### 1NC Shell – Generic

#### Low Air Traffic Strikes now due to lack of Right to Strike – the plan reverses penalties.

Youn 19 Soo Youn 1-22-2019 "Why TSA and FAA workers can't just go on strike to end the shutdown" <https://abcnews.go.com/US/tsa-faa-workers-strike-end-shutdown/story?id=60540070> (Freelance Journalist)//Elmer

All over Twitter and Facebook, citizen commentators are offering a solution to end the partial U.S. government shutdown: **airport workers should just go on strike**. "How many hours after all the TSA workers went on strike would the government be re-opened?" tweeted consultant David Rothkopf, a sentiment echoed throughout the Twittersphere, calling on Transportation Security Administration workers and air traffic controllers to not show up for work. [Tweet Omitted] "The employees of the TSA can do even more. I propose a MASS sickout in Atlanta, the Monday after the Super Bowl. I'm not saying to disrupt the game...but make it impossible for those people to go back home. MAKE Congress and the President pay attention," radio host Joe Madison tweeted. The employees of the TSA can do even more. I propose a MASS sickout in Atlanta, the Monday after the Super Bowl. I'm not saying to disrupt the game...but make it impossible for those people to go back home. MAKE Congress and the President pay attention.https://t.co/N4nio3yudz — Joe Madison (@MadisonSiriusXM) January 22, 2019 But **striking is illegal for federal workers.** "Federal employees are **governed** chiefly **by** the **F**ederal **S**ervice **L**abor **M**anagement **R**elations **A**ct of 1978. That statute prohibits strikes by federal workers," University of Michigan law professor Kate Andrias told ABC News in an email. Moreover, the act **bars workers from getting a future federal government** job "if he or she 'participates in a strike, or asserts the right to strike against the Government of the United States," Andrias added, quoting the act. **For many air traffic controllers**, whose ranks are already at 30-year lows, **the last strike has been seared** into their memories. In **1981**, nearly **13,000 controllers walked out** after contract talks between their union, The Professional Air Traffic Controllers Organization (PATCO), and the Federal Aviation Administration broke down. Then-President Ronald **Reagan** **fired 11,000 controllers** within days and the **union was decertified**. Reagan also instituted **a lifetime ban** for working for the FAA for the striking controllers. While then-President Bill Clinton issued an executive order to modify the ban, "it's a short shelf-life profession," Georgetown University history professor Joseph A. McCartin told ABC News. There's also a mandatory retirement age of 56. "That's more than 13 years," McCartin, who wrote a book about the PATCO strike, explained. "Many were not interested in coming back." **Were they to strike** today, **federal workers could face prosecution and even jail time**. "While the clear majority of states make public-sector strikes illegal, the statute covering most federal employees **has some of the toughest penalties for illegal strikes**. Specifically, the statute covering most federal workers makes striking a crime, which is unusual," Joseph E. Slater, a law professor at the University of Toledo and an expert in public sector labor law, told ABC News in an email. "The typical penalties are (i) you can be fired and (ii) you and your union can be fined. But in addition to that, you can be jailed for striking against the federal government. And indeed, a number of the PATCO strikers were back in the early 1980s," Slater explained. The suggestion of a strike, or another way to walk off the job, is something Nick Daniels, president of the National Air Traffic Controller’s Association (NATCO) Fort Worth Center's chapter hears a lot. But as a union leader, he's well aware of the penalties.

#### Trade is rebounding now.

Wood 9-16 Laura Wood 9-16-2021 “Global Terminal Tractor Market (2021 to 2026) - Advancements in Terminal Tractors Presents Opportunities” <https://www.globenewswire.com/en/news-release/2021/09/16/2298189/28124/en/Global-Terminal-Tractor-Market-2021-to-2026-Advancements-in-Terminal-Tractors-Presents-Opportunities.html> (Senior Press Manager at Research and Markets)//Elmer

However, **a strong rebound in global trade** **with** the **recovery of major industries** across the globe since the middle of last year has **helped soften** the **impact of the pandemic** for trade. The **global economic recovery** is also **expected to be fueled by** the **higher production of vaccines** and vaccination rates, allowing businesses to reopen more quickly. According to World Trade Organization (WTO), the **volume** of world merchandise trade is **expected to increase by 8.0%** in 2021 after having fallen 5.3% in 2020, continuing its rebound from the pandemic-induced collapse that bottomed out in the second quarter of 2020.

#### Strong Airline Industry key to global trade and the economy – strikes obliterate these benefits.

PWC 16, Pricewaterhouse Coopers. "Economic impact of air traffic control strikes in Europe." (2016). (PricewaterhouseCoopers LLP)//Elmer

2.2.1 The importance of connectivity The International Civil Aviation Organization (ICAO) defines connectivity as an indicator of a network’s concentration and its ability to move passengers from their origin to their destination seamlessly22. **Air connectivity is key to economic growth**, in part because it **enables States to attract business investment and human capital**. An increase in air connectivity **also spurs tourism, which is vital to many countries’ economic prosperity**. There is a **range of evidence produced** by airline industry authorities and academics which **suggests** that **as aviation expands, productivity and hence GDP increases**.23 In 2013 PwC completed a **deep-dive analysis** into **how aviation connectivity** **contributes to** the UK’s economy. The study identified five channels through which aviation plays a “positive enabling role”: **trade** in services, trade in goods, tourism, **business investment and innovation**, and productivity. A key finding emerging from academic and industry studies is the **strong linkage that has been observed over the last 20 years between airline industry growth and GDP growth.** In addition, studies have found that **a 10 percent increase in business air usage, or air travel connectivity, leads to an increase in whole economy productivity of between 0.07 percent and 0.9 percent.24** This includes: x reducing air travel times, giving businesses greater efficiency of access to a wider marketplace; x facilitating oversight of far-flung operations and thereby helping control their risks; thus x enabling investment and human capital to flow more freely across borders and exploit comparative advantages. In particular, a 2006 Oxford Economics study highlights the statistical linkage between business air usage and the level of GDP – in technical terms the study found that business air usage and Total Factor Productivity have a robust co-integrating relationship. Their key result implies that, “other things equal, a 10% increase in business air usage could raise GDP by 0.6% in the long run”. The report also notes that the growth in air transport in the 10 years prior to 2006 “boosted long-run underlying productivity by 2.0% across the EU25.”25 Further evidence on the specific channels of impact of aviation on GDP is outlined in the literature review in Section 4.3 of this report. Air transport is an important enabler to achieving economic growth and development. **Air transport facilitates integration into the global economy** **and provides vital connectivity on a** national, regional, and **international scale**. World Bank In the context of this study, if an **air traffic control strike** **causes** a reduction in the ability for airlines to operate flights as scheduled, this reduces the number of passengers and shipments able to reach their desired destinations as planned. Both **cancelled and delayed flights** **obstruct trade and connectivity**. Furthermore, a **pattern of disruptions will create** **uncertainty and discourage businesses** and consumers **from activities** that require air travel, therefore **reducing trade and connectivity further**. Given the importance of the link between the whole economy productivity and the airline sector output, it is therefore crucial to incorporate this linkage directly into our economic modelling of the impact of ATC strikes.

