## PRO Act CP

#### CP text: the US ought to pass the PRO act.

#### The problem with worker organization isn’t the right to strike- it’s companies taking deliberate anti-union action. Means the aff can never solve.

Heidi **Shierholz, 20** - ("Weakened labor movement leads to rising economic inequality," Economic Policy Institute, 1-27-2020, 11-4-2021https://www.epi.org/blog/weakened-labor-movement-leads-to-rising-economic-inequality/)//AW

The basic facts about inequality in the United States—that for most of the last 40 years, pay has stagnated for all but the highest paid workers and inequality has risen dramatically—are widely understood. What is less well-known is the role the decline of unionization has played in those trends. The share of workers covered by a collective bargaining agreement dropped from 27 percent to 11.6 percent between 1979 and 2019, meaning the union coverage rate is now less than half where it was 40 years ago. Research shows that this de-unionization accounts for a sizable share of the growth in inequality over that period—around 13–20 percent for women and 33–37 percent for men. Applying these shares to annual earnings data reveals that working people are now losing on the order of $200 billion per year as a result of the erosion of union coverage over the last four decades—with that money being redistributed upward, to the rich. The good news is that restoring union coverage—and strengthening workers’ abilities to join together to improve their wages and working conditions in other ways—is therefore likely to put at least $200 billion per year into the pockets of working people. These changes could happen through organizing and policy reform. Policymakers have introduced legislation, the Protecting the Right to Organize (PRO) Act, that would significantly reform current labor law. Building on the reforms in the PRO Act, the Clean Slate for Worker Power Project proposes further transformation of labor law, with innovative ideas to create balance in our economy. How is it that de-unionization has played such a large role in wage stagnation for working people and the rise of inequality? When workers are able to join together, form a union and collectively bargain, their pay goes up. On average, a worker covered by a union contract earns 13.2 percent more than a peer with similar education, occupation and experience in a non-unionized workplace in the same sector. Furthermore, the benefits of collective bargaining extend well beyond union workers. Where unions are strong, they essentially set broader standards that non-union employers must match in order to attract and retain the workers they need and to avoid facing an organizing drive. The combination of the direct effect of unions on their members and this “spillover” effect to non-union workers means unions are crucial in fostering a vibrant middle class—and has also meant that as unionization has eroded, pay for working people has stagnated and inequality has skyrocketed. Unions also help shrink racial wage gaps. For example, black workers are more likely than white workers to be represented by a union, and black workers who are in unions get a larger boost to wages from being in a union than white workers do. This means that the decline of unionization has played a significant role in the expansion of the black–white wage gap. But isn’t the erosion of unionization because workers don’t want unions anymore? No—survey data show that in fact, a higher share of non-union workers say they would vote for a union in their workplace today than did 40 years ago. Isn’t the erosion of unionization due to the shifts in employment from manufacturing to service-producing industries? No again—changing industry composition explains only a small share of the erosion of union coverage. What has caused declining unionization? One key factor is fierce corporate opposition that has smothered workers’ freedom to form unions. Aggressive anti-union campaigns—once confined to the most anti-union employers—have become widespread. For example, it is now standard, when workers seek to organize, for their employers to hire union avoidance consultants to coordinate fierce anti-union campaigns. We estimate that employers spend nearly $340 million per year hiring union avoidance advisers to help them prevent employees from organizing. And though the National Labor Relations Act (NLRA) makes it illegal for employers to intimidate, coerce or fire workers in retaliation for participating in union-organizing campaigns, the penalties are grossly insufficient to provide a meaningful disincentive for such behavior. This means employers often engage in illegal activities, such as threatening to close the worksite, cutting union activists’ hours or pay, or reporting workers to immigration enforcement authorities if employees unionize. In at least 1 in 5 union elections, employers are charged with illegally firing workers involved in organizing. In the face of these attacks on union organizing, policymakers have egregiously failed to update labor laws to balance the system. Fundamental reform is necessary to build worker power and guarantee all workers the right to come together and have a real voice in their workplace.

