### Strikes – Novice NC 1.0

#### Rights must be balanced with responsibilities. A worker’s strike has economic consequences far beyond the employees in the workplace. When the social costs outweigh the rights of the workers, the rights must give way.

#### Therefore, I negate the resolution that a just government ought recognize the unconditional right to strike. I do not have to prove that All strikes are bad, only that there should be some Conditions placed on the right to strike.

#### My value is social well-being. Social well-being is the first condition to creating a successful and sustainable society. We must guarantee that everyone has the means to progress toward a good life. Without progress lives, our society will collapse

#### My criterion is economic utilitarianism which means the greatest economic benefit for the greatest number of people. In order to have social well-being, we must have a stable economy. It is necessary for dignity, rights and justice, because when the economy declines and poverty spreads, our society ignores the rights and dignity of the poor. A growing economy is the best solution for Most people.

#### Contention 1 – Strikes by Essential Workers can threaten societal well being

#### Strikes by health care workers are often limited by legal conditions. An unconditional right to strike would cause more Health Care Worker strikes, which devastates public health and prevents universal health care.

Chima, 2020 – Prof of Bio and Research Ethics and Medical Law at University of KwaZulu-Natal [Sylvester “Doctor and healthcare workers strike: are they ethical or morally justifiable”

Current Opinion in Anaesthesiology · January 2020 https://www.researchgate.net/publication/338398318]

Healthcare worker (HCW) strikes are of growing concern to the international health community because they represent a barrier to achievement of universal health coverage (UHC), which according to the WHO, includes ‘a sufficient capacity of well trained, motivated health workers’ [1&&,3,4], consistent with goal 3 of the United Nations sustainable development goals, to ‘ensure healthy lives and promote well being for all ages’ [5]. According to one journal editorial, ‘UHC requires sufficient numbers of well trained and motivated staff with adequate resources for prevention, diagnosis, treatment, and professional development. . .’ [6, p. 859]. ARE STRIKES LEGAL? The right to strike is a fundamental right which is constitutionally protected in certain jurisdictions such as South Africa [7] and Kenya [8]. For example, s23 of the South African constitution guarantees everyone the right to strike, and accordingly, right to collective bargaining within established rules [7,9]. Inclusion of the right to strike within the new Kenyan constitution in 2010 gave rise to multiple HCW strikes from 2010 to 2016 [10&,11&&]. However, it has been argued that the right to strike is not an absolute right, as it may conflict with other equally compelling fundamental rights, such as right to life, access to healthcare, including emergency medical treatment, and children’s right of access to basic healthcare [7,9,12]. Nevertheless, the right strike is a civil right recognized by the United Nations through the International Labour Organization (ILO) [2,13,14]. For example, the labor relations (public service) convention 151 states: Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions (ILO, C151, Art 9, 1978). Some legal authorities are of the view that one of the ironies of collective bargaining, is that the maintenance of industrial peace and harmony, depends in part, on threats of conflict [13,15]. As opined by Lord Wright in Crofter v. Veitch (1942): [W]here the rights of labour are concerned, the rights of the employers are conditioned by the rights of the men to give or withhold their services. The right of workmen to strike is an essential element in the principle of collective bargaining. It is, in other words, an essential element not only of the union’s bargaining process itself, it is also a necessary sanction for enforcing agreed rules [2, 16, para. 463]. Nonetheless, the right to strike is not an absolute right and is subject to limitations where it comes into conflict with other fundamental human rights, such as rights to health and life. In view of this, s36 of the South African constitution stipulates that rights may be limited where ‘. . .reasonable and justifiable in a democratic society, based on considerations for human rights, equality and freedom’ [7,9,12]. Such limitations may apply to strikes embarked upon by ‘essential service’ employees so designated by national legislations such as the Labour Relations Act (LRA) [9,12,13] and similar legislations in other jurisdictions [2,9,12–14,17,18]. Doctors and healthcare workers as ‘essential service’ employees Essential services refer to those where ‘interruption of that service would endanger the life, personal safety, and health of the whole or any part of the population’ [9,12,13]. ILO regulations regard these category of occupations as ‘essential service in the strict sense’ [13, p. 4, 19, paras 119–120]. In addition, ILO regulations recognize prohibition of strikes, when interruption of services, which are not strictly essential, could result in, ‘acute national crisis endangering the normal living conditions of the population’ [13, p. 5, 19, para 606]. Such services include those whose interruptions could impact on ‘the right to life, health, security, freedom of movement, social welfare, justice, education, and freedom of communication’ [13, p. 5, 19]. Usually, ‘essential service’ employees may not embark on strikes, unless a minimum service agreement has been put in place, such as recommended by the LRA [9,12–14,19]. Other restrictions may involve requirements for strict balloting by essential service employee unions, as conducted by the British Medical Association, prior to the 2016 junior doctors’ strikes in the United Kingdom [20–22]. However, categories of ‘essential services’ workers are not exhaustive [2], and certain jurisdictions have sometimes imposed outright ban of strikes by HCWs and other essential service employees under national labor regulations [1&&,13,23]. In jurisdictions such as the USA, strikes by doctors are limited by designating senior doctors or attending physicians as supervisors, rather than employees under the National Labor Relations Act (NLRA) [3,18,24–27].

