### 1NC—ESpec

#### Interpretation: Debaters must specify how they enforce the unconditional right of workers to strike.

#### 1] Topic lit – enforcement is the core question of the topic and there's no consensus on normal means so you must spec. Weiss

Marley S. Weiss [Professor of Law, University of Maryland School of Law], 2000, “The Right To Strike In Essential Services Under United States Labor Law”, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2189&context=fac\_pubs

2. Strikes, Lockouts, and Other Lawful Primary Weapons under the NLRA The parties, both labor and management, are under a duty to bargain in good faith with each other, “but such obligation does not compel either party to agree to a proposal or require the making of a concession”. The essential idea here is that both sides must genuinely try to reach mutual agreement. However, this simple concept is extremely difficult to enforce, and employers too often resort to bad faith bargaining, bargaining on the surface with no real intention of concluding an agreement, as part of a strategy to eliminate union representation from the workplace. In addition, the duty to bargain is limited to matters falling within the Section 8(d) statutory phrase, “wages, hours, and other terms and conditions of employment”, and the right to strike is similarly limited to issues falling within the scope of mandatory bargaining as defined by that phrase. Although the phrase has been broadly construed in many respects, as to certain issues, the contrary has been the case. Capital redeployment, that is, relocation of operations, disinvestment in unionized plants, subcontracting, and plant closure decisions, provide employers with a potent set of weapons against unions. While bargaining over the effects of such decisions is plainly mandatory, the extent to which bargaining is required over the decisions themselves have been hotly contested.

#### This acts as a resolvability standard. Debate has to make sense and be comparable for the judge to make a decision which means it's an independent voter and outweighs.

#### 2] Stable advocacy – 1AR clarification delinks neg positions that prove why enforcement in a certain instance is bad by saying it isn't their method of enforcement – wrecks neg ballot access and kills in depth clash – CX doesn't check since it kills 1NC construction pre-round since I don't know advocacy till in round, and judges do not flow cross ex so its not verifiable.

#### 3] Prep skew – I don't know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else.

#### Fairness- consittutive of comp activites, args presume

#### Edu- funded ny schools

#### DTD- dta illogical, time skew

#### No RVI’s- illogical, baiting

#### CI- intervention, race to bottom, collapses, yours vs best

## CP

#### Counterplan: States ought to recognize an unconditional right of workers to strike except in the instance that strikes directly demand discrimination towards certain groups of individuals

BPSC[Unfair Labor Practices by Union, http://bpscllc.com/unfair-labor-practices-by-unions.html, N.D., Business & People Strategy Consulting Group, California's trusted source for workplace human resources and employment law] [SS]

Causing or Attempting to Cause Discrimination: Section 8(b)(2) makes it an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate against an employee in violation of Section 8(a)(3). The section is violated by agreements or arrangements with employers, other than lawful union-security agreements, that condition employment or job benefits on union membership, on the performance of union membership obligations or on arbitrary grounds. But union action that causes detriment to an individual employee does not violate Section 8(b)(2) if it is consistent with nondiscriminatory provisions of a bargaining contract negotiated for the benefit of the total bargaining unit, or if the action is based on some other legitimate purpose. A union’s conduct, accompanied by statements advising or suggesting that action is expected of an employer, may be enough to find a violation of this section if the union’s action can be shown to be a causal factor in the employer’s discrimination. Contracts or informal arrangements with a union under which an employer gives preferential treatment to union members also violate Section 8(b)(2). However, an employer and a union may agree that the employer will hire new employees exclusively through the union hiring hall if there is no discrimination against nonunion members on the basis of union membership obligations. In setting referral standards, a union may consider legitimate aims such as sharing available work and easing the impact of local unemployment. The union may also charge referral fees if the amount of the fee is reasonably related to the cost of operating the referral service. A union that attempts to force an employer to enter into an illegal union-security agreement, or that enters into and keeps in effect such an agreement, also violates Section 8(b)(2), as does a union that attempts to enforce such an illegal agreement by bringing about an employee’s discharge. Even when a union-security provision of a bargaining contract meets all statutory requirements, a union may not lawfully require the discharge of employees under the provision unless they were informed of the union-security agreement and their specific obligation under it. A union violates Section 8(b)(2) if it tries to use the union-security provisions of a contract to collect payments other than those lawfully required, such as assessments, fines and penalties. Other examples of Section 8(b)(2) violations include: Causing an employer to discharge employees because they circulated a petition urging a change in the union’s method of selecting shop stewards Causing an employer to discharge employees because they made speeches against a contract proposed by the union Making a contract that requires an employer to hire only members of the union or employees “satisfactory” to the union Causing an employer to reduce employees’ seniority because they engaged in anti-union acts Refusing referral or giving preference on the basis of race or union activities when making job referrals to units represented by the union Seeking the discharge of an employee under a union-security agreement for failure to pay a fine levied by the union

#### Racist union strikes have happened before

Allison Keyes, JUNE 30, **2017**, "The East St. Louis Race Riot Left Dozens Dead, Devastating a Community on the Rise," Smithsonian Magazine, https://www.smithsonianmag.com/smithsonian-institution/east-st-louis-race-riot-left-dozens-dead-devastating-community-on-the-rise-180963885/ //SR

Racial tensions began simmering in East St. Louis—a city where thousands of blacks had moved from the South to work in war factories—as early as February 1917. The African-American population was 6,000 in 1910 and nearly double that by 1917. In the spring, the largely white workforce at the Aluminum Ore Company went on strike. Hundreds of blacks were hired. After a City Council meeting on May 28, angry white workers lodged formal complaints against black migrants. When word of an attempted robbery of a white man by an armed black man spread through the city, mobs started beating any African-Americans they found, even pulling individuals off of streetcars and trolleys. The National Guard was called in but dispersed in June.

