## Framework

#### I affirm resolved: “A just government ought to recognize an unconditional right of workers to strike.” To start with, I’d like to clarify some terms in the resolution. ” The “Right to strike” is defined by the National Labor Relations Board as “The right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.” “Recognize” in this context means to legally enforce.

#### Next I move onto my Framework:

#### My value is justice as fairness. Life is not fair since some people are born into situations with advantages or disadvantages that they did nothing to deserve. The job of a just government is to offset said unfair conditions in order to provide everyone with a fair opportunity. I am not saying that everyone must be equal, but rather that everyone has equal access to the basic needs of life. Fairness is a precondition for other values.

#### Political conceptions for equality are key to determine objective morality for equal understanding

**Professor in Humanities Samuel Freeman stated in 2007** Samuel Freeman [Avalon Professor in the Humanities at The University of Pennsylvania. Justice and the Social Contract: Essays on Rawlsian Political Philosophy. Oxford University Press. New York, NY. 2007. 37]

We have considered how the social contract plays a role within Rawls's conception of justice, from the point of view of free and equal persons and from the perspective of the parties in the original position. Let us now consider a second way in which agreement plays a role, implicit in a third perspective in Rawls's view, that of ourselves as members of a democratic society.45Rawls identifies the aim of political philosophy as [is] a practical one: to define a conception of justice that can [provide a shared public basis for the justification of political and social institutions.]46 Its task is to locate a basis for agreement in a culture that all can affirm and accept and that can serve as a basis for public reasoning and stable social cooperation. The practical aim of a political conception is to be contrasted with what we might call the theoretical aim of a moral conception, which is truth. [Justice as fairness . . . presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens] (JF, 230). This does not mean that Rawls is not interested in objectivity or truth (clearly Rawls thinks that the general facts assumed by his theory and the parties are true [TJ, 547/481 rev.]). Rather, there is a difference between the primary objects of a practical versus a theoretical inquiry. Whether Rawls's principles are or can be true, in the sense that they satisfy a metaphysical account of truth, is a separate issue which Rawls does not address. He thinks it important to [avoid the problem of truth and the controversy between realism and subjectivism] if justice as fairness is to achieve its practical aim in a democracy (JF, 230). This point is essential to Rawls's version of liberalism, as well as to understanding the sense in which his is a social contract view. The practical aim of a political conception does not by itself seem to imply any form of a social contract. For, we might imagine a society in which appeals to religious authority, or to self-evident truths about good reasons, provided the basis for public justification and agreement (cf. CP, 343). Rawls's point is that such appeals cannot work in a democracy. For, given that democratic citizens have different and competing philosophical conceptions of the nature and bases of truth, objectivity, and so on, a basis for public reasoning and agreement cannot be achieved by a conception of justice that relies on such premises. Here the idea of social agreement comes in; such an idea is implicit in what I will call the practical that Rawls sees as is appropriate for a democratic society.

#### My criterion is benefiting those who are least well-off. A government is most just when it ensures that every person has a fair chance, regardless of the natural lottery. The people who Need that fair chance the most are those who are in the working class because they have been born into it. This is necessary for all other values – before we decide the greatest good or societal well being or morality, we have to determine how to define what is the most moral or beneficial.

## Contention 1

#### Conditions on the right to strike have been chipping away labor unions.

#### Subpoint 1: Contracts restricting strikes have undermined union power dramatically

Moffatt, 2019-  prof of Business, Economics and Public Policy at Western Univ. [Mike "The Decline of Union Power." ThoughtCo, Aug. 27, 2019, thoughtco.com/the-decline-of-union-power-1147660.]

