# 1AC

### **Introduction:**

#### **In order to benefit our society, I affirm the resolution that Resolved: A just government ought to recognize a worker’s unconditional right to strike**

#### ***Before I move onto my definitions, I would like to go a little bit more in depth about this topic and what it really means***

#### **The resolution discusses whether a hypothetical government has the moral obligation or ought to formally recognize the unconditional right to strike**

Useful article for fut reference:

<https://abcnews.go.com/Business/alabama-coal-miners-strike-april-fighting-working-americans/story?id=79302546>

## Now, for some definitions:

#### Ought to:

Used to indicate duty or correctness, typically when criticizing someone's actions.

“Ought English Definition and Meaning.” Lexico Dictionaries | English, Lexico Dictionaries, https://www.lexico.com/en/definition/ought.

#### 4. Unconditional

Without conditions,

#### 5. Right to Strike is defined as a nonviolent strike

## 1AC – Offense:

#### Now that I went more into the resolution, I want to set the stage so that I can establish the framework or terms for evaluating the debate:

#### An Unconditional Right to Strike is NECESSARY

#### Under the National Labor Relations Act, the right to strike has become meaningless with a laundry list of exceptions and loopholes that prevents effective strikes

Reddy 21 [Diana S. Reddy, Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, PhD candidate in UCB's Jurisprudence and Social Policy Program and former Fellow in the General Counsel's Office of the AFL-CIO, “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy,” 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]/Kankee

A. The “Right” to Strike 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 o**ne 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 B. The Limits of Legal Categories

#### 1] So Limited Approaches and counterplans and all alternatives fail – they don’t protect all types of strikes

#### Vote Aff to combat market inequality and boost the economy

## Framing:

#### LD is a debate about Morality according to the NSDA and the word ought to implies a moral obligation: so Morality should be the way we evaluate this debate

#### To check for morality: use critierions such as minimizing structural violence, fairness, and justice (if the Aff achieves all of this according to rules, they win the debate no matter how horrible or terminal the Neg’s impacts may seem)

#### VALUE CRITERION = minimizing structural violence

#### Now that we established how we should evaluate this debate: lets move onto the the actual reasons why a just government should have the moral obligation to recognize a worker’s unconditional right to strike:

#### ^ change

## Contention 1: the right to strike is meaningless without government protection

#### Permanent replacements makes strikes a hollow threat, allowing employers to unilaterally dismantle unions when renegotiating contracts

Rhomberg 12 [Chris Rhomberg, Professor of Sociology at Fordham University with a PhD from UC Berkley, 2012, “The Return of Judicial Repression: What Has Happened to the Strike?,” The Forum, https://www.fordham.edu/download/downloads/id/1129/the\_return\_of\_judicial\_repression\_what\_has\_happened\_to\_the\_strike.pdf]/Kankee

The effect of these boundaries was to support a rival, non-union path of development and to give employers a crucial exit option. Taft-Hartley and judicial decisions denied labor rights to workers in expanding white-collar sectors of the economy, leaving unions concentrated in an eventually declining blue-collar sector. For emerging technical and professional occupations, employers could seek to have employees classified as managers or supervisors under the law, making them “exempt” from union protections. Ultimately, the parallel layer of non-union labor would approach the norm even in traditionally unionized industries, increasing the pressure on those firms still committed to collective bargaining. Finally, Congress and the courts early on began to erode the statutory protection for the right to strike. Just one year after it had upheld the NLRA itself, in 1938 the Supreme Court ruled in its Mackay Radio decision that while workers could not be fired for striking, they could be “permanently replaced” (Lambert 2005: 154; Gould 1993: 185). Under Mackay, if employees struck to achieve economic contract terms like wages and working conditions, the employer could hire permanent replacements and it would not have to give the strikers their old jobs back when the strike was over. For most workers, it made **little difference** whether one was fired or permanently replaced, and in time the decision would **profoundly alter the balance of power** between the two sides. For, if employers could operate freely using permanent replacements during a strike, they would have far **fewer incentives** to reach agreement at the bargaining table. The Mackay doctrine allowed firms not only to **avoid** unionization in new facilities but to **displace** unions in existing ones. For much of the postwar period, employers generally accepted the status quo ante in sectors where unions were already well-established. Restrictions on unions’ sympathetic action under TaftHartley further bounded and compartmentalized disputes, turning public attention and responsibility away from what became framed as private market transactions. Labor-management conflicts became “civilized,” as journalist William Serrin (1973) wrote. Federal courts prohibited most “wildcat” strikes during the life of the contract and refused to protect strikes for permissive demands challenging managerial control. By the 1980s, however, even the limited protections for the strike were collapsing. In 1981, President Ronald Reagan summarily fired the striking federal air traffic controllers and busted their union, the Professional Air Traffic Controllers Organization (PATCO). As federal employees, the controllers were not covered by the NLRA, and Reagan’s action had no direct effect on the law governing private employers. The outcome of the PATCO strike, however, announced a critical juncture in the American government’s attitude toward workers’ rights. With this opening, employers in traditionally unionized industries quickly adopted more **aggressive** tactics, seeking to end the practice of pattern bargaining and drive down the cost of labor. The anti-union strategy developed into its own industry, with an array of nationally-known business consultants, law firms, industrial psychologists, and private security “strike management” services. At the bargaining table, the newfound **ease** of permanent replacement **dovetailed** with legal rules that allowed employers **unilaterally** to implement their last offer upon declaration of impasse. By the early 1940s, the NLRB and the courts had affirmed the doctrine that allowed employers to impose contract terms upon reaching impasse in negotiations. In the 1980s, the NLRB under President Reagan issued a series of decisions making it easier for employers to reach impasse and thus implement their final offers. As labor law scholar Ellen Dannin (2006) argues, the combined rules of permanent replacement of strikers and implementation on impasse cast a long shadow back into labor-management negotiations. An employer could now **demand deep concessions** that were predictably **unacceptable** to the union and then simply decline to move from its position. If the union chose to strike, the strikers could be permanently replaced. If it did not, a declaration of impasse would allow the employer to **impose** its desired terms unilaterally. Hence, the previous mechanisms that once encouraged settlement were now reversed. Employers gained incentives to reach impasse quickly and terminate bargaining, while unions often scrambled to find ways to prolong negotiations in order to stave off impasse. Even profitable employers soon began to demand steep concessions, in effect daring workers to strike, knowing that the outcome might easily lead to **displacing** the union. The Labor Movement: Strategic Responses

