### 1NC - OFF

#### Interp - The letter “A” is an indefinite article that modifies “just government” – the resolution must be proven true in all instances, not one particular instance

CCC Capital Community College [a nonprofit 501 c-3 organization that supports scholarships, faculty development, and curriculum innovation], “Articles, Determiners, and Quantifiers”, http://grammar.ccc.commnet.edu/grammar/determiners/determiners.htm#articles AG

The three articles — a, an, the — are a kind of adjective. The is called the definite article because it usually precedes a specific or previously mentioned noun; a and an are called indefinite articles because they are used to refer to something in a less specific manner (an unspecified count noun). These words are also listed among the noun markers or determiners because they are almost invariably followed by a noun (or something else acting as a noun). caution CAUTION! Even after you learn all the principles behind the use of these articles, you will find an abundance of situations where choosing the correct article or choosing whether to use one or not will prove chancy. Icy highways are dangerous. The icy highways are dangerous. And both are correct. The is used with specific nouns. The is required when the noun it refers to represents something that is one of a kind: The moon circles the earth. The is required when the noun it refers to represents something in the abstract: The United States has encouraged the use of the private automobile as opposed to the use of public transit. The is required when the noun it refers to represents something named earlier in the text. (See below..) If you would like help with the distinction between count and non-count nouns, please refer to Count and Non-Count Nouns. We use a before singular count-nouns that begin with consonants (a cow, a barn, a sheep); we use an before singular count-nouns that begin with vowels or vowel-like sounds (an apple, an urban blight, an open door). Words that begin with an h sound often require an a (as in a horse, a history book, a hotel), but if an h-word begins with an actual vowel sound, use an an (as in an hour, an honor). We would say a useful device and a union matter because the u of those words actually sounds like yoo (as opposed, say, to the u of an ugly incident). The same is true of a European and a Euro (because of that consonantal "Yoo" sound). We would say a once-in-a-lifetime experience or a one-time hero because the words once and one begin with a w sound (as if they were spelled wuntz and won). Merriam-Webster's Dictionary says that we can use an before an h- word that begins with an unstressed syllable. Thus, we might say an hisTORical moment, but we would say a HIStory book. Many writers would call that an affectation and prefer that we say a historical, but apparently, this choice is a matter of personal taste. For help on using articles with abbreviations and acronyms (a or an FBI agent?), see the section on Abbreviations. First and subsequent reference: When we first refer to something in written text, we often use an indefinite article to modify it. A newspaper has an obligation to seek out and tell the truth. In a subsequent reference to this newspaper, however, we will use the definite article: There are situations, however, when the newspaper must determine whether the public's safety is jeopardized by knowing the truth. Another example: "I'd like a glass of orange juice, please," John said. "I put the glass of juice on the counter already," Sheila replied. Exception: When a modifier appears between the article and the noun, the subsequent article will continue to be indefinite: "I'd like a big glass of orange juice, please," John said. "I put a big glass of juice on the counter already," Sheila replied. Generic reference: We can refer to something in a generic way by using any of the three articles. We can do the same thing by omitting the article altogether. A beagle makes a great hunting dog and family companion. An airedale is sometimes a rather skittish animal. The golden retriever is a marvelous pet for children. Irish setters are not the highly intelligent animals they used to be. The difference between the generic indefinite pronoun and the normal indefinite pronoun is that the latter refers to any of that class ("I want to buy a beagle, and any old beagle will do.") whereas the former (see beagle sentence) refers to all members of that class

#### Violation – They spec China

#### Standards:

#### 1] Limits – they can spec 123 different governments - that’s supercharged by the ability to spec combinations of types of strikes. This takes out functional limits – it’s impossible for me to research every possible combination of the 195 countries and worker types

ITUC 20**,** (International Trade Union Confederation, “World’s Worst Countries for Workers”), ITUC, 2020, https://www.ituc-csi.org/IMG/pdf/ituc\_globalrightsindex\_2020\_en.pdf // MNHS NL recut DD AG

In 2020, strikes have been severely restricted or banned in 123 out of 144 countries. In a significant number of these countries, industrial actions were brutally repressed by the authorities and workers exercising their right to strike often faced criminal prosecution and summary dismissals.