#### Collapse of Trade causes Hotspot Escalation – goes Nuclear.

Kampf 20 David Kampf 6-16-2020 “How COVID-19 Could Increase the Risk of War” <https://www.worldpoliticsreview.com/articles/28843/how-covid-19-could-increase-the-risk-of-war> (Senior PhD Fellow at the Center for Strategic Studies at The Fletcher School)//Elmer

But that overlooked the ways in which the risk of interstate war was already rising before COVID-19 began to spread. Civil wars were becoming more numerous, lasting longer and attracting more outside involvement, with dangerous consequences for stability in many regions of the world. And the global dynamics most commonly cited to explain the falling incidence of interstate war—democracy, economic prosperity, international cooperation and others—were being upended. If the spread of democracy kept the peace, then its global decline is unnerving. **If globalization and** economic **interdependence kept** the **peace, then** a looming global depression and the **rise of** nationalism and **protectionism are disconcerting**. If regional and global institutions kept the peace, then their degradation is unsettling. If the balance of nuclear weapons kept the peace, then growing risks of proliferation are disquieting. And if America’s preeminent power kept the peace, then its relative decline is troubling. Now, the pandemic, or more specifically the world’s reaction to it, is revealing the extent to which the factors holding major wars in check are withering. The idea that war between nations is a relic of the past no longer seems so convincing. The Pessimists Strike Back More than any other individual, it was cognitive scientist Steven Pinker who popularized the idea that we are living in the most peaceful moment in human history. Starting with his 2011 bestseller, “The Better Angels of Our Nature: Why Violence Has Declined,” Pinker argued that the frequency, duration and lethality of wars between great powers have all decreased. In his 2019 book, “Enlightenment Now: The Case for Reason, Science, Humanism, and Progress,” he wrote that war “between the uniformed armies of two nation-states appears to be obsolescent. There have been no more than three in any year since 1945, none in most years since 1989, and none since the American-led invasion of Iraq in 2003.” Optimists like Pinker held that, rather than the world falling apart, as a quick glance at headline news might suggest, the opposite was true: Humanity was flourishing. More regions are characterized by peace; fewer mass killings are occurring; governance and the rule of law are improving; and people are richer, healthier, better educated and happier than ever before. In their book, “Clear and Present Safety: The World Has Never Been Better and Why That Matters to Americans,” Michael A. Cohen and Micah Zenko argued that the evidence is so overwhelming that it is difficult to argue against the idea that wars between great powers, and all other interstate wars, are becoming vanishingly rare. Even when wars do break out, they tend to be shorter and less deadly than they were in the past. John Mueller, a senior fellow at the Cato Institute, also reasoned that the idea of war, like slavery and dueling before it, was in terminal decline, while Joshua Goldstein, an international relations researcher at American University, credited the United Nations and the rise of peacekeeping operations for helping win the “war on war.” But in recent years, a range of critics have begun to poke holes in these arguments. Tanisha M. Fazal, an international relations professor at the University of Minnesota, contends that the decline in war is overstated. Major advances in medicine, speedier evacuations of wounded soldiers from the field of battle and better armor have made war less fatal—but not necessarily less frequent. Fazal and Paul Poast, who is at the University of Chicago, further assert that the notion of war between great powers as a thing of the past is based on the assumption that all such conflicts resemble World War I and II—both are historical anomalies—and overlooks the actual wars fought between great powers since 1945, from the Korean War and the Vietnam War to proxy wars from Afghanistan to Ukraine. Meanwhile, Bear F. Braumoeller, an Ohio State political science professor, analyzed the same historical data on conflicts used by Pinker, Mueller and Goldstein, and found no general downward trend in either the initiation or deadliness of warfare over the past two centuries. What’s more, Braumoeller contends that the so-called “long peace”—the 75 years that have passed without systemic war since World War II—is far from invulnerable, and that wars are just as likely to escalate now as they used to be. Just because a major interstate war hasn’t happened for a long time, doesn’t mean it never will again. In all probability, it will. And by focusing solely on interstate wars, the optimists miss half the story, at least. Wars between states have declined, but civil wars never disappeared—and these **internal conflicts** **could easily escalate into regional or global wars**. The number of conflicts in the world reached its highest point since World War II in 2016, with 53 state-based armed conflicts in 37 countries. All but two of these conflicts were considered civil wars. To make matters worse, new studies have shown that civil wars are becoming longer, deadlier and harder to conclusively end, and that these internal conflicts are not really internal. Civil wars harm the economies and stability of neighboring countries, since armed groups, refugees, illicit goods and diseases all spill over borders. Some 10 million refugees have fled to other countries since 2012. The countries that now host them are more likely to experience war, which means states with huge refugee populations like Lebanon, Jordan and Turkey face legitimate security challenges. Even after the threat of violence has diminished in refugees’ countries of origin, return migration can reignite conflicts, repeating the brutal cycle. A Yugoslav Federal Army tank. Perhaps most importantly, recent research indicates that civil wars increase the risk of interstate war, in large part because they are attracting more and more outside involvement. In a 2008 paper, researchers Kristian Skrede Gleditsch, Idean Salehyan and Kenneth Schultz explained that, in addition to the spillover effects, two other factors in civil wars increase international tensions and could possibly provoke wider interstate wars: external interventions in support of rebel groups and regime attacks on insurgents across international borders. Immediately after the Cold War, none of the ongoing civil wars around the world were internationalized. According to the Uppsala Conflict Data Program, there were 12 full-fledged civil wars in 1991—in Afghanistan, Iraq, Peru, Sri Lanka, Sudan, and elsewhere—and foreign militaries were not active on the ground in any of them. Last year, by contrast, every single full-fledged civil war involved external military participants. This is due, in part, to the huge growth in