward a vote. The **White House** said it is **communicating regularly with** a range of lawmakers including **Manchin**, but did not answer when asked whether Biden has spoken to the West Virginia senator or other moderates in recent days. “There has been no kind of slowdown when it comes to our Hill outreach,” a White House official said. The growing demands for Biden to stay heavily involved reflect a fear in the party that the **window to act on the agenda is quickly closing**, especially as concerns mount about lingering inflation and the midterms near. If the House meets its deadline next week and passes the social spending bill, some Democrats want Biden to issue a deadline for the Senate to act. Others noted that the end-of-year legislative calendar is short and brutal. The “dynamic has totally changed,” said a Democratic strategist. “**The president secured this agreement** **with the five holdouts for** **House passage of BBB next week and it’s on him to enforce it**.” A top climate operative echoed that assessment telling POLITICO that Biden “will have failed” on tackling climate change if the second piece of the agenda doesn’t pass. But the operative also expressed a newfound fear that Biden’s current effort to sell the benefits of the infrastructure bill could distract or complicate Democrats’ attempt to keep public interested in the social spending plan. "They need to sell [physical infrastructure] but also act like it's not enough," said the activist. "How are they also creating the urgency for BBB to get done, for it to stay on the timeline of getting it done by Thanksgiving? It's a balancing act.” Matt Bennett, co-founder of the moderate group Third Way, agreed that the dynamics were “tricky” in trying to sell one just-passed bill as historic while simultaneously making the case that another ambitious bill is needed. Biden will travel to New Hampshire and Michigan next week to highlight the money the infrastructure bill will direct toward new roads, bridges and transit projects across the country. “This moment that we're in is hard,” said Bennett. “It will be much, much easier when both bills are completed. There is a very profound political imperative for Democrats to get this finished, to end the infighting and sausage-making and shift to creating a narrative about what Democrats have just done for Americans because they've been utterly unable to do that.” A number of **groups plan to amp up pressure next week** as Congress returns. House Speaker Nancy Pelosi and the White House have repeated their desire to have a vote on the social spending plan by the end of next week. The Service Employees International Union will descend on Capitol Hill with some 500 union members, said Mary Kay Henry, the union’s president. “We are escalating phone calls, text messages,” said Henry. “We're bringing members into Washington next Tuesday, we have the president's back, to get Congress to act quickly and get the full back package.” Democratic outside groups have spent more than $150 million on TV and digital ads promoting the president’s social spending plan, known as “Build Back Better.” The League of Conservation Voters and Climate Power launched new digital ads calling on the five moderates who reached an agreement with the White House and House leadership last week to follow through on their commitment to pass the second piece of Biden’s economic agenda “next week.” The longer it takes to pass the social spending plan, the harder it becomes to keep the party unified, Democrats warn, especially amid up-and-down economic news. A new report Wednesday revealed inflation hit 6.2 percent in October, its highest point in 31 years, contributing to high gas, car and food prices. It forced Biden to quickly issue a statement addressing the issue and ever-so-slightly shift his messaging, arguing that passage of the social spending plan would combat inflation. “Inflation hurts Americans’ pocketbooks, and reversing this trend is a top priority for me,” Biden said in a statement. “It is important that Congress pass my Build Back Better plan, which is fully paid for and does not add to the debt, and will get more Americans working by reducing the cost of child care and elder care, and help directly lower costs for American families.”

#### Empirics proves Pro-Labor and Pro-Union policies sap PC.

Leon 21 Luis Feliz Leon 1-6-2021 "If we want it, we’re going to have to fight like hell for it" - Labor faces an uphill battle to pass the PRO Act" <https://www.thestrikewave.com/original-content/labor-faces-uphill-battle-to-pass-pro-act> (Organizer and journalist)//Elmer