Confronted by these new conditions, American unions developed at least two counter-strategies, from both inside and outside the framework of the NLRA. First, although the law permits replacement of “economic” strikers seeking better wages and working conditions, it forbids permanent replacement of workers who strike against employers’ unfair labor practices. Such strikers are entitled to reinstatement when they end their strike, and employers who refuse to take them back may be liable for back pay. Such provisions offered the chance for a procedural check in bargaining, as employers might be deterred from unfair or unlawful declaration of impasse. While the process of adjudication might take years, the prospect of massive liabilities for back wages could be used to restore a balance of power in negotiations. By the late 1980s unions had learned to ensure that strikes were linked to employers’ unfair labor practices, in order to gain some protection against permanent replacement. For the most part, however, the ULP strike remained a defensive tactic, but it highlighted the fact that the central conflict in many strikes had shifted from the specific economic issues on the table to the future of the bargaining relationship. A second, more highly-public, counter-strategy goes beyond the simple work stoppage and is aimed at mobilizing support from the surrounding community. This has taken various forms, from consumer boycotts to demands for state intervention to demonstrations and civil disobedience, all designed to open up the political space for action and to frame individual disputes in terms of larger cultural meanings and collective identities. In urban labor markets, these forms of mobilization may be described as a kind of community-based or “metro” unionism, taking advantage of geographic union density and gaining resources from the fabric of local civil society. Among the more well-known examples of these efforts have been the Service Employees International Union’s Justice for Janitors campaigns. The strategy has developed especially in service sectors with spatially-anchored or locallyorganized employers, like large hospitals or hotels, city-wide janitorial contractor associations, or state-subsidized nursing homes and home health care agencies, all drawing on low-wage urban, minority, and often immigrant workforces. Under such conditions, local unions might well have the resources and density to organize and bargain effectively within urban and regional contexts. With the decline of the postwar accord, the institutional channeling of labor conflict has likewise broken down. The boundaries of disputes have become blurred, and workplace struggles have expanded into or re-entered other arenas of the state and civil society. The shift in federal government policy de-regulated industrial relations and forced unions to adopt new strategies, reconstructing strike leverage by using the law and reaching out to community groups previously left out of collective bargaining disputes. Confrontations between unions and employers have been de-routinized, and strikes that occur now have turned into highstakes, wide-ranging contests over the very terms and future of the bargaining relationship. This new context can be seen in one of the largest and longest strikes of the past two decades, the 1995 Detroit newspaper strike. An Exemplary Case: The Detroit Newspapers Strike, 1995-2000 On July 13, 1995, the unions representing some 2,500 workers went on strike against the morning Detroit Free Press, owned by Knight Ridder, Inc., the evening Detroit News, part of the Gannett media chain, and their Joint Operating Agency (JOA), Detroit Newspapers, Inc. Members of six local unions, including journalists, printers, press operators, circulation workers, janitors, and truck drivers, walked off their jobs after contract negotiations broke down, amid union charges of bad faith bargaining and unlawful declaration of impasse by the employers. Taking a hard line, the newspapers hired permanent replacements for the strikers and effectively militarized their operations. Altogether, the companies spent an estimated forty million dollars on private security forces and paid more than one million dollars to suburban municipalities to cover police overtime at their production and distribution sites (Rhomberg 2012). The conflict quickly turned violent and bitter, with hundreds of altercations, injuries, and arrests, particularly at the newspapers’ giant printing plant in suburban Sterling Heights. The strikers rallied support from the Detroit area community, organizing a circulation and advertising boycott, mounting civil disobedience and protest actions, and publishing their own alternative weekly strike paper, the Detroit Sunday Journal. In addition, the strike drew upon the organized culture of labor solidarity in southeastern Michigan, and hundreds of rank and file members from other unions joined mass picket lines, in mobile teams deployed out of local and regional offices of the United Auto Workers (UAW) and other unions. Prominent area civic, political, and religious figures also stepped forward to condemn the use of permanent replacements and urge a settlement. By their own estimate, the two papers combined lost nearly $100 million in the first six months, while circulation dropped by as much as a third. Yet the unions were unable to stop either production or distribution of the newspapers, and the strike stretched into its second year. Meanwhile, the dispute generated an enormous body of litigation. The six unions, united as the Metropolitan Council of Newspaper Unions (MCNU), formally struck over three principal unfair labor practice complaints issued by the Detroit regional office of the NLRB. The first complaint charged the DNA with unfairly transferring work out of the printers’ bargaining unit, in violation of a previous agreement to negotiate such changes with the union. The second accused the Detroit News management of unlawfully declaring a bargaining impasse, in order to impose a merit pay plan on the Newspaper Guild. Third, the NLRB charged that the companies had reneged on a prior commitment to bargain jointly on economic issues with the MCNU. Once the strike began the employers systematically fired strikers for alleged picket line misconduct, some of them several times, which led the NLRB to issue more complaints for illegal discharge. The unions and several individual strikers filed federal civil rights cases against the employers, their security firms, and various local police and governmental authorities for conspiracy and police misconduct. In turn, the employers brought charges against the unions under the federal Racketeer Influenced and Corrupt Organizations (RICO) Act, and later named the UAW as a co-defendant in the suit. Finally, union protests and handbilling of customers at merchants advertising in the papers led to legal maneuvers with the NLRB and local police over the strikers’ freedom of speech. On February 14, 1997, after 19 months on strike, the unions made unconditional offers to return to work. But the employers announced they would take back only a fraction of the striking workers, as new vacancies allowed. On June 19, 1997, an NLRB administrative law judge found the newspapers guilty of unfair labor practices that had “caused” and “prolonged” the strike. The judge ordered the companies to reinstate the striking workers, displacing, if necessary, the replacement workers, and making any strikers not reinstated eligible for back pay. Two days later, an estimated 60,000 union members and supporters from across the country arrived in Detroit for a giant march and rally, in a national show of solidarity led by the AFL-CIO. The newspapers immediately appealed the ALJ’s decision, while the NLRB petitioned for an interim injunction requiring that all strikers be returned immediately to their jobs. Despite an NLRB record of favorable rulings or settlement in around 90 percent of such cases, in August 1997 a U.S. District Court judge refused to grant the injunction. In the spring of 1998, religious, civic, and union leaders across the Detroit metropolitan area convened a community summit to try to bring the parties together, again without success. In August 1998, the NLRB in Washington, D.C., unanimously agreed that the strike was caused by management’s unfair labor practices. But the companies pursued the case to the federal court of appeals, and the litigation continued. By the end of 1999, more than 200 strikers had been fired and several hundred more remained locked out. The strikers’ fate was now tied to the unfair labor practice case. Already upheld by the regional and national NLRB, the charges in the Detroit case might have required the employers to pay out more than one hundred million dollars in back wages. On July 7, 2000, a federal appeals court overturned the NLRB decision, destroying the unions’ hopes for a reinstatement order. Deprived of their legal leverage, the unions were forced to accept contracts on management’s terms. The last of the six unions settled in December 2000, and, more than five years after it began, the Detroit newspaper strike was over. Ratification of the contracts, however, did not bring an end to the litigation. The agreements offered no amnesty provisions for fired strikers, and the legal appeals in the discharge cases went on for several more years. Finally, most of the individual civil rights suits were dismissed or settled out of court, but at least one case went all the way to trial and a verdict. On December 21, 2000, a federal jury found the newspapers, the City of Sterling Heights, and its police officials guilty of conspiracy to deprive striker Ben Solomon of his civil rights. A key piece of evidence at the trial was a series of memos from the city to the newspaper agency, from July 1995 to October 1996, itemizing weekly police overtime costs related to the strike. The memos were followed by checks from the company to the city made out for the exact amount, down to the penny, ultimately totaling nearly one million dollars. While costly, the employers’ victory nevertheless set a new standard in national labor relations, and pre-figured subsequent mass lockouts in the 2003 Southern California grocery and 2004 San Francisco hotel disputes. In 2002, President George W. Bush politically affirmed the companies’ stance by appointing Robert Battista, the lead counsel for the companies in the unfair labor practices trial, as chair of the NLRB. Meanwhile, in Detroit the strike permanently altered the newspapers’ relationship to the local community. Circulation fell at eight times the rate for the industry as a whole between 1995 and 1999, and dozens of veteran journalists left the papers and the city, taking with them years of local knowledge and public memory. Finally, in late 2004 top executives at the DNA quit to take over the struggling San Francisco Chronicle, and in 2005, after sixtyfive years in Detroit, Knight-Ridder sold the Free Press to Gannett, which in turn sold the News to MediaNews Group, Inc., a national suburban newspaper chain. The events in the newspaper strike reflected the broader historic collision of two opposing institutional logics. The companies pursued a neo-liberal agenda of corporate restructuring and management autonomy, while the unions organized to defend New Deal principles of collective bargaining. In effect, the two sides were simply operating under different sets of rules. The strike was fundamentally not about the traditional bread-and-butter issues, but about the control of the workplace and the future of the bargaining relationship. With an aggressive agenda for restructuring, the newspapers began preparing to break any potential strike months before the negotiations even began. Once the strike began, the newspapers hired permanent replacements and were able to downsize their workforce and unilaterally set wages for the replacements at levels far lower than any they had hoped to achieve in bargaining with the unions. Although the unions filed unfair labor practice charges against the employers, the impact was to substitute a process of litigation for the voluntary negotiation between the two sides. The litigation on the unfair labor practice charges continued, after the unions’ unconditional offer to return to work, for more than twice as long as the actual strike itself lasted. Overall, the outcome was a far cry from the “practices fundamental to the friendly adjustment of industrial disputes” envisioned under the NLRA. The Return of Judicial Repression