#### The PRO act solves way better than the aff by making it easier for workers to unionize.

 Celine **McNicholas and**Lynn **Rhinehart, 19** - ("The PRO Act: Giving workers more bargaining power on the job," Economic Policy Institute, 5-2-2019, 11-4-2021https://www.epi.org/blog/the-pro-act-giving-workers-more-bargaining-power-on-the-job/)//AW

Our economy is out of balance. Corporations and CEOs hold too much power and wealth, and working people know it. Workers are mobilizing, organizing, protesting, and striking at a level not seen in decades, and they are winning pay raises and other real change by using their collective voices. But, the fact is, it is still too difficult for working people to form a union at their workplace when they want to. The law gives employers too much power and puts too many roadblocks in the way of workers trying to organize with their co-workers. That’s why the Protecting the Right to Organize (PRO) Act—introduced today by Senator Murray and Representative Scott—is such an important piece of legislation. The PRO Act addresses several major problems with the current law and tries to give working people a fair shot when they try to join together with their coworkers to form a union and bargain for better wages, benefits, and conditions at their workplaces. Here’s how: Stronger and swifter remedies when employers interfere with workers’ rights. Under current law, there are no penalties on employers or compensatory damages for workers when employers illegally fire or retaliate against workers who are trying to form a union. As a result, employers routinely fire pro-union workers, because they know it will undermine the organizing campaign and they will face no real consequences. The PRO Act addresses this issue, instituting civil penalties for violations of the National Labor Relations Act (NLRA). Specifically, the legislation establishes compensatory damages for workers and penalties against employers (including penalties on officers and directors) when employers break the law and illegally fire or retaliate against workers. Importantly, these back pay and damages remedies apply to workers regardless of their immigration status. The PRO Act also requires the National Labor Relations Board (NLRB) to go to court and get an injunction to immediately reinstate workers if the NLRB believes the employer has illegally retaliated against workers for union activity. With this reform, workers won’t be out of a job and a paycheck while their case works its way through the system. Finally, the PRO Act adds a right for workers to go to court to seek relief, bringing labor law in line with other workplace laws that already contain this right. And, the legislation prohibits employers from forcing workers to waive their right to class or collective litigation. More freedom to organize without employer interference. The PRO Act streamlines the NLRB election process so workers can petition to form a union and get a timely vote without their employer interfering and delaying the vote. The act makes clear it is workers’ decision to file for a union election and that employers have no standing in the NLRB’s election process. It prohibits companies from forcing workers to attend mandatory anti-union meetings as a condition of continued employment. If the employer breaks the law or interferes with a fair election, the PRO Act empowers the NLRB to require the employer to bargain with the union if it had the support of a majority of workers prior to the election. And the PRO Act reinstates an Obama administration rule, which was repealed by the Trump administration, to require employers to disclose the names and payments they make to outside third-party union-busters that they hire to campaign against the union. Winning first contract agreements when workers organize and protecting fair share agreements. The law requires employers to bargain in good faith with the union chosen by their employees to reach a collective bargaining agreement—a contract—addressing wages, benefits, protections from sexual harassment, and other issues. But employers often drag out the bargaining process to avoid reaching an agreement. More than half of all workers who vote to form a union don’t have a collective bargaining agreement a year later. This creates a discouraging situation for workers and allows employers to foster a sense of futility in the process. The PRO Act establishes a process for reaching a first agreement when workers organize, utilizing mediation and then, if necessary, binding arbitration, to enable the parties to reach a first agreement. And the PRO Act overrides so-called “right-to-work” laws by establishing that employers and unions in all 50 states may agree upon a “fair share” clause requiring all workers who are covered by—and benefit from—the collective bargaining agreement to contribute a fair share fee towards the cost of bargaining and administering the agreement. Protecting strikes and other protest activity. When workers need economic leverage in bargaining, the law gives them the right to withhold their labor from their employer—to strike—as a means of putting economic pressure on the employer. But court decisions have dramatically undermined this right by allowing employers to “permanently replace” strikers—in other words, replace strikers with other workers so the strikers no longer have jobs. The law also prohibits boycotts of so-called “secondary” companies as a means of putting economic pressure on the workers’ employer, even if these companies hold real sway over the employer and could help settle the dispute. The PRO Act helps level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from permanently replacing strikers. Organizing and bargaining rights for more workers. Too often, employers misclassify workers as independent contractors, who do not have the right to organize under the NLRA. Similarly, employers will misclassify workers as supervisors to deprive them of their NLRA rights. The PRO Act tightens the definitions of independent contractor and supervisor to crack down on misclassification and extend NLRA protections to more workers. And, the PRO Act makes clear that workers can have more than one employer, and that both employers need to engage in collective bargaining over the terms and conditions of employment that they control or influence. This provision is particularly important given the prevalence of contracting out and temporary work arrangements—workers need the ability to sit at the bargaining table with all the entities that control or influence their work lives. The PRO Act does not fix all the problems with our labor law, but it would address some fundamental problems and help make it more possible for workers to act on their federally-protected right to join together with their coworkers to bargain with their employer for improvements at their workplace. Research shows that workers want unions. There is a huge gap between the share of workers with union representation (11.9 percent) and the share of workers that would like to have a union and a voice on the job (48 percent). The PRO Act would take a major step forward in closing that gap.