In New York City, after years of organizing fast-food workers, 32BJ SEIU won two ‘just cause’ laws protecting 67,000 workers from being fired arbitrarily. In California, after a 17-year battle for a union, 45,000 childcare providers finally won the “largest single union election America has seen in seven years.” New Mexico just became the ninth state—including California, New York, New Jersey, Illinois, Massachusetts, Oregon, Washington, and Maine—to create a pathway for mandatory recognition using card check, which makes it easier for workers to gain union recognition by submitting a majority of signed cards of workers rather than through a drawn-out election campaign where the employer can interrogate workers, hold captive audience meetings, and fire union supporters. Despite these recent labor victories at the state level, the share of all workers belonging to a union continues to dwindle, at a nadir of 10.3 percent. With the share of private-sector workers in a union at 6.2 percent, the labor movement has effectively been beaten back to the dregs of the 1890s: the good-old days of the Gilded Age, when Andrew Carnegie and a coterie of plutocrats pillaged workers’ labor and amassed an obscene amount of wealth to make the headless Marie Antoinette’s nerve endings twitch in the grave. With “right-to-work” laws all but banning the union shop in 27 states and Guam, the National Labor Relations Board packed by Donald Trump with lawyers from union-busting firms, and states gutting the bargaining rights of state employees, how can organized labor build power to win back lost ground? The answer is to make it easier for workers to join unions. The Protecting the Right to Organize (PRO) Act, H.R. 2474, is a compendium of labor’s wish-list items. It would make it easier for workers to form unions, imposing consequence on union-busting employers who violate labor law, and weakening “right-to-work” laws. It passed the House last year by a vote of 224-194, signifying both Democrats wanting to burnish their pro-labor bona fides before the campaign season and the growing leftist bloc within its ranks. The Senate version garnered 42 co-sponsors, but Majority Leader Mitch McConnell blocked it. If enacted, it would strengthen workers’ right to unionize by updating the 1935 National Labor Relations Act and reversing the damage of the anti-union Taft-Hartley Act of 1947, repealing its ban of secondary boycotts, and making it possible for unions to coordinate solidarity strikes as truck drivers represented by the Teamsters did last year when they refused to cross the picket during strikes at Stop & Shop organized by the United Food and Commercial Workers. The **inclusion of the right to strike** in solidarity with other unions in some Teamster contracts hearkens back to a legacy of labor militancy. It would also end the misclassification of workers as “independent contractors” using an ‘ABC’ test to determine whether they are genuinely independent businesspeople. The PRO Act would set deadlines for workers to secure agreement on a first contract, overcoming a stalling tactic employers use to undermine unionizing efforts, and set up mediation to resolve disputes with employers. To discourage union-busting, it would ban employers from coercing workers from signing away their right to pursue litigation and prohibit permanently replacing workers who have gone on strike with strikebreakers. It also bars employers from forcing workers to attend “captive audience” meetings to discourage unionization and imposes stiff penalties on employers who violate workers’ rights. These practices are common. Unions charge employers with violating federal law in 41.5 % of all union-election campaigns, according to a study by the Economic Policy Institute (EPI), a left-leaning think tank. “Given the data on employer conduct during union elections, it stands to reason that enabling workers to avoid a rigged process and win a union would make a difference in union density,” said EPI director of government affairs Celine McNicholas. “This is especially true when you consider how many private-sector workers say they would want a union if they could win one in their workplace.” Nearly 50 percent of all nonunion workers say they would vote for a union if given the chance, one recent poll found. The most recent Gallup poll shows that 65 percent of Americans have a favorable view of unions. “Labor law is broken, often making the NLRB election process a hellish gauntlet for workers who want to form a union," said Daisy Pitkin, UNITE HERE’s laundry organizing director in Arizona from 2002 to 2009. “In order for workers to make it through that gauntlet, they and the union they're building have to be really strong to withstand the company’s attacks.” “Industrial laundries are dangerous places to work," Pitkin continued. "Workers are routinely injured and burned by machinery, and in the factories that wash hospital linen, they are exposed to bodily fluids and waste, surgical tools, fluids bags and the like.” One Phoenix hospital laundry the union was trying to organize, Sodexho Commercial Linen Exchange, was charged by the NLRB with 22 separate violations, according to Pitkin. Sodexho – now known as Sodexo – is a major international services chain, with contracts ranging from serving cafeteria food in colleges to prisons. The union was able to provide enough evidence of unfair labor practice violations, including firing workers during organizing drives, surveillance and other intimidation tactics, that the NLRB issued a Gissel bargaining order, forcing the employer to recognize and bargain with the union. Pitkin led organizing campaigns at nine industrial laundries across Arizona alongside “mainly women workers in this deep-red, right-to-work, Arpaio country,” referring to Sheriff of Maricopa County Joe Arpaio, the neo-fascist blowhard nationally known for blustering displays of cruelty to immigrants and incarcerated people. UNITE HERE organized three by card check, another after workers went on a spontaneous strike due to safety concerns, and five through drawn-out elections. Ultimately, it was able to claim 65% percent union density in the state’s industrial-laundry sector. “Our theory was that if we could organize midrange companies, then clean up the market by going after the smaller, local and regional players, we could raise industry standards for wages and health and safety even before organizing the big national and international corporations,” said Pitkin. "This partially proved true: when we got to above 50% density, we were able to bring the floor up for wages across the state." The challenge has been less workers’ lack of interest in joining a union than the roadblocks making it difficult to do so. For the last decade, the labor movement has tried to remove these barriers, but largely failed. The PRO Act’s key **provisions** are a **throwback to** Sen. Bernie Sanders’ **W**orkplace **D**emocracy **A**ct, which would have repealed state "right-to-work" laws that drain union coffers by allowing non-union members to benefit from the benefits of union representation, or “free ride,” without paying dues. The Employee Free Choice Act (**EFCA**), which **died** **in the Senate** during President Barack Obama’s first term, **had** **similar potential to** **increase union membership**, as it would have enabled workers to get union representation if a majority signed union cards (“card check”) rather than through an election. It **died because** **Obama was unwilling to put p**olitical **c**apital **behind it to overcome opposition from Republicans and center-right Democrats.** “**EFCA was very close to becoming law**. At the end of the day, in my view, the **Obama** administration **did not put** the **necessary p**olitical **c**apital **into securing its passage**,” said EPI's McNicholas. “The Obama administration **decided to focus on** ‘**bipartisan’** and ‘reach across the aisle’ type **solutions** to the 2008 financial crisis, and thus **didn't care** about EFCA in the face of the anti-EFCA mobilization **by strong ‘antis’** like the Chamber of Commerce,” says Susan Kang, a professor of political science at John Jay College who studies political economy, labor, and human rights. “Basically, labor was swept aside by the Obama administration … at the exact moment when he had the strongest mandate and political capital.” Another issue, said Patrick Burke, an organizer with United Auto Workers Local 2322 in Massachusetts, was that EFCA's card-check provisions, when framed as a replacement for elections, “became very easy to demonize and difficult to explain to people not already familiar with labor law.” “The short story is that the EFCA was **doomed from** a few **moderate Dems not being willing to go through** with card check once actually in power to enact it. The long story is that the labor movement's disappearance from the ‘adult table’ of Democratic politics has cyclical downward effects. They're less able to convince Dems to go out on the limb for them and to prioritize their legislative requests,” said Brandon Magner, a labor lawyer in Indiana. Despite a history of betrayal and rejection, labor and immigrant rights organizations, coalesced around Biden, a self-professed “union guy,” after the primaries and helped deliver him to the White House in the hope that doing so would lead to executive action on immigration and labor law reform. “We call on Congress to pass and Biden to sign the Protecting the Right to Organize (PRO) Act early in 2021 to make sure every worker who wants to form or join a union is able to do so freely and fairly,” AFL-CIO President Richard Trumka said in a statement after the election. But union organizers, researchers, and labor lawyers see dim prospects for winning significant labor reform during the Biden administration.