The New Deal system established a relationship between collective actors, centralizing wage determination for multiple groups of workers through negotiations between unions and management. With the rise of the anti-union regime, however, such terms are no longer institutionally secure. In the absence of **effective deterrence**, companies in the U.S. may instead choose to decentralize wage-setting, restoring the imbalance identified in the NLRA between corporately-organized employers and individual employees. Without incentives grounded on union density, **credible threats** of **disruption**, or adequate state enforcement of workers’ rights, employers will seek not just concessions but the **elimination** of the collective bargaining relationship. This is not a failure of information. Rather, it reflects a structural tendency of one party to try to exit the relationship. 1 In the current system, in other words, one side comes to the table looking **to make a deal**. The other side comes looking to **get rid of the table**. A similar logic can be seen in current campaigns to restrict public sector workers’ collective bargaining rights. As journalist Bob Herbert (2011) notes, such campaigns aim “not just to extract concessions from public employee unions to help balance state budgets, but to actually **crush** those unions, to **deprive** them once and for all of the crucial and fundamental right to bargain collectively.” **Deliberately** negotiating to impasse, unilaterally imposing conditions, and breaking strikes—all of these **destroy** the function of collective bargaining, whether or not the union is actually decertified. Workers, therefore, may at times be impelled to strike not for specific economic gains but to defend the ongoing relationship between the employer and their union. Section 8(b)(7) of the NLRA limits the right to picket to force an employer to recognize and bargain with a union that is not the legally certified representative of the employees. When the law fails to protect the status of even certified unions, however, every strike is de facto a recognition strike, in which the practical continuity of the relationship hangs in the balance. The New Deal order both channeled labor conflict and established a framework of democratic rights in the workplace. The integrative prevention of conflict, however, proved historically temporary, and without protection for the right to strike a key mechanism sustaining the New Deal system has been lost. In the post-accord period, the state has largely reverted to a policy of judicial repression, in the form of the administrative weakness of the NLRB and the ideological antagonism of the federal courts. The government may no longer send in troops, but ruinous legal and financial penalties threaten unions that violate the law. The current legal regime might therefore be described as aimed at the preventive destruction, rather than integration, of workers’ collective action in the employment system. With the consolidation of the anti-union regime, the judicial bias favoring employers has become ever more pronounced, influenced by the conservative “law and economics” school of jurisprudence. The current order signals a return to the pre-NLRA era, and a re-assertion of the “at-will” principle in employment relations. Classically stated by the Tennessee Supreme Court in 1884 in Payne v. Western and Atlantic Railroad, the at-will doctrine allows employers “to discharge or retain employees at will for good cause or for no cause, or even for bad cause without thereby being guilty of an unlawful act per se.” In the at-will relationship, legal scholar Clyde Summers (2000) writes, “The employer, as owner of the enterprise, is viewed as owning the job with a property right to control the job and the worker who fills it. That property right gives the employer the right to impose any requirement on the employee, give any order and insist on obedience, change any term of employment, and discard the employee at any time. The employer is sovereign over his employees” (p. 78). The at-will principle derives from a conception of employment as a masterservant relationship rather than one of mutual rights and responsibilities. The assumption is that the employee is only a “hired hand,” who has no legal interest or stake in the enterprise beyond the right to be paid for the labor performed. As Prof. Summers remarks, “So long as these arguments have currency in the courts and the legislatures, the bridge will not be to the twenty-first century but to the nineteenth century” (p. 86). The Mackay doctrine denies that employees are **legitimate stakeholders** in the firm with strong incentives of their own to reach agreement. It punishes workers for exercising their rights under the law and ignores the employers’ incentives to reach impasse quickly and “gamble” on daring the union to strike. These actions destroy the NLRA’s express purpose to promote collective bargaining, reinforcing the presumption of unilateral employer control. **The** system for negotiating the interests at work, the “**table**” where the parties might come together to determine their future, **has broken down**. In its place is a system of management autocracy largely **unaccountable** to any actors other than the company’s shareholders. The consequences of this regime go well beyond the fate of unionized workers, and are damaging for American society. In the last several decades economic inequality has risen sharply in the United States, as both academics and journalists have noted. During the middle of the 20th Century the distance between rich and poor in America steadily declined, but in the last quarter of the century the pattern was reversed. In the private sector labor market, wage inequality increased by 40 percent between 1973 and 2007, with declining unionization accounting for a fifth to a third of the increase (Western and Rosenfeld 2011). For more than a generation, the benefits of economic growth have gone disproportionately to corporate profits and to the top fifth of households, while incomes for the middle and bottom fifths have remained stagnant and fallen behind.

