I negate the resolution: a just government ought to recognize an unconditional right of workers to strike.

My Value: Morality

Oxford Languages No date defines Just as

[https://www.google.com/search?q=just+definition&oq=just+definition&aqs=chrome.0.69i59j0i512l5j0i22i30l4.2194j0j7&sourceid=chrome&ie=UTF-8]

Based on or behaving according to what is morally right and fair.

A just government is one that is based upon moral principles. Thus, we must value morality because that is what a just government will value

VC: Utilitarianism

Maximizing wellbeing to as many people as possible. In the context of this resolution meaning to maximize general welfare for as many people as possible.

A government's main job is to protect the citizens within it to the greatest extent; therefore, they must do their best to maximize well being through promoting general welfare for the population. The side that is able to uphold this principle should win this debate.

C1: Unconditional strikes do not protect public interest

Subpoint A: Allowing essential services to unconditionally strike has negatively impacted the public

Masterson 2017[Les Masterson is an article contributor to healthcare drive. Published: 08/15/2017, "Nursing strikes can cause harm well beyond labor relations", https://www.healthcaredive.com/news/nursing-strikes-can-cause-harm-well-beyond-labor-relations/447627/, 11-06-21, ag]

> A study on nurses' strikes in New York found that labor actions have a temporary negative effect on a hospital's patient safety.
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> Study authors Jonathan Gruber and Samuel A. Kleiner found that nurses' strikes increased in-patient mortality by 18.3% and 30-day readmission by 5.7% for patients admitted during the strike. Patients admitted during a strike got a lower quality of care, they wrote.
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> "We show that this deterioration in outcomes occurs only for those patients admitted during a strike, and not for those admitted to the same hospitals before or after a strike. And we find that these changes in outcomes are not associated with any meaningful change in the composition of, or the treatment intensity for, patients admitted during a strike," they said.

They said a possible reason for the lower quality is fewer major procedures performed during a strike, which could lead partially to diminished outcomes. The study authors found that patients that need the most nursing care are the ones who make out worst during strikes.
“We find that patients with particularly nursing-intensive conditions are more susceptible to these strike effects, and that hospitals hiring replacement workers perform no better during these strikes than those that do not hire substitute employees,” they wrote.

Subpoint B-Link to util:

Patients are more likely to die, due to an essential service going on strike. This decreases the general welfare of the population because they are not able to get proper access to essential services. This is the opposite of what utilitarianism is trying to achieve and does not promote morality. Therefore, unconditional strikes should not be recognized by governments.

C2: The ILO has striking conditions that protect public interest

The thesis of this argument is that the International Labour Organization, a U.N. agency focusing on workers rights, put conditions on strike to protect public interest, thus making them more utilitarian.

Brudney 2021 [James J. Brudney, Joseph Crowley Chair in Labor and Employment Law, Fordham Law School. The author is a member of the International Labor Organization Committee of Experts, but this Article is presented solely in his individual capacity as a law professor, c. 2021, 11-1-2021, ag https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil]

The international right to strike is far from absolute. It may be restricted in exceptional circumstances, or even prohibited, pursuant to national regulation. For a start, Convention 87 provides that members of the armed forces and the police may be excluded from the scope of the Convention in general, including the right to strike.57 In addition, applications by the CFA and CEACR have concluded that three distinct forms of substantive restriction on the right to strike are compatible with Convention 87. 1. Substantive Limitations One important restriction applies to certain categories of public servants. The CEACR and CFA have made clear that public employees generally enjoy the same right to strike as their counterparts in the private sector; at the same time, in order to ensure continuity of functions in the three branches of government, this right may be restricted for public servants exercising authority in the name of the State.58 Examples include officials performing tasks that involve the administration of necessary executive branch functions or that relate to the administration of justice. Each country has its own approach to classifying public servants exercising authority in the name of the State. When considering the international right under Convention 87, some public servant exceptions seem clearly applicable, such as officials auditing or collecting internal revenues, customs officers, or judges and their close judicial assistants. 59 Some public servant exceptions seem inapplicable, such as teachers, or public servants