#### 2] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

#### Drop the debater bc you can’t drop the arg on their advocacy

#### No rvis – they can dump on theory in the 1ar, chilling us from checking abuse

#### Competing interps – reasonability is arbtirary and causes race to the bottom

### 1NC - OFF

#### Counterplan Text: China ought to recognize a right of workers to strike when authorized by a majority of striking workers through a secret balloting process

#### That solves

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

Violent protracted strikes can have devastating effects on employers, employees and the economy at large. Despite the fact that workers have a constitutional right to strike, it is important that the exercising of such a right not be allowed to go beyond the necessary limits. Currently, strikes are often characterised by violent conduct. Resolution of strikes also takes a long time, leaving many people unemployed by the time a solution is found. This not only affects the employees concerned, but is a contributing factor to poverty. To prevent long and violent strikes from taking place, it is suggested that there should be changes to existing labour law so as to include a ballot requirement. The law should compel a convening union to ballot members before staging a strike. To be credible, the balloting process should be chaired by an independent body, such as the IEC or a representative from the CCMA. This is the position in Australia and Canada. In these countries, if a union calls a strike without having balloted its members, such a strike is unlawful and civil action can be taken against the union and its members. Balloting members prior to strike action would help to establish their willingness to embark on a strike. If the majority vote in favour of a strike, it would send a signal to the employer that workers are serious and that it must consider their concerns or demands in a serious light. The employer and employee representatives are expected to engage fruitfully during negotiations and to avoid impending industrial action.

#### Non-consultation leads to intensifying violence and uncertain results

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

If a ballot is made a requirement for a protected strike, the process of casting votes will give the union leadership the opportunity to advise its members on how to conduct themselves during a strike (at the time of the ballot and afterwards) – an opportunity that the union must exercise faithfully, honestly and with care and diligence, considering that it could be held accountable for the actions of its members during the strike or picket.58 The possibility that violence could erupt under these circumstances is probably minimal, as employees will have reached consensus and will not act as fragmented factions. In the end, ballots can offer legitimacy, transparency and inclusivity to the process leading up to a strike.

The aim of balloting members before a strike is to prevent industrial action that has little or no support. There are several reasons for the eruption of violence during strike action. One is fear that the employer will continue with production and make profit as normal without feeling the economic harm that employees want to inflict. This may happen where industrial action enjoys little support since the question then arises whether the employer feels harm as a result of the withdrawal of labour if a reasonable number of employees are not on strike and continue with their normal duties. If the answer is in the negative, the danger of violence emerges. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),59 the strike was convened by SATAWU. During the strike, it was reported that about 20 people were thrown out of moving trains in Gauteng Province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them were killed, while others ended up in a serious condition in hospital.

In Food & Allied Workers Union obo Kapesi v Premier Foods,60 certain of the workers at the Salt River plant chose not to participate in the strike. Several of these workers, as well as members of management, were thereafter subjected to violent acts of a severe criminal nature. The court heard that during the strike, several non-striking employees and members of the management were subjected to violent criminal acts: employees were threatened with physical harm and death and were assaulted; homes were fire-bombed; cars were set alight; one employee who identified his attackers was shot and killed; and a conspiracy to assassinate a director was uncovered. The court held that strikers should not be allowed to terrorise and harm non-striking workers with impunity.61 This means that it is crucial that a strike should go ahead only if the majority of employees supports the strike so that no or little production then takes place. If it is the other way round, those employees who participate in the strike might perceive that the employer does not feel the economic harm – since most of the workforce would be providing services and, for the employer, it would be business as usual. The possibility is that strikers will then start to victimise non-striking employees,62 using various means such as intimidation, assaults and killing of those who offer their services.63 It is not only non-striking employees who become victims; replacement labourers and members of the public also face the same treatment.64 It is suggested that all members of the union should be balloted prior to a strike, and they should have to be balloted again after two or three weeks until the strike has ended. Balloting members every two or three weeks after an original ballot would help to test the appetite of workers to continue with the strike.

#### Consensus-building increases strike success, incentivizes preemptive resolution, and significantly reduces violent strikes

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

A secret ballot is no longer a statutory requirement for a protected strike or lock-out, as it was in terms of the 1956 LRA. It could be argued that although the old Labour Relations Act66 contained a secret ballot requirement, that did not deter unions from engaging in violent behaviour, and may also not help prevent long strikes in the current industrial environment. In response, it is submitted that since political violence has diminished in South Africa, the existing labour law needs to be refashioned so that it can deal decisively with the harmful effects of violent and protracted strikes. In this regard, it is argued that if a ballot requirement could be added to our labour law, as one of the requirements for a protected strike, it could play a positive role in addressing strike-related violence. For example, if most employees who are members of the union voted in favour of a strike, the employer might see the seriousness of the employees’ demands and reconsider its position at the negotiating table before the strike commences. Holding a ballot prior to a strike has certain advantages for the union, since it is a mandate-driven organisation. If a union does hold a ballot before calling a strike, and the ballot is in favour of the strike, the union will have a mandate and sufficient support from its members to go ahead with the proposed strike. The possibility that violence could erupt under these circumstances is then minimised since employees will have reached consensus and would not act as fragmented factions.