When the Industrial Revolution swept the United States up in a flurry of new innovations and employment opportunities, no regulations existed yet to govern how employees were treated in the factories or mines but organized labor unions began popping up across the country in order to protect these unrepresented working-class citizens. However, according to the [U.S. Department of State](http://usinfo.state.gov/), "the changing conditions of the 1980s and 1990s undermined the position of organized labor, which now represented a shrinking share of the workforce." Between 1945 and 1998, union membership fell from just over one-third of the workforce to 13.9 percent. Still, powerful union contributions to political campaigns and members' voter-turnout efforts have kept the union's interests represented in government to this day. This has recently, however, been mitigated by legislation allowing workers to withhold the portion of their union dues used to oppose or support political candidates. Corporations began shutting down work unions' resistance movements around the late 1970s when international and domestic competition drove the need to continue operations in order to survive in the cutthroat marketplace that was developing in the 1980s. Automation also played a key role in breaking up union efforts by developing labor-saving automated processes including state-of-the-art machinery, replacing the role of swathes of workers at every factory. Unions still fought back though, with limited success, demanding guaranteed annual incomes, shorter workweeks with shared hours, and free retraining to take on new roles associated with the upkeep of machinery. Strikes have also notably declined in the 1980s and '90s, especially after President [Ronald Reagan](https://www.thoughtco.com/ronald-reagan-1779927) fired [Federal Aviation Administration](https://www.thoughtco.com/federal-aviation-administration-faa-3321997) air traffic controllers who issued an illegal strike. Corporations have since been more willing to hire strikebreakers when unions walk out, too. The decline of strike success and the means for employees to express their demands effectively, the workforce of the United States shifted to a service industry focus, which has traditionally been a sector unions have been weaker in recruiting and retaining members from.

#### Subpoint 2- Federal law creates conditions on the right to strike - it prohibits government workers from striking, which allows involuntary servitude

Berman, 2019 - Staff writer for The Atlantic**.** [Russel “Why Federal Workers still have to show up even if their not being paid”, JANUARY 9, 2019,https://www.theatlantic.com/politics/archive/2019/01/shutdown-federal-workers-cant-strike/579793/]]

Faced with a potentially indefinite shutdown, the unions have turned to the courts for relief. The American Federation of Government Employees has filed a lawsuit against the Trump administration alleging that by requiring employees to work without pay, the government is in violation of the Fair Labor Standards Act, a 1938 law that mandates a minimum wage and overtime pay both to public- and private-sector workers. Another federal labor group, the National Treasury Employees Union, has filed a similar suit.The unions are also holding rallies, highlighting the impact of the shutdown on federal workers who live paycheck to paycheck, and publicly urging Trump and congressional leaders to come to an agreement that reopens the government. That, however, is about as far as they’ll go to protest the shutdown.Despite taking the government to court, neither union is encouraging its members to take part in any kind of work stoppage. “We encourage everyone who is being told to come to work to go to work,” Simon told me. “We are never going to advocate for something that’s illegal.” As for reports of higher levels of sick calls by TSA agents, Simon said: “We aren’t coordinating that. We aren’t condoning that, and we don’t even really think it’s happening. We think it’s been greatly exaggerated in the press.” Federal employees generally haven’t tested the prohibition on strikes since President Ronald Reagan famously fired more than 11,000 air-traffic controllers who refused his order to return to work during contract talks in 1981. The controllers walked out in demand of higher pay and a shorter workweek. Federal workers have never staged a mass walkout to protest the lack of pay during a shutdown. But even in that circumstance, the anti-strike law would probably hold up, said Zachary Henige, an attorney representing two federal employees in their lawsuit agains the government over the current shutdown.The law prohibits public employees from striking, forcing them into what one union leader called “involuntary servitude” during the government shutdown. Eric Young is the president of the union that represents the approximately 30,000 employees of the Federal Bureau of Prisons who are working during the government shutdown. Young’s members, scattered at 122 facilities located in largely rural areas across the country, aren’t being paid and don’t know when their next paycheck will come. Like the leaders of virtually every federal-employee union during the past three weeks, he has condemned the shutdown and its toll on innocent workers as “unconscionable.” “My personal opinion,” Young told me over the phone from his office in Arkansas, “is that it constitutes involuntary servitude.” “We can’t call or advocate for a strike,” Young said. Since the enactment of the Taft-Hartley Act in 1947, federal employees have been legally prohibited from striking. That law was intended to prevent public-sector workers from leveraging a work stoppage that could cripple the U.S. government or major industries in negotiations for better pay, working conditions, and benefits. But it likely did not envision a scenario where the government would require its employees to work without paying them, as is the case now.