## Contention 2 is that the right to strike is part of the fundamental human rights to assemble and protect oneself against large corporations

**Pope, 2018** James Gray. (2018, September 21). *Labor's right to strike is essential*. PSC CUNY. Retrieved November 20, 2021, from <https://www.psc-cuny.org/clarion/september-2018/labor%E2%80%99s-right-strike-essential>

Twenty-eighteen has seen a long-overdue resurgence in strike activity. Most spectacularly, public school teachers in the deep-red states of West Virginia, Oklahoma, Kentucky and Arizona struck despite laws prohibiting public worker strikes. So strong was their public support that none of the Republican-dominated governments in those states dared to enforce the anti-strike laws. Instead of complaining about the teachers’ disruptive tactics, parents joined their calls for more public funding and higher teacher salaries. For the first time in decades, the Republicans’ low-tax and anti-public-education policies faced a serious challenge in the red-state heartland. So why did two leading New York Democrats effectively come out and say that teachers and other public workers who strike should be fired and fined? The Democrats are the pro-labor party, right? Not judging from the pronouncements of Governor Andrew Cuomo or Mayor Bill de Blasio. Both came out in support of the New York Taylor Law’s draconian strike ban, which makes red-state anti-strike laws look like pieces of fluff. Strikers can be fired and fined for peacefully refusing to work, but their leaders can be jailed and their unions fined millions of dollars. Officials have no discretion to grant amnesty in a strike settlement. Under the Taylor Law, the red-state teachers would have been punished notwithstanding the justice of their cause or the extent of their public support. So repressive is the law that it has been condemned by the Committee on Freedom of Association of the International Labor Organization, a tripartite body that includes employer representatives. The next time a Republican governor works up the nerve to enforce anti-strike laws against public workers, they’ll have the satisfaction of piggybacking on those Democratic friends of labor, Cuomo and de Blasio. What provoked Cuomo and de Blasio to close ranks and launch a simultaneous attack on workers’ rights? Gubernatorial candidate Cynthia Nixon had the audacity to include in her platform a plank endorsing public workers’ right to strike. No wonder Cuomo and de Blasio struck back: Like Bernie Sanders, Nixon threatened the grip of Wall Street-backed politicians on what was once the party of working people. The right to strike should be a no-brainer for any self-respecting candidate who claims to care about working people. It isn’t some transitory policy fix; it’s a fundamental human right, recognized in international law. Without the right to strike, workers have no effective recourse against unhealthy conditions, inadequate wages, or employer tyranny. Before the American labor movement began its long decline, unions made the right to strike a litmus test for supporting candidates. Labor leaders held that anti-strike laws imposed “involuntary servitude” in violation of the Thirteenth Amendment to the United States Constitution. Corporate interests ridiculed this claim, arguing that the Amendment guaranteed only the individual right to quit and go elsewhere. But workers and unions held their ground. “The simple fact is that the right of individual workers to quit their jobs has meaning only when they may quit in concert, so that in their quitting or in their threat to quit they have a real bargaining strength,” Congress of Industrial Organizations (CIO) General Counsel Lee Pressman explained. “It is thus hypocritical to suggest that a prohibition on the right to strike is not in practical effect a prohibition on the right to quit individually.” Labor leaders quoted the Supreme Court’s statement that the Amendment was intended “to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another’s benefit which is the essence of involuntary servitude.” Although they never convinced the Supreme Court that this principle covered the right to strike, Congress did embrace the core of their claim when it protected the right to strike in two historic statutes, the Norris-LaGuardia Act of 1932 and the Wagner National Labor Relations Act of 1935. The “individual unorganized worker,” explained Congress, “is helpless to exercise actual liberty of contract and to protect his freedom of labor.” The recent teacher strikes underscore another, equally vital function of the strike: political democracy. It is no accident that strikers often serve as midwives of democracy. Examples include Poland in the 1970s, where shipyard strikers brought down the dictatorship, and South Africa in the 1970s and 1980s, where strikers were central to the defeat of apartheid. Even in relatively democratic countries like the United States, workers often find it necessary to withhold their labor in order to offset the disproportionate power of wealthy interests and racial elites. During the 1930s, for example, it took mass strikes to overcome judicial resistance to progressive economic regulation. Today, workers confront a political system that has been warped by voter suppression, gerrymandering and the judicial protection of corporate political expenditures as “freedom of speech.” With corporate lackeys holding a majority of seats on the Supreme Court, workers may soon need strikes to clear the way for progressive legislation just as they did in the 1930s. But if the right to strike is a no-brainer, then how did Cuomo and de Blasio justify attacking it? “The premise of the Taylor Law,” said Cuomo, “is you would have chaos if certain services were not provided,” namely police, firefighters and prison guards. If that’s the premise, then why not endorse Nixon’s proposal as to teachers and most public workers, and propose exceptions for truly essential services? That’s the approach of international law, and that’s what Nixon clarified she supports. But Cuomo couldn’t explain why teachers and other non-essential personnel should be denied this basic human right. As for de Blasio, he claimed that the Taylor Law accomplishes “an important public purpose” and that “there are lots of ways for workers’ rights to be acknowledged and their voices to be heard.” What public purpose? Forcing workers to accept inadequate wages and unsafe conditions? What ways to be heard? Groveling to politicians for a raise in exchange for votes? The ban forces once-proud unions to serve as cogs in the political machines of Wall Street politicians. No sooner did Nixon endorse the right to strike than two prominent union leaders rushed to provide cover for Cuomo. Danny Donohue, president of the Civil Service Employees Association, called her “incredibly naive” and charged that “clearly, she does not have the experience needed to be governor of New York.” Evidently Cuomo, who was elected governor on a program of attacking unions and followed through with cuts to public workers’ pensions and wages, does have the requisite experience. John Samuelsen of the Transport Workers Union, which represents more than 40,000 New York City transit workers, also lashed out, saying, “I believe that she will cut and run when we shut the subway down…. As soon as her hipster Williamsburg supporters can’t take public transit to non-union Wegmans to buy their kale chips, she will call in the National Guard and the Pinkertons.” Tough talk. Roger Toussaint, the TWU Local 100 president who led a subway strike in 2005 and was jailed for it, once tagged Samuelsen a “lapdog” for Cuomo. But “attack dog” might be more accurate in this case. Presented with a rare opportunity to trumpet workers’ most fundamental right in the glare of media attention, Samuelsen chose instead to drive a cultural wedge between traditionally minded workers and nonconformists, many of whom toil as baristas, restaurant servers and tech workers – constituencies that are fueling the anti-Trump resistance and pushing the Democratic Party to break with Wall Street. Here we see shades of former AFL-CIO President George Meany, who helped to elect a very different Richard Nixon by refusing to endorse George McGovern, one of the most consistently pro-labor candidates in US history, on the ground that he was supported by “hippies.” Samuelsen’s descent to Cuomo attack dog is inexplicable except as a response to the crushing pressures generated by the Taylor Law. He stands out from most other public-sector labor leaders not for sucking up to establishment politicians, but for minimizing it. Just two years ago, Samuelsen was one of the few major labor leaders who had the guts to endorse Bernie Sanders over Wall Street’s choice, Hillary Clinton. And when he was elected president of the New York local, it was on a promise to be more effective at mobilization and confrontation than Toussaint. Once on the job, however, he and his slate had to confront the devastating results of the strike ban. In addition to jailing Toussaint and penalizing strikers two days’ pay for each day on strike, a court had fined the union millions of dollars and stripped away its right to collect dues through payroll deductions. No wonder Samuelsen quietly redirected the union’s strategy away from striking and toward less confrontational mobilizations and political deal-making.Any way you look at it, striking will be absolutely essential if American organized labor, now down to 11 percent of the workforce, is to revive. As AFL-CIO President Richard Trumka once warned, workers must have “their only true weapon – the right to strike,” or “organized labor in America will soon cease to exist.” Red-state teachers have shown the way, exercising their constitutional and human right to strike in defiance of “law.” Will Democrats and labor leaders celebrate their example, or will they follow Cuomo, de Blasio and the Republicans down the path of suppression?