U.S. military interventions abroad into civil conflicts, but it’s not only the Americans. All of today’s major wars are in essence proxy wars, pitting external rivals against one another. Conflicts in Syria, Yemen and Libya are best understood not as civil wars, but as international warzones, attracting meddlers including the United States, Russia, Saudi Arabia, Turkey, Iran, France and many others, which often intervene not to build peace, but to resolve conflicts in a way that is favorable to their own interests. These internationalized wars are more lethal, harder to resolve and possibly more likely to recur than civil wars that remain localized. It is not that difficult to imagine how these conflicts could spark wider international conflagrations. Wars, after all, can quickly spiral out of control. As Risks Increase, Deterrents Decline To make matters worse, most of the global trends that explained why interstate war had decreased in recent decades are now reversing. The theories that democracy, prosperity, cooperation and other factors kept the peace have been much debated—but if there was any truth to them, their reversals are likely to increase the chance of war, irrespective of how long the coronavirus pandemic lasts. Democracy is often considered a prophylactic for war. Fully democratic countries are less likely to experience civil war and rarely, if ever, go to war with other democracies—though, of course, they do still go to war against non-democracies. While this would be great news if democracy and pluralism were spreading, there have now been 14 consecutive years of global democratic decline, and there have been signs of additional authoritarian power grabs in countries like Hungary and Serbia during the pandemic. If democracy backslides far enough, internal conflicts and foreign aggression will become more likely. Other theories posit that **economic bonds between countries** have **limited wars** in recent decades. Dale Copeland, a professor of international relations at the University of Virginia, has argued that **countries work to preserve ties when there are high expectations for future trade**, **but war becomes** increasingly **possible when trade is predicted to fall.** If **globalization brought peace**, the recent wave of far-right nationalism and populism around the world may increase the chances of war, as tariffs and other trade barriers go up—mostly from the United States under President Donald Trump, who has launched trade wars with allies and adversaries alike. The coronavirus pandemic immediately elicited further calls to reduce dependence on other countries, with Trump using the opportunity to pressure U.S. companies to reconfigure their supply chains away from China. For its part, China made sure that it had the homemade supplies it needed to fight the virus before exporting extras, while countries like France and Germany barred the export of face masks, even to friendly nations. And widening economic inequalities, a consequence of the pandemic, are not likely to enhance support for free trade. This assault on open trade and globalization is just one aspect of a decaying liberal international order, which, its proponents argue, has largely helped to preserve peace between nations since World War II. But that old order is almost gone, and in all likelihood isn’t coming back. The U.N. Security Council appears increasingly fragmented and dysfunctional. Even before Trump, the world’s most powerful country ratified fewer treaties per year under the Obama administration than at any time since 1945. Trump’s presidency only harms multilateral cooperation further. He has backed out of the Paris Agreement on climate change, reneged on the Iran nuclear deal, picked fights with allies, questioned the value of NATO and defunded the World Health Organization in the middle of a global health crisis. Hyper-nationalism, rather than international collaboration, was the default response to the coronavirus outbreak in the U.S. and many other countries around the world. It’s hard to see the U.S. reluctance to lead as anything other than a sign of its inevitable, if slow, decline. The country’s institutionalized inequalities and systemic racism have been laid bare in recent months, and it no longer looks like a beacon for others to follow. The global balance of power is changing. China is both keen to assert a greater leadership role within traditionally Western-led institutions and to challenge the existing regional order in Asia. Between a rising China, revanchist Russia and new global actors, including non-state groups, we may be heading toward an increasingly multipolar or nonpolar world, which could prove destabilizing in its own right. Finally, the pacifying effect of nuclear weapons could be waning. While vast nuclear arsenals once compelled the United States and the Soviet Union to reach arms control agreements, old treaties are expiring and new talks are breaking down. **Mistrust is growing**, and the **chance of an** unwanted **U.S.-Russia nuclear confrontation is** arguably as **high** as it has been since the Cuban missile crisis. The theory of nuclear peace may no longer hold if more countries are tempted to obtain their own nuclear deterrent. Trump’s decision to abandon the Iran nuclear deal, for one thing, has only increased the chance that Tehran will acquire nuclear weapons. It’s almost easy to forget that, just a few short months ago, the United States and Iran were one miscalculation or dumb mistake away from waging all-out war. And despite Trump’s efforts to negotiate nuclear disarmament with Kim Jong Un’s regime in Pyongyang, it is wishful thinking to believe North Korea will give up its nuclear weapons. At this point, negotiators can only realistically try to ensure that North **Korea’s** **nuclear menace** **doesn’t get** even **more potent**. In other words, by turning inward, the United States is choosing to leave other countries to fend for themselves. The end result may be a less stable world with more nuclear actors. If leaders are smart, they will take seriously the warning signs exposed by this global emergency and work to reverse the drift toward war. If only one of these theories for peace were worsening, concerns would be easier to dismiss. But **together**, they are unsettling. While the world is not yet on the brink of **World War III** and no two countries are destined for war, the odds of avoiding future conflicts don’t look good. The pandemic is already degrading democracies, harming economies and curtailing international cooperation, and it also seems to be fostering internal instability within states. Rachel Brown, Heather Hurlburt and Alexandra Stark argue that the coronavirus could in fact sow more civil conflict. If this proves accurate, the increase in civil wars is likely to lead to more external meddling, and these next **proxy wars** **could** soon **precipitate all-out international conflicts** if outsiders aren’t careful. **With** the **usual deterrents to conflict declining** around the world, **major wars could soon return**.