#### A right to strike is crucial to negotiating conditions for workforce retention, especially emerging from the waves of the pandemic—but without a legally recognized RTS, companies lash out with dismissals. Bogage 10/17

Jacob Bogage, writes about business and technology for The Washington Post, where he's worked since 2015. He's previously covered the automotive and manufacturing industries and wrote for the Sports section. He has previously reported for the Columbia Missourian, Columbia (Mo.) Daily Tribune, Bethesda Magazine and the Montgomery County Gazette. He is a Maryland native and a graduate of the University of Missouri, 10-17-2021, "Strikes are sweeping the labor market as workers wield new leverage ," Washington Post, https://www.washingtonpost.com/business/2021/10/17/strikes-great-resignation/, 10-22-2021//Aanya

Marcial Reyes could have just quit his job. Frustrated with chronic understaffing at the Kaiser Permanente hospital where he works in Southern California, he knows he has options in a region desperate for nurses. Instead, he voted to go on strike. While Americans are leaving their jobs at staggering rates — a record 4.3 million quit in August alone — hundreds of thousands of workers with similar grievances about wages, benefits and quality of life are, like Reyes, choosing to dig in and fight. Last week, 10,000 John Deere workers went on strike, while unions representing 31,000 Kaiser employees authorized walkouts. Some 60,000 Hollywood production workers reached a deal Saturday night, averting a strike hours before a negotiation deadline. All told, there have been strikes against 178 employers this year, according to a tracker by Cornell University’s School of Industrial and Labor Relations. The Bureau of Labor Statistics, which records only large work stoppages, has documented 12 strikes involving 1,000 or more workers so far this year. That’s considerably higher than 2020, when the pandemic took hold, but in line with significant strike activity recorded in 2019 and 2018. The trend, union officials and economists say, is an offshoot of the phenomenon known as the Great Resignation, which has thinned the nation’s labor pool and slowed the economic recovery. Workers are now harder to replace, especially while many companies are scrambling to meet heightened demand for their products and manage hobbled supply chains. That has given unions new leverage, and made striking less risky. In interviews, workers and labor leaders said union members are angry with employers for failing to raise pay to match new profits and are disappointed by the lack of high-quality jobs. They also are frustrated that wage growth is not keeping pace with inflation. Although the average U.S. worker’s hourly pay was up 4 percent in September compared with a year ago, according to the St. Louis Federal Reserve, inflation grew 5.4 percent over the same period. “The strikes are sending a signal, no doubt about it, that employers ignore workers at their peril,” AFL-CIO President Liz Shuler said in an interview with The Washington Post. “I think this wave of strikes is actually going to inspire more workers to stand up and speak out and put that line in the sand and say, ‘We deserve better.’ ” Not all work stoppages have been successful. More than 1,000 Alabama miners have been on strike at Warrior Met Coal since April. That same month, 14 oil workers staged a walkout against United Metro Energy in New York; eight have since been fired, according to the local Teamsters branch. And roughly 1,400 workers at Kellogg Co. cereal factories in four states are entering their third week on the picket line. Still, the labor movement has drawn support from the White House. President Biden made a public statement supporting the Amazon union drive in Alabama — a rare move by a sitting president. And his constant calls to raise the federal minimum wage to $15 an hour have delighted labor leaders. In Fontana, Calif., Reyes is hopeful. As a covid-19 patient who spent a