## Military PIC

#### COUNTERPLAN – A just government ought to recognize an unconditional right for non-military workers to strike

#### Armed forces can’t strike now

LII 6 [Cornell Legal Information Institute, 2006, "10 U.S. Code § 976," Cornell Legal Information Institute, https://www.law.cornell.edu/uscode/text/10/976]/Kankee

(a)In this section: (1)The term “member of the armed forces” means (A) a member of the armed forces who is serving on active duty, (B) a member of the National Guard who is serving on full-time National Guard duty, or (C) a member of a Reserve component while performing inactive-duty training. (2)The term “military labor organization” means any organization that engages in or attempts to engage in— (A)negotiating or bargaining with any civilian officer or employee, or with any member of the armed forces, on behalf of members of the armed forces, concerning the terms or conditions of military service of such members in the armed forces; (B)representing individual members of the armed forces before any civilian officer or employee, or any member of the armed forces, in connection with any grievance or complaint of any such member arising out of the terms or conditions of military service of such member in the armed forces; or (C)striking, picketing, marching, demonstrating, or any other similar form of concerted action which is directed against the Government of the United States and which is intended to induce any civilian officer or employee, or any member of the armed forces, to— (i)negotiate or bargain with any person concerning the terms or conditions of military service of any member of the armed forces, (ii)recognize any organization as a representative of individual members of the armed forces in connection with complaints and grievances of such members arising out of the terms or conditions of military service of such members in the armed forces, or (iii)make any change with respect to the terms or conditions of military service of individual members of the armed forces. (3)The term “civilian officer or employee” means an employee, as such term is defined in section 2105 of title 5. (b)It shall be unlawful for a member of the armed forces, knowing of the activities or objectives of a particular military labor organization— (1)to join or maintain membership in such organization; or (2)to attempt to enroll any other member of the armed forces as a member of such organization. (c)It shall be unlawful for any person— (1)to enroll in a military labor organization any member of the armed forces or to solicit or accept dues or fees for such an organization from any member of the armed forces; or (2)to negotiate or bargain, or attempt through any coercive act to negotiate or bargain, with any civilian officer or employee, or any member of the armed forces, on behalf of members of the armed forces, concerning the terms or conditions of service of such members; (3)to organize or attempt to organize, or participate in, any strike, picketing, march, demonstration, or other similar form of concerted action involving members of the armed forces that is directed against the Government of the United States and that is intended to induce any civilian officer or employee, or any member of the armed forces, to— (A)negotiate or bargain with any person concerning the terms or conditions of service of any member of the armed forces, (B)recognize any military labor organization as a representative of individual members of the armed forces in connection with any complaint or grievance of any such member arising out of the terms or conditions of service of such member in the armed forces, or (C)make any change with respect to the terms or conditions of service in the armed forces of individual members of the armed forces; or (4)to use any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity for the purpose of engaging in any activity prohibited by this subsection or by subsection (b) or (d). (d)It shall be unlawful for any military labor organization to represent, or attempt to represent, any member of the armed forces before any civilian officer or employee, or any member of the armed forces, in connection with any grievance or complaint of any such member arising out of the terms or conditions of service of such member in the armed forces. (e)No member of the armed forces, and no civilian officer or employee, may— (1)negotiate or bargain on behalf of the United States concerning the terms or conditions of military service of members of the armed forces with any person who represents or purports to represent members of the armed forces, or (2)permit or authorize the use of any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity which is for the purpose of engaging in any activity prohibited by subsection (b), (c), or (d). Nothing in this subsection shall prevent commanders or supervisors from giving consideration to the views of any member of the armed forces presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations. (f)Whoever violates subsection (b), (c), or (d) shall be fined under title 18 or imprisoned not more than 5 years, or both, except that, in the case of an organization (as defined in section 18 of such title), the fine shall not be less than $25,000. (g)Nothing in this section shall limit the right of any member of the armed forces— (1)to join or maintain membership in any organization or association not constituting a “military labor organization” as defined in subsection (a)(2) of this section; (2)to present complaints or grievances concerning the terms or conditions of the service of such member in the armed forces in accordance with established military procedures; (3)to seek or receive information or counseling from any source; (4)to be represented by counsel in any legal or quasi-legal proceeding, in accordance with applicable laws and regulations; (5)to petition the Congress for redress of grievances; or (6)to take such other administrative action to seek such administrative or judicial relief, as is authorized by applicable laws and regulations.