#### **BBB wins the US the Tech Competition Race.**

Prins 21 Nomi Prins 3-15-2021 “Infrastructure Should Be the Great Economic Equalizer” <https://truthout.org/articles/infrastructure-should-be-the-great-economic-equalizer/> (former managing director at Goldman Sachs and author of All the Presidents’ Bankers and Collusion: How Central Bankers Rigged the World, due to be released in paperback on May 7.)//Elmer

Prins 3-15 (Nomi Prins is a former managing director at Goldman Sachs and author of All the Presidents’ Bankers and Collusion: How Central Bankers Rigged the World, due to be released in paperback on May 7. She served on Sen. Bernie Sanders’s Federal Reserve Reform Advisory Council. "Infrastructure Should Be the Great Economic Equalizer" 3/15/21 <https://truthout.org/articles/infrastructure-should-be-the-great-economic-equalizer/> NL)

**Infrastructure as an International Race for Influence** In an [interview with CNBC](https://www.cnbc.com/2021/02/18/cnbc-exclusive-cnbc-transcript-united-states-treasury-secretary-janet-yellen-speaks-with-cnbcs-closing-bell-today.html) in February 2021, after being confirmed as the first female treasury secretary, Janet Yellen stressed the crucial need not just for a Covid-19 stimulus relief but for a sustainable infrastructure one as well. As part of what the **Biden** administration has labeled its **“**[**Build Back Better**](https://joebiden.com/build-back-better/)**” agenda**, she **underscored** the “**long-term structural problems in the U.S. economy** that have resulted in inequality [and] slow productivity growth.” She also highlighted how **a major** new **focus on clean-energy investments could make** the **economy more competitive globally**. When it comes to **infrastructure and sustainable development** efforts, the **U.S. is being left in the dust** **by** its primary **economic rivals**. Following his first phone call with Chinese President **Xi** Jinping, President Biden [noted](https://www.bbc.com/news/business-56036245) to a group of senators on the Environment and Public Works Committee that, “if we don’t get moving, they are going to eat our lunch.” He went on to say, “They’re **investing** **billions** of dollars dealing with a whole range of issues that relate to transportation, the environment, and a whole range of other things. We just have to step up.” As this country, deep in partisan gridlock, **stalls on infrastructure** measures of any sort, its **global competitors** are **proceeding full speed** ahead. Having helped to jumpstart its economy with projects like high-speed railways and massive new bridges, **China** is now **accelerating** its efforts to further develop its **technological infrastructure**. As Bloomberg [reported](https://www.bloomberg.com/news/articles/2020-05-20/china-has-a-new-1-4-trillion-plan-to-overtake-the-u-s-in-tech), the Chinese are focused on supporting the build-up of “everything from wireless networks to artificial intelligence. In the master plan backed by President Jinping himself, China will invest an estimated $1.4 trillion over six years” in such projects.

#### Losing causes extinction - uncontrolled risks from emerging tech cause rapid shifts in strategic stability and misuse - American dominance is key.