## Contention – 3 Structural Violence

#### Black workers are overrepresented at the lowest paid jobs, and their ability to unionize has been aggressively challenged by companies such as Amazon.

**Perry et al., ‘21**[Andre M. Perry is a senior Fellow at the Metropolitan Policy Program, Molly Kinder is a David M. Rubenstein Fellow at the Metropolitan Policy Program, Laura Stateler is a Senior Research Assistant at the Metropolitan Policy Program, Carl Romer is a fromer research assistant at the Metropolitan Policy Program, Published: 3/16/21, “Amazon’s union battle in Bessemer, Alabama is about dignity, racial justice, and the future of the American worker”, Brookings Institute, https://www.brookings.edu/blog/the-avenue/2021/03/16/the-amazon-union-battle-in-bessemer-is-about-dignity-racial-justice-and-the-future-of-the-american-worker/ ] /Triumph Debate

AMAZON HAS GROWN EVEN MORE DOMINANT AND SHARED LITTLE OF ITS PANDEMIC PROFITS WITH WORKERS **Black workers are**[**overrepresented among the risky essential jobs**](https://www.brookings.edu/research/black-essential-workers-lives-matter-they-deserve-real-change-not-just-lip-service/)**(like those at Amazon’s warehouses) on the COVID-19 frontlines, and especially among frontline jobs that pay less than a living wage. Black workers comprise**[**27%**](https://www.aboutamazon.com/news/workplace/our-workforce-data)**of Amazon’s workforce, compared to just**[**13% of workers overall**](https://www.bls.gov/opub/reports/race-and-ethnicity/2019/home.htm)**in the U.S. In Amazon‘s Bessemer warehouse, union organizers estimate that**[**85% of workers are Black**](https://www.theguardian.com/technology/2021/feb/23/amazon-bessemer-alabama-union)**.** Amazon’s disproportionately Black workforce has risked their lives during the pandemic, but the company has [shared little of its astonishing profits with them](https://www.brookings.edu/essay/windfall-profits-and-deadly-risks/). Last year, Amazon earned an additional $9.7 billion in profit—a staggering 84% increase compared to 2019. The company’s stock price has risen 82%, while founder Jeff Bezos has added $67.9 billion to his wealth—38 times the total hazard pay Amazon has paid its 1 million workers since March. **Despite soaring profits, Amazon ended its $2 per hour pandemic wage increase last summer and replaced it with occasional bonuses. From March 2020 through the end of the year, Amazon’s frontline workers earned an average of $0.99 per hour of extra pay, or a roughly 7% pay increase. Amazon’s pandemic pay bump was less than half of the increased pay at competitor Costco, and a fraction of what it could have afforded from the extra profits it earned during—and largely because of—the pandemic.** In fact, Amazon could have more than quintupled the hazard pay it gave its workers and still earned more profit than in 2019. And while Amazon frequently [touts](https://www.aboutamazon.com/impact/economy/15-minimum-wage) its $15 per hour starting wage, Costco’s [recent increase](https://www.npr.org/2021/02/25/971338686/costco-to-raise-minimum-wage-to-16-an-hour-this-isnt-altruism) of its starting wage to $16 per hour (despite having significantly smaller profits than Amazon) shows that $15 is a floor, not a ceiling. A DRIVE FOR DIGNITY AND RACIAL JUSTICE SEEKS TO DEFY THE ODDS **Some of the workers at the Bessemer warehouse have called on Amazon to**[**reinstate its $2 per hour hazard pay**](https://www.washingtonpost.com/technology/2021/03/09/amazon-union-bessemer-history/)**. Yet Amazon’s unwillingness to share its staggering profits with its workers is not the only—or even the primary—driver of the union effort in Bessemer.**In [an essay published in The Guardian last month](https://www.theguardian.com/technology/2021/feb/23/amazon-bessemer-alabama-union), labor journalist Steven Greenhouse introduced Darryl Richardson, a 51-year-old “picker” at the Bessemer warehouse.**Richardson voiced his frustration about the dehumanizing nature of his work at Amazon, including the unrelenting pace, the risk of being terminated at any point, and the constant surveillance. “You don’t get treated like a person,” Richardson said. “They work you like a robot…You don’t have time to leave your workstation to get water. You don’t have time to go to the bathroom.”** As Amazon’s profits climb and its market dominance continues, workers like Richardson want a seat at the table to make their workplace humane. **Bessemer’s pro-union workers face an uphill battle as they take on one of the most powerful companies in the world. Amazon’s aggressive anti-union tactics have garnered**[**headlines**](https://www.huffpost.com/entry/amazon-warehouse-anti-union-campaign_n_604a2e8dc5b636ed3378bec0)**, but they are illustrative of the daunting challenges and uneven playing field facing organizing efforts in all work places. Today,**[**65% of Americans**](https://news.gallup.com/poll/318980/approval-labor-unions-remains-high.aspx)**approve of labor unions—the highest level since 2003. But after decades of**[**declining union participation**](https://www.hamiltonproject.org/assets/files/UnionsEA_Web_8.19.pdf)**, only about**[**10%**](https://www.bls.gov/news.release/union2.htm)**of American workers are members of one.**