As stated above, if a strike enjoys majority support, violence is less likely to occur; if the strike has little support and the employees are divided, the possibility of harm to the employer and its property is higher. The striking employees usually turn against those employees who are not on strike.67 The reason for this is the fear that the employer might not feel the economic harm they want to inflict, since they can continue with production despite the strike action. The more economic pressure put on the employer, the bigger the likelihood that the employer will accede to the demands of employees as they will be left with little or no workforce to continue with production.

Having a ballot requirement as one of the requirements for a protected strike in South Africa will not only bring democracy to the workplace but, from the trade union perspective, it could prevent the disappointment that can result from a failed strike because of lack of support from other employees.68 The great advantage of having a ballot prior to a strike, for both employers and unions, is that it encourages employers to settle before employees resort to a strike. It also acts as an early-warning mechanism. For example, 50 000 workers were balloted in SACWU in 2013, and 85 per cent supported a strike. A strike was then pre-empted when the employers settled. If balloting members prior to a strike were to be made a requirement for a protected strike, a failure to comply would render the strike unprotected, and the consequences of an unprotected strike would then follow.69

#### Protracted and violent strikes are likely and wreck developing economies

Tenza 20 -- Mlungisi Tenza, The Effects of Violent Strikes on the Economy of a Developing Country: a Case of South Africa, http://www.scielo.org.za/scielo.php?script=sci\_arttext&pid=S1682-58532020000300004, Obiter vol.41 n.3, 2020 WJ

1 INTRODUCTION

Economic growth is one of the most important pillars of a state. Most developing states put in place measures that enhance or speed-up the economic growth of their countries. It is believed that if the economy of a country is stable, the lives of the people improve with available resources being shared among the country's inhabitants or citizens. However, it becomes difficult when the growth of the economy is hampered by the exercise of one or more of the constitutionally entrenched rights such as the right to strike.1 Strikes in South Africa are becoming more common, and this affects businesses, employees and their families, and eventually, the economy. It becomes more dangerous for the economy and society at large if strikes are accompanied by violence causing damage to property and injury to people. The duration of strikes poses a problem for the economy of a developing country like South Africa. South Africa is rich in mineral resources, the world's largest producer of platinum and chrome, the second-largest producer of zirconium and the third-largest exporter of coal. It also has the largest economy in Africa, both in terms of industrial capacity and gross domestic product (GDP).2 However, these economic advantages have been affected by protracted and violent strikes.3 For example, in the platinum industries, labour stoppages since 2012 have cost the sector approximately R18 billion lost in revenue and 900 000 oz in lost output. The five-month-long strike in early 2014 at Impala Platinum Mine amounted to a loss of about R400 million a day in revenue.4 The question that this article attempts to address is how violent strikes and their duration affect the growth of the economy in a developing country like South Africa. It also addresses the question of whether there is a need to change the policies regulating industrial action in South Africa to make them more favourable to economic growth.

2 BACKGROUND

When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of violent strikes that have bedevilled this country in recent years seems to have shattered-down the aspirations of a better South Africa. South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which cost the country about R6.1 billion according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers' downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that "the five-month-long strike in the platinum sector pushed the economy to the brink of recession".7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers' stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10

These strikes are not only violent but take long to resolve. Generally, a lengthy strike has a negative effect on employment, reduces business confidence and increases the risk of economic stagflation. In addition, such strikes have a major setback on the growth of the economy and investment opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty.

One of the measures that may boost the country's economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment is not fertile for such investments as a result of, for example, unstable labour relations. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment.

#### Secret ballots ensure democratic consultation which reduces long-run poverty and violence – it ensures strikes represent workers, not leadership

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

If balloting members prior to a strike is made a requirement for a protected strike, the article argues that the ballot must be secret. The LRAA 2018 hints at a move in this direction.72 This would be in line with our voting traditions, as it would reinforce worker control of unions. Von Webster believes that workers must have the sense of having democratic control of the strike and this would be ensured by a confidential balloting of members before and during the strike.73 If workers exercise democratic control of the strike, the possibility of strike violence would be reduced, and the union would be more likely to take responsibility for the consequences of the strike. In this way, the strike could be used more strategically and employers could respond more constructively.

The voting process must be fair and secret and there must be no intimidation of those who cast their ballot, or of those who do not want to vote. Concerns may be raised about the secrecy of the voting process. In MAWU v Natal Die Casting,74 a ballot was conducted from the boot of a car near the company premises. The Industrial Court found that holding the ballot in the open, did not mean it was not secret. The court accepted that trade unions do not have the same facilities as employers. It said that what mattered was that the voter should not be put under constraint. In White v Neill Tools,75 the court stated that the strike ballot provides the individual with an opportunity to cast his or her vote in secret and to consider the consequences of the contemplated action privately and without being unduly influenced, pressurised or intimidated by having to make choices in the open.