Jain **’20** [Ash; 2020; Senior fellow with the Scowcroft Center for Strategy and Security; Strategic Studies Quarterly; “Present at the Re-Creation: A Global Strategy for Revitalizing, Adapting, and Defending a Rules-Based International System,” <https://www.atlanticcouncil.org/wp-content/uploads/2019/10/Present-at-the-Recreation.pdf>]

#### The system must also be adapted to deal with new issues that were not envisioned when the existing order was designed. Foremost among these issues is emerging and disruptive technology, including AI, additive manufacturing (or 3D printing), quantum computing, genetic engineering, robotics, directed energy, the Internet of things (IOT), 5G, space, cyber, and many others. Like other disruptive technologies before them, these innovations promise great benefits, but also carry serious downside risks. For example, AI is already resulting in massive efficiencies and cost savings in the private sector. Routine tasks and other more complicated jobs, such as radiology, are already being automated. In the future, autonomous weapons systems may go to war against each other as human soldiers remain out of harm’s way. Yet, AI is also transforming economies and societies, and generating new security challenges. Automation will lead to widespread unemployment. The final realization of driverless cars, for example, will put out of work millions of taxi, Uber, and long-haul truck drivers. Populist movements in the West have been driven by those disaffected by globalization and technology, and mass unemployment caused by automation will further grow those ranks and provide new fuel to grievance politics. Moreover, some fear that autonomous weapons systems will become “killer robots” that select and engage targets without human input, and could eventually turn on their creators, resulting in human extinction. The other technologies on this lisgt similarly balance great potential upside with great downside risk. 3D printing, for example, can be used to “make anything anywhere,” reducing costs for a wide range of manufactured goods and encouraging a return of local manufacturing industries.61 At the same time, advanced 3D printers can also be used by revisionist and rogue states to print component parts for advanced weapons systems or even WMD programs, spurring arms races and weapons proliferation.62 Genetic engineering can wipe out entire classes of disease through improved medicine, or wipe out entire classes of people through genetically engineered superbugs. Directed-energy missile defenses may defend against incoming missile attacks, while also undermining global strategic stability. Perhaps the greatest risk to global strategic stability from new technology, however, comes from the risk that revisionist autocracies may win the new tech arms race. Throughout history, states that have dominated the commanding heights of technological progress have also dominated international relations. The United States has been the world’s innovation leader from Edison’s light bulb to nuclear weapons and the Internet. Accordingly, stability has been maintained in Europe and Asia for decades because the United States and its democratic allies possessed a favorable economic and military balance of power in those key regions. Many believe, however, that China may now have the lead in the new technologies of the twenty-first century, including AI, quantum, 5G, hypersonic missiles, and others. If China succeeds in mastering the technologies of the future before the democratic core, then this could lead to a drastic and rapid shift in the balance of power, upsetting global strategic stability, and the call for a democratic- led, rules-based system outlined in these pages.63 The United States and its democratic allies need to work with other major powers to develop a framework for harnessing emerging technology in a way that maximizes its upside potential, while mitigating against its downside risks, and also contributing to the maintenance of global stability. The existing international order contains a wide range of agreements for harnessing the technologies of the twentieth century, but they need to be updated for the twenty-first century. The world needs an entire new set of arms-control, nonproliferation, export-control, and other agreements to exploit new technology while mitigating downside risk. These agreements should seek to maintain global strategic stability among the major powers, and prevent the proliferation of dangerous weapons systems to hostile and revisionist states. Solve case.