month in the same Kaiser hospital where he works, he has a unique perspective on pandemic-related staffing shortages. “I think I got the best care that I could have gotten at Kaiser,” he said. “Now it’s time to pay back the nurses that took care of me” by striking for additional resources. The strike drives in 2021 run the gamut of American industry: Nurses and health workers in California and Oregon; oil workers in New York; cereal factory workers in Michigan, Nebraska, Pennsylvania and Tennessee; television and film production crews in Hollywood; and more. The surge in strike activity has yielded mixed results, economists say. Though work stoppages this summer at Nabisco and Frito-Lay helped secure higher raises and new vacation allowances for workers, employers have not made meaningful increases in their workforces or compensation structures. Both sides acknowledge the benefit of retaining workers. Management more often would rather deal with a brief strike than absorb higher costs associated with turnover and training new staff. For the employee, a new job isn’t necessarily a better one. A “There’s a cost to searching and a cost to leaving your current employer,” said William M. Rodgers III, director of the Institute for Economic Equity at the Federal Reserve Bank of St. Louis. “And maybe some of the desire to strike is predicated out of a level of loyalty that these people have been with this company for a good duration.” Unions increasingly are seeking changes in the workplace and corporate culture. Some strike drives are pushing for better safeguards against sexual harassment and coronavirus safety protocols, including one at El Milagro, a Chicago-based tortilla manufacturer. Workers at a West Virginia producer of industrial pump parts went on strike Oct. 1 seeking better seniority rights. Some are attempting to claw back perks that vanished years ago during economic downturns. Striking John Deere workers contend that the company’s massive profit during the pandemic — earnings nearly doubled to a record $1.79 billion last quarter — should be reflected in their compensation, particularly retirement benefits. More than 60,000 members of the International Alliance of Theatrical Stage Employees (IATSE), which represents Hollywood production workers, had planned to strike Monday unless they reached a deal with the Alliance of Motion Picture and Television Producers. The two sides arrived at a tentative agreement Saturday night that guarantees workers meal breaks, weekends and breaks between shifts, plus significant raises. “They do have to change the way they do business,” IATSE President Matthew D. Loeb said, “to avoid a strike, to have good morale and to have safe, healthy employees.” A spokesman for the television and film producers alliance did not respond to a request for comment. Labor leaders have defined wage demands as a new frontier for workers’ rights. Unions helped deliver the 40-hour workweek, they note, and the coronavirus crisis has reinforced the need to secure living wages and safer workplaces. “Especially during the pandemic, where people have worked overtime, they’ve sacrificed. They want to be acknowledged and appreciated,” Shuler said. Workers took notice when their companies publicly praised them as heroic and essential in the early days of pandemic, labor leaders and experts say, and it made them angry. Many saw a disconnect between the accolades and the realities of their jobs, and now interpret “essential” more broadly: They’re not only crucial to helping put food on families’ tables or treating patients, they’re essential to very companies they serve — and can inflict pain by shutting down or slowing operations. “A strike is really the last resort. That’s labor’s power, a worker’s power is to withhold their labor,” said Kim Cordova, president of the Colorado branch of the United Food and Commercial Workers Union. “A company can function without a CEO, but they can’t function without the workers to actually go do the work.”