### 2 – Congress CP

#### The United States Congress should recognize an unconditional worker’s Right to Strike by passing the Protecting the Right to Organize Act. The United States Congress should cite International Labor Accords as the justification for it’s decision.

#### CP citing International Law solves Opino Juris – all it needs to do is cite the Law as a justification.

#### Solves the Aff – Congress has authority.

Kreighbaum ’21 (Andrew; writer for Bloomberg Law; 3-9-2921; “Landmark Labor Law Overhaul Passes House but Senate Fate Unclear”; Bloomberg Law; https://news.bloomberglaw.com/daily-labor-report/landmark-labor-law-overhaul-passes-house-but-senate-fate-unclear; Accessed: 10-30-2021; AU)

Worker Protections The PRO Act would **amend** the National Labor Relations Act, a federal law that **guarantees private-sector employees** the **right to** unionize, engage in collective bargaining, and take collective action such as **strikes**. Among other changes, it would bar employers from retaliating against unionization efforts, **protect workers’ right to strike**, and override state “right to work” laws that allow employees to opt out of paying dues in unionized workplaces. Companies would be **banned** under the bill, for example, from holding “captive audience” meetings, in which workers are compelled to listen to anti-union messages from their employer. The legislation also would give the National Labor Relations Board power to levy fines against companies that engage in unfair labor practices, and require arbitration when unionized workers can’t reach agreement on a contract with employers. The bill would allow employees to hold union elections off of company premises and use mail or electronic ballots, a provision that supporters say is essential during the pandemic. Electronic ballots are currently banned. The PRO Act addresses the status of independent contractors—such as gig workers at ride-hailing and food delivery companies—by **lowering** the bar for contractors to prove they are employees under federal labor law. That would allow gig workers to organize unions and protest retaliation under the NLRA—rights currently guaranteed only to employees, not contractors. The legislation would adopt the same rigid test to determine workers’ employment status as a California law known as A.B. 5. Workers for app-based services were recently carved out of the state law by a ballot initiative, Proposition 22, bankrolled by gig companies. The California law also applies to employment rules governing overtime and minimum wage. The PRO Act, however, only addresses workers’ status under the National Labor Relations Act.

#### The issue with RTS isn’t legality – it’s legislative loopholes, which only Congress can amend – Circumvention turn to the Aff.

Reddy ’21 (Diana; contributor to The Yale Law Journal; 1-6-2021; “’There Is no Such Thing as an Illegal Strike’: Reconceptualizing the Strike in Law and Political Economy”; The 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; Accessed: 10-30-2021; AU)

Under the NLRA, workers are generally understood to have **a “right” to strike**. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to **interfere with or impede or diminish** in any way the right to strike . . .”80 Note that it is a **testament** to deeply-held disagreements about the strike (is it a **fundamental right** which needs no statutory claim to protection, **or a privilege** to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.81 To say that a strike is ostensibly legal, though, is not to say whether **it is sufficiently protected** as to make it **practicable** for working people. Within the world of labor law, this distinction is often framed as the difference between whether an activity is legal and **whether it is protected**. So long as the state-as-regulator will not punish you for engaging in a strike, that strike is legal. But given that **striking is protest against an employer**, rather than against the state-as-regulator, **being legal is insufficient protection** from the repercussion most likely to deter it—**job loss**. Employees technically cannot be fired for protected concerted activity **under the NLRA**, including protected strikes. But in a distinction that Getman and Kohler note “only a lawyer could love—or even have imagined,”82, judicial construction of the NLRA permits employers to **permanently replace** them in many cases. Consequently, under the perverse incentives of this regime, strikes can facilitate deunionization. Strikes provide employers an opportunity, unavailable at any other point in the employment relationship, to replace those employees who most support the union—those who go out on strike—in one fell swoop. As employers have increasingly turned to permanent replacement of strikers in recent decades, **strikes have decreased**.83 A law with a stated policy of giving workers “full freedom of association [and] actual liberty of contract” offers a “right” which too many workers cannot afford to invoke.84 It is not just that the right is too “expensive,” however; it is that its scope is **too narrow**, particularly following the Taft-Hartley Amendments. Law cabins legitimate strike activity, based on employees’ motivation, their conduct, and their targets. The legitimate purposes are largely bifurcated, either “economic,” that is to provide workers with leverage in a bargain with their employer, or to punish an employer’s “unfair labor practice,” its violation of labor law (but not other laws). A host of reasons that workers might want to protest are unprotected—Minneapolis bus drivers not wanting their labor to be used to “shut down calls for justice,” for instance. Striking employees also lose their limited protection if they act in ways that are deemed “**disloyal**” to their employer,85 or if they engage in the broad swath of non-violent activity construed to involve “violence,” such as mass picketing.86 Tactically, intermittent strikes, slow-downs, secondary strikes, and sit-down strikes **are unprotected**.87 Strikes are also unprotected if unionized workers engage in them without their union’s approval,88 if they concern nonmandatory subjects of bargaining,89 or if they are inconsistent with a no-strike clause.90 Independent contractors who engage in strikes face antitrust actions.91 Labor unions who sanction unprotected strikes face potentially bankrupting liability.92 The National Labor Relations Board—the institution charged with enforcing the policies of the Act—summarizes these “qualifications and limitations” on the right to strike on its website in the following way: The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.93 The “**right” to strike**, it seems, is filled with **uncertainty and peril**. Collectively, these rules **prohibit** **many** of the strikes which helped build the labor movement in its current form. Ahmed White accordingly argues that law prohibits effective strikes, strikes which could actually change employer behavior: “Their inherent affronts to property and public order place them well beyond the purview of what could ever constitute a viable legal right in liberal society; and they have been treated accordingly by courts, Congress, and other elite authorities.”94

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### 3 – Essential Workers PIC [Ports Net Benefit]

#### Plan text: The United States of America ought to

#### recognize an unconditional worker’s right to strike except for Essential Workers.

#### Make striking by all essential workers a federal crime and implement penalties modelled after New York City Taylor Law including two-for-one fines, lifetime bans from federal jobs, and jail time.