#### Sheen 11/18

HOW BUILD BACK BACK BETTER WOULD RESHAPE U.S. HEALTHCARE

NOVEMBER 18, 2021 ROBERT SHEEN

https://acatimes.com/how-build-back-back-better-would-reshape-u-s-healthcare/

With the Infrastructure Bill now officially signed into law, Congress will now shift its focus onto the $1.75 trillion Build Back Better proposal. In its current version, the plan could reshape U.S. healthcare and the ACA. To start, the plan allocates roughly $130 billion to expand Medicaid and reduce medical premiums for ACA coverage, according to CNBC. “It estimates premiums for around 9 million ACA plan enrollees will fall by an average of $600 per year.”The Center on Budget and Policy Priorities (CBPP) finds that “more than 2 million uninsured adults with incomes below the poverty line would be able to enroll in ACA marketplace plans beginning in January 2022 without paying any premiums.“ Build Back Better would also extend the American Rescue Plan’s Premium Tax Credit (PTC) expansion through 2025. Currently, it’s set to expire at the end of 2022 and the American Family’s Plan, which aimed to make it permanent no longer seems to be on the table. This component would be largely well-received, as PTC expansion contributed to the record-breaking ACA special enrollment period. The PTC expansion provides coverage to Americans with income up to 150% of the Federal Poverty Level (FPL) with free healthcare. Individuals at 400% of the FPL and beyond, also benefit from this as they can obtain ACA exchange coverage for no more than 8.5% of their household income. Perhaps the greatest addition outlined in the proposal is the coverage gap for individuals in states that haven’t expanded Medicaid coverage. Build Back Better would provide $0 ACA premiums to individuals who live in the 12 holdout states that haven’t adopted the ACA’s Medicaid expansion. After reviewing the health provisions outlined in the Build Back Better proposal, the Congressional Budget Office (CBO) projects significant changes to the spread of American healthcare over the next decade. Specifically, the CBO estimates that the provisions would result in the following healthcare participation: 4.0 million increase in Medicaid enrollment 3.6 million increase in subsidized nongroup enrollment 1.0 million decrease in unsubsidized nongroup enrollment 2.8 million decrease in enrollment in employment-based coverage While the Build Back Better plan does hold promise for the ACA and healthcare, it could also have some serious implications for employers. With a drop of nearly 3 million enrollees in employer-sponsored healthcare, those individuals will turn to subsidized healthcare through a state or federal health exchange. More enrollees in ACA marketplace coverage means more PTCs. As a reminder, PTCs are the trigger for the IRS identifying non-compliance with the ACA’s Employer Mandate section. Under the ACA’s Employer Mandate, employers with 50 or more full-time employees and full-time equivalent employees are Applicable Large Employers (ALEs) and must: Offer Minimum Essential Coverage (MEC) to at least 95% of their full-time employees (and their dependents) whereby such coverage meets Minimum Value (MV); and Ensure that the coverage for the full-time employee is affordable based on one of the IRS-approved methods for calculating affordability. Failing to comply with the ACA’s Employer Mandate, and having a full-time employee obtain a PTC from a state or federal health exchange will no doubt earn you a Letter 226J penalty notice from the IRS. And so the Build Back Better proposal may help increase access to more affordable healthcare, but employers may need to up their compliance processes to ensure they’re not offsetting the costs of subsidized healthcare through penalties.

## AC

#### Nurse strikes devastates hospitals

Wright 10 Sarah H. Wright July 2010 "Evidence on the Effects of Nurses' Strikes" <https://www.nber.org/digest/jul10/evidence-effects-nurses-strikes> (Researcher at National Bureau of Economic Research)

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), co-authors Jonathan Gruber and 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 percen**t 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 stri**ke, 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.

#### Aff gets circumvented.

Lanard 17 [Noah Lanard, editorial fellow. Donald Trump just took another swipe at the labor unions that helped elect him, Mother Jones, 7-19-2017, Accessible Online at http://www.motherjones.com/politics/2017/07/trumps-labor-board-appointments-are-another-blow-for-unions/]

Trump’s NLRB nominees are expected to create further challenges for workers seeking to unionize. Emanuel is a shareholder and longtime lawyer at Littler, the world’s largest management-side employment law firm. Sen. Elizabeth Warren (D-Mass.) has called it is one of the nation’s “most ruthless” union-busters. Emanuel’s clients include Uber and other companies accused of violating workers’ rights, according to his ethics disclosure form.

Outside of his legal practice, Emanuel has decried California’s “terrible climate for job creation,” citing the state’s generous overtime and break requirements for employees.

Kaplan was previously an attorney for the House education and labor committee. In that role, he drafted a bill to reverse an NLRB rule, dubbed the “ambush election rule” by conservative critics, that allowed workers to vote on unionization as soon as 11 days after a petition was submitted. The bill, which did not pass, would have also reversed the board’s recognition of micro-unions.

At Emanuel and Kaplan’s nomination hearing last week, Sens. Al Franken (D-Minn.) and Warren were particularly concerned by Emanuel’s record of defending the mandatory arbitration agreements that Carlson and many others have signed. Pressed by Franken, Emanuel declined to criticize arbitration agreements that prevent women who are sexually harassed from suing their employers in court. In theory, the legality of the arbitration agreements is now in the Supreme Court’s hands. But Ronald Meisburg, a former NLRB board member, has said it’s possible the NLRB could revisit the decision before the court decides. Emanuel told Warren he does not expect to recuse himself if the issue comes up.

The committee’s approval of both nominees along party lines on Wednesday follows other moves under Trump that are less than friendly to labor. Trump’s nominee for deputy labor secretary, Patrick Pizzella, was criticized last week for working with disgraced lobbyist Jack Abramoff to advocate for what was compared to sweatshop labor in the Northern Mariana Islands, a US commonwealth, in the early 2000s. The goods, which were often made by Chinese and Filipino workers, had the advantage of being stamped “Made in the USA.”

Neil Gorsuch, whom Trump appointed to the Supreme Court, has a long record of siding with employers in labor disputes. In the court’s upcoming term, Gorsuch will hear arguments in a case that will decide whether mandatory arbitration agreements violate the National Labor Relations Act.