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#### Black labor leaders have been successful in the past, but need stronger ability to strike and make demands of corporations in order to reduce racial wealth inequalities. This will require actions by their government in order to succeed.

**Perry et al., ‘21**[Andre M. Perry is a senior Fellow at the Metropolitan Policy Program, Molly Kinder is a David M. Rubenstein Fellow at the Metropolitan Policy Program, Laura Stateler is a Senior Research Assistant at the Metropolitan Policy Program, Carl Romer is a fromer research assistant at the Metropolitan Policy Program, Published: 3/16/21, “Amazon’s union battle in Bessemer, Alabama is about dignity, racial justice, and the future of the American worker”, Brookings Institute, https://www.brookings.edu/blog/the-avenue/2021/03/16/the-amazon-union-battle-in-bessemer-is-about-dignity-racial-justice-and-the-future-of-the-american-worker/ ] /Triumph Debate

BIRMINGHAM’S HISTORY SHOWS THAT UNIONS ARE KEY TO A PROSPEROUS BLACK MIDDLE CLASS **While the country’s decades-old labor laws make it extremely difficult for workers to form a union anywhere, the pervasive**[**right-to-work laws**](https://www.epi.org/publication/so-called-right-to-work-is-wrong-for-montana/#:~:text=So%2Dcalled%20right%2Dto%2Dwork%20(RTW)%20laws,s%20who%20enjoy%20the%20contract's)**in the South and conservative states make organizing efforts like the one in Bessemer**[**even more difficult**](https://www.epi.org/publication/black-workers-in-right-to-work-rtw-states-tend-to-have-lower-wages-than-in-missouri-and-other-non-rtw-states/). In the South, anti-labor laws are inextricably linked to the historic suppression of Black workers. **Racism in the form of no- or low-wage Black labor has been part of the growth model of racialized capitalism. And when workers are unable to collectively bargain and demand their fair share, economic growth becomes concentrated in the hands of a few. Fortunately, the Birmingham metropolitan area—home to Bessemer—has already proven that unionized Black workers can create economic growth and shared prosperity**. At the turn of the 20th century, Birmingham labor unions facilitated the establishment of a Black middle class. [Black and white miners organized](https://www.tandfonline.com/doi/abs/10.1080/00236566908584085?journalCode=clah20) to form the United Mine Workers (UMW) union and, together, secured better wages. Following UMW’s success, what was then known as the Alabama Federation of Labor (AFL) followed the same strategy of a racially integrated membership—in part out of fear that nonunionized Black workers would replace striking workers. **As a result, Black Alabamians earned leadership positions and spots in every committee of the AFL, and the union’s first five vice presidents were Black. This inclusive labor movement continued until the 1930s, when U.S. Steel—rife with Ku Klux Klan members—began to restrict job promotions for unionized Black workers, limiting access to senior positions they previously occupied. The Bessemer union battle comes after decades of concerted effort by business leaders and policymakers to beat back the 20th century victories of labor organizers**. From Ronald Reagan’s [breaking of the air traffic controllers’ strike](https://www.politico.com/story/2017/08/05/reagan-fires-11-000-striking-air-traffic-controllers-aug-5-1981-241252) to [Janus v. American Federation of State, County and Municipal Employees](https://www.politico.com/story/2019/05/17/janus-unions-employment-1447266), these forces have eroded labor union protections, and with it, workers’ say in their workplaces. **Fixing the country’s broken labor laws to give workers like those in Bessemer a fighting chance will require major legislative change. Last week, the**[**White House issued a statement**](https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/09/statement-by-president-joe-biden-on-the-house-taking-up-the-pro-act/)**backing the**[**Protecting the Right to Organize (PRO) Act**](https://www.congress.gov/bill/116th-congress/house-bill/2474)**. The legislation would**[**enable more workers to form a union**](https://www.epi.org/publication/why-workers-need-the-pro-act-fact-sheet/)**, exert greater power in disputes, and exercise their right to strike, while curbing and penalizing employers’ retaliation and interference and limiting right-to-work laws.** The PRO Act passed in the House of Representatives last week but faces long odds in the Senate due to strong Republican opposition and fierce resistance from business. Short of ending the filibuster, the act has little chance of passage. Ultimately, change will require an empowered workforce demanding it. **In the words of Frederick Douglass, “Power concedes nothing without a demand”—and that demand looks like Bessemer workers standing up to one of the most powerful companies the world has ever seen. In order for these and other workers to have a chance, they will need allies in Congress to create a more level playing field.**In 1935, the 74th Congress passed the National Labor Relations Act because of the labor movement. In 1964, the 88th Congress passed the Civil Rights Act because of the civil rights movement. Today, the 117th Congress needs similar pressure from the racial and economic justice movements. **The workers in Bessemer are doing just that, which should inspire others across the nation to demand better working conditions, higher wages, and stronger labor laws from both their own management and leaders in Washington.**

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#### Unions provide an avenue for coordination and cooperation amongst races to reduce the effects of wealth inequality. This is through the creatin of new policies and demands that are better able to alleviate both racial and class inequalities

**Geoghegan, ‘20**[Thomas Geoghegan is a Chicago labor lawyer, Published: 12/24/2020, “Labor Power Is the Key to Racial Equality: The next big American conversation about race should take place in a union hall”, The New Republic, https://newrepublic.com/article/160530/labor-law-reform-racial-equality-protecting-right-organize-act ] /Triumph Debate