Amendments 1997—Subsec. (f). Pub. L. 105–85 substituted “shall be fined under title 18 or imprisoned not more than 5 years, or both, except that, in the case of an organization (as defined in section 18 of such title), the fine shall not be less than $25,000.” for “shall, in the case of an individual, be fined not more than $10,000 or imprisoned not more than five years, or both, and in the case of an organization or association, be fined not less than $25,000 and not more than $250,000.” 1987—Subsec. (a)(1) to (3). Pub. L. 100–26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in each paragraph and substituted lowercase letter. 1986—Subsec. (a)(1). Pub. L. 99–661 struck out the second of two commas before “(B)”. 1984—Subsec. (a)(1). Pub. L. 98–525 added cl. (B) and redesignated existing cl. (B) as (C). Findings; Purpose Pub. L. 95–610, § 1, Nov. 8, 1978, 92 Stat. 3085, provided that: “(a)The Congress makes the following findings: “(1)Members of the armed forces of the United States must be prepared to fight and, if necessary, to die to protect the welfare, security, and liberty of the United States and of their fellow citizens. “(2)Discipline and prompt obedience to lawful orders of superior officers are essential and time-honored elements of the American military tradition and have been reinforced from the earliest articles of war by laws and regulations prohibiting conduct detrimental to the military chain of command and lawful military authority. “(3)The processes of conventional collective bargaining and labor-management negotiation cannot and should not be applied to the relationships between members of the armed forces and their military and civilian superiors. “(4)Strikes, slowdowns, picketing, and other traditional forms of job action have no place in the armed forces. “(5)Unionization of the armed forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the armed forces. “(6)The circumstances which could constitute a threat to the ability of the armed forces to perform their mission are not comparable to the circumstances which could constitute a threat to the ability of Federal civilian agencies to perform their functions and should be viewed in light of the need for effective performance of duty by each member of the armed forces. “(b)The purpose of this Act [enacting this section] is to promote the readiness of the armed forces to defend the United States.”

#### Military unions wreck civilian military relations and US hegemony

Caforio 18 [Giuseppe Caforio, Brigadier General with degrees in law, political science, and strategic studies (FYI, the author died ~2015, but this was republished in 2018 in an anthology book), 5-20-2018, "Unionisation of the Military: Representation of the Interests of Military Personnel," SpringerLink, https://link.springer.com/chapter/10.1007/978-3-319-71602-2\_19]/Kankee

THE OPPOSITION TO UNIONIZATION OF THE ARMED FORCES But if a convergence between the military establishment and civil society is in progress and has brought the two areas of life and work much closer together, why is there a unionization issue for the armed forces? Why is there opposition to a collective bargaining system for military personnel? The fundamental reason must be sought in the specificity of the military, which is summarized thusly by David R. Segal: Because of its unique social function—the legitimate management of violence—the military requires of its personnel a degree of commitment that differs from that required by other modern organizations. Military personnel, unlike their civilian counterparts, enter into a contract of unlimited liability with their employer. They cannot unilaterally terminate their employment any time they wish. They are subject to moving and working in any environment where the service decides they are needed. They are required to place the needs of service above the needs of their families, and must frequently endure long periods of separation. They are often called upon to work more than an eight-hour day, for which they receive no additional compensation. And in time of war, they must face prolonged danger, and may even forfeit their lives. Obviously, the man on the firing line is required to make a commitment of a different order from that made by the worker on the assembly line. (D. Segal and Kramer, 1977, p. 28). Bernhard Boene, in a study devoted to a different research topic (Boene, 1990), is both precise and efficacious in differentiating military "work" from civilian work. Military specificity, writes Boene, does not lie only in the area of the risks to which one supposes the combatant is exposed, but also in the limits of application of common rationality in combat and in the situation of habitual transgression of social norms that it entails. This implies a particular type of socialization. Notwithstanding partial analogies, according to Boene, civil emergencies belong to a different reality than military ones do. An officer, in particular, is not an ordinary civil servant: he must respond to a "call," consisting of a particular interest in military things, dedication to the common welfare, acceptance of risking his life, and submission to a series of obligations that are peculiar to the military profession. SOME THEORETICAL POSITIONS ON THE ISSUE Discussing a sample survey, David Segal observes that in the United States, in the absence of a union for military personnel, there is a considerable "misfit" between soldiers' perception of the characteristics of their role and the preferred characteristics, while in an analogous sample of civilian manpower this misfit is much smaller. In examining the attempted remedies, Segal states: "Any change to be achieved through organizational interventions, however, is likely to be incremental, and not to resolve the discrepancy between the characteristics that military personnel would like in their jobs and the characteristics that they perceived their jobs to have" (D. Segal and Kramer, 1977, p. 46). According to Segal, unionization can solve this problem, but it presents two dangers that must be carefully weighed: the first is that it tends to extend its influence also to aspects of management and direction of the military apparatus; the second is that it involves a politicisation of the personnel. Gwyn Harries Jenkins examines the consequences that unionisation would have on the operational efficiency of the armed forces and identifies three fundamental ones: 1. The creation of a dual authority structure: Since there has been a change in the basis of authority and discipline in the military establishment and a shift from authoritarian domination to greater reliance on manipulation, persuasion and group consensus, unionization extends the boundaries of these changes: it brings into armed forces the full effects of the organizational revolution which pervades contemporary society, creating a dual authority structure while modifying the traditional basis of compliance. (H. Jenkins, 1977, p. 70) 2. A much greater resemblance of the style of military command to that of civilian management. The new tasks and the introduction of unionization would require commanders to possess skills and orientations more and more like those of civilian managers. 3. An abdication by the officer of his traditional image. Indeed, if the officer "wishes to retain his self-image and ideas of honor, then the introduction of trade unions into the military creates a conflict situation with substantial dysfunctional consequences" (H.Jenkins, 1977, p. 71). Harries Jenkins concludes, however, by affirming that, as a radical criticism of the existing military system, "the unionization of the armed forces can only result in an improvement to an otherwise defective situation" (H. Jenkins, 1977, p. 69). According to William Taylor and Roger Arango (Taylor et al., 1977b), many reasons offered in the United States for or against the unionization of military personnel appear to be rhetorical and not sufficiently investigated. Those who take a negative critical stance, for example, contend that unionization would lead to a breakdown in discipline; threaten the chain of command; and, especially, undermine the military's ability to carry out its assigned mission. Through a concrete field analysis, these authors believe they can shed light on the advantages and disadvantages of this process. Among the advantages are the acquisition of a greater sense of individual security, a valorization of the dignity of individuals, improved social communication, and greater competitiveness with other occupations and professions in recruiting personnel. The real drawbacks would essentially be reduced to two: a risk of divisiveness within units, due to acquired strife between personnel categories; and an increase in personnel costs. Carlo Jean (Jean, 1981) states that in itself, the creation of unions would inevitably produce increased confrontation; without it, the union representatives would have neither prestige nor credibility. He does not believe, however, that the biggest drawback that would derive from it would be that of undermining the internal cohesiveness of the armed forces and their operational capacity. According to this author military leaders would align themselves with the union's demands out of necessity to avoid internal breakup. An unacceptable corporative force would be produced that sooner or later would inevitably oppose it to the political power. The danger that a union of military personnel involves for civil society is, in his opinion, much greater than its negative implications on the efficiency of the military itself. Along the same line is the fear expressed by Sen. Thurmond (reported by David Cortright, cited essay) that unionization might reinforce the military establishment and increase its influence over society at large, decreasing the capacity for political control. This issue had already been treated by Cortright in another essay (Cortright and Thurmond, 1977b), where on the one hand he argued that unionization in the armed forces would help to prevent any form of separateness from civil society while noting on the other that little attention was given to the possibility that unionization substantially strengthens the military's ability to wield influence. Thurmond, again, judges the European experience negatively and asks himself how unionized troops would respond in battle. However, to remain faithful to his position, Thurmond conceives the armed forces as a separate body from civil society, argues that military personnel are not comparable to other labor force categories, and advances the fear that union representation of the interests of military personnel would bring the defence budget to unacceptable levels. Of the countries included in our study, unions for military personnel exist in Denmark, Sweden, Norway, Finland, Germany, Switzerland, Austria, Belgium, and The Netherlands. Unionization is prohibited in England, the United States, Canada, France, Portugal, Turkey, and Greece. Strikes are allowed only in Austria and Sweden. ANALYSIS OF HISTORICAL EXPERIENCES THROUGH THE THOUGHT OF VARIOUS AUTHORS