**Econ DA**

**The economy is steadily recovering now, but is fragile.**

Rugaber 11/8 - Christopher Rugaber [Economics Reporter, Associated Press], “'A struggle and a journey': Report shows US economy recovering,” *Christian Science Monitor* (Web). Nov. 8, 2021. Accessed Nov. 8, 2021. <<https://www.csmonitor.com/Business/2021/1108/A-struggle-and-a-journey-Report-shows-US-economy-recovering>> AT

America’s employers accelerated their hiring last month, adding a solid 531,000 jobs, the most since July and a sign that the recovery from the pandemic recession is overcoming a virus-induced slowdown.¶ Friday’s report from the labor department also showed that the unemployment rate fell to 4.6% last month from 4.8% in September.¶ That is a comparatively low level though, still well above the pre-pandemic jobless rate of 3.5%. And the job gains in August and September weren’t as weak as initially reported: The government increased its estimate of hiring for those two months by a hefty combined 235,000 jobs.¶ All told, the figures point to an economy that is steadily recovering from the pandemic recession, with healthy consumer spending prompting companies in nearly every industry to add workers. Though the effects of COVID-19 are still causing severe supply shortages, heightening inflation, and keeping many people out of the workforce, employers are finding gradually more success in filling near record-high job postings.¶ “This is the kind of recovery we can get when we are not sidelined by a surge in COVID cases,” said Nick Bunker, director of economic research at the employment website Indeed. “The speed of employment gains has faltered at times this year, but the underlying momentum of the U.S. labor market is quite clear.”¶ The better-than-expected jobs report was welcomed on Wall Street, where investors sent stocks further into record territory. The Dow Jones Industrial Average rose more than 200 points, or roughly 0.6%, in Friday trading. Short-term Treasury yields rose as some investors moved up their expectations for when the Federal Reserve will begin raising interest rates. But longer-term yields dipped amid muted expectations for inflation over the long term.¶ By most barometers, the economic recovery appears solidly on track. Service companies in such areas as retail, banking, and warehousing have reported a sharp jump in sales. Sales of new and existing homes surged last month. And consumer confidence rose in October after three straight declines.¶ At the same time, though, the nation remains 4.2 million jobs short of the number it had before the pandemic flattened the economy in March 2020. The effects of the virus are still discouraging some people from traveling, shopping, eating out, and attending entertainment venues.¶ In October, the pickup in hiring was spread across nearly every major industry, with only government employers reporting a job loss, mostly in education. Shipping and warehousing companies added 54,000 jobs. The battered leisure and hospitality sector, which includes restaurants, bars, hotels, and entertainment venues, gained 164,000. Manufacturers, despite their struggles with supply shortages, added 60,000, the most since June 2020.¶ And employers, who have been competing to fill jobs from a diminished pool of applicants, raised wages at a solid clip: Average hourly pay jumped 4.9% in October compared with a year earlier, up from 4.6% the previous month. Even a gain that strong, though, is barely keeping pace with recent surges in consumer inflation.¶ Those price increases pose a headwind for the economy. Higher costs for food, heating oil, rents, and furniture have burdened millions of families. Prices rose 4.4% in September compared with 12 months earlier, the sharpest such jump in three decades.¶ Among people who are receiving pay raises, some of the biggest beneficiaries are the record-high number of people who have been quitting jobs to take new ones. One of them is Christian Frink, who has begun work as a business analyst at a digital consulting firm. In his new job, Mr. Frink of Ferndale, Michigan, helps business clients determine the technologies they need.¶ Earlier this year, Mr. Frink held a marketing job but left it because, like many people during COVID, he felt burnt out. He then worked for Door Dash during the spring and summer to earn money and searched for new work. Although employers were complaining about a labor shortage, several told him they wouldn’t hire anyone without a college degree. (Mr. Frink attended college but didn’t graduate.)