Voting secretly is important because, in a strike context, the employer is entitled to know that it is dealing with the majority of members in question, which is so demonstrated by a ballot properly conducted in terms of the law.76 A secret ballot, as opposed to a “hands-up” system, avoids the scenario of the union putting pressure on members to vote in favour of the strike. There is a strong belief that if voting takes place by a show of hands, intimidation may occur and some employees may be targeted by other employees.77 In addition, a secret ballot prior to a protected strike would ensure that strikes are taken seriously, and they are not viewed just as actions of “uncivilised hooligans” because of the current concomitant damage to property and the intimidation and killing of people.

Although the reintroduction of ballots was discussed before the introduction of the LRAA of 2018, the new amendments to the LRA on balloting members do not change the position and will not have any effect on violent and unprotected strikes. It can be argued that by removing the ballot requirement from the Amendment Bill of 2012, the legislature lost an opportunity to refashion and refresh strike law, taking into account contemporary social and economic realities.78 If a ballot requirement could be made law, strikes would only commence if the majority of the employees agreed, and that would lead to less intimidation of non-strikers and greater coherence among strikers. If the reintroduction of a secret ballot were given a chance, things might change for the better as a strike would go ahead if it was supported by a majority of the members. However, labour will have to be thoroughly consulted and convinced that the aim is not to disadvantage them, but rather to improve the economy and reduce the loss of jobs, which is the normal consequence of prolonged and violent strikes. A secret ballot ensures that the union has a democratic mandate for a strike, and, if necessary, further ballots can be held during negotiations, for example, when a provisional agreement is reached. In addition, if the ballot is secret, it prevents unions from putting pressure on employees to vote in favour of the strike. It would also ensure that the right to protected industrial action is not abused by union officials, who might want to push agendas unrelated to the interests of workers at the workplace concerned. Moreover, a secret ballot does not stand in the way of the protection of strike action, but provides a mechanism to ensure that a protected strike is the genuine choice of the majority of employees employed by the employer or in the workplace. If the vote is in favour of a strike, it means there is an appetite for it and perhaps the concerns or demands of employees are genuine. A secret ballot can also protect jobs by avoiding unnecessary strikes that may result in dismissal on the basis of operational requirements of the business.79 It is important to note that, in this context, employers can reduce the number of employees if the business is no longer making a profit; this might happen if no production takes place, which in turn results in a loss of customers. Importantly again, if a strike goes on for an unduly long period, customers or clients might shift loyalty to other businesses resulting in a loss of profit.

#### Mandatory pre-strike ballots empirically increase intra-organizational cohesion

Orchiston et al 19 -- Alice Orchiston (Lecturer, Faculty of Law, University of New South Wales), Breen Creighton (Honorary Professor, Graduate School of Business and Law, RMIT University), Catrina Denvir (Research Fellow, Director of Ulster Legal Innovation Centre, School of Law, Ulster University), Richard Johnstone (Professor, Faculty of Law, Queensland University of Technology), and Shae Mccrystal (Professor of Labour Law, Sydney Law School, The University of Sydney), PRE-STRIKE BALLOTS AND ENTERPRISE BARGAINING DYNAMICS: AN EMPIRICAL ANALYSIS, Melbourne University Law Review, Vol 42(2):593 2019 WJ

As identified above, the introduction of the mandatory pre-strike ballot requirement was justified by reference to democratic imperatives, specifically the need to implement a ‘fair, effective and simple process for determining if a group of employees in an enterprise want to take industrial action’.136 In practice, mandatory pre-strike ballots have had a positive effect on intra- organisational communication and internal union decision-making around industrial action. The analysis revealed that, on the whole, the unions in the study implemented democratic processes for member consultation and engagement over every step of the PABO process, including the decision to apply for a PABO, the ballot itself and the subsequent decision to take industrial action. These decisions were almost universally referred to by union interviewees as ‘member’ decisions subject to internal union processes with high levels of member engagement.

#### Intra-organizational democracy is key to labor power – union leadership trails worker support

Vesoulis 21 -- Abby Vesoulis and Julia Zorthian, Workers Are Furious. Their Unions Are Scrambling to Catch Up, https://time.com/6110014/worker-anger-unions/, October 2021 WJ

The other thing getting under Geiger’s skin is how his union, United Auto Workers (UAW), is handling this moment. After all, it was UAW that agreed to the contract of the two-tiered system back in the 1990s. “We don’t trust the international union” says Geiger. “They brought that lousy contract for us to vote on.”

Geiger’s frustration with his union is not unique. In recent weeks, as tens of thousands of workers from Colorado to Georgia have gone on strike to demand better pay and work conditions, much of the organizing has been driven by workers themselves. The dynamic has left national and international union leadership scrambling to keep up with their own members’ decisions to strike, their shifting goals, and how to support the social media-driven communications strategies workers are employing.