## Kant

#### The meta ethic is practical reason-

#### Ethics must be derived a priori

#### 1] Uncertainty – experiences are locked within our own subjectivity and are inaccessible to others, however a priori principles are created in the noumenal world and are universally applied to all agents. Outweighs because founding ethics in the phenomenal world allows people to justify atrocities by saying they don’t experience the same.

#### 2] Is/Ought Gap – experience in the phenomenal world only tells us what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### Practical reason is inescapable - Any moral rule faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” requires reason to do in the first place which concedes its authority.

#### Morality means we must treat others as ends in themselves.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) // LEX JB [brackets for gendered language]

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, [they] supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be**:** it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as goo**d**. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize t hem. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Practical reason means we must be able to universalize our maxims—our judgements are authoritative and can’t only apply to ourselves any more than 2+2=4 can be true only for me. The only constraint is noncontradiction.

**The standard is consistency with the categorical imperative. To clarify, consequences don’t link to the framework.**

### Offense

#### 1] The 1AC’s offense is bogus – it conflates “right to strike” with “right to quit” – striking is not a legitimate right and is fundamentally unfair.

**Gourevitch, 16** **(Alex Gourevitch, associate professor of political science at Brown University, 6-13-2016, accessed on 10-12-2021, *Perspectives on Politics*, "Quitting Work but Not the Job: Liberty and the Right to Strike",** [**https://sci-hub.se/10.1017/S1537592716000049**](https://sci-hub.se/10.1017/S1537592716000049)**) \*brackets in original //D.Ying**

The right to strike is peculiar. It is not a right to quit. The right to quit is part of freedom of contract and the mirror of employment-at-will. Workers may quit when they no longer wish to work for an employer; employers may fire their employees when they no longer want to employ them. Either of those acts severs the contractual relationship and the two parties are no longer assumed to be in any relationship at all. The right to strike, however, assumes the continuity of the very relationship that is suspended. Workers on strike refuse to work but do not claim to have left the job. After all, the whole point of a strike is that it is a collective work stoppage, not a collective quitting of the job. This is the feature of the strike that has marked it out from other forms of social action. If a right to strike is not a right to quit, what is it? It is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is. 16 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of strikers.… Strikers … withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour. The jobs from which they have withdrawn performance belong to them, they maintain. 17 On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers. For instance, in 1945, at the height of the push for federally-guaranteed full employment, the Senate committee considering the issue took care to argue that “the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates: “It is not the aim of the bill to provide specific jobs for specific individuals. Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work. Our American system owes no man a living, but it does owe every man an opportunity to make a living.” 18 These sentences remind us how puzzling, even alarming, the right to specific jobs can sound. In fact, in a liberal society the whole point is that claims on specific jobs are a relic of feudal thinking. In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy. A common argument against striking workers is that they are latter-day guilds, protecting their sectional interests by refusing to let anyone else perform “their jobs.” 19 As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all … the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. 20

