## I firmly negate the resolution that resolved: A just government ought to recognize a worker’s unconditional right to strike

#### *ONLY IF SHE READS STRUCTURAL: I’d first like to define the Right to Strike: Its defined as by the International Law which excludes political strikes*

#### *Before, I move onto the framework to re-set the stage by calling out 2 key words from this resolution:*

#### The first is unconditional: Unconditional strikes are problematic for several reasons

**A] Recognizing an unconditional right to strike permits violence. ,** I

International Trade Union Confederation. “The Right To Strike And The ILO: The Legal Foundations.” March, 2014. Web. October 12, 2021. .

It is true, however, that the ILO Committees have used a process of creative interpretation in relation to one feature of the right to strike in Convention 87. The ILO bodies have created limitations on the right to strike. It will be observed that Convention 87 contains no limiting words or context at all.295 There is no parallel to the wording of Article 11(2) of the European Convention on Human Rights which permits restrictions on freedom of association: No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State. Many other international human rights provisions have analogous wording. The ILO Committees therefore have, by construing Convention 87, constructed limitations on what would otherwise be an unfettered right to strike. The Committee of Experts (and the CFA) has accepted a wide variety of limitations on the right to strike. For example, as the CFA has ruled as follows: The Committee has considered that the occupation of plantations by workers and by other persons, particularly when acts of violence are committed, is contrary to Article 8 of Convention No. 87. It therefore requested the Government, in future, to enforce the evacuation orders pronounced by the judicial authorities whenever criminal acts are committed on plantations or at places of work in connection with industrial disputes. 296 In so interpreting Convention 87, these two supervisory bodies have not created a right to strike; on the contrary, they have done the very opposite. They have created permissible restrictions on what would otherwise be an unfettered right to strike created, not by them, but by the very words of Convention

#### B] Unconditional means emergencies too such as pandemics or wars, with no limits on what strikers do

#### 2. A just government: Before arguing about the actions of this just government I want to first define what it means to be a just government

#### 1 it protects the wellbeing, safety, and health of the people

#### 3] and wont cause unnecessary harm to its neighboring nations

## Framework:

#### Value: Morality

#### *Prefer morality because ought implies moral obligation*

#### Value Criterion: Consequentialism

CONSEQUENTIALISM English Definition and Meaning. (n.d.). Retrieved from https://www.lexico.com/en/definition/consequentialism

The doctrine that the morality of an action is to be judged solely by its consequences.

#### Only the consequences of an action has a tangible impact on the people so we

#### For example, if I were to give a puppy who likes sugar chocolate to make him/her happy, that does not necessarily make it moral because the consequences of that could potentially result in harm puppy as dogs are allergic to chocolate

1. Examining the consequences plays a key role in policy making
2. Mag comes first under consequentialism because higher mag = worser consequence

## Contention 1 – Public Sector Strikes are problematic - the Aff exacerbates this by making this unconditional

#### READ: Strikes have prevented medicines from entering Puerto Rico, proving that there are risks to citizens in countries when strikes are allowed by the transportation industry.

Coto, ‘21 [Dánica Coto is a reporter with AP News, Published: 8/4/21, “Puerto Rico dock workers to end strike as goods accumulate ” AP News, <https://apnews.com/article/business-health-caribbean-coronavirus-pandemic-puerto-rico-48e1e28b79a413239f748a8448a5a6d2> ] /Triumph Debate