“There is this grassroots push,” says David Madland, senior adviser to the American Worker Project at the Center for American Progress, “and leaders have to catch up.”

A year and a half into the COVID-19 pandemic, in which most blue-collar workers risked their health and safety to go to work while their white-collar colleagues largely worked from home, some top union brass and union members are at a disconnect. Union leadership is sometimes so focused on state and federal power structures that they’re missing the tectonic shifts among workers on the ground, labor experts and striking workers say.

“There is a danger and a concern that some of the heads of unions tend to be DC-focused. [They are] too interested in, ‘What are the debates on reconciliation? Who’s working with the administration? Are we invited to the meetings in DC?’ Yes, there’s an important role to play there,” argues Faiz Shakir, the founder of advocacy journalism startup More Perfect Union and former Bernie Sanders’ 2020 campaign manager. “But right now, especially at this moment in history, the worker fights are out there around the country.”

### 1NC – Case

#### Strikes deck economy -

#### 1. Stop investment

Tenza 20 - Tenza, Mlungisi. . [Senior Lecturer, University of KwaZulu-Natal] “The Effects of Violent Strikes on the Economy of a Developing Country: A Case of South Africa.” Obiter, Nelson Mandela University, 2020, http://www.scielo.org.za/scielo.php?script=sci\_arttext&amp;pid=S1682-58532020000300004VS

These strikes are not only violent but take long to resolve. Generally, a lengthy strike has a negative effect on employment, reduces business confidence and increases the risk of economic stagflation. In addition, such strikes have a major setback on the growth of the economy and investment opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty.

One of the measures that may boost the country's economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment is not fertile for such investments as a result of, for example, unstable labour relations. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment.

#### 2. Strikes harm key industries, stunting economic growth

McElroy 19 John McElroy [MPA at McCombs school of Business] 10/25/2019 "Strikes Hurt Everybody" <https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody> VS

This creates a poisonous relationship between the company and its workforce. Many GM hourly workers don’t identify as GM employees. They identify as UAW members. And they see the union as the source of their jobs, not the company. It’s an unhealthy dynamic that puts GM at a disadvantage to non-union automakers in the U.S. like Honda and Toyota, where workers take pride in the company they work for and the products they make. Attacking the company in the media also drives away customers. Who wants to buy a shiny new car from a company that’s accused of underpaying its workers and treating them unfairly? Data from the Center for Automotive Research (CAR) in Ann Arbor, MI, show that GM loses market share during strikes and never gets it back. GM lost two percentage points during the 1998 strike, which in today’s market would represent a loss of 340,000 sales. Because GM reports sales on a quarterly basis we’ll only find out at the end of December if it lost market share from this strike. UAW members say one of their greatest concerns is job security. But causing a company to lose market share is a sure-fire path to more plant closings and layoffs. Even so, unions are incredibly important for boosting wages and benefits for working-class people. GM’s UAW-represented workers earn considerably more than their non-union counterparts, about $26,000 more per worker, per year, in total compensation. Without a union they never would have achieved that. Strikes are a powerful weapon for unions. They usually are the only way they can get management to accede to their demands. If not for the power of collective bargaining and the threat of a strike, management would largely ignore union demands. If you took away that threat, management would pay its workers peanuts. Just ask the Mexican line workers who are paid $1.50 an hour to make $50,000 BMWs. 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. GM’s 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 revenue. 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. So, while the UAW managed to get a nice raise for its members, the strike left a path of destruction in its wake. That’s not fair to the innocent bystanders who will never regain what they lost. John McElroyI’m not sure how this will ever be resolved. I understand the need for collective bargaining and the threat of a strike. But there’s got to be a better way to get workers a raise without torching the countryside.

#### 3. Just the right to strike contributes to econ damage– the right to strike is accompanied with increased strikes, many of them being violent, devastating key industries and the economy

Tenza 20 - Tenza, Mlungisi. . [Senior Lecturer, University of KwaZulu-Natal] “The Effects of Violent Strikes on the Economy of a Developing Country: A Case of South Africa.” Obiter, Nelson Mandela University, 2020, http://www.scielo.org.za/scielo.php?script=sci\_arttext&amp;pid=S1682-58532020000300004. VS