#### Essential Workers include Port Workers.

Glass 20 Pamela Glass 3-23-2020 "DHS says maritime workers considered ‘essential’ during Covid-19 closures" <https://www.workboat.com/coastal-inland-waterways/dhs-says-maritime-workers-considered-essential-during-covid-19-closures> (Pamela Glass is the Washington, D.C., correspondent for WorkBoat. She reports on the decisions and deliberations of congressional committees and federal agencies that affect the maritime industry, including the Coast Guard, U.S. Maritime Administration and U.S. Army Corps of Engineers. Prior to coming to WorkBoat, she covered coastal, oceans and maritime industry news for 15 years for newspapers in coastal areas of Massachusetts and Michigan for Ottaway News Service, a division of the Dow Jones Company. She began her newspaper career at the New Bedford (Mass.) Standard-Times. A native of Massachusetts, she is a 1978 graduate of Wesleyan University (Conn.).)//Elmer

Maritime workers — including those that work on barges — are considered essential employees and should report to work during the COVID-19 crisis. USACE photo. **Maritime workers** — **including those working** on barges, in energy transportation and **at ports** — **are considered “essential employees**” and should report to work even under state or local shelter-in-place or stay-at-home restrictions designed to slow the spread of the novel coronavirus. The **D**epartment of **H**omeland **S**ecurity’s Cybersecurity and Infrastructure Security Agency (**CISA**) **issued** a **list** Thursday of “essential critical infrastructure workers” to help state and local officials identify those who should stay on the job during the coronavirus crisis. Calling them either shelter-in-place or stay-at-home restrictions, a growing number of states and local governments are curbing or shuttering businesses and limiting the movement of people to stem the disease’s spread. DHS stated that these responses are locally executed, state managed and federally supported. Concerning the maritime industry, the DHS list zeros in on “port workers, mariners, equipment operators, employees who maintain marine vessels and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.” Also included are those involved in marine transport and storage of crude oil and petroleum. LNG facilities and transport, and workers who support the operation, inspection and maintenance of the nation’s locks, dams and levees are also considered essential. Workers involved in the necessary credentialing, vetting and licensing operations of transportation workers are also included. The American Waterways Operators, the association representing the tug and barge industry, has been working closely with federal officials to make sure barge industry workers are classified as essential and are able to get to their jobs despite stay-at-home restrictions imposed where they live. AWO has posted on its website templates of two letters that can be used by waterways companies stating that their employees are considered “essential critical infrastructure workers” under the DHS guidelines. One letter can be sent to state, city or other government bodies to assure the “free passage” of maritime transportation workers to their jobs. The other identifies employees as essential.

#### The CP shuts down Port Strikes.

Bauernschuster et Al 17, Stefan, Timo Hener, and Helmut Rainer. "When labor disputes bring cities to a standstill: The impact of public transit strikes on traffic, accidents, air pollution, and health." American Economic Journal: Economic Policy 9.1 (2017): 1-37. (Faculty of Business Administration and Economics, University of Passau, Innstra)//Elmer

New York City's **Taylor Law,** which was put into effect **in response to a transit strike** in 1966, represents an example of a particularly draconian measure. Under Section 210, the law **prohibits** any **strike or** other concerted **stoppage** 01 worn or slowdown by public employees (Division of Local Government Services 2009). Instead, it prescribes binding arbitration by a state agency to resolve bargaining deadlocks between unions and employers. **Violations** against the prohibition on strikes are **punishable with hefty penalties**. The fine for an individual worker is **twice** the striking employee's **salary** **for each** **day** the strike lasts. In addition, union leaders face **imprisonment**. Since its inception in 1967, the Taylor Law has generated a lot of controversy. To proponents, it was **successful in averting several potential transit strikes** that would have imposed significant costs on the city and its inhabitants (OECD 2007). Indeed, New York City has only seen two transit strikes over the past four decades—in 1980 and in 2005. In both cases, harsh monetary penalties were imposed on workers and unions. The 2005 transit strike additionally led to the imprisonment of a union leader, and saw the Transport Workers Union (TWU) filing a formal complaint with the ILO. Since then, the ILO has urged the United States government to restore the right of transit workers to strike, arguing that they do not provide essential services justifying a strike ban (Committee on Freedom of Association 2011, 775). So far, the Taylor Law has not been amended in this direction.

#### CP solves the Aff – CIL is a conditioned RTS that excludes Essential Workers – the CP aligns the US w/ all of ILO mandate – here’s 1AC Brudney.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] //sid