Dock workers who launched a strike that prevented thousands of shipping containers with items including food and medicine from reaching Puerto Rico in recent weeks have reached a tentative agreement with their employer, officials said Wednesday. Many in the U.S. territory were relieved at the announcement, given the island’s huge dependence on imports. However, concerns remain since the deal between Puerto Rico’s Union of Dock Workers and stowage company Luis Ayala Colón Sucres, Inc. is in place for only 45 days. The strike had prevented some 4,500 shipping containers and 13 boats from reaching Puerto Rico and another 5,000 containers from leaving the island. It also prompted the U.S. territory’s government to file a lawsuit on Monday against union workers and the company known as LAC, which handles 80% of all international cargo entering the Port of San Juan. “The situation has reached a breaking point,” Puerto Rico’s Ports Authority said in the lawsuit. It is seeking a permanent injunction ordering that those sued meet their responsibilities, noting that it has been unable to collect more than $400,000 in fees and tariffs. Noelia García, the government’s chief of staff, said the lawsuit will be withdrawn only when the deal between dock workers and the stowage company is final. She also hinted that government officials might look into contracting other companies to avoid a repeat. “Diversity is healthy,” she said. “We’re going to take proactive measures to ensure this won’t happen again.” García declined to provide more details. Hernán Ayala, vice president of the stowage company, said there are no plans to prioritize items. “We’ll empty the ships as they arrive,” he said. “This will be done as quickly as possible.” The workers were striking in part because they said the company had given workshop tasks to managers. While the strike did not cause severe shortages of life-saving items, the Association of Hospitals of Puerto Rico issued a statement Tuesday warning that supplies of certain medical equipment would run out in two to six weeks as the island faces a spike in COVID-19 cases it blames on the delta variant.

#### Read: Public transportation is critical for women, Black, low-income, and young commuters. It disproportionately harms older individuals and those with disabilities, and is critical to food and employment access. These strikes harm those most in need.

Heaps et al., ‘21 [Wendy Heaps is senior policy analyst in the Office of The Associate Director for Policy and Strategy, Centers for Disease Control and Prevention, Erin Abramsohn is senior policy advisor in the Office of The Associate Director for Policy and Strategy, Centers for Disease Control and Prevention, Elizabeth Skillen is senior policy advisor in the Office of The Associate Director for Policy and Strategy, Centers for Disease Control and Prevention, Published: 7/29/21, “Public Transportation In The US: A Driver Of Health And Equity ” Health Affairs, <https://www.healthaffairs.org/do/10.1377/hpb20210630.810356/full/> ] /Triumph Debate

Who Relies **On** Public Transportation? In [2019](https://www.census.gov/content/dam/Census/library/publications/2021/acs/acs-48.pdf), about 5 percent of all workers in the US commuted by public transportation, with use being most prominent in major cities such as New York, New York; Chicago, Illinois; and San Francisco, California. Although patterns differ somewhat on the basis of whether an area is a “[transit-heavy metro area](https://www.census.gov/content/dam/Census/library/publications/2021/acs/acs-48.pdf)” **or** not, in general, some groups rely more on public transportation for commuting than others, including women, young adults (those ages 25–29), Black workers, and low-income workers. Lack of access to public transportation can disproportionately harm [older people](https://link.springer.com/article/10.1007%2Fs12062-016-9168-9) and [people with disabilities](https://www.nap.edu/read/11898/chapter/1). It