Economic growth is one of the most important pillars of a state. Most developing states put in place measures that enhance or speed-up the economic growth of their countries. It is believed that if the economy of a country is stable, the lives of the people improve with available resources being shared among the country's inhabitants or citizens. However, it becomes difficult when the growth of the economy is hampered by the exercise of one or more of the constitutionally entrenched rights such as the right to strike.1 Strikes in South Africa are becoming more common, and this affects businesses, employees and their families, and eventually, the economy. It becomes more dangerous for the economy and society at large if strikes are accompanied by violence causing damage to property and injury to people. The duration of strikes poses a problem for the economy of a developing country like South Africa. South Africa is rich in mineral resources, the world's largest producer of platinum and chrome, the second-largest producer of zirconium and the third-largest exporter of coal. It also has the largest economy in Africa, both in terms of industrial capacity and gross domestic product (GDP).2 However, these economic advantages have been affected by protracted and violent strikes.3 For example, in the platinum industries, labour stoppages since 2012 have cost the sector approximately R18 billion lost in revenue and 900 000 oz in lost output. The five-month-long strike in early 2014 at Impala Platinum Mine amounted to a loss of about R400 million a day in revenue.4 The question that this article attempts to address is how violent strikes and their duration affect the growth of the economy in a developing country like South Africa. It also addresses the question of whether there is a need to change the policies regulating industrial action in South Africa to make them more favourable to economic growth.

#### 4. Unions strangle the economy with restrictions and losses

Epstein 20 (Richard A. Epstein, the Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, is the Laurence A. Tisch Professor of Law, New York University Law School, and a senior lecturer at the University of Chicago, 1-27-2020, "The Decline Of Unions Is Good News," Hoover Institution, <https://www.hoover.org/research/decline-unions-good-news>) //EG

All of these pro-union critiques miss the basic point that the decline of union power is good news, not bad. That conclusion is driven not by some insidious effort to stifle the welfare of workers, but by the simple and profound point that the greatest protection for workers lies in a competitive economy that opens up more doors than it closes. The only way to achieve that result is by slashing the various restrictions that prevent job formation, as Justin Haskins of the Heartland Institute notes in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are maximized by cutting the multitude of regulations and taxes that do nothing more than shrink overall wealth by directing social resources to less productive ends.

President Trump is no master of transaction-cost economics, and he has erred in using tariffs as an impediment to foreign trade. But give the devil his due, for on the domestic front he has repealed more regulations than he has imposed and lowered overall tax rates, especially at the corporate level.

During the 2016 election, President Obama chided Trump by saying: “He just says, ‘Well, I’m going to negotiate a better deal.’ Well, what, how exactly are you going to negotiate that? What magic wand do you have? And usually the answer is, he doesn’t have an answer.” This snarky remark reveals Obama’s own economic blindness. The gains in question don’t come from any “negotiations.” And they don’t require any “magic wand.” They come from unilateral government decisions that allow for private parties on both sides of a transaction to negotiate better deals for themselves.

True to standard classical liberal principles, the market has responded to lower transaction costs with improvements that Obama, as President, could only have dreamed of creating. Overall job growth was 5.53 million jobs between 2007 and 2017. But new job creation has exceeded 7 million in the first three years of the Trump administration. In addition, the sharp decline in manufacturing jobs that started in the late Clinton years and which continued throughout the Obama years has also been reversed. Over 480,000 manufacturing jobs have been added to the economy since Trump took office, compared to the 300,000 manufacturing jobs lost in the eight years under Obama.

Happily, the distribution of these jobs has been widespread, causing drops in Hispanic and African unemployment levels to 3.9 percent and 5.5. percent respectively, both new lows. Basic neoclassical theory predicts that regulatory burdens hit lowest paid workers the hardest. Hence, the removal of those burdens gives added pop to their opportunities and to the economy at large.

Trump’s domestic labor performance is even better than these numbers suggest. Too many state-level initiatives hurt employment, like raising the minimum wage or imposing foolish legislation such as California’s Assembly Bill 5, which takes aim at the gig economy. The surest way to improve the situation is to repeal these regulations en masse. But progressive prescriptions to strengthen unions cut in exactly the wrong direction.

Unions are monopoly institutions that raise wages through collective bargaining, not productivity improvements. The ensuing higher labor costs, higher costs of negotiating collective bargaining agreements, and higher labor market uncertainty all undercut the gains to union workers just as they magnify losses to nonunion employers, as well as to the shareholders, suppliers, and customers of these unionized firms. They also increase the risk of market disruption from strikes, lockouts, or firm bankruptcies whenever unions or employers overplay their hands in negotiation. These net losses in capital values reduce the pension fund values of unionized and nonunionized workers alike.

Employers are right to oppose unionization by any means within the law, because any gains for union workers come at the expense of everyone else. Of course, the best way for employers to proceed would be to seek efficiency gains by encouraging employee input into workplace operations—firms are quite willing to pay for good suggestions that lower cost or raise output. But such direct communications between workers and management are blocked by Section 8(a)(2) the National Labor Relations Act (NLRA), which mandates strict separation between workers and firms. This lowers overall productivity and often prevents entry-level employees from rising through the ranks.