#### Contention 2: Strikes harm the economy

#### Subpoint 1 - Unions negatively affect businesses - unions raise the wages of their members at the cost of lower profits, fewer jobs, and higher inflation

**Sherk, 2009 - Research Fellow of Labor Economics at the Heritage Foundation** [James, “What Unions Do: How Labor Unions Affect Jobs and the Economy” May 21, 2009, https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy]

Union wage gains do not materialize out of thin air. They come out of business earnings. Other union policies, such as union work rules designed to increase the number of workers needed to do a job and stringent job classifications, also raise costs. Often, unionized companies must raise prices to cover these costs, losing customers in the process. Fewer customers and higher costs would be expected to cut businesses' earnings, and economists find that unions have exactly this effect. Unionized companies earn lower profits than are earned by non-union businesses. Studies typically find that unionized companies earn profits between 10 percent and 15 percent lower than those of comparable non-union firms.[17] Unlike the findings with respect to wage effects, the research shows unambiguously that unions directly cause lower profits. Profits drop at companies whose unions win certification elections but remain at normal levels for non-union firms. One recent study found that shareholder returns fall by 10 percent over two years at companies where unions win certification.[18] These studies do not create controversy, because both unions and businesses agree that unions cut profits. They merely disagree over whether this represents a feature or a problem. Unions argue that they get workers their "fair share," while employers complain that union contracts make them uncompetitive.

#### Subpoint 2 - Unions reduce profit and lower profits cause businesses to invest less – studies prove

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In essence, unions "tax" investments that corporations make, redistributing part of the return from these investments to their members. This makes undertaking a new investment less worthwhile. Companies respond to the union tax in the same way they respond to government taxes on investment--by investing less. By cutting profits, unions also reduce the money that firms have available for new investments, so they also indirectly reduce investment. One study found that unions directly reduce capital investment by 6 percent and indirectly reduce capital investment through lower profits by another 7 percent. This same study also found that unions reduce R&D activity by 15 percent to 20 percent.[21] Other studies find that unions reduce R&D spending by even larger amounts.[22] Research shows that unions directly cause firms to reduce their investments. In fact, investment drops sharply after unions organize a company. One study found that unionizing reduces capital investment by 30 percent--the same effect as a 33 percentage point increase in the corporate tax rate.[23] Unions effectively tax these investments by negotiating higher wages for their members, thus lowering profits. Unionized companies respond to this union tax by reducing investment. Less investment makes unionized companies less competitive. This, along with the fact that unions function as labor cartels that seek to reduce job opportunities, causes unionized companies to lose jobs. Economists consistently find that unions decrease the number of jobs available in the economy. The vast majority of manufacturing jobs lost over the past three decades have been among union members--non-union manufacturing employment has risen. Research also shows that widespread unionization delays recovery from economic downturns. Some unions win higher wages for their members, though many do not. But with these higher wages, unions bring less investment, fewer jobs, higher prices, and smaller 401(k) plans for everyone else. On balance, labor cartels harm the economy, and enacting policies designed to force workers into unions will only prolong the recession.