The international right to strike is far from absolute. It may be restricted in exceptional circumstances, or even prohibited, pursuant to national regulation. For a start, Convention 87 provides that members of the armed forces and the police may be excluded from the scope of the Convention in general, including the right to strike.57 In addition, applications by the CFA and CEACR have concluded that three distinct forms of substantive restriction on the right to strike are compatible with Convention 87. 1. Substantive Limitations One important restriction applies to certain categories of public servants. The CEACR and CFA have made clear that public employees generally enjoy the same right to strike as their counterparts in the private sector; at the same time, in order to ensure continuity of functions in the three branches of government, this right may be restricted for public servants exercising authority in the name of the State.58 Examples include officials performing tasks that involve the administration of necessary executive branch functions or that relate to the administration of justice. Each country has its own approach to classifying public servants exercising authority in the name of the State. When considering the international right under Convention 87, some public servant exceptions seem clearly applicable, such as officials auditing or collecting internal revenues, customs officers, or judges and their close judicial assistants.59 Some public servant exceptions seem inapplicable, such as teachers, or public servants in State-owned commercial enterprises.60 Whether public servants are exercising authority in the name of the State can be a close question under particular national law, one on which the CEACR and CFA have offered encouragement and guidance,61 as has the Committee on Economic, Social and Cultural Rights (CESCR).62 A second equally important restriction on the right to strike involves essential services in the strict sense of the term. This is an area in which both the CEACR and CFA have developed a detailed set of applications and guidelines.63 The two committees consider that essential services, for the purposes of restricting or prohibiting the right to strike, are only those “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”64 This definition of essential services “in the strict sense of the term” stems from the idea that “essential services” as a limitation on the right to strike would lose its meaning if statutes or judicial decisions defined those services in too broad a manner.65 The interruption of services that cause or have the potential to cause economic hardships—even serious economic hardships—is not ordinarily sufficient to qualify the interrupted service as essential. Indeed, the very purpose of a strike is to interrupt services or production and thereby cause a degree of economic hardship. That is the leverage workers can exercise; it is what allows a strike to be effective in bringing the parties to the table and securing a negotiated settlement. The two ILO supervisory committees also have made clear that the essential services concept is not static in nature. Thus, a non-essential service may become essential if the strike exceeds a certain duration or extent, or as a function of the special characteristics of a country.66 One example is that of an island State where at some point ferry transportation services become essential to bring food and medical supplies to the population.67 When examining concrete cases, the supervisory bodies have considered a range of services, both public and private, too broad to summarize here. As illustrative, the two bodies have determined that essential services in the strict sense of the term include air traffic control services,68 telephone services,69 prison services, firefighting services, and water and electricity services.70 The CEACR and CFA also have identified a range of services that presumptively are deemed not to be essential in the strict sense of the term.71 In addition, in circumstances where a total prohibition on the right to strike is not appropriate, the magnitude of impact on the basic needs of consumers or the general public, or the need for safe operation of facilities, may justify introduction of a negotiated minimum service.72 Such a service, however, must truly be a minimum service, that is one limited to meeting the basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear through the strike by a majority of workers.73 The third substantive restriction on the right to strike under Convention 87 relates to situations of acute national or local crisis, although only for a limited period and only to the extent necessary to meet the requirements of the situation.74 With respect to all three forms of substantive restriction, the CFA and CEACR have indicated that certain alternative options should be guaranteed for workers who are deprived of the right to strike. These options include impartial conciliation followed by arbitration procedures in which any awards are binding on both parties and are to be implemented in full and rapid terms.75

#### Port Strikes collapses Port Functionality.

Marsh 12 December 2012 "US PORT STRIKES — WHAT’S AT STAKE AND HOW TO MANAGE YOUR RISK" <https://www.oliverwyman.com/content/dam/marsh/Documents/PDF/US-en/US%20Port%20Strikes%20How%20to%20Manage%20Your%20Risk-12-2012.pdf> (Marsh Risk Management Research)//Elmer

SITUATIONAL ANALYSIS **The threat of a** **US** East Coast and Gulf Coast **port strike** **could become a reality** on December 30, 2012. This strike was originally scheduled for the end of September, which could have crippled vital fourth-quarter sales and revenue. However, on September 20, the Federal Mediation and Conciliation Service announced that the International Longshoremen’s Association (ILA), representing port workers, and the United States Maritime Alliance (USMX), representing port operators, agreed to extend the deadline for contract negotiations through December 29. Ports from Maine to Texas, including the critical ports of New Orleans, Houston, New York/New Jersey, Baltimore, Savannah, Norfolk, and Charleston, are all within the scope of the strike. The **potential** **for** a **massive labor strike creates** **great uncertainty for shipping**, especially for those ports still reeling from the effects of Superstorm Sandy. Organizations that import or export products, semi-finished goods, foodstuffs, and/or components could be challenged to defend against such a trade disruption considering that **after just one week of a port work stoppage,** **manufacturing plants could be idled**, **inventories rapidly depleted**, **goods**-intransit shipments **backed up at sea (**leading to excessive inventory carrying costs), and **supply chains crippled across the board**. Rerouting of complex marine-based supply chains would also prove difficult and costly, as witnessed most recently with the shipment diversions that followed Superstorm Sandy and the West Coast port strike. Atlantic ports serve 40% of all waterborne shipping in the US each year. With the **potential strike’s focus on containerization work** (approximately one-fifth of all waterborne trade volume), the affected volume includes nearly 15 billion cubic feet of cargo with an estimated value of more than $437 billion1 (see Figure 1 for more US shipping statistics). **Port closures** would **impact** a **cross-section of industries**, including electronics, machinery, clothing, retail, pharmaceutical, construction, food and beverage, and automotive (the latter requires roll-on/roll-off, or ro-ro, services staffed by would-be striking union members). This potential crisis demonstrates why global businesses must be prepared for powerful and possibly crippling disruptions that can happen without warning. With the right portfolio of risk strategies (transfer, finance, and mitigation), organizations can more effectively protect themselves from crushing losses while simultaneously gaining market share from less prepared competitors. BACKGROUND: THE PORT STRIKE THREAT At the heart of this potential supply chain disruption is a classic labor-relations dispute. In US East Coast and Gulf Coast ports, the ILA has been at odds with the USMX. The longshoremen’s current contract expires on December 29, 2012. Negotiations thus far have been volatile, with both parties’ public statements ranging from divisive namecalling to more conciliatory rhetoric. The conflict centers around a fundamental disagreement over the use of automation technologies for handling containerized cargo. For workers, this is an issue of job security in the face of a perceived “outsourcing” threat from management. For the ILA, it represents a desire to ensure that high-tech jobs in ports remain under union jurisdiction. A potential strike would affect two areas of cargo in particular: containerized shipping and roll-on/ roll-off. Trade in ro-ro cargo (such as automobiles) is predominantly East Coast oriented — more than half of all major ro-ro ports in the US are located on the Atlantic seaboard.2 The last port strike to hit the US East Coast and Gulf Coast occurred in 1977, while major port strikes took place on the US West Coast in 2002 and 2012. In 2002, for example, East Coast ports such as Savannah, Georgia had the capacity to benefit greatly from the increased traffic resulting from the slowdown in West Coast ports. Although West Coast ports are a viable option today, there are strained capacities in larger California ports such as Long Beach and Los Angeles, due in large part to a labor dispute that has disrupted trade coming through the Port of Portland, Oregon and the recent strike at both California ports. In anticipation of extra traffic from the US East Coast and Gulf Coast, West Coast ports are now imposing surcharges on shipments.3 POTENTIAL ECONOMIC AND SECURITY IMPACTS The annual amount of affected trade in the leading US eastern ports of New York/New Jersey, New Orleans, and Boston numbers in the hundreds of billions of dollars. In industries like retail — whose fortunes are closely aligned with successful end-of-year profit margins and highvelocity cash flow — given the volume and value of trade affected, a labor strike could prove to be **disastrous for many companies that normally have tighter supply chains and reduced sales during the next two quarters**.4 These types of losses would impair the US and global economic outlook for 2013. Such market uncertainties put further pressures on organizations looking to maintain and increase profits and to satisfy investors. As portdependent organizations and their partners seek to stem losses, there could be significant knock-on effects in the financial and employment markets. Combined with downward pressure from failure to avert the “fiscal cliff,” growth contraction could be compounded in these markets for the next two quarters. A **strike would** also **compound existing chokepoints caused by construction or security issues at certain ports**, as seen in Figure 2. Furthermore, it would arise just as the US Northeast (particularly the port of New York/New Jersey) is rebuilding and reestablishing full service following Superstorm Sandy, which disrupted area supply chains for an extended period. Sandy’s aftermath is indicative of some of the effects to be expected from a strike, including **stranded container shipments** and substantial delivery delays due to diverted rail and truck freight-shipping routes.5