So what then could justify this inefficient provision? One common argument is that unions help reduce the level of income inequality by offering union members a high living wage, as seen in the golden age of the 1950s. But that argument misfires on several fronts. Those high union wages could not survive in the face of foreign competition or new nonunionized firms. The only way a union can provide gains for its members is to extract some fraction of the profits that firms enjoy when they hold monopoly positions.

When tariff barriers are lowered and domestic markets are deregulated, as with the airlines and telecommunications industries, the size of union gains go down. Thus the sharp decline in union membership from 35 percent in both 1945 and 1954 to about 15 percent in 1985 led to no substantial increase in the fraction of wealth earned by the top 10 percent of the economy during that period. However, the income share of the top ten percent rose to about 40 percent over the next 15 years as union membership fell to below 10 percent by 2000.

But don’t be fooled—that 5 percent change in union membership cannot drive widespread inequality for the entire population, which is also affected by a rise in the knowledge economy as well as a general aging of the population. The far more powerful distributive effects are likely to be those from nonunion workers whose job prospects within a given firm have been compromised by higher wages to union workers.

#### 5. Striking causes econ recession.

Wisniewski 20 [Tomasz Piotr (joined the Open University in June 2018, having previously taught at the University of Leicester and Auckland University of Technology in New Zealand, PhD in Finance from the European University Viadrina), February 2020, “The Influence of General Strikes Against Government On Stock Market Behavior”, Scottish Journal of Political Economy, <https://sci-hub.se/10.1111/sjpe.12224>] //DebateDrills LC

While some clarity may have emerged with respect to the outcomes encountered by workers and governments, the literature remains silent with regards to the ramifications faced by employers. It is this void in the body of knowledge that our paper intends to fill. Even if the general strikes are not strictly directed against companies, their value may be adversely affected for several reasons. First, the unproductive periods impose costs in terms of lower levels of output and profits. Although general strikes are typically short in duration, the large number of employees involved has a bearing on the total number of days not worked (Gall, 2013). Second, such manifestations of popular dissent signal to the market the workforce’s frustration with the government and its policies. In the case where policy-makers are responsive to the demands being made, a general strike may also signal the weakening position of capital providers and other sources of power within the productive process. Corporations may also be forced into a position of carrying the burden of government concessions and the costs of social pacts that are agreed in the aftermath of a general strike. Third, in instances where the future response of the government is not known with certainty, additional investment risk is created. Such risk will raise the time-varying discount rates leading to lower stock valuations and increased market volatility. Fourth, conceding to workers’ demands may lead to a deterioration in a government’s financial position, which will exert upward pressure on bond yields and discount rates. This, in turn, would further aggravate the falls in stock prices. Our findings in this study reflect the abovementioned considerations. Through investigating a large sample spanning an array of countries, we demonstrate a valuation impact that is both statistically and economically significant. Since the magnitude of the fall in stock prices coinciding with the occurrence of a general strike is substantial, investors should pay particular attention to this type of event. Furthermore, we record significant increases in stock index return volatility and Value-at-Risk1 in the year of the event, which could be indicative of the policy uncertainty that arises alongside mass strike action. Such findings should be brought into consideration by those on both sides of the divide who are engaged in the collective bargaining process. Market vulnerability around times of mass strike action could be particularly distressing to shareholders who are not internationally diversified. The problem is of concern not only to frontline investors but extends to a wider swathe of the population invested in the market through pension funds. It is neither in the interest of trade unions nor governments to adversely affect the value of retirement portfolios. For this reason, both parties should seek alternative resolutions that do not involve walkouts. This means that in order to avoid costly economic frictions, governments should be wary of situations which may inflame worker indignation. Similarly, trade unions should consider the full welfare implications for their members before staging a mass protest.

#### 6. The right to strike does nothing to companies who actually exploit workers—they just hire consultants and employ shady tactics

**Lafer and Loustaunau 20**-- Gordon Lafer [political economist and is a Professor at the University of Oregon] and Lola Loustaunau [assistant research fellow at the Labor Education and Research Center, University of Oregon]; Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining; July 23, 2020; Economic Policy Institute; <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>. (AG DebateDrills)