can also [contribute to existing racial and economic disparities](https://www.vtpi.org/equity.pdf) by decreasing mobility and forcing individuals to depend on costly car ownership. Public Transportation, Health, And Health Equity A large and growing body of research indicates that access to public transportation can have important effects on both [health](https://www.cdc.gov/policy/hst/hi5/publictransportation/index.html) and [health equity](https://nam.edu/programs/culture-of-health/communities-in-action-pathways-to-health-equity/). An important pathway by which public transportation improves health is through reductions in vehicle miles traveled, resulting in [reduced motor vehicle crashes](https://www.vtpi.org/tran_health.pdf) and [reduced air pollution](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/PublicTransportationsRoleInRespondingToClimateChange2010.pdf). Motor vehicle crashes are a leading [cause of injury-related death](https://webappa.cdc.gov/sasweb/ncipc/leadcause.html) for many age groups. More driving also contributes to more [motor vehicle–related emissions,](https://www.epa.gov/mobile-source-pollution/research-health-effects-exposure-risk-mobile-source-pollution) which add substantially to air pollution. Air pollution can [increase cancer risk and can contribute to](https://www.epa.gov/mobile-source-pollution/research-health-effects-exposure-risk-mobile-source-pollution) neurological, cardiovascular, respiratory, reproductive, and immune system damage. Most of these impacts [disproportionately harm](https://ehp.niehs.nih.gov/doi/10.1289/ehp.6334) people of color and those in lower-income communities, who [are more likely to be exposed](https://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm) to traffic and traffic-related air pollution and to live near high-polluting corridors and highways. Public transportation systems have been associated with [reductions in motor vehicle crashes](https://www.vtpi.org/tran_health.pdf) and [significantly lower emissions](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/PublicTransportationsRoleInRespondingToClimateChange2010.pdf) per passenger mile compared with single-occupancy vehicles, although increased use of [energy-efficient vehicles](https://afdc.energy.gov/fuels/electricity_benefits.html) and other new technologies may change this calculus in the future. Public transportation may also affect health more indirectly by [providing access](https://www.cdc.gov/policy/hst/hi5/publictransportation/index.html) to health-promoting services and supports, including health care itself; research has shown that lack of transportation in general [can result](https://link.springer.com/article/10.1007/s10900-013-9681-1) in missed or delayed health care appointments, poorer health outcomes, and increased health expenditures. Inadequate public transportation can also increase [social isolation, particularly for older populations](https://www.cambridge.org/core/journals/canadian-journal-on-aging-la-revue-canadienne-du-vieillissement/article/abs/association-between-public-transportation-and-social-isolation-in-older-adults-a-scoping-review-of-the-literature/56D5466C9EDCEEEA145240811BF3A1C8) and people with disabilities or others who do not drive. This can increase the risk for [early mortality, depression, and dementia](https://www.cdc.gov/aging/publications/features/lonely-older-adults.html). In contrast, access to reliable public transportation can improve access to [healthier food](https://www.cdc.gov/healthyplaces/healthtopics/healthyfood/transportation.htm), [vital services](https://www.apta.com/wp-content/uploads/Resources/resources/reportsandpublications/Documents/APTA-Rural-Transit-2017.pdf), [employment](https://www.communitycommons.org/collections/Reliable-Transportation), and [recreational opportunities](https://www.cdc.gov/nccdphp/dch/pdf/ActiveLiving.pdf), all of which are important for health and well-being.