#### Subpoint 3 - Unions delay economic recoveries – three empirical examples prove.

**Sherk, 2009 - Research Fellow of Labor Economics at the Heritage Foundation** [James, “What Unions Do: How Labor Unions Affect Jobs and the Economy” May 21, 2009, https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy]

Labor cartels attempt to reduce the number of jobs in an industry in order to raise the wages of their members. Unions cut into corporate profitability, also reducing business investment and employment over the long term. These effects do not help the job market during normal economic circumstances, and they cause particular harm during recessions. Economists have found that unions delay economic recoveries. States with more union members took considerably longer than those with fewer union members to recover from the 1982 and 1991 recessions.[34] Policies designed to expand union membership whether workers want it or not--such as the misnamed Employee Free Choice Act--will delay the recovery. Economic research has demonstrated that policies adopted to encourage union membership in the 1930s deepened and prolonged the Great Depression. President Franklin Roosevelt signed the National Labor Relations Act. He also permitted industries to collude to reduce output and raise prices--but only if the companies in that industry unionized and paid above-market wages. This policy of cartelizing both labor and businesses caused over half of the economic losses that occurred in the 1930s.[35] Encouraging labor cartels will also lengthen the current recession.

#### Contention 3: Strikes hurt the workers they are supposed to help.

#### The affirmative case depends upon strikes helping workers – if I win that they actually hurt workers, I win even under the Aff framework. Strikes hurt workers in three ways.

#### First – Lost Wages - Strikes hurt workers because they lose their salaries

Bozzello, 2019 - communications director at the Center for Union Facts [Charlyce “UAW strike benefits everyone, except auto workers | Opinion" Oct 9, 2019 The Tennessean https://www.tennessean.com/story/opinion/2019/10/09/strike-uaw-gm-workers-struggling-charlyce-bozzello-center-for-union-facts/3920957002/]

For three weeks now, workers at GM plants across the country have been on strike-- a strike that was conveniently timed to hit right after the UAW’s president was implicated in the corruption scandal consuming the union. The federal government continues to unearth millions of dollars that UAW officials funneled into their own pockets. In the meantime, workers are just starting to receive their $250 a week paychecks from the union’s over $800 million strike fund. According to one estimate published in the Detroit Free Press, “striking UAW members and workers laid off at GM's supplier network have lost wages totaling $266 million.”

#### Second – Outsourcing – Union gains from strikes will come at the expense of the employers, who will look overseas for cheaper labor. This costs All of the workers their jobs when the company moves to another country.

Juneja, 2015 - Management Study Guide Content Team [Prachi “The Case Against Labor Unions” <https://www.managementstudyguide.com/case-against-labor-unions.htm>]

By the 1990’s, almost all industries in the nation were tired of the oppressive tactics used by labor unions. Labor unions were never interested in win-win situations. Instead, they were interested in gaining at the expense of others. This is the reason that fiber optic cables changed the world! When it became possible to work from remote locations, companies queued up to outsource their work. Outsourcing was extremely cheap because of two reasons. Firstly, there were differences in the currency rates of two countries. This made one country’s money more valuable in another country. However, the main reason was that the third world countries did not have labor unions to raise prices. Hence, outsourcing became a proposition that was too good to refuse. The irrational raising of wages ended with millions of people losing their jobs as corporations found viable alternatives at offshore locations! To sum it up, labor unions do the exact opposite of what they are supposed to do. Instead of protecting the worker's interest, they end up harming them.

#### Third – Automation – Unions push labor costs higher – employers will look for cheaper automated labor. Unions hurt workers who lose their jobs to robots.