#### 2] Strikes violate fundamental rights.

**Gourevitch, 16** **(Alex Gourevitch, associate professor of political science at Brown University, 6-13-2016, accessed on 10-12-2021, *Perspectives on Politics*, "Quitting Work but Not the Job: Liberty and the Right to Strike", https://sci-hub.se/10.1017/S1537592716000049) //D.Ying**

Yet there is more. The standard strike potentially threatens the fundamental freedoms of three specific groups. • Freedom of contract. It conflicts with the freedom of contract of those replacement workers who would be willing to take the job on terms that strikers will not. Note that this is not a possible conflict but a necessary one. Strikers claim the job is theirs, which means replacements have no right to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • Property rights. A strike seriously interferes with the employer’s property rights. The point of a strike is to stop production. But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property. The strikers, by claiming that the employer has no right to hire replacements and thus no way of employing his property profitably, effectively render the employer unfree to use his property as he sees fit. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal “sit-down” strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights. 24 Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities—permission it often denied. 25 • Freedom of association. Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions—depending on the law—but also they might be forced to go along with one of the union’s riskiest collective actions. Note that each one of these concerns follows directly from the nature of the right to strike itself. Interference with freedom of contract, property rights, and the freedom of association are all part and parcel of defending the right that striking workers claim to “their” jobs. These are difficult forms of coercive interference to justify on their own terms and they appear to rest on a claim without foundation. Just what right do workers have to jobs that they refuse to perform?

#### 3] Promise breaking – employees sign a contract with their employer and promise to work – striking is a unilateral violation of that.

# Case

## Kant

#### [2] Act util collapses to rule util—people who always try to act in the right way make mistakes and would never be able to make decisions—only rule util solves, where we have the rule that is most likely to, in most instances, do more good. That rule is the NC—protection of freedom is a good base line because without direct violation of each other’s sovereignty, we’re way less likely to do harm to them.

#### [4] Can’t differentiate between pleasures - it's impossible to weigh ice cream with a snow day. So you can't weigh.

#### [7] Can’t evaluate consequences [A] consequences change over time whereas intent stays the same [B] consequences are infinitely regressive since there are always continuing implications of any action you take so it’s impossible to use foresight to judge any action

#### [8] Can’t weigh between people – no way of determining if breaking your arm or someone stubbing their toe hurts more. Feeling is relative so we can’t weigh pain objectively.

#### [9] Util tells us to look to objective states of affairs, but those don’t exist since all we have is our own subjective positions – claiming objectivity will always fail.

#### [10] No culpability — external forces influence outcomes – holds us responsible for things out of our control which is a flawed basis of ethics since we’d be responsible for infinite arbitrary factors

#### [

#### [1] Just says that people think pain is intrinsically bad, not that it is.

#### [2] Turn – basing intrinsic good off of inexplicability prevents evaluation of morals as there isn’t a contestation point for why certain theories are false. Also leads to absurd conclusions – means anything we don’t understand is good – dominant power groups will always say that they can’t explain policies and treat them as good.

#### [3] No warrant why not being able to explain the good of pleasure means it’s good.

#### [4] cedes authority to reason – proves that the starting point of your framing is based off the ability to have or not have reasons for moral decisions.

#### [5] Reason hijacks – it’s the only way to prevent us from being egoist and acting of our own self pleasure. Introspection is reflection on our own thoughts and deducting that it can apply to others as well.

#### AT: Util Lexical Prerequisite

#### [1] Assumes consequentialism: this arg doesn’t matter predictions are flawed.

#### [2] regressive: You justify always trying to stop the smallest risks of harms instead of ethics.

#### [3] Wrong: Good philosophy like existentialism was created during the Nazi occupation of Paris.

### AT: Actor Spec

#### [1] Is-ought fallacy, just because some states use util doesn’t make it right.

#### [2] The NC hijacks: If I prove my theory is right, states ought to use it

#### [3] They are bound by doctrines.

#### [4] Turn: Proves calc responses are true since governments make wrong predictions like the Iraq war constantly.

## Util

#### 1] World is already too divided, aff is not enough to overcome inequality, your ev specifically highlights the top 1%, they cant solve

#### 2] Top Level- there is no 1AC evidence on how a right to strike creates more strikes- missing a key internal link that takes out all of their offense because its predicated on the actions of strikes being good

#### 3] no AC evidence that strikes are unsuccessful or that strikes will actually happen, vote neg on presumption

#### Strikes fail and spark backlash – leads to fragmentation.

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>]//SJWen

\*\*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.