Page Break

#### MAYBE: Teacher strikes reduce the wages for teachers and result in declining educational performance by students. This falls primarily on those in the most vulnerable households.

Jaume & **Willén**, ‘19 [David Jaume is a deputy manager at the Bank of Mexico, Alexander Willén is an associate professor of economics at the Norwegian School of Economics, Published: 7/18/19, “The Long-Run Effects of Teacher Strikes: Evidence from Argentina ” Journal of Labor Economics, <https://www.journals.uchicago.edu/doi/pdf/10.1086/703134?casa_token=tzq43kOEpvIAAAAA:wDjZCDihN9pfAX45InqiqiLkHdzG67cHwGnmgBSu4DKRS0DEDXHuWTmUf_EWwRjrHunlvPwLSDo> ] /Triumph Debate

In this paper, we construct a new data set on teacher strikes in Argentina and use this to present the first evidence in the literature on the effect of school disruptions caused by teacher strikes on student long-run outcomes. Between 1983 and 2014, Argentina experienced approximately 1,500 teacher strikes, with substantial variation across time and provinces, making this a particularly interesting case for the study of teacher strikes. We analyze the relationship between exposure to strikes in primary school and relevant education, labor market, and sociodemographic outcomes when the exposed 2 studentsarebetween30and40yearsold. We also examine whether the effects that we identify carry over to the individuals’ children. To identify the effect of strike-induced school disruptions, we rely on a difference-in-differences method that examines how education and labor market outcomes changed among adults who were exposed to more days of teacher strikes during primary school compared to adults who were exposed to fewer days of strikes. The sources of variation that we exploit come from within-province differences in strike exposure across birth cohorts and within-cohort differences in strike exposure across provinces. On average, provinces lost 372 instructional days due to strikes between 1983 and 2014, ranging from 188 days in La Pampa to 531 days in Rio Negro. The average number of primary school days lost due to teacher strikes was 88 among the individuals in our analysis sample—equivalent to half a year of schooling. 3 The main assumptions underlying our estimation strategy are that there are no shocks (or other policies) contemporaneous with teacher strikes that differentially affect the various cohorts and that the timing of teacher strikes is uncorrelated with prior trends in outcomes across birth cohorts within each province. We show extensive evidence that our data are consistent with these assumptions. In particular, our results are robust to controlling for local labor market conditions, including province-specific linear time trends, accounting for cross-province mobility, excluding regions with persistently high frequencies of teacher strikes, and controlling for province-specific nonteacher strikes. We also show that the effects that we identify disappear when reassigning treatment to cohorts that have just graduated from—or have not yet started—primary school, indicating that the timing of teacher strikes is uncorrelated with trends in outcomes across birth cohorts within each province over time. We find robust evidence in support of adverse labor market effects when the students are between 30 and 40 years old: being exposed to the average incidence of teacher strikes during primary school reduces wages for males and females by 3.2% and 1.9%, respectively. We find some suggestive evidence that exposure to strikes in early grades has larger effects than exposure in later grades, though these differences are often not statistically significantly different from zero. The prevalence of teacher strikes in Argentina means that the effect on the economy as a whole is substantial: a back-of- the-envelope calculation suggests an aggregate annual earnings loss of $2.34 billion. This is equivalent to the cost of raising the average employment income of all primary school teachers in Argentina by 62.4%. In addition to adverse wage and earnings effects, our results reveal negative effects on several other labor market outcomes. With respect to males, we find evidence of both an increase in the likelihood of being unemployed and occupational downgrading. The effects are very similar for females. However, instead of occupational downgrading, we find an increase in home production (neither working nor studying). Our analysis suggests that these adverse labor market effects are driven, at least in part, by declines in educational attainment: being exposed to the average incidence of strikes leads to a reduction in years of schooling by 2.02% and 1.58% for males and females, respectively. By looking at 12–17-year-olds, we show that negative education effects are visible immediately after children have finished primary school and that they are larger among children from more vulnerable households. Our analysis reveals that strikes affect individuals on other sociodemographic dimensions as well. Specifically, individuals exposed to teacher strikes have less educated partners and lower per capita family income. Finally, we find significant inter- generational effects: children of individuals exposed to strikes during primary school suffer negative education effects as

## CP: Public Sector

Counterplan: A Just government ought to introduce an unconditional right to strike for all workers, except for those in the public sector.

#### Public sector strikes prevent governments from fulfilling their responsibilities to the people, which are essential to just government.

Crepeau, Adam. “Allowing Public Employees To Strike Would Disrupt Our Schools And Communities.” Maine Wire. August 08, 2019. Web. October 13, 2021. .

If the legislature opts to pass LD 900, it could be a costly endeavor for taxpayers, and it would undoubtedly give public unions unfair leverage in negotiations. While this bill excludes employees who protect public safety, there are several other governmental functions that would be hindered if public employees are granted the right to strike, negatively affecting taxpayers and the public at-large. For instance, if teachers decided to strike, it would certainly cause undue burden on parents who may not be able to make the necessary arrangements, logistically or financially. Students would be robbed of their education, potentially for an unspecified amount of time. Similarly, if an entire municipal building closed due to a strike, residents may find it difficult to register their car or to vote. In contrast, the consequences of a strike in the private sector creates a burden for the employer and largely does not affect the public. If the employees of a private company go on strike, consumers can shop elsewhere during the strike. If government workers go on strike, civilians have no other outlet to receive services. As of 2014, only 15 states permitted public-sector employees to strike whereas 35 states prohibited it. This isn’t a coincidence — the cost of a public sector strike is both monetarily harmful and burdensome to the public. For example, a Los Angeles school district lost $15 million in the first 24 hours of striking at the beginning of 2019. By the end of a weeklong strike, the school district had lost $125 million in state resources. Since municipalities in Maine already argue that their budgets are constrained by limited resources, it would be unwise to levy further financial stress by allowing public workers to strike. In addition to the issue of financial stress, the Maine Municipal Association had this to say during the public hearing in opposition to LD 900: “…It does not take long for citizens to notice, and become frustrated, by delays in core local government functions such as paving and traffic management, vehicle registration, construction permitting, and school operations. The important role of local government in serving the general public comes to a halt when public employees strike. A public right to strike may constitute an unconstitutional delegation of government powers, transferring to the striking worker and/or union all legislative, executive, and judicial power. A strike can paralyze a town or city, removing decision making authority from the elected representatives of the public and, by extension, the public itself.”