#### Strikes fail and spark countermobilization.

Grant and Wallace 91 [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>] Justin

\*\*RM = Resource-Mobilization, or Strikes

3. Violent tactics.-Violent tactics are viewed by RM theorists exclu- sively as purposeful strategies by challengers for inciting social change with little recognition of how countermobilization strategies of elites also create violence. The role of elite counterstrategies has been virtually ig- nored in research on collective violence. Of course, history is replete with examples of elites' inflicting violence on challenging groups with the full sanction of the state. Typically, elite-sponsored violence occurs when the power resources and legal apparatus are so one-sidedly in the elites' favor that the outcome is never in doubt. In conflicts with weak insiders, elites may not act so openly unless weak insiders flaunt the law. Typically, elite strategies do not overtly promote violence but rather provoke violence by the other side in hopes of eliciting public condemnation or more vigorous state repression of challenger initiatives. This is a critical dynamic in struggles involving weak insiders such as unions. In these cases, worker violence, even when it appears justified, erodes public support for the workers' cause and damages the union's insider status.

4. Homogeneity and similarity.-Many RM theorists incorrectly as- sume that members of aggrieved groups are homogeneous in their inter- ests and share similar positions in the social structure. This (assumed) homogeneity of interests is rare for members of outsider groups and even more suspect for members of weak-insider groups. Indeed, groups are rarely uniform and often include relatively advantaged persons who have other, more peaceful channels in which to pursue their goals. Internal stratification processes mean that different persons have varying invest- ments in current structural arrangements, in addition to their collective interest in affecting social change. Again, these forces are especially prev- alent for weak insiders: even the group's lowest-status members are likely to have a marginal stake in the system; high-status members are likely to have a larger stake and, therefore, less commitment to dramatic change in the status quo.

Internal differences may lead to fragmentation of interests and lack of consensus about tactics, especially tactics suggesting violent confronta- tion. While group members share common grievances, individual mem- bers may be differentially aggrieved by the current state of affairs or differentially exposed to elite repression. White's (1989) research on the violent tactics of the Irish Republican Army shows that working-class members and student activists, when compared with middle-class partici- pants, are more vulnerable to state-sponsored repression, more likely to be available for protest activities, and reap more benefits from political violence. When we apply them to our study of strike violence, we find that differences in skill levels are known to coincide with major intraclass 1120 Strikes divisions in material interests (Form 1985) and are likely to coincide with the tendency for violent action. For instance, skilled-craft workers, who are more socially and politically conservative than unskilled workers, are less likely to view relations with employers as inherently antagonistic and are prone to separate themselves from unskilled workers, factors that should decrease their participation in violence.

#### only illegal strikes have the potential to be successful and change minds

Reddy 21-- Diana S. Reddy [Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law]; “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy; Jan 6 2021; Yale Law Journal; <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>. (AG DebateDrills)

In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet, no penalties were imposed.183 Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. Recasting the strike—and the work of unions more broadly—as political is risky. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing. If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been. During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198

#### This is specific to polish working conditions – no spill over

Świątkowski 17 [Andrzej Marian Świątkowski. Polish lawyer, professor of legal sciences, full professor at the Jagiellonian University and the Ignatianum Academy in Krakow, specialist in the field of labor law. Pronounced “Swat-cow-ski”. Note – the “summary” which is the section this card is citing doesn’t end with a period – its not evidence ethics. December 20, 2017. “The Right To Strike in Health Service” [https://www.humanitas.edu.pl/resources/upload/dokumenty/Wydawnictwo/Roczniki%20AiP%20-%20pliki/Podzielone/Roczniki%20AiP%202017%20z2/RAiP\_2\_2017-303-314.pdf Accessed 11](https://www.humanitas.edu.pl/resources/upload/dokumenty/Wydawnictwo/Roczniki%20AiP%20-%20pliki/Podzielone/Roczniki%20AiP%202017%20z2/RAiP_2_2017-303-314.pdf%20Accessed%2010/28)/20/21. //Xu]

The author presents a specific situation of the right to strike by health care professionals. The Act of 23.5.1991 on the resolution of collective disputes prohibits the right to strike because of the need to protect the human life. In the absence of the above threat, this law limits the power to strike by doctors, nurses and medical personnel, although the ILO and Council of Europe standards of collective labor law guarantee medical personnel the right to defend their economic interests. In order to adapt the Polish law to international standards, the author presents the concept of virtual strike, which is not subject to legal restrictions. According to this concept, the decision to strike would not result in the striking medical staff ceasing to perform work and would not be associated with the loss of the right to remuneration for ongoing work

#### proves uncondo strikes cant exist – they are always directed by organizers but that assumes no corruption or infiltration – there is

IP 16 [Note – the website cntrl c+v is really weird so there might be a misspelled word (like “down” to “clown”) or a misplaced comma or period. I’m not sure how to fix it but please let me know if you do! Internationalist Perspective (left-communist publication defending Marxism as a living theory and critiquing left-communist theory). “Trade unions: pillars of capitalism - Internationalist Perspective”. LibCom. 1/5/16. Accessed 11/12/21. <https://libcom.org/library/trade-unions-pillars-capitalism-internationalist-perspective> //Recut Xu from Majeed]