**The wealth effect of union membership is a five-fold increase in wealth for every Black American who joins a union, or 486 percent. If white union members have higher wealth, and they do, that’s partly the accident of inheriting union membership in the last redoubts of organized labor, especially in the air and rail industries as well as the older building trades. But the disparity exists because union membership keeps shrinking. There is no disparity in access to union membership overall; Blacks are slightly more likely than whites to be union members. There are just very few union members.** We can think of labor law reform as a civil rights act, a form of twenty-first century Reconstruction. But it is also a form of moral Reconstruction, a way of reeducating millions in this country into the norms of citizenship. It will also go a considerably long way toward purging some of the poison of the Trump years. After the 2020 election, there were calls in the usual places—NPR, The New York Times, the non-hallucinatory media—for a national conversation on race. Fine, I’m all for it. Let a thousand more books be published. But for my entire adult life, there has been a national conversation on race. **Instead of a mere conversation, it would be preferable if whites and Blacks just went out and did something together. These national conversations are more likely to bear fruit and engender action if they take place at union halls. Americans of all races will more readily bridge divides and set old prejudices down by the side of the road if they have the opportunity to do the most important thing they can do—increase their share of not just labor income but capital income or savings—arm in arm. Together, they can lift one another out of the vicious cycle of living paycheck to paycheck.** This pursuit of self-interest would raise the moral character of Black, brown, and white working people alike. In a way, this reflects de Tocqueville’s point about the effect of New England town meetings on their participants’ moral core. As he argued, we **Americans may get involved in politics purely out of self interest, but the pursuit can end up transforming us wherever we come together to work for shared goals. We come to have a sense of public responsibility for what we have created. And at least it is enlightened altruism to make sure that race does not tear apart the much larger unions we might create. And finally, apart from either the wealth effect or the effect on moral character, it is just impossible to think there can ever be racial equity under our colossally unfair distribution of income. Under our form of capitalism, somebody is always going to be untouchable: If not Blacks locked up in blighted, redlined urban enclaves, we’ll recruit another minority group to live at the bottom of the pile. Racism today is not like racism in the 1950s and 1960s—and it’s not merely the product of income inequality but rather a different form of capitalism that has risen.** Like everything else, racism has undergone a change as the country went from a relatively egalitarian and social democratic form of capitalism that was tainted by Jim Crow to what some describe as liberal meritocratic capitalism. There is an especially chilling description in Branko Milanovic’s [Capitalism, Alone](https://www.hup.harvard.edu/catalog.php?isbn=9780674987593): It is an unequal, rigged meritocracy—and may be on the verge of being much less liberal. **It is this form of capitalism that explains the maddening way there is so much racial progress and so much racial backsliding. It has the effect of raising some Black Americans to dizzying heights, right up to the presidency. But it has left nonwhite working people looking up from much further down than before—much like white working people have to look up, too. And it has lowered the lowest economic caste. We can defund the police, but any low-income group locked up in impoverished and neglected neighborhoods will always be vulnerable to some form of violence. The capitalism we now have is not the kind that King or Rustin or others anticipated. It was no accident that King was a kind of labor leader in his own way.**The premise of the civil rights movement, at least in the 1950s and up to the time of the Vietnam war, was to bring Blacks into organized labor, which had such great power in that day. The Civil Rights Act of 1964 places great emphasis specifically on suing to get into union membership. And with respect to most unions, though not all, that strategy was successful—except for the fact that organized labor disappeared (or more precisely, it was killed by the Republican party, big business, and an accommodating judiciary). **King was not naïve about this emerging world. He once gave a remarkable**[**speech to the AFL-CIO**](https://hornbakelibrary.wordpress.com/2016/01/18/martin-luther-king-jr-s-speech-to-afl-cio/)**in 1961 not just about race but also about finding new ways to counter both the automation and the outright deindustrialization that he saw coming. Suppose we were able to flip a switch and end racism as we know it. Even a color-blind version of our form of rigged meritocracy would still leave tens of millions of Black Americans without any security or hope of economic advancement. People at the top—the top 10 percent or so, including the fraction who may be Black—have too much financial and human capital to be dislodged. It is worse for Black Americans but bad enough for most everyone else.**

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**Black women have been historically excluded from work place protections. In order to provide them with what they need, we must increase the availability of such protections to create better work and living conditions.**

**Banks, ‘19**[Nina Banks is an associate professor of economics and member of the Department of Women’s & Gender Studies and Africana studies at Bucknell University, Published: 2/19/2019, “Black women’s labor market history reveals deep-seated race and gender discrimination”, Economic Policy Institute, <https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/> ] /Triumph Debate