**Public sector employees have other avenues for dispute resolution, so strikes aren't necessary. GIRARDIN,21** Girardin, Ken. “What Happens If Teachers Go On Strike?” Empire Center. September 09, 2020. Web. October 13, 2021. .

New York’s largest teachers union this summer threatened to go on strike rather than allow schools to reopen for in-person classes—despite months of preparation by officials and a state law that prohibits union work stoppages. Public employee strikes have never been legal in New York. They were first banned under the state Condon-Wadlin Act of 1947, which pre-dated the formal recognition of public-sector collective bargaining in New York. The ban continued under the state Taylor Law, enacted in 1967, which broadened the punitive focus to unions and their leaders. Under the Taylor Law, any employee who is absent from work without permission, or who abstains in any part from performing his or her full job duties in a normal manner, while a strike is occurring is presumed to have been on strike. The New York City teachers union, the United Federation of Teachers, indicated last month it was preparing for its first strike since 1975 over disagreements with the de Blasio administration’s plans to resume classes. City schools ultimately reached an agreement with UFT to delay reopening until at least September 21, but UFT made it clear that it was willing to break the law. “The members of the UFT know that public employee strikes are illegal,” the UFT wrote “but we are determined to do what is necessary to protect our students and the families of New York City.” Schools have had more than five months to plan reopening, and it is unclear whether UFT’s concerns will be assuaged during the two-week delay. If teachers strike, state law (Civil Service Law section 210) requires their employer to deduct two days of pay for every day on which the employer determines they were on strike. School officials may also pursue removal or other disciplinary action against each of them for misconduct. The union itself faces the loss of its dues deduction privileges, meaning it would have to bill each member for funds that are otherwise collected for them by the payroll office. That penalty applies even if the union doesn’t authorize the strike, and has sometimes been applied when a union has failed to prevent unauthorized job actions, such as sickouts. But the ban on strikes is not self-enforcing: when a strike appears imminent, the Taylor Law requires a school district to seek an injunction against the union. If a court grants the injunction, union leaders face contempt charges, with penalties of fines or jail, if the strike happens. And the union itself can be fined at amounts set at the court’s discretion. Transportation Workers Union (TWU) Local 100 was fined $2.5 million, and its president spent three days in jail, for its two-and-a-half day strike that crippled New York City days before Christmas 2005. The union lost its dues privileges for nearly two years and ultimately sold its headquarters to make ends meet. Last year, more than a decade after dues deductions were restored, about 7 percent of TWU Local 100 members were still considered “not in good standing” because they hadn’t repaid dues owed during the suspension period. The last major teacher strike, by about 4,000 Buffalo educators in 2000, disrupted schools for two days over two weeks. Striking teachers were docked four days of pay. The union was fined $250,000 and the union president was separately fined and briefly jailed. The union’s dues deduction privilege was set to be suspended for 12 months, but the penalty was suspended and ultimately cancelled under a negotiated settlement. More recently, a one-day sickout by 16 teachers (also in Buffalo) saw the union temporarily lose its dues privileges at the school involved. Those strikers, as in other cases, were fined two days’ pay. This matter was noteworthy because the strike was driven by safety concerns after a violent incident involving a non-student. In fighting post-strike penalties, the Buffalo Teachers Federation pointed to contract language that said teachers shall have “safe and healthful conditions under which to carry out their professional duties.” But the state Public Employment Relations Board (PERB), which adjudicates Taylor Law disputes, held that someone would have to face a “clear and present” danger in order to justify refusing to perform a task—let alone staying out of work entirely. In meting out the penalty, PERB further noted that the union had not utilized its grievance process related to the “safe and healthful” standard. The Taylor Law does not envision any scenario where a strike would be justified. Instead, it provides other ways for unions to press workplace safety concerns. PERB has held that unions can demand that employers negotiate with them over the creation of safety standards or the use of equipment workers consider unsafe. If employers aren’t honoring these terms, the union can seek relief through existing dispute resolution procedures such as grievances, arbitration or litigation. The UFT contract, like Buffalo’s, requires school officials to “eliminate recognized hazards that are likely to cause serious physical harm”— meaning the union could use its existing grievance process if it felt administrators weren’t upholding their end of the deal. Likewise, state law (Labor Law Section 27-a) allows UFT or individual New York City teachers to petition state courts to shut down a public workplace with dangers that “could reasonably be expected to cause death or serious physical harm.” UFT however did not publicly pursue either avenue—potentially because the resultant determination by a judge or arbitrator could undercut claims that a strike was justified by safety issues

#### Banning public transit strikes won't weaken unions---transit workers have other effective methods for dispute resolution besides strikes.