Most of us agree that the unions are an integral part of the capitalist system. Not just the corrupt ones and those with a heavy bureaucratic apparatus but also those who profess a belief in "grass roots democracy" or even in "revolution". The arguments given for that position have been mostly empirical. Indeed, time and time again, the unions have screwed the workers, contained and defanged their struggle, have spread capitalist ideology in the working class and acted as capital's police on the shop floor. But empirical arguments are not enough. Indeed, on the basis of past experience alone, one could very well conclude that global revolution is impossible, as Paul wrote. Some have argued that it's the union's function within the capitalist economy - to manage the sale of labor power- which inevitably ties it to the system and hence opposes it to the class whose fundamental interests are irreconciliable with those of that system. That is true but it's not sufficient either. One could argue that as long as the goals of the struggle don't go beyond obtaining better wages and working conditions, or preventing their deterioration, and as long as those goals are achievable within capitalism, the irreconcilability is not immediate and the existence of permanent institutions to negotiate a better price for variable capital remains in the interests of the workers. In short one could argue, as does Adam [Buick of the Socialist Party of Great Britain], that despite the empirical evidence and despite the integration of the unions in the structure of the capitalist economy, the existing unions are bad but unionism is good. Moreover, despite the widespread disillusion, many workers still see the unions as their (imperfect) organisations, and sometimes the most combative workers are active in them. And sometimes capitalists fight the unions and try to get rid of them. When they attack a union and the workers rise up to defend "their" organisation, should revolutionaries who understand the real role of the union tell them not to wage that fight, even though the attack is clearly meant to defeat the workers and have a free hand to impose more exploitation? What to do when the workers most willing to fight are shop stewards and others who ardently defend the unions - not the leadership but the organisation? Should we simply call upon workers to leave the unions? And what do we offer as alternative, not just in limes of open struggle but also when the conditions for collective struggle aren't ripe while the pressure from capital continues? Is the 'outside and against' directive more than an empty slogan when the only meetings where workers gather are those organised by the unions? To answer those and many other questions pertaining to the practical aspects of class struggle and the defense of workers' immediate interests, the question why unions are not just counter- revolutionary but against the working class in their daily practice, must be answered first. The answer is not that obvious. After all, it is a logical reaction of workers, who are utterly powerless as individuals towards their employers who seek to exploit them as much as possible, to band together in permanent organisations to defend the price of their labor power. The first unions were clearly created by the working class even though many did bear the corporatist imprints of the guilds (professional organisations from the pre-capitalist era). Their existence as permanent organisations was a necessity, not only because of the permanency of capitalist pressure, but also because of the need of permanent preparation for confrontations with the capitalists, confrontations which often look the form of wars of attrition which the workers were doomed to lose without this preparation (the build-up of strike funds etc). Likewise, the growth of unions into bigger organisations, operating on a national scale, reflected the need of workers to increase their power by extending their class solidarity. So the growth of the unions reflected and stimulated class consciousness. Capitalists feared and loathed them and fought them bitterly. Yet very soon, the permanency of these large organisations posed a problem. The class struggle goes through ups and clowns which reflect the contradictory tendencies to which the workers, as an exploited class, are subjected. The conditions of exploitation push the workers to fight collectively and thereby to assert itself as a class with interests separate and opposed to those of capital; but those same conditions also create competition among workers, atomisation, alienation, passivity, receptiveness to the ideology of the dominant class. Those two tendencies do not neutralize each other but give the class struggle a very non-linear character, with sudden advances and retreats, moments of rising class consciousness and stretches of 'social peace', as one or the other of those tendencies dominate. During those periods of no collective struggle, when atomisation and alienation prevail, these big permanent organisations cannot express what isn't there, a class collectively fighting. It does not mean they immediately become bourgeois but they inevitably acquire an autonomy from the class they are supposed to represent. As autonomous institutions they inevitably develop hierarchical, authoritarian attitudes and relations and come to have interests which are distinct from those of the class as a whole. Thus the source of conflict of interests between the working class and the unions is already potentially present in the permanence of unions as social institutions. I write 'potentially' because from this does not yet follow that these institutions must side with capital against the workers. For this to happen, these institutions must first become part of capital, absorbed into the social fabric weaved by the law of value. This did not happen immediately because the extension of the law of value throughout society was a slow, gradual process. ln the early stages of this process, the domination of capital over society was only 'formal'. The work process itself was at first not yet intrinsically capitalist, capitalism only squeezed as much surplus value as possible from it by making the working day as long as possible and keeping the wages as measly as possible. It look a long time for a specifically capitalist method of production (based on machinism, which reversed the relation worker-technology: the tool was an extension of the worker's hand but now the worker became an appendage of the machine) to develop and become dominant. The giant leaps in productivity which technology-based production unleashed created mass production and set the stage for capitalism to transform the totality of society in its own image, which meant that the law of value came to determine social relations not just in the sphere of production but also in distribution, education, entertainment, culture, media and every other aspect of human life. But before that