¶ This past summer, Mr. Frink took coding classes at Tech Elevator, a boot camp, and then landed his new position. Now, he’s earning 35% more than in his previous job and says he’s “blown away” that he already has health care coverage and doesn’t have to wait months to become eligible.¶ Yet it isn’t only job-switchers who are receiving pay raises. Chad Leibundguth, a regional director in Tampa for the Robert Half staffing agency, said the job market is the strongest for workers he has seen in his 22-year career. Before the pandemic, he said, you could fill a customer service job in Florida for $14 an hour.¶ “Nowadays,” he said, “you’ve got to be closer to $20 an hour, because people have options.”¶ Job prospects are brightening even for people who have been out of work for prolonged periods. The number of long-term unemployed – people who have been jobless for six months or more – has fallen sharply in recent months, to 2.3 million in October from 4.2 million in April. That’s still double the pre-recession total. But it’s an encouraging sign because employers are typically wary of hiring people who haven’t held jobs for an extended time.¶ At the same time, disparities in the job market have persisted. The Black unemployment rate was unchanged in October at 7.9%, for example, while for white workers, it fell to 4% from 4.2%. The Latino jobless rate dropped to 5.9% from 6.3%.¶ And though white-collar jobs in professional services like information technology, engineering, and architecture are nearly back to their pre-pandemic employment levels, leisure and hospitality still has 1.4 million fewer jobs.¶ Hari Ravichandran, CEO of digital security provider Aura in Boston, says his 800-person company has 140 positions open, mostly in software development.¶ Mr. Ravichandran is willing to hire remote workers; 170 of his staffers have never regularly worked in any of the company’s buildings. Still, hiring remains as tough as he’s ever experienced.¶ One disappointing note in Friday’s report is that the workforce – the number of people either working or looking for a job – was unchanged in October. That suggested that the reopening of schools in September, the waning of the virus, and the expiration of a $300-a-week federal unemployment supplement have yet to coax many people off the sidelines of the job market in large numbers.¶ Drawing many people back into the workforce after recessions is typically a prolonged process. There are now 7.4 million people officially out of work – just 1.7 million more than in February 2020, before the pandemic struck the economy. Yet millions more who lost jobs during the recession have given up their job hunts, and employers might have to raise pay and benefits to draw them back in, said Aaron Sojourner, a labor economist at the University of Minnesota.¶ Even so, some companies still can’t find enough workers. Many parents, particularly mothers, haven’t returned to the workforce after having left jobs during the pandemic to care for children or other relatives. Yet there was evidence of a small rebound last month: The proportion of women who were either working or looking for work rose after two months of declines.

#### Strikes cause widespread economic harm - GM strikes prove.

John McElroy, 2019, Strikes Hurt Everybody.Wards Auto Industry News, October 25, https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody

But strikes don’t just hurt the people walking the picket lines or the company they’re striking against. They hurt suppliers, car dealers and the communities located near the plants. The Anderson Economic Group estimates that 75,000 workers at supplier companies were temporarily laid off because of the GM strike. Unlike UAW picketers, those supplier workers won’t get any strike pay or an $11,000 contract signing bonus. No, most of them lost close to a month’s worth of wages, which must be financially devastating for them. Suppliers also lost a lot of money. So now they’re cutting budgets and delaying capital investments to make up for the lost revenue, which is a further drag on the economy. According to CAR, the communities and states where GM’s plants are located collectively lost a couple of hundred million dollars in payroll and tax revenu**e**. Some economists warn that if the strike were prolonged it could knock the state of Michigan – home to GM and the UAW – into a recession. That prompted the governor of Michigan, Gretchen Whitmer, to call GM CEO Mary Barra and UAW leaders and urge them to settle as fast as possible.