#### Educator strikes are devastating – they ruin generational educational outcomes, distort democracy, cause massive violence, and perpetuate inequality, le Grange 12:

Corlene le Grange, [BA, LLB Submitted in accordance with the requirements for the degree Magister Legum in Comparative Child Law at the North-West University (Potchefstroom Campus), South Africa]April 2012, “The limitation of the educator’s right to strike by the child’s right to basic Education” <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.840.4795&rep=rep1&type=pdf> //LHP AV

Spring9 argues that **strikes in the American educational sector occur when a teachers’ union and the department** of education **are unable to reach an agreement** with regard to educators’ salaries and working conditions**. In South Africa the situation is similar**: Solidarity states that **people in South Africa generally strike to direct attention to a grievance they might experience and to reach an agreement** regarding a problem which pertains to interests of employers as well as employees.10 In chapter 1 of this study it was shown that, in the educational sector, these grievances are generally related to educators’ compensation.11 Strikes are usually preceded by union representatives who bargain with the department of education over a new contract, containing a particular wage scale and labour rules.12 Examples of these proposed bargaining agreements can be seen on various South African education unions’ web pages.13 Wage scales will typically include educators’ salaries and other benefits such as health benefits. The length of school days, class sizes and teaching loads are discussed in the labour rules. When the unions and the department of education cannot agree on contract terms, conflict is generated and a strike may follow.14 It is said that the implementation of collective bargaining into public education is the primary cause of strikes by educators.15 Collective bargaining can be described as a:16 good faith process between an organisation’s management and a trade union representing its employees, for negotiating wages, working hours, working conditions, and other matters of mutual interest. This process usually presents the management with a group of people with whom to negotiate, while greatly enhanced bargaining power is given to employees. The trade union system is based on the principle of collective bargaining.17 **A strike (which is usually induced by trade unions) can be seen as:18 the partial or complete concerted refusal to work**, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purposes of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to work in this definition includes overtime work, whether it is voluntary or compulsory.’ It is Neal’s19 opinion that the industrial mode of collective bargaining, in particular labour strikes, should not have been transferred to the public sector, the reason being that **monopoly government services (services that can’t be purchased)20 are essential to the health, safety and welfare of the public**. **Strikes are furthermore**, in principle, **an economic** **weapon** that is **inappropriate to public employment**. **Strikes by teachers are** strikes against the South African community as a whole,21 and, as part of the public sector, these strikes do not serve the same purpose as in the private sector.22 **When teachers strike, there exists no fair relationship** **between the economic gains for the educators** on strike **and the damage they inflict upon fellow citizens**,23 **in this case, specifically children who are an especially vulnerable group of society**. It is different in a private company where strikes are more legitimate because those who strike and those who employ are mutually dependent on each other in the following sense: if any of the two groups are unreasonable, the company and all involved will suffer irreparable damage.24 People in general have a choice to make use of a certain company or product, but apart from the extremely wealthy, **most people have no other option but to make use of government services**.25 **Strikes** in the public sector **are thus inappropriate because they “distort the political decisionmaking process.”**26 It is in the opinion of Mahlomola Kekana, president of the National Association of Parents in School Governance (NAPSG) that27 **the impact of the [2010] strike may affect** the entire generation **as the damage far outweighs the gains made by public servants, in particular the teachers**. He further states that such a strike perpetuates the class system and causes inequality, **because the majority of South Africans** do not have a choice **between public and private schools**.28 It has been reported that **the nation-wide strike in 2010 caused disruption and was extremely destabilising**.29 **Schools** were **shut**,30 **teachers attacked pupils and pupils retaliated**.31 **This left an array of broken relationships** that had to be repaired.32 In a previous educator strike in 2007,33 grade 12 learners were prohibited from applying for bursaries on time, because they could not hand in their first term marks or testimonials from their teachers. Furthermore, **many of the grade 12 learners that were to fail due to 2-3 months of missed classes, were not able to repeat their final year**, because the school syllabus was changed.34 It is obvious that **this situation jeopardized the futures of countless children, especially learners from previously disadvantaged backgrounds.** The 2010-strike that had lasted about 3 weeks35 occurred less than 2 months before the final grade 12 examinations.36 It has been reported during this time that Allen Thompson, president of NATU (National Teacher’s Union), made the following staggering announcement:37 There will be no Matric exams written this year in South Africa. We have decided to use the Matric exams as a lever if the government does not come forward with a better offer. **This shows an absolute disregard for children’s right to education.** Anne Bernstein, director for the Centre for Enterprise Development has stated that between 75-89% of South African public schools are dysfunctional.38 In 2007, pass rates fell from 67% in 2006 to 61%.39 Also, in a 2007-study of forty one countries by United States-based National Centre for Education Statistics, South African Grade 8 learners came last in Maths and Science.40 South Africa has also recently finished last of all developing countries when literacy and numeracy skills of children were tested.41 South Africa has further participated in two crosscountry comparative studies during recent years: Progress in International Reading Literacy, which focuses on Grade 4 reading skills, and the Southern and Eastern Africa Consortium for Monitoring Education Quality, which focuses on Grade 6 reading and mathematical skills. Our country compared poorly to our more impoverished neighbouring countries and even worse to developing countries in other parts of the world.42 Woolman and Fleisch43 correctly state that “we stand very much at risk of losing a second generation of learners.” The Minister of Basic Education, Angie Motshekga, has stated that although South African schools are doing relatively well on enrolments, “our weakness is in the quality of education.”44 It has been found with regard to rural primary schools that the absence of teachers, the neglect of their duties and lack of discipline had lead to a decrease in pupil discipline, increased learner absences and the repetition of grades.45 Another big problem that is related to **an average teachers’ strike is the intimidation of other teachers who choose to keep working, as well as of schoolgoing pupils**. A grade 10 pupil of a high school in Gauteng told a reporter that they were busy writing a test when about a 100 presumed striking teachers from other schools stormed into the classroom and assaulted the learners.46 **One striker hit a non-striking teacher in the face and tore up test papers while other pupils were threatened that they would be hurt if they contacted their parents**. At another high school, **armed strikers took down a fence to gain entry, broke windows and threw garbage cans from the first floor.**47 **Learners and teachers left school early** on the day of the attack **and** were afraid to return