process (called the transition to real domination of capital) amassed critical weight, there remained a large space within society that was not yet penetrated by the law of value. Therein, not only expressions of pre-capitalist classes survived but organisations of the fledging working class too could maintain a relative autonomy. Unions were not the only permanent workers organisations that flourished in that space: there were workers' cooperatives, mutual aid societies, political mass parties, cultural organisations, newspapers, etc. that were genuine expressions of the working class. The modest size of the bourgeois state apparatus also reflected the merely formal control of capital over society. The fact that the state's policy towards the unions was largely repressive shows that capital had not yet developed the means to organically integrate them; the unions were still by and large standing outside the state. As the real domination of capital progressed and the complexity, technification and interwovenness of the capitalist economy developed, the state gradually fused with the economy and its tentacles spread over civil society. It's striking how this transformation of the economy and the integration of the unions into the structure of capitalist society went hand in hand, in particular towards the end of the 19th and the beginning of the 20th century. The test of that integration came when the interests of capitalism and those of the working class (and humanity) became diametrically opposed as never before. What was at issue was not the price of variable capital but its survival or destruction. In the first world war, many millions of proletarians were slaughtered and it happened with the active collaboration of the unions. This epochal event signalled a new paradigm in which both crisis and war meant something different than before: they became both catastrophic and global in nature as well as essential to the continuation of capitalist accumulation. Today more than ever, there cannot exist any large permanent institution outside of the fabric of capital. That is true not just for unions but also for churches, political parties, cultural institutions and so on. The market either absorbs them, accords them a specialized function within its overall operating structure, a niche according to what they can do for the valorisation of capital, or marginalizes them, makes them disappear. When the class struggle heats up , the market shifts, a demand is created for a company of management of 'human resources' that has a more radical market image, which is quickly filled, either by a new union or by a radicalisation of the existing ones. Neither represents a gain for the working class. Today, there are no longer any progressive factions of capital. The unions' interests are inextricably bound to those of capital, to those of the nation. The logic of capital makes them complicit in trying to impose the worst possible fate on the working class. In the revolutionary struggle, which is a defensive struggle, the working class will have to take on the entire capitalist machinery, including the unions. It is true that this does not mean that every act or every word of the unions are opposed to the immediate interests of the working class. The productivity-increases made possible by the progress of capital's real domination allowed capital to accord improvements of the living standards and to increase exploitation (increase the portion of the labor day that is unpaid) at the same time, at least in period of expansion. It doesn't like to do this, of course, since every wage gain is a profit loss, but over lime it came to realize that this can be in its own interests. The main reason is that the production process under real domination, with its huge assembly lines and increased specialisation and thus interdependency, became more vulnerable to interruptions, to class struggle. That was a powerful incentive, especially in the post-world war two period, to grant better wages and to give the unions a bigger say in the management of the economy. The unions have their own particular interests. As companies that manage the sale and the smooth exploitation of variable capital, they compete among themselves and have a market image to defend, both in regard to the workers the y seek to represent and in regard to the enterprises with whom they seek to negotiate. Their credibility is their most valuable asset and if it's necessary to protect it, they can sometimes drive a hard bargain with the buyers of labor power. The most intelligent capitalists realize that unions can only fulfil their capitalist function if they have some credibility as defenders of the workers and must do what they have to do to maintain it. The international waves of class struggle in the '60's and '70's which repeatedly broke through the dykes of unionism and did great damage to capitalist profits and to the myth of unions as defenders of the working class, was a powerful stimulant to the restructuring of the capitalist economy that followed it. The 'post-Fordism' in which it resulted, with its increased automation, the computerization of labor, the decentralisation of production, the explosion of outsourcing, subcontracting and temp work, the increased mobility of capital (vastly expanding the use layoffs and closings, and the threat thereof, as social weapons) decreased the vulnerability of production to industrial action considerably. By decreasing that vulnerability, capital also decreased its dependence on the unions. This allowed for more anti-unionism among capitalists, and led to a marked increase of 'union-busting'. But this also helped the unions to shore up. their credibility in the eyes of the workers somewhat, because the enemy of your enemy can seem to be your friend. The unions resisted the post-Fordist trend, in part to maintain their credibility in the eyes of the workers and in part because it was and is a threat to their own power. But since the trend reflected not a mere policy choice but the direction in which capitalism, of which they are a part, was going, their resistance was doomed to be ineffective. The alternative of the unions to this trend is conservative, to resist changes in capitalism. As this is impossible, they end up almost invariably defending 'capitalism lite', layouts, but less layoffs than the bosses are demanding, wage cuts, but with a percentage and a half shaved off. But, they need a culprit, a scapegoat for the worker's anger, and since they are tied to national capital, the scapegoat is usually foreign competition (foreign workers really). That makes the unions the most ardent defenders of protectionism. As an economic recipe that is plain stupid and sometimes really annoying to other factions of capital, but politically it is very useful to capital because it makes them work tirelessly to spread the nationalist poison into the working class.

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