**Strikes now trigger food shortages, undermine health care and threaten the economy.**

Shannon Pettypiece, 10-24, 21, Biden on the sidelines of 'Striketober,' with economy in the balance, NBC News, https://www.nbcnews.com/politics/white-house/biden-sidelines-striketober-economy-balance-n1282094

But President Biden faces a different dynamic from candidate Biden, because strikes risk adding to labor shortages and supply chain disruptions that are already driving up prices as the global economy reels from pandemic strains. While the strikes could benefit workers by driving up wages in the long term, the near-term impact of persistent or growing work stoppages could include worst-case scenarios like food shortages or lack of access to hospitals. "This will come at an economic cost to employers and therefore the economy, and I think that may be why Biden has gone a little silent," said Ariel Avgar, an associate professor of labor relations, law and history at Cornell University. "It is tricky for him. On the one hand, he is on the record supporting unions and their ability to use collective action. On the other hand, the point of strikes is to extract an economic price for employers unwilling to negotiate in a way the union feels is appropriate."

#### Economic downturns devastate people’s lives.

EPI ’09 – Economic Policy Institute, “Economic Scarring: The long-term impacts of the recession,” Economic Policy Institute (Web). Briefing Paper #243. Sept. 30, 2009. Accessed Nov. 8, 2021. <https://www.epi.org/publication/bp243/> AT

Economic recessions are often portrayed as short-term events. However, as a substantial body of economic literature shows, the consequences of high unemployment, falling incomes, and reduced economic activity can have lasting consequences. For example, job loss and falling incomes can force families to delay or forgo a college education for their children. Frozen credit markets and depressed consumer spending can stop the creation of otherwise vibrant small businesses. Larger companies may delay or reduce spending on R&D.¶ In each of these cases, an economic recession can lead to “scarring”—that is, long-lasting damage to individuals’ economic situations and the economy more broadly. This report examines some of the evidence demonstrating the long-run consequences of recessions. Findings include:¶ Educational achievement: Unemployment and income losses can reduce educational achievement by threatening early childhood nutrition; reducing families’ abilities to provide a supportive learning environment (including adequate health care, summer activities, and stable housing); and by forcing a delay or abandonment of college plans.¶ Opportunity: Recession-induced job and income losses can have lasting consequences on individuals and families. The increase in poverty that will occur as a result of the recession, for example, will have lasting consequences for kids, and will impose long-lasting costs on the economy.¶ Private investment: Total non-residential investment is down by 20% from peak levels through the second quarter of 2009. The reduction in investment will lead to reduced production capacity for years to come. Furthermore, since technology is often embedded in new capital equipment, the investment slowdown can also be expected to reduce the adoption of new innovations.¶ Entrepreneurial activity and business formation: New and small businesses are often at the forefront of technological advancement. With the credit crunch and the reduction in consumer demand, small businesses are seeing a double squeeze. For example, in 2008, 43,500 businesses filed for bankruptcy, up from 28,300 businesses in 2007 and more than double the 19,700 filings in 2006. Only 21 active firms had an initial public offering in 2008, down from an average of 163 in the four years prior.¶ There is also substantial evidence that economic outcomes are passed across generations. As such, economic hardships for parents will mean more economic hurdles for their children. While it is often said that deficits can cause transfers of wealth from future generations of taxpayers to the present, this cost must also be compared with the economic consequences of recessions that are also passed to future generations.¶ This analysis also suggests that efforts to stimulate the economy can be very effective over both the short- and long-run. Using a simple illustrative accounting framework, it is shown that an economic stimulus can lead to a short-run boost in output that outweighs the additional interest costs of the associated debt increase. This is especially true over a short horizon.¶ A recession, therefore, should not be thought of as a one-time event that stresses individuals and families for a couple of years. Rather, economic downturns will impact the future prospects of all family members, including children, and will have consequences for years to come.