## Contention Two: Unions are key to fairness

#### Subpoint 1. Strikes help workers to increase wages and improve working conditions – negotiations with employers are unbalanced - without the right to strike workers would be abused and subject to unsafe working conditions.

Bahn, 2019 - Director of Labor Market Policy at the Washington Center for Equitable Growth [Kate, August 29 “The once and future role of strikes in ensuring U.S. worker power” <https://equitablegrowth.org/the-once-and-future-role-of-strikes-in-ensuring-u-s-worker-power/>]

In the United States, Labor Day, which falls on the first Monday of September, is when we honor the history of the U.S. labor movement in striving for benefits and empowerment of workers across the economy. Strikes play an important role in empowering workers vis-à-vis their employers. By withdrawing their labor power, workers are able to balance the scales against the owners of capital, who rely on workers for production and providing services. Strikes have declined in frequency, popularity, and success over the past four decades, yet today, amid rising economic inequality, they are once again becoming an important tool in exercising worker power to ensure that the gains of profitability and economic growth can be broadly shared.

#### Subpoint 2 – Collective action is necessary to empower workers – unions give workers leverage to negotiate with their employers

Bivens, 2017 - the director of  research at the Economic Policy Institute [Jason, Aug 17, “How today’s unions help working people” https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/]

Almost everyone has at one point felt unheard or powerless as an employee. Joining a union simply means that you and your colleagues have a say because you negotiate important elements of employment conditions together. That could mean securing wage increases, better access to health care, workplace safety enhancements, and more reasonable and predictable hours. Through collective bargaining negotiations, the union also works with management to develop a process for settling disputes that employees and their managers are unable to settle individually. Once a collective bargaining agreement (CBA) is agreed to, union representatives work with employees and with management to make sure the rights and obligations spelled out in the agreement are honored. And they represent workers in high-stakes situations, such as when a safety violation has resulted in injury. By these means, collective bargaining gives workers a say in the terms of their employment, the security of knowing that there are specific processes for handling work-related grievances, and a path to solving problems. To cover expenses for negotiating contracts, defending workers’ rights, resolving disputes, and providing support to members of the bargaining unit, unions collect dues. The National Labor Relations Act (NLRA) of 1935 and amendments govern private-sector unions and collective bargaining. While states generally have no jurisdiction over private-sector unions, the NLRA as amended does allow states to enact certain laws that govern fees paid by workers in unionized private workplaces (discussed later in this report). Nearly half (48.1 percent) of workers covered by a union contract are public-sector workers. Collective bargaining among federal workers is covered by the Federal Labor Relations Act of 1978 (FLRA). State laws (enacted from the late 1950s forward) govern state and local government employee unions. Each state has its own set of laws that govern collective bargaining for state and local public employees. Some states allow the full set of collective bargaining rights, others (approximately one-fifth) prohibit collective bargaining, and still others limit some activities, such as the right to strike or the right to collect dues automatically during payroll processing. About one in 10 states have no state law addressing collective bargaining rights in the public sector.

#### The right to strike is essential to all unions and collective action – it is critical to persuade employers.

Leyton-García, 2017 - Professor of Labor Law at Pontificia Universidad, Chile [Jorge Andrés “The Right To Strike As A Fundamental Human Right: Recognition And Limitations In International Law” Revista Chilena de Derecho, vol. 44, núm. 3, 2017, pp. 781-804 <https://www.redalyc.org/articulo.oa?id=177054481008>]

“In the light of Demir and Baykara, cited above, the right of association of workers includes the following essential elements: the right to form and join a trade union, the prohibition of closed-shop agreements, the right to bargain collectively with the employer and the right for a trade union to seek to persuade the employer to hear what it has to say on behalf of its members. In a democratic society, the ultimate practical “means to persuade the employer to hear” the demands of the workers is obviously strike action. If collective action represents the core of the workers’ freedom of association, strike action is the core of the core. Indeed, striking predated both unions and collective bargaining. Thus, the taking of strike action should be accorded the status of an essential element of the Article 11 guarantee” 32.

#### Strong unions are essential to empower workers politically, to ensure fairness in society.

Bivens, 2017 - the director of  research at the Economic Policy Institute [Jason, Aug 17, “How today’s unions help working people” https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/]

Unions are a dynamic and ever-evolving institution of the American economy that exist to give working people a voice and leverage over their working conditions and the economic policy decisions that shape these conditions. Collective bargaining is indispensable if we want to achieve shared prosperity. But it is precisely because they are effective and necessary for shared prosperity that unions are under attack by employers who want to maintain excessive leverage over workers and by policymakers representing the interests of the top 1 percent. These attacks have succeeded in increasing the gap between the number of workers who would like to be represented by a union and the number who are represented by a union. And these threats to the freedom to join together in unions haven’t been met with a policy response sufficient to keep the playing field level between organizing workers and the employers looking to thwart them. Giving workers a real voice and leverage is essential for democracy. While unions historically have not been able to match corporate political donations dollar for dollar, working people organizing together in unions play an equalizing role because they can motivate members to give their time and effort to political causes. For example, one study found that unions are very effective at getting people to the polls—especially increasing voting among those with only a high school education

#### Protecting the right to strike is key to upholding democracy

**Kiai 17** Maina Kiai, Special Rapporteur on freedom of peaceful assembly and of association, took up his functions as the first Special Rapporteur on the rights to freedom of peaceful assembly and of association in May 2011. He is appointed in his personal capacity as an independent expert by the UN Human Rights Council. UN rights expert: “Fundamental right to strike must be preserved” 9 March 2017, United Nations Human Rights Office of The High Commissioner,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21328&LangID=E//>