Juneja, 2015 - Management Study Guide Content Team [Prachi “The Case Against Labor Unions” <https://www.managementstudyguide.com/case-against-labor-unions.htm>]

Most products sell in a competitive market. This means that the companies face competition from local as well as international suppliers. They cannot pass on the price rise caused by higher labor costs to the customers. As a result, they have to get rid of laborers and bring down their costs. Most of the times, companies prefer to go for mechanization and automation. Machines tend to be slightly cheaper than humans (because of artificial wage inflation caused by the unions). Lower end jobs such as cleaning, janitorial and clerical work have been fully automated. The basic reason behind this automation is that companies are tired of dealing with labor unions and their unreasonable demands. They would instead pay the workers a severance and then continue their operations with the help of machines that do not cause any disruption.

### Extend – Jobs

#### Unions reduce jobs

**Sherk, 2009 - Research Fellow of Labor Economics at the Heritage Foundation** [James, “What Unions Do: How Labor Unions Affect Jobs and the Economy” May 21, 2009, https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy]

Economists would expect reduced investment, coupled with the intentional effort of the union cartel to reduce employment, to cause unions to reduce jobs in the companies they organize. Economic research shows exactly this: Over the long term, unionized jobs disappear. Consider the manufacturing industry. Most Americans take it as fact that manufacturing jobs have decreased over the past 30 years. However, that is not fully accurate. Chart 1 shows manufacturing employment for union and non-union workers. Unionized manufacturing jobs fell by 75 percent between 1977 and 2008. Non-union manufacturing employment increased by 6 percent over that time. In the aggregate, only unionized manufacturing jobs have disappeared from the economy. As a result, collective bargaining coverage fell from 38 percent of manufacturing workers to 12 percent over those years. Manufacturing jobs have fallen in both sectors since 2000, but non-union workers have fared much better: 38 percent of unionized manufacturing jobs have disappeared since 2000, compared to 18 percent of non-union jobs.[24] Other industries experienced similar shifts. Chart 2 shows union and non-union employment in the construction industry. Unlike the manufacturing sector, the construction industry has grown considerably since the late 1970s. However, in the aggregate, that growth has occurred exclusively in non-union jobs, expanding 159 percent since 1977. Unionized construction jobs fell by 17 percent. As a result, union coverage fell from 38 percent to 16 percent of all construction workers between 1977 and 2008.[25] This pattern holds across many industries: Between new companies starting up and existing companies expanding, non-union jobs grow by roughly 3 percent each year, while 3 percent of union jobs disappear.[26] In the long term, unionized jobs disappear and unions need to replenish their membership by organizing new firms. Union jobs have disappeared especially quickly in industries where unions win the highest relative wages.[27] Widespread unionization reduces employment opportunities.

### Extend – Essential Workers

#### Strikes by essential workers can devastate an entire country – France proves

The Daily Mail, 2007 [“France faces 'Black Tuesday' as fresh strikes threaten to cripple entire country

20 November 2007 https://www.dailymail.co.uk/news/article-495111/France-faces-Black-Tuesday-fresh-strikes-threaten-cripple-entire-country.html]

France is facing a "Black Tuesday" as a wave of strikes threatens to cripple the entire country. French transport workers voted to extend a six-day strike on Monday in what could be the largest protest against President Nicolas Sarkozy's reform plans since he came to power earlier this year. Their action, in protest at the president's plan to scrap full public sector pension rights, overlaps with the separate protests by teachers, students, print workers, postal workers, and other public sector employees over job cuts and government plans not to replace retiring civil servants. Early indications were that members of the rail unions were inclined to extend the strike for another 24 hours, which would ensure their industrial action overlaps with today's separate protests. School closures caused by the teachers' strike added to working parents' headaches and students blocked access to buildings at dozens of campuses across France. Some high school pupils were also taking part in today's demonstrations. Flights could also be disrupted as air traffic controllers at Paris's second airport Orly and in Marseille warned they might hold a 24-hour strike. There were expected to be no newspapers at news stands because of a one-day strike by distributors unhappy over reform of their highly regulated sector. France's main energy union has also called a 24-hour strike in response to the pensions reform.