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Lewis B. Schwellenbach, Former United States Secretary of Labor said,

“Every right has its responsibilities. Like the right itself, these responsibilities stem from no

man-made law, but from the very nature of man and society. The security, progress and welfare

of one group is measured finally in the security, progress and welfare of all mankind.”

Because I agree with this statement, I must stand in firm negation of today’s resolution: A just

government ought to recognize the unconditional right of workers to strike.

In order to better clarify the resolution, I offer the following definitions/analysis of the wording

of the resolution:

Right: “a moral or legal entitlement to have or obtain something or to act in a certain way.”

(oxford Languages)

Just government: “a just government is a government that acts for the good of the people and is

morally upright.” (CRAM)

Recognize: “acknowledge the existence, validity, or legality of.” (Oxford Lang)

Unconditional: “not subject to any conditions.” (Oxford Lang)

Value

Utilitarianism

Criterion

Fulfillment of Government Duty

Contentions

I offer the following contentions as examples, reasoning, and evidence that support the negative

view of today’s resolution. First: the threat of strikes reduces employment; and second,

unconditionality in the form of rights directly contradicts the role of a just government.

First, Contention One

The threat of strikes reduces employment

Cynthia Dithato Malebye (Department of Mercantile Law, University of Pretoria),

writes South Africa has one of the highest rates of unemployment in the world. The

unemployment rate has recently been increased by the loss of approximately a million jobs

during the recession. Labour unrest is another major contributor. Collective bargaining at sectoral

level between large incumbent firms and labour unions where parties make deals that suit each

other to the exclusion of those without jobs has been pointed out as a contributor to

unemployment. Wage increases above inflation, militant labour and an inflexible labour regime

have been pointed out as developments that will, over time, result in companies thinking twice

about expanding their labour force, rather than opting for mechanisation.

Unemployment has reverberating harms to all of society

Tenza 20

Mlungisi Tenza (Senior Lecturer, University of KwaZulu‐Natal).

writes, “South Africa’s primary source of income is through employment; the state relies heavily

on the income taxes it collects from employed people. The implication is that unemployment has

a negative effect on the state while if more people are employed, their income tax will add to the

government’s coffers. Unemployment means that people are unable to support themselves and

their families, conversely the state has an obligation of ensuring that such people sustainable

means in the form of social assistance. The state, together with the private sector, bears the

responsibility of alleviating poverty in society. Unemployment is a real contributor to poverty. In

addition, a lengthy strike comes with a threat of job losses in vulnerable sectors such as mining,

metals and agriculture. It is also believed that protracted strikes contribute towards weakening

the country’s local currency (the South African rand). All these factors put a strain on the already

struggling economy of South Africa.

Second, Contention Two

The right to strike cannot be unconditional as it must be balanced against other

social interests

Malebye 14

Cynthia Dithato Malebye (Department of Mercantile Law, University of Pretoria).

“The Right to Strike in Respect of Employment Relationships and Collective

Bargaining.” Dissertation. University of Pretoria, April 2014. JDN.

https://repository.up.ac.za/bitstream/handle/2263/43163/Malebye\_Right\_2014.pdf?

sequence=1

Industrial action is a powerful weapon which employees can utilize against the employer in

instances where a dispute cannot be resolved by negotiations. Although it has adverse effect for

both parties in the employment relationship, it is at times essential to achieve certain goals.

Denying employees the right to strike amounts to them being deprived of the important tool to be

utilized against the employer. If a party cannot bargain or cannot bargain in good faith, even after

the rights as provided for by the Act have been exercised, the option is industrial action.

The right to strike is never absolute or unconditional since the exercise of this right can conflict

with the interest of the larger society, especially where essential services are affected. Under

certain circumstances, strikes could lead to the collapse and bankruptcy of the employer with a

resultant loss of job opportunities and devastating consequences on the local community, hence it

is necessary to have this right regulated by statute.

The right to strike is not absolute, given reasonable alternatives

Graham 63

James Graham (A.B., Fordham University; LL.B., St. John’s University). Explains, “...but the

point sought to be made here is that the right to strike is by no means absolute. A democratic

desire to sympathize with the ”underdog” should not obscure the fact that the entire community,

including employers, has a legitimate interest in industrial peace.