**The right to strike is also an intrinsic corollary of the fundamental right of freedom of association**. It is crucial **for millions of women and men around the world to assert collectively their rights in the workplace, including the right to just and favorable conditions of work, and to work in dignity and without fear of intimidation and persecution.** Moreover, **protest action** in relation to government social and economic policy, and **against negative corporate practices, forms part of the basic civil liberties whose respect is essential for the meaningful exercise of trade union rights.** This right enables them to engage with companies and governments on a more equal footing, and **the Member States have a positive obligation to protect this right, and a negative obligation not to interfere with its exercise.** Moreover, protecting **the right to strike is not simply about States fulfilling their legal obligations. It is also about them creating democratic and equitable societies that are sustainable in the long run.** The concentration of power in one sector – **whether in the hands of government or business** – inevitably **leads to the erosion of democracy, and an increase in inequalities and marginalization with all their attendant consequences.** The right **to strike is a check on this concentration of power**. I deplore the various attempts made t**o erode the right to strike at national and multilateral levels**. In this regard, I welcome the positive role played by the ILO’s Government Group in upholding workers’ **right to strike by recognizing that ‘without protecting a right to strike, freedom of association, in particular the right to organize activities for the purpose of promoting and protecting workers’ interests, cannot be fully realized.** **Look to empirical evidence worldwide— strikes serve as midwives to democracy The right to strike** should be a no-brainer for any self-respecting candidate who claims to care about working people. It isn’t some transitory policy fix; it’s **a fundamental human right, recognized in international law. Without the right to strike, workers have no effective recourse against unhealthy conditions, inadequate wages, or employer tyranny. Before the American labor movement began its long decline, unions made the right to strike a litmus test for supporting candidates. Labor leaders held that anti-strike laws imposed “involuntary servitude” in violation of the Thirteenth Amendment to the United States Constitution. Corporate interests ridiculed this claim, arguing that the Amendment guaranteed only the individual right to quit and go elsewhere. But workers and unions held their ground. “**The simple fact is that the right of individual workers to quit their jobs has meaning only when they may quit in concert, so that in their quitting or in their threat to quit they have a real bargaining strength,” Congress of Industrial Organizations (CIO) General Counsel Lee Pressman explained. “It is thus hypocritical to suggest that a prohibition on the right to strike is not in practical effect a prohibition on the right to quit individually.” Labor leaders quoted the Supreme Court’s statement that the Amendment was intended “to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another’s benefit which is the essence of involuntary servitude.” Although they never convinced the Supreme Court that this principle covered the right to strike, Congress did embrace the core of their claim when it protected the right to strike in two historic statutes, the Norris-LaGuardia Act of 1932 and the Wagner National Labor Relations Act of 1935. The “individual unorganized worker,” explained Congress, “is helpless to exercise actual liberty of contract and to protect his freedom of labor.” **The recent teacher strikes underscore another, equally vital function of the strike: political democracy. It is no accident that strikers often serve as midwives of democracy. Examples include Poland in the 1970s, where shipyard strikers brought down the dictatorship, and South Africa in the 1970s and 1980s, where strikers were central to the defeat of apartheid. Even in relatively democratic countries like the United States, workers often find it necessary to withhold their labor in order to offset the disproportionate power of wealthy interests and racial elites. During the 1930s, for example, it took mass strikes to overcome judicial resistance to progressive economic regulation. Today, workers confront a political system that has been warped by voter suppression, gerrymandering and the judicial protection of corporate political expenditures as “freedom of speech.” With corporate lackeys holding a majority of seats on the Supreme Court, workers may soon need strikes to clear the way for progressive legislation just as they did in the 1930s.**

## Contention Three: The right to unconditionally strike empowers workers to end exploitation

**The current conditional system allows coercion and job loss to disincentivize a right to strike**

**Lafer and Loustaunau 20** Report • By Gordon Lafer and Lola Loustaunau • July 23. “Fear at Work: An inside Account of How Employers Threaten, Intimidate, and Harass Workers to Stop Them from Exercising Their Right to Collective Bargaining.” Economic Policy Institute, July 2020, www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/.