**The black woman’s experience in America provides arguably the most overwhelming evidence of the persistent and ongoing drag from gender and race discrimination on the economic fate of workers and families. Black women’s labor market position is the result of employer practices and government policies that disadvantaged black women relative to white women and men. Negative representations of black womanhood have reinforced these discriminatory practices and policies. Since the era of slavery, the dominant view of black women has been that they should be workers, a view that contributed to their devaluation as mothers with caregiving needs at home. African-American women’s unique labor market history and current occupational status reflects these beliefs and practices.** Compared with other women in the United States, black women have always had the highest levels of labor market participation regardless of age, marital status, or presence of children at home. [In 1880](https://dash.harvard.edu/bitstream/handle/1/2643657/Goldin_FemaleLabor.pdf?sequence=4&isAllowed=y), 35.4 percent of married black women and 73.3 percent of single black women were in the labor force compared with only 7.3 percent of married white women and 23.8 percent of single white women. Black women’s higher participation rates extended over their lifetimes, even after marriage, while white women typically left the labor force after marriage. **Differences in black and white women’s labor participation were due not only to the societal expectation of black women’s gainful employment but also to labor market discrimination against black men which resulted in lower wages and less stable employment compared to white men. Consequently, married black women have a long history of being financial contributors—even co-breadwinners—to two-parent households because of black men’s precarious labor market position. Black women’s main jobs historically have been in low-wage agriculture and domestic service**.[1](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note1) Even after migration to the north during the 20th century, most employers would only hire black women in domestic service work.[2](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note2) Revealingly, although whites have devalued black women as mothers to their own children, black women have been the most likely of all women to be employed in the low-wage women’s jobs that involve cooking, cleaning, and caregiving even though this work is associated with mothering more broadly. **Until the 1970s, employers’ exclusion of black women from better-paying, higher-status jobs with mobility meant that they had little choice but to perform private domestic service work for white families. The 1970s was also the era when large numbers of married white women began to enter into the labor force and this led to a marketization of services previously performed within the household, including care and food services. Black women continue to be overrepresented in service jobs. Nearly a**[**third (28 percent) of black women**](https://www.bls.gov/cps/cpsaat10.htm)**are employed in service jobs compared with just one-fifth of white women**. Discriminatory public policies have reinforced the view of black women as workers rather than as mothers and contributed to black women’s economic precarity. **This has been most evident with protective welfare policies that enabled poor lone white mothers to stay at home and provide care for their children since the early 20th century. These policies were first implemented at the state level with Mother’s Pensions and then at the national level with the passage of the Social Security Act of 1935. Up until the 1960s, caseworkers excluded most poor black women from receiving cash assistance because they expected black women to be employed moms and not stay-at-home moms like white women**.[3](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note3) This exclusion meant that for most of the history of welfare, the state actively undermined the well-being of black families by ensuring that black women would be in the labor force as low-wage caregivers for white families. This helped to secure the well-being of white families and alleviated white women of having to do this work. **The state simultaneously undermined the well-being of black families by denying black mothers the cash assistance that they needed to support their children and leaving black women with no other option but to work for very low wages. Indeed, the backlash against poor black moms receiving cash assistance eventually culminated in the dismantling of the AFDC program and the enactment of TANF—a program with strict work requirements**.[4](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note4) Because of discriminatory employer and government policies against black men and women, black mothers with school-age children have always been more likely to be in the labor force compared with other moms. **Today, 78 percent of black moms with children are employed compared with an average of just 66 percent of white, Asian American, and Latinx moms.**[**5**](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note5)**Although black women have a longer history of sustained employment compared with other women, in 2017, the median annual earnings for full-time year-round black women workers was**[**just over $36,000**](https://www.epi.org/blog/10-years-after-the-start-of-the-great-recession-black-and-asian-households-have-yet-to-recover-lost-income/)**—an amount 21 percent lower than that of white women, reflecting black women’s disproportionate employment in low-wage service and minimum and sub-minimum wage jobs. Black families, however, are more reliant on women’s incomes than other families are since**[**80 percent of black mothers**](http://www.nationalpartnership.org/our-work/resources/workplace/fair-pay/african-american-women-wage-gap.pdf)**are breadwinners in their families.** Despite black women’s importance as breadwinners, the state has compounded the lack of protections afforded black mothers by failing to protect black women as workers.[6](https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/#_note6) **In fact, state policies have often left black women vulnerable to workplace exploitation by excluding them from various worker protections. New Deal minimum wage, overtime pay, and collective bargaining legislation excluded the main sectors where black women worked—domestic service and farming. Although there have been inclusions since then, these sectors still lack full access to worker protections. The legacy of black women’s employment in industries that lack worker protections has continued today since black women are concentrated in low-paying, inflexible service occupations that**[**lack employer-provided**](http://www.globalpolicysolutions.org/wp-content/uploads/2014/10/Wealth-Gap-for-Women-of-Color.pdf)**retirement plans, health insurance, paid sick and maternity leave, and paid vacations. Over a third (36 percent) of black women workers lack**[**paid sick leave**](https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B356.pdf)**. All workers—especially the most vulnerable—need workplace protections, including minimum wages that are livable wages. Universally available family-friendly workplace policies would be especially beneficial to women given their care responsibilities: paid sick and parental leave, subsidized child and elder care, and flexible work options.**

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#### The women’s strike worked to both force discussions of domestic labor and discrimination that happened within the household.  *– basically, women strike’s have had impacts*

**Howard, ‘21** [Sally Howard is a journalist specializing in gender and human rights. Published: 3/14/21, “How can women get equality? Strike!”, The Guardian, <https://www.theguardian.com/lifeandstyle/2021/mar/14/how-can-women-get-equality-strike> ] /Triumph Debate

**On 24 October 1975, 75,000 women in Iceland left their jobs, children and homes and took to the streets for a general strike that was billed “Women’s Day Off”. In Reykjavik, 30,000 women marched up the Laugavegur (wash road**), as a women’s brass band played the marching tune from Shoulder to Shoulder, a British TV series about the suffragettes which had recently aired in this small Nordic nation. Flyers fluttered against clear autumn skies: “**We march because it is commonly said about a housewife: ‘She is not working, she is just keeping house’,” they read. “We march because the work experience of a housewife is not considered of any value in the labour market.” For Icelandic men, this day became known as the “Long Friday”. With no women to staff desks and tills, banks, factories and many shops were forced to close, as were schools and nurseries – leaving many fathers with no choice but to take their children to work. There were reports of men arming themselves with sweets and colouring crayons to entertain the swarms of children in their workplaces, or bribing older children to look after their siblings. Sausages (easy to cook, of course, and a hit with children the world over) were in such demand that shops sold out; children could be heard giggling in the background while male newsreaders reported the day’s events on the radio. Many of the greatest successes of feminism have come in moments when boots were on the ground; and our bodies elsewhere to the posts ascribed to women by patriarchal capitalism.** In the UK, public reaction to the sexual violence meted out against the 300 women who marched to parliament demanding women’s suffrage on 18 November 1910, Black Friday, was instrumental in gaining the vote for women. The 1968 strike by [Ford’s women sewing machinists at Dagenham](https://www.theguardian.com/society/2018/jun/06/made-in-dagenham-yes-but-women-went-on-strike-in-halewood-too), which was followed by 1970 strikes by women clothing workers in Leeds, were landmark labour-relations dispute that triggered the passing of the [Equal Pay Act 1970](https://www.theguardian.com/inequality/2020/may/25/29000-annual-claims-50-years-equal-pay-act). **Yet domestic labour has always been a tricky injustice to protest against. It takes place in the privacy of the home, making it difficult for women to see each other doing this work and to collectively acknowledge that men do not share equally in its burden (and they don’t: the average British woman still contributes 60% more washing, wiping and childcare a week than the average British man, even as the pandemic has increased this work to around nine hours per day). And there can also be dire consequences if we withdraw this labour: children uncared for and vulnerable relatives unfed.**“A women’s strike is impossible; that is why it is necessary,” claims Women’s Strike Assembly (WSA), an activist alliance that, to mark last week’s [International Women’s Day](https://www.theguardian.com/commentisfree/2021/mar/08/international-womens-day-equality-pandemic), called for a series of banner memorials to be erected around the UK to declare why #westrike as women (or, just as importantly, why we can’t). **In a manifesto published in November, WSA wrote: “We strike because we are tired of our labour being taken for granted. We strike because we now have to do a triple shift: our paid work, our unpaid domestic labour and educating our children during the pandemic.”**