Even when employers obey the law, they rely on a set of tactics that are legal under the NLRA but illegal in elections for Congress, city council, or any other public office. **A $340 million industry of “union avoidance” consultants helps employers exploit the weaknesses of federal labor law to deny workers the right to collective bargaining.**17 Over the past five years, employers using union avoidance consultants have included FedEx, Bed Bath & Beyond, and LabCorp, among others. Table 1, reproduced from an EPI report published in late 2019, lists just a few of these employers, along with the reported financial investments they made to thwart union organizing during the specified years.18 **These firms’ tactics lie at the core of explaining why so few American workers who want a union actually get one, and their success in blocking unionization efforts represents a significant contribution to the country’s ongoing crisis of economic inequality.** The lack of a right of free speech enables coercion NLRB elections are fundamentally framed by one-sided control over communication, with no free-speech rights for workers. **Under current law, employers may require workers to attend mass anti-union meetings as often as once a day** (mandatory meetings at which the employer delivers anti-union messaging are dubbed “captive audience meetings” in labor law). Not only is the union not granted equal time, but pro-union employees may be required to attend on condition that they not ask questions; those who speak up despite this condition can be legally fired on the spot.19 **The most recent data show that nearly 90% of employers force employees to attend such anti-union campaign rallies, with the average employer holding 10 such mandatory meetings during the course of an election campaign.**20 In addition to group meetings, employers typically have supervisors talk one-on-one with each of their direct subordinates.21 In these conversations, the same person who controls one’s schedule, assigns job duties, approves vacation requests, grants raises, and has the power to terminate employees “at will” conveys how important it is that their underlings oppose unionization. As one longtime consultant explained, a supervisor’s message is especially powerful because “the warnings…come from…the people counted on for that good review and that weekly paycheck.”22 Within this lopsided campaign environment, the employer’s message typically focuses on a few key themes: unions will drive employers out of business, unions only care about extorting dues payments from workers, and unionization is futile because employees can’t make management do something it doesn’t want to do.23 Many of these arguments are highly deceptive or even mutually contradictory. For instance, the dues message stands in direct contradiction to management’s warnings that unions inevitably lead to strikes and unemployment. **If a union were primarily interested in extracting dues money from workers, it would never risk a strike or bankruptcy, because no one pays dues when they are on strike or out of work. But in an atmosphere in which pro-union employees have [with] little effective right of reply, these messages may prove extremely powerful.**

#### 7. Specifically true in China

CLB 13-- China Labour Bulletin; For Chinese workers the right to strike is an academic issue; 12 March 2013; <https://clb.org.hk/content/chinese-workers-right-strike-academic-issue>. (AG DebateDrills)

The right to strike came up again during the annual parliamentary gathering in Beijing last week. Ge Jianxiong, head of Fudan University Library, suggested that the right to strike be restored to the Chinese constitution, telling the Financial Times that strikes were an effective way of defending workers’ rights, and should be legally protected. Two years ago, Guangzhou businessman and national legislator, Zeng Qinghong, made a similar proposal to the National People’s Congress. Zeng was well known at the time for his mediating role in the 2010 Nanhai Honda strike and his proposal to legitimize the right to strike caused considerate debate among academics. For most workers however it has remained an academic debate. There has not been a right to strike in China since it was removed from the constitution in 1982. But this has not prevented workers, especially young, well-educated workers who are well aware of their rights, from going out on strike. In mid-February, for example, when hundreds of workers at the American-owned International Paper factory in Panyu struck for a better annual bonus, they didn’t think about the legitimacy of the strike. One worker explained how line managers had simply told workers not to report for duty that day but instead gather at a designated place to put pressure on the company to respond to their demands for a better bonus, which reportedly had been cut from 2,000 yuan to 750 yuan. “We didn’t consider if our behaviour was legal or not,” said the worker over the phone. “We simply wanted to seek an explanation for why our annual bonus was cut this year.” He added that they were actually following the example of another factory in Guangzhou that had succeeded in getting a bonus increase after going out on strike at the end of December. The worker said they had approached the trade union before going on strike but the union officials were largely unresponsive. “They did not take us seriously,” he said. The majority of factory workers in China think the same way. They don’t seek the union’s consent to strike. Strikes are a spontaneous and often effective means of achieving workers’ demands. The downside is of course that they risk being fired or even detained. The right to strike would in theory protect such workers but as Chang Kai, professor at Renmin University, has noted, the precondition for legislation on the right to strike should be that trade unions can vigorously represent workers. Most countries in which workers do have the right to strike also have unions that can and are willing to organize strikes. And in most cases, strikes normally occur after collective bargaining reaches a standstill or fails. Given the current inability of Chinese unions to represent workers or to hold real collective bargaining, legislation could actually deprive workers of ways to effectively bargain with their bosses by placing restrictions on the conditions for strike action.

#### 8. Turn: Today’s strikes rely on public support—legal strikes always incite social tensions among groups of different statuses—only illegal strikes have the potential to be successful and change minds

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

**In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns**.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” **These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful**. Since 2012**, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes.** They do not shut down production, and their primary targets are not direct employers. **For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007**.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 **In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet**, no penalties were imposed.183 **Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support.** As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, **2020 saw a flurry of work stoppages in support of the Black Lives Matter movement**.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 **Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.**188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 **Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns.** The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. **Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be.** These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, **law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other**, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. **Recasting the strike—and the work of unions more broadly—as political is risky**. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. **And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing.** If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. **Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been.** During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198