## No Solvency (US)

#### 10% solvency at best, the vast majority of workers aren’t unionized.

BLS 1/22 - Bureau of Labor Statistics, “Economic News Release: Unions Members Summary,” January 22, 2021. <<https://www.bls.gov/news.release/union2.nr0.htm>> AT

In 2020, the percent of wage and salary workers who were members of unions--the union membership rate--was 10.8 percent, up by 0.5 percentage point from 2019, the U.S. Bureau of Labor Statistics reported today. The number of wage and salary workers belonging to unions, at 14.3 million in 2020, was down by 321,000, or 2.2 percent, from 2019. However, the decline in total wage and salary employment was 9.6 million (mostly among nonunion workers), or 6.7 percent. The disproportionately large decline in total wage and salary employment compared with the decline in the number of union members led to an increase in the union membership rate. In 1983, the first year for which comparable union data are available, the union membership rate was 20.1 percent and there were 17.7 million union workers.

#### Non-Unique – Strikes are already high.

Greenhouse 11/5 - Steven Greenhouse [American labor and workplace journalist and writer], “Op-Ed: Why unions are striking — and winning more public support than in 50 years,” *Los Angeles Times* (Web). Nov. 4, 2021. Accessed Nov. 5, 2021. <https://www.latimes.com/opinion/story/2021-11-04/unions-strikes-economic-justice-agenda-public-approval> AT

The U.S. is experiencing an unusual surge of strikes — 10,000 John Deere workers went on strike in October, and so did 1,400 Kellogg workers, and now 35,000 Kaiser Permanente healthcare workers are threatening to walk out.¶ Workplace experts generally point to two reasons for this surge. First, after working so hard and often risking their lives during the pandemic, many workers believe that they deserve better pay and treatment. Second, American workers — especially long-underappreciated essential and low-wage workers — are suddenly feeling empowered because of today’s labor shortage.¶ These factors have certainly helped cause the wave of walkouts, but there’s another huge but often overlooked factor behind the strikes: It takes two to tangle.

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#### Conditional RTS is enough. Countries generally restrict the right to strike, even where Unions are effective and powerful.

Wass ’13 - Dr. Bernd Waas, Goethe University Frankfurt, Germany, 2012, Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens, https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf

Limitations of the Right to Strike **A** positive **right to strike does not mean that it is** guaranteed **without restriction. The** freedoms and **rights of other persons must be respected.** Apart from that, **inherent limitations may exist as well.** This is the case in Germany, for instance. The right to strike is acknowledged because such a right is required for collective bargaining to take place. Bargaining without the right to strike would be no more than “collective begging”, to put it in the words of the Federal Labour Court. That the right to strike is based on the right to bargain collectively has an important consequence, namely, that the right to strike is guaranteed only insofar as the strike is related to that very purpose***. The need to ensure collective bargaining both justifies and limits the right to strike*.** In other words: **A strike is lawful in Germany if and only if its underlying objective is the reaching of a collective bargaining agreement**. This implies that the regulation demanded must be viable and fall within the competence of the “social partners” (as it affects “working and economic 12 conditions”). Similarly**, in the Czech Republic, a strike may only be called in a dispute over entering into a collective agreement. In Chile, too, the right to strike is strictly related to collective bargaining**. This right can only be exercised if negotiations between the parties fail. Outside the framework of collective bargaining, striking is regarded a violation of labour law, and possibly even a crime. In practice, however, a considerable number of strikes take place outside these boundaries. Though the constitutional background differs entirely from Germany, the law in the United States also requires a strike to be related to collective bargaining. Workers may only strike over so-called “mandatory subjects of bargaining” which are “wages, hours, and other terms and conditions of employment.” Though it is true that parties may lawfully bargain over other issues – so-called “permissive” bargaining subjects – neither is legally obliged to do so. In addition, neither party may insist upon – or strike over – such permissive topics. **A labour union may certainly not demand bargaining over – or strike over – an unlawful topic**. No relation to collective bargaining exists, on the other hand, in Slovenia. It suffices if the strike serves the workers’ economic or social interests. Consequently, the right to strike is neither limited to the conclusion of a collective agreement, nor is it required for the strike to be aimed at inducing the employer to concur to a collective agreement.