#### Strong ports promote naval readiness.

EPA 21 “Ports Primer: 2.1 The Role of Ports” <https://www.epa.gov/community-port-collaboration/ports-primer-21-role-ports> (Environmental Protection Agency)//Elmer

In addition to serving as economic drivers and transportation hubs, **ports play an important role in national defense. Fifteen** of our **commercial seaports** have been **named** **Strategic Seaports** by the U.S. Department of Defense (DOD) (see the map at right). These ports can **help** to **support military deployments because** **of** their large **staging areas, connections to rail** infrastructure **and ability to load** non-containerized **cargo**. Ports can also use these capabilities to support emergency relief activities, such as from the Federal Emergency Management Agency, for natural disasters. The **DOD** is particularly **reliant on Strategic Seaports** during military surge operations. For example, during Operation Iraqi Freedom, the DOD used these ports to load combat vehicles and aircraft. These **operations** **require** Strategic Seaports to have **adequate** rail **infrastructure**, significant **staging** areas for military cargo **and workers skilled in handling non-containerized military equipment**. As our commercial seaports continue to experience increasing levels of commercial containerized shipping, port staging areas and rail capacity to support military operations may be strained. Map

Description automatically generated

#### Naval readiness prevents global conflict

Cropsey and McGrath 18 Seth Cropsey and Bryan McGrath January 2018 “Maritime Strategy in a New Era of Great Power Competition” <https://s3.amazonaws.com/media.hudson.org/files/publications/HudsonMaritimeStrategy.pdf> (senior fellow and director of the Center for American Seapower at Hudson Institute, founding Managing Director of The FerryBridge Group LLC (FBG), a niche consultancy specializing in Naval and national security issues)//Elmer