#### Strengthening unions is just bad --- they’ve gone to great efforts to institutionalize racism within ranks which kills democracy

Watson 6-14 [Travis Watson is the creator of ADOSConstruction.org and chair of the Boston Employment Commission (BEC). Appointed by former Boston mayor and current US Department of Labor Secretary Martin J. Walsh, the BEC oversees the Boston Residents Jobs Policy, which sets employment standards on city-assisted construction projects. “Union Construction’s Racial Equity and Inclusion Charade.” June 14, 2021. https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade]

The Catch 22 | White union construction workers often stymie prospective Black workers’ attempts to join a union by trapping them in a Catch-22: requiring the worker to have a job prior to being admitted into a union, but also requiring union membership before getting a construction job. Former United Community Construction Workers activist Omar Cannon recalls Black workers being told by white union officers that they “had to be in the union to get a job.” However, the problem, Cannon explains, is that “you had to get a job to get in the union.” Former Army veteran and construction worker Gilbert Banks has told a similar story about treatment by foremen and unions: “They’d say, ‘Have you got a (union membership) book?’ I’d say, ‘No.’ ‘Well,’ they said, ‘Go get a book and we’ll give you a job.’ And I’d go to the union and ask them for a book. They’d say, ‘Listen, if you get the job, we’ll give you a book.’ There was no way of fighting it.” This no-win situation is not a coincidence. This Catch-22 is a form of structural racism intended to exclude people not already on the inside. Stonewalling | Another strategy white union members use to frustrate Black workers into giving up their effort to join a union is intentionally refusing communication, ignoring, and silencing them. Stonewalling effectively blocks Black workers from jobs and from unions, even when those workers have superlative skills, training, and experience. For example, former member of the Congress of Racial Equity (CORE) and construction activist Oliver Leeds recalls how his work as an Army engineer wasn’t enough to even get considered for work and union acceptance: “I was in the Corps of Engineers. And you know what we do? We worked to win the war. We built anything that could be built: bridges, tunnels, houses, officers’ quarters, Myers quarter, roads, and airstrips. We loaded and unloaded ships. We did anything in the way that involved work, construction work. You know, when I got back to the United States, after the war, I couldn’t get a job in construction, that there was no union that would let me in? And there was damn little that I couldn’t do in the way of construction work. They’ll take you and turn you into construction workers in the army, in a segregated army, and then when you get back into civilian life, you can’t get a construction job.” These first two strategies—the Catch 22 and stonewalling—cloak the structural racism operating within unions by displacing the consequence onto the Black person: that they gave up, or that they got frustrated, rather than seeing the mechanisms at work that produced this outcome. Biased Gatekeepers | Many construction unions place unemployed members “on the bench” while they wait to be sent to work by dispatchers, the union members who distribute the jobs. Dispatchers play a central role in access to jobs and, therefore, to union entry. However, by intentionally refusing to send Black workers to jobs, racially biased dispatchers play a pivotal role in keeping unions white. In Boston, former construction worker Earl Quick recalls receiving his union book but never being assigned work. “White guys would come in and go right into the business agent’s office and they’d get work and me and the rest of the Black guys would just sit there,” he explains. “I never did work in Boston.” According to the former Northwest American Friends Service Committee Director Arthur Dye, “Some [Black] workers appeared at the hiring hall day after day for several months and were never dispatched. If they began to ask questions why they were not dispatched they would be sent out to jobs … a hundred miles or so away, only to find out that when they arrived at their destination there wasn’t a job. Or they would be dispatched to a job where there was considerable possibility for physical intimidation.” Because this is a well-known practice, Black workers have often applied directly to employers, going around the union hiring halls. But in most cases, employers are required by union policy to hire only workers referred by union hiring hall dispatchers. And even when employers intentionally seek to diversify their employees and union contractors, dispatchers can thwart this effort. For example, when Robert Lucas, the president of the refrigeration contractor Lewis Refrigeration, who is a white man, called Local Union 32 and specifically asked for a Black plumber to be dispatched to his job, the dispatcher reportedly laughed and dismissed his request. Discriminatory Testing | Some construction unions require that applicants pass a test for admittance. To keep their membership as white as possible, some local unions went so far as to pass white applicants regardless of how they scored, while failing nearly every Black applicant. Journalist Gary McMillan reported in the Boston Globe, that “in 1980, a federal court in Boston found that the oral section of the exam given by the Ironworkers was so subjective and so open to abuse that it had almost no bearing on ability to do the job. For some reason, the court also found, whites almost always passed the test but Blacks almost always failed.” This blatant discriminatory testing enables the construction industry to remain an “old-boys club,” and barring entry to people of color keeps their ranks as white as possible going forward. Without equal access to unions, Black workers have been deprived of apprenticeship, mentorship, and other networking opportunities that are crucial to their professional advancement and success. Explicit Racism | Some white construction workers take a more overtly racist and aggressive approach to keeping Black membership as low as possible. This strategy has been tactically employed through the use of racist language and putting Black workers in dangerous situations. In Seattle, Donald Kelly, a white apprentice in Local 86 recalls hearing, “We have no Negro apprentices, and we will never have no Negro apprentices … No Black [expletives] will ever work out of this union as long as I am business agent.” In Boston, Earl Quick had union men drop bolts on him and call him the N-word. As McMillan enumerated, “almost every Black construction worker interviewed by the Boston Globe in 1983 … has had ‘accidents’ on the job: boards or bolts dropped from above, a steel beam swing very close to his head, live wires left at his feet as he walked by.” But these incidents of overt racism and aggression aren’t just relics of the past. Last year, places like Toronto, Las Vegas, and Portland, Oregon, have had incidents of nooses being left at construction sites. And this year, in Boston, International Brotherhood of Electrical Workers International Vice President Mike Monahan referred to Black people as “colored.” And, in response to my critique about the lack of diversity in union construction, he emailed me with the following threatening message, which included a pointed reference to “sun down towns”: “Goodnight — what time does the sun set and rise in Falmouth? Make sure you lock the doors.” Voter Suppression | And lastly, some unions go to great lengths to exclude Black people from participating in their elections. In Boston, for example, union construction limits the number of Black members through voter suppression. Voter suppression is as American as the second amendment, a tool used to maintain white power and silence Black voices for decades. For most of us, voter suppression manifests itself through draconian policies—things like making it more difficult to vote by mail, voter ID laws, and restricting access to early voting. But while many of the elected officials behind such policies are Republican lawmakers, the Greater Boston building trades unions have been taking a page from their book; one of Boston’s most extensive and ingrained systems of voter suppression resides within their halls.