Biber, Eric. “Are Transit Strikes Bad For The Environment?” Legal Planet. January 03, 2014. Web. October 13, 2021. .

I want to be clear that a ban on transit strikes is not necessarily a step that could or should empower management over unions. One could imagine a range of other options to resolve labor disputes – for instance, binding arbitration to resolve contract negotiation disputes. In fact, it’s conceivable that binding arbitration might produce more favorable results to unions over the long-run than strikes. (Here is an example of a labor-friendly web site supporting binding arbitration in New Hampshire.) Other major cities that are known for their union sympathies – e.g., New York City and Chicago – prohibit transit strikes. In fact, San Francisco’s local public transit system (Muni) also prohibits transit strikes. State lawmakers should seriously consider the proposal, at least if they’re focused on the environmental impacts of transit strikes.

#### Read: The right to strike should be constrained for public and essential services, instead, a variety of compensatory guarantees should be offered to both protect the public and the workers.

Swepston, ‘98 [Lee Swepston is a former ILO’s Senior Adviser on Human rights as well as the chief of the ILO’s Equality Branch and Human Rights Coordinator, Published: 1998, “[Human rights law and freedom of association : development through ILO supervision](https://labordoc.ilo.org/discovery/fulldisplay?docid=alma993308183402676&context=L&vid=41ILO_INST:41ILO_V2&lang=en&adaptor=Local%20Search%20Engine&tab=ALL_ILO)” International Labour Review, <https://labordoc.ilo.org/permalink/41ILO_INST/j3q9on/alma993308183402676> ] /Triumph Debate

The general prohibition of the right to strike is normally not acceptable. It may be justified in a situation of acute national crisis, but only for a limited period and to the extent necessary to meet the requirements of the situation. This means genuine crisis situations, such as those arising as a result of serious conflict, insurrection or natural disaster in which the normal conditions for the functioning of the society are absent." It is acceptable to prohibit strikes for certain categories of workers, that is for certain public officials and for workers in essential services. For the former, the origin of the exception is found in the preparatory work for the Convention. The supervisory bodies have interpreted public service and essential services in a restrictive way as concerns strikes. The prohibition should be limited to officials exercising authority in the name of the State, and essential services are "those the interruption of which would endanger the life, personal safety or health of the whole or part of the population". The Committee of Experts has stated that it would not be desirable — or even possible — to attempt to draw up a complete and fixed list of services which have been considered as essential. However, the Committee on Freedom of Association has accepted as essential services the hospital sector, the furnishing of water and electricity, and the telephone service and air traffic control; but it has not accepted governments' claims that banks, ports, petroleum, agricultural activities, teaching, or transport in general are essential services in the strict sense of the term." Nevertheless, there are sometimes special circumstances under which non-essential services might become essential if a strike affecting them exceeds a certain duration or extent so that the life, personal safety or health of the population are endangered." As a condition for accepting the restriction or prohibition of strikes in these cases, compensatory guarantees should be provided to workers who are deprived of this essential means of defending their socio-economic and occupational interests. These guarantees include conciliation and mediation procedures leading, in the event of deadlock, to arbitration machinery perceived to be reliable by the parties concerned. The workers should be able to participate in determining and implementing the procedure, which should provide sufficient guarantees of impartiality and rapidity; arbitration awards should be binding on both parties and, once issued, should be implemented rapidly and completely." It is essential that all the members of the bodies entrusted with mediation and arbitration should not only be strictly impartial, but should also appear to be impartial both to the employers and to the workers concerned, in order to gain the confidence of both sides.~