Introduction As a maritime nation, **naval power is the** **U.S.’s most useful means of responding to** distant **crises**, **preventing them from harming** our **security** or that of our allies and partners, **and keeping** geographically **remote threats from metastasizing** **into conflicts** that could approach our borders. A maritime defense demands a maritime strategy. As national resources are increasingly strained the need exists for a strategy that makes deliberate choices to connect ends (security) with means (money and the fleet it builds). This paper examines the need for a maritime strategy, discusses options, and offers recommendations for policy makers. After several decades of unchallenged world leadership, **the U**nited **S**tates once again **faces** great power **competition**, this time **featuring** two other world powers. **China and Russia** increasingly bristle under the constraints of the post-World War II systems of global trade, finance, and governance largely created by the United States and its allies, systems that the United States has protected and sustained to the economic and security benefit of its citizens and the citizens of other nations. **Both** China and Russia are demonstrably **improving** the quality of their armed **forces while** simultaneously **acting aggressively** toward neighboring countries, some of which are US treaty allies. Additionally, both nations are **turning** their **attention to naval operations** **far from their own coasts**, operations designed to advance national interests that are often in tension with those of the United States.1 For the past several decades, US national security strategy has not had to contend with great powers. Instead, it has concerned itself primarily with building alliances designed to manage regional security more efficiently by proxy, while devoting increasingly more resources to homeland defense and intelligence aimed at stemming acts of terror by Islamic radical organizations and their followers. To the extent that the US position of leadership in the world was not threatened, this strategy was reasonable, if imperfectly pursued. Such a strategy will no longer suffice in a world of great power competition, especially one in which powers of considerable—but unequal—strength are opposed. Unbalanced multi-polarity is an especially unstable condition, and the United States is not effectively postured to manage that instability. Henry Kissinger divides the concept of world order into two parts: a normative system that defines acceptable action, and a ‘balance of power’ arrangement that punishes the breach of such conventions2. As the underlying balance of forces shifts, states with different ideas of international order gain the power to reshape the system. **Thucydides’** ancient insight **holds true** – **the rise in power** of one actor **threatens all** others. Where such threat exists and if the balance of power between states or coalitions approaches equilibrium, a “Cold War” between competing ideological camps occurs. In an unbalanced system, the stronger side is tempted to strike its weaker opponent while the balance of forces is favorable. Unbridled competition for supremacy defined Europe during its bloodiest periods. Europe’s 16th and 17th century religious wars between Catholics and Protestants and the global 20th century struggles between totalitarian ideologies and democracy both represent the natural end-state of unbalanced multipolar systems. Without norms to restrain states and force to uphold these norms, violence is very likely. Today’s international system is moving toward unbalanced multi-polarity. Unfortunately, the United States is not currently prepared to manage such an international environment. If Americans want to preserve their nation’s secure and prosperous position as the world’s great power, the United States must begin now to prepare strategically for what it will inevitably face. Otherwise, it will ultimately be forced into an increasingly limited number of unattractive options to sustain its position of leadership. There is little evidence that the people of the United States wish to see our position in the world diminished. The 2016 Presidential Election raised important questions about the degree to which globalization has served the interests of everyday Americans (and their perceptions thereof), while the two dominant US political parties have moved toward more protectionist policies, at least as articulated by their nominees. Opinion polling indicates the divided nature of the American public on issues like free trade and sustained foreign commitments.3 However, Americans remain cognizant of threats to the United States, and favor maintaining America’s position as a great power by sustaining a strong military.4 Moreover, it would be difficult to identify meaningful numbers of Americans who would sacrifice national security in favor of increased social spending, despite the continuing rise in non-discretionary spending in the federal budget. Americans understand that the US position of world leadership benefits the nation’s economy, its security, its allies, and the international order that has been the object of US foreign and defense policy for over a century. They know that their lives would be diminished if this position of global leadership were surrendered to an adversary or group of them. The paradox of the American experience is that the US is not simply a great power – it is an exceptional power, for which ideals count as much as strength. The American public, despite its aversion to foreign commitments, can rise to the occasion and respond to clear threats, as it has in both World Wars, the Cold War, and after September 11th. The job of the policymaker, therefore, is to ensure America remains a great power, so that when the occasion arises, it can act as an exceptional power. It is critical then, for US political leaders to begin thinking more strategically about protecting and advancing America's position in the face of growing great power competition. This monograph asserts that a strategy to support such a goal would necessarily be maritime in nature, leveraging this nation’s great **geographical advantages** in the service of its national power. Sharing land borders with only two nations—both of whom are friendly to the United States—and separated **from other great powers by vast oceans**, the United States enjoys a security position quite unlike that of any other nation. For over a century, it has been the unspoken (but doggedly pursued) national security aim of the United States to ensure that no power rise to prominence in Asia or Europe so as to occupy a position there as dominant as the United States’ position in the Western Hemisphere. Were this to occur, not only could that nation then lock the United States out of the resources and activity of that region, but it could also then eventually turn its attention to challenging our position in the Western Hemisphere.5 Underlying this approach is the reality that most the world’s activity does not occur in our own hemisphere, but in Asia and Europe. American interests in these regions— political, diplomatic, economic, and military—are considerable and growing. Protecting and sustaining those interests must remain a priority of American policy, and maritime strategy is an effective tool in doing so. Maritime strategy is a subset of grand strategy, and the relationship between the two is ably defined by Professor John B. Hattendorf of the Naval War College: “In its broadest sense, grand strategy is the comprehensive direction of power to achieve particular national goals. Within those terms, maritime strategy is the direction of all aspects of national power that relate to a nation’s interests at sea. The navy serves this purpose, but maritime strategy is not purely a naval preserve. Maritime strategy involves the other functions of state power that include diplomacy; the safety and defence of merchant trade at sea; fishing; the exploitation, conservation, regulation and defence of the exclusive economic zone at sea; coastal defence; security of national borders; the protection of offshore islands; as well as participation in regional and world-wide concerns relating to the use of oceans, the skies over the oceans and the land under the seas.6 It is wholly appropriate for the world’s dominant naval power—separated from its widely-flung interests by thousands of miles of open ocean—**to develop and execute coherent maritime strategy**. In a time of re-emerging great power competition, it is essential. The nation’s current maritime strategy 7 is, unfortunately, not up to the task. It focuses insufficiently on great power competition; it does not recognize the rise in importance of conventional forces in deterring great power war; it does not provide a theory of conventional deterrence appropriate to great powers and their likely objectives; it does not suggest **a posture for naval forces that acts as an effective deterrent**; its derived force structure is too small and short on effective logistic support; it does not place sufficient value on naval partnerships with geographically important nations which may not be traditional partners; and it is silent on the need for the nation to invest in a maritime industrial base that can enable an appropriate strategy. This monograph urges new thinking about maritime strategy, a strategy compatible with the United States’ responsibilities as the leader of the free world, as well as the world’s premier political, military, economic, and diplomatic power. Such a strategy would seek to protect and sustain those leadership positions in the face of renewed great power competition, competition that largely subsumes other, lesser security concerns. There will be those who view this approach as a return to “Cold War” strategic thinking, and we do not shy from this comparison. The United States acted for decades as a coherent strategic actor when faced with expansionist Soviet totalitarianism, and it must act with equal coherence and resolve to contest China and Russia’s brands of aggressive mercantilism, regional expansion, and contempt for established global order. There will be those who evaluate our suggestions in this paper and conclude that the nation cannot afford it, that the expense associated with moving to a maritime grand strategy would imbalance the traditional “ends, ways, means” approach to the making of strategy. And while the ends, ways, means approach is generally relevant to military and operational strategy, it is unsuited to the making of grand strategy for one very important reason. Unlike subordinate levels of strategy, grand strategy re-allocates, realigns, and re-orients a nation’s “means” to serve strategic “ends”. Military strategy starts with the proposition that there is a certain resource level available to pursue its ends. Grand strategy starts with the sum of the nation’s output capacity, and then determines how it can most effectively be allocated to the achievement of strategic goals. Short of war itself, there is nothing in American history that causes strategic realignment more reliably than a change in Administration, and we wish to be part of that dialogue. We argue here for a new theory of deterrence, one that revises the Cold War approach in which the Soviet Union was deterred from large-scale conventional attack by the threat of nuclear escalation. Under that rubric, one could justifiably say that America’s conventional deterrent was dependent on its strategic deterrent. Today, the decapitating “bolt from the blue” strike is even more remote than it was in the Cold War, and to the extent that nuclear exchange between great powers is conceivable, it is far more likely to flow from conventional conflict that has gone awry. Therefore, to deter nuclear war, we must deter conventional war. No aspect of American military power will be more critical to deterring either **nuclear** or conventional super-power **war than seapower.**