#### Strikes inhibit democratization and aren’t enough to induce transition – your evidence is overly optimistic.

Ahlquist 17 [John; School of Global Policy and Strategy, University of California San Diego; “Labor Unions, Political Representation, and Economic Inequality,” 3/9/17; AnnualReviews; https://www.annualreviews.org/doi/pdf/10.1146/annurev-polisci-051215-023225] Justin

But strikes and union alliances are almost never sufficient to induce a regime transition on their own. Unions, even if successful at mobilizing workers under authoritarian systems or as voters, are not always prodemocratic elements (Valenzuela 1989, Levitsky & Mainwaring 2006). Unions deeply incorporated into populist or Marxist parties can end up inhibiting democratization, even when independent labor organizations are pushing in the opposite direction (Levitsky 2001). Union leaders, when insulated from rank-and-file pressure, can become co-opted by parties or even criminal elements. Whether unions are part of pro- or antidemocratic coalitions can vary across cases and across unions within a country, depending on the instrumental benefits offered to union leaders and members as well as the expected outcomes under different regime types.

#### Increased strikes sabotage the economy – they cause major disruptions and lower income for workers.

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Labor strikes can cause major disruptions to industry, commerce and the lives of many people who aren't even connected to the strike itself. The Professional Air Traffic Controllers Association strike in 1981 resulted in the firing of thousands of air traffic controllers, and the New York City transit strike in late 2005 affected millions of people. The history of strikes and labor unions is a key chapter in the story of the Industrial Revolution.

While the reasons behind strikes can be complex, they all boil down to two key elements: money and power. In this article, we'll find out how labor strikes have affected the balance of power between corporations and workers, what laws regulate strikes and learn about some important strikes in history.

It's difficult to say when the first real labor strike occurred. The word "strike" was first used in the 1700s, and probably comes from to notion of dealing a blow to the employer [ref]. In 1786, a group of printers in Philadelphia requested a raise and the company rejected it. They stopped working in protest and eventually received their raise. Other professionals followed suit in the next few decades. Everyone in a city who practiced the same profession agreed to set prices and wages at the same rate. Members would shun anyone who diverged from the agreement, refusing to work in the same shop and forcing employers to fire them. By the 1800s, formal trade societies and guilds began to emerge.

To have a strike today, you must have a union (though not necessarily an official union) -- an organization of workers that bargain collectively with an employer. Workers form unions because an individual worker is powerless compared to an employer, who can set low wages and long working hours as long as it adheres to labor laws. When workers combine to form a union, they collectively have enough power to negotiate with the employer. The main weapon the union has against the employer is the threat of a strike action.

At its most basic level, a strike occurs when all the workers in the union stop coming to work. With no workers, the business shuts down. The employer stops making money, though it is still spending money on taxes, rent, electricity and maintenance. The longer the strike lasts, the more money the employer loses. Of course, the workers aren't getting paid either, so they're losing money as well. Some unions build up "war chests" -- funds to pay striking workers. But it isn't usually very much, and it's often not enough for a prolonged strike.

Strikes help explain why unions are more powerful than individuals. Imagine if an employer refuses to give a raise to an individual worker. She then decides to stop coming to work in protest. The employer simply fires her for not coming to work. That one worker has no power to influence the employer. However, it can be very costly for an employer to fire every single worker when a union goes on strike (though it has happened).