Most American workers want a union in their workplace but very few have it, because the right to organize—supposedly guaranteed by federal law—has been effectively cancelled out by a combination of legal and illegal employer intimidation tactics. This report focuses on the legal tactics—heavy-handed tactics that would be illegal in any election for public office but are regularly deployed by employers under the broken National Labor Relations Board’s union election system. Under this system, employees in workplace elections have no right to free speech or a free press, are threatened with losing their jobs if they vote to establish a union, and can be forced to hear one-sided propaganda with no right to ask questions or hear from opposing viewpoints. Employers—including many respectable, name-brand companies—collectively spend $340 million per year on “union avoidance” consultants who teach them how to exploit these weakness of federal labor law to effectively scare workers out of exercising their legal right to collective bargaining.Inside accounts of unionization drives at a tire manufacturing plant in Georgia and at a pay TV services company in Texas illustrate what those campaigns look like in real life. Below are some of the common employer tactics that often turn overwhelming support for unions at the outset of a campaign into a “no” vote just weeks later. All of these are legal under current law: Forcing employees to attend daily anti-union meetings where pro-union workers have no right to present [and]alternative views and can be fired on the spot if they ask a question.Plastering the workplace with anti-union posters, banners, and looping video ads—and denying pro-union employees access to any of these media. Instructing managers to tell employees that there’s a good chance they will lose their jobs if they vote to unionize. Having supervisors hold multiple one-on-one talks with each of their employees, stressing why it would be bad for them to vote in a union. Having managers tell employees that pro-union workers are “the enemy within.” Telling supervisors to [and]grill[ing] subordinates about their views on unionization, effectively destroying the principle of a secret ballot. At the heart of management’s campaign was the threat that workers would lose their jobs if they voted to unionize. Under the NLRA, it is legal for employers to “predict” that they will shut down if workers organize, but illegal to “threaten” closure. Insofar as they scare workers out of organizing, there is no significant difference between these, and employers often issue a combination of illegal threats and technically legal predictions. In Kumho’s case, an administrative law judge of the NLRB ultimately determined that 12 different managers (including the company’s CEO) issued illegal [and] threat[en] to close the plant or lay off employees.[48](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note48)

#### The RTS is the fundamental right for union negotiation

Myall, James. “Right to Strike Would Level the Playing Field for Public Workers, with Benefits for All of Us.” Maine Center for Economic Policy, 17 Apr. 2019, https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/.[James Myall](https://www.mecep.org/author/james-myall/) is a Policy analyst for [@MECEP1](https://twitter.com/MECEP1) . Member, Maine Permanent Commission on Racial, Indigenous & Tribal Pops. British. Recovering historian. //ear

All of us have a stake in the success of collective bargaining. But a union without the right to strike loses much of its negotiating power. The right to withdraw your labor is the foundation of collective worker action. When state employees or teachers are sitting across the negotiating table from their employers, how much leverage do they really have when they can be made to work without a contract? It’s like negotiating the price of a car when the salesman knows you’re going to have to buy it — whatever the final price is. Research confirms that public-sector unions are less effective without the right to strike. Public employees with a right to strike earn between 2 percent and 5 percent more than those without it.[[ii]](https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/" \l "_edn2) While that’s a meaningful increase for those workers, it also should assuage any fears that a right to strike would lead to excessive pay increases or employees abusing their new right. LD 900, “An Act to Expand the Rights of Public Employees Under the Maine Labor Laws,” ensures that Maine’s public-sector workers will have the same collective bargaining rights as other employees in Maine. The bill would strengthen the ability of Maine’s public-sector workers to negotiate, resulting in higher wagers, a more level playing field, and a fairer economy for all of us. Notes [[i]](https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/" \l "_ednref1) MECEP analysis of US Census Bureau, Current Population Survey, Outgoing Rotation Group data, 1998-2017 via the Integrated Public Use Microdata System. [[ii]](https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/" \l "_ednref2) Jeffrey Keefe, “Laws Enabling Public-Sector Collective Bargaining Have Not Led to Excessive Public-Sector Pay,” Economic Policy Institute, Oct 16, 2015. Web. Available at <https://www.epi.org/publication/laws-enabling-public-sector-collective-bargaining-have-not-led-to-excessive-public-sector-pay/>