in State-owned commercial enterprises.60 Whether public servants are exercising authority in the name of the State can be a close question under particular national law, one on which the CEACR and CFA have offered encouragement and guidance,61 as has the Committee on Economic, Social and Cultural Rights (CESCR).62 A second equally important restriction on the right to strike involves essential services in the strict sense of the term. This is an area in which both the CEACR and CFA have developed a detailed set of applications and guidelines. 63 The two committees consider that essential services, for the purposes of restricting or prohibiting the right to strike, are only those "the interruption of which would endanger the life, personal safety or health of the whole or part of the population."64 This definition of essential services "in the strict sense of the term" stems from the idea that "essential services" as a limitation on the right to strike would lose its meaning if statutes or judicial decisions defined those services in too broad a manner. 65 The interruption of services that cause or have the potential to cause economic hardships—even serious economic hardships—is not ordinarily sufficient to qualify the interrupted service as essential. Indeed, the very purpose of a strike is to interrupt services or production and thereby cause a degree of economic hardship. That is the leverage workers can exercise; it is what allows a strike to be effective in bringing the parties to the table and securing a negotiated settlement. The two ILO supervisory committees also have made clear that the essential services concept is not static in nature. Thus, a non-essential service may become essential if the strike exceeds a certain duration or extent, or as a function of the special characteristics of a country. 66 One example is that of an island State where at some point ferry transportation services become essential to bring food and medical supplies to the population.67 When examining concrete cases, the supervisory bodies have considered a range of services, both public and private, too broad to summarize here. As illustrative, the two bodies have determined that essential services in the strict sense of the term include air traffic control services, 68 telephone services, 69 prison services, firefighting services, and water and electricity services. 70 The CEACR and CFA also have identified a range of services that presumptively are deemed not to be essential in the strict sense of the term. 71 In addition, in circumstances where a total prohibition on the right to strike is not appropriate, the magnitude of impact on the basic needs of consumers or the general public, or the need for safe operation of facilities, may justify introduction of a negotiated minimum service.72 Such a service, however, must truly be a minimum service, that is one limited to meeting the basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear through the strike by a majority of workers.73The third substantive restriction on the right to strike under Convention 87 relates to situations of acute national or local crisis, although only for a limited period and only to the extent necessary to meet the requirements of the situation.74 With respect to all three forms of substantive restriction, the CFA and CEACR have indicated that certain alternative options should be guaranteed for workers who are deprived of the right to strike. These options include impartial conciliation followed by arbitration procedures in which any awards are binding on both parties and are to be implemented in full and rapid terms.75 2. Procedural Limitations Apart from these substantive limitations, the right to strike under Convention 87 has been subject to procedural prerequisites. Legislation in numerous countries requires that advance notice of strikes be given to administrative authorities or to the employer. National laws also provide for cooling off periods and/or for mandatory conciliation and arbitration procedures before a strike may be called. The ILO supervisory committees regard such procedural

requirements as compatible with the Convention so long as their aim is to facilitate bargaining and they are not “so complex or slow that a lawful strike becomes impossible in practice or loses its effectiveness.”76

Thus, a just government does have the right to put conditions on strikes as long as they help out the public and promote utilitarianism, like they do in the ILO; therefore

C3: Implement Counter Plan that enforces interest arbitration before striking, and only strikes that follow the conditions outlined by the ILO ought to be recognized by the government

Subpoint A: Interest Arbitration is an alternative to strike

Anderson and Krause 1987[ARVID ANDERSON, President, National Academy of Arbitrators; Former Chairman, New York City Office of Collective Bargaining (retired as of Jan. 1, 1988); B.A. 1946; L.L.B. 1948, University of Wisconsin., and Loren A. Krause, Trial Examiner, New York City Office of Collective Bargaining; B.S. 1977, Cornell University, New York State School of Industrial and Labor Relations; J.D. 1983, Yeshiva University-Cardozo School of Law. May 7, 1987, 11-01-2021, aghttps://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2764&context=flr]

an alternative to the right to strike exists and that that alternative is final and binding interest arbitration. This Article will demonstrate the viability of interest arbitration as an alternative to the strike by examining its implementation in the public sector. Interest arbitration is a process in which the terms and conditions of the employment contract are established by a final and binding decision of the arbitration panel.' It differs from grievance arbitration, which involves the interpretation of the employment contract to determine whether the conditions of employment have been breached.2 Thus, interest arbitration essentially is a legislative process, while grievance arbitration essentially is a judicial process.

Subpoint B: Interest arbitration gives employees more leverage to reach agreements than a strike would

Shahriari-Parsa 2021[Tascha Shahriari-Parsa is a student at Harvard Law School, Published: 04-16-2021, “Renewing Interest in Interest Arbitration: First Contract Arbitration and the PRO Act”, onlabor,https://onlabor.org/renewing-interest-in-interest-arbitration-first-contr

act-arbitration-and-the-pro-act/ , 11-05-2021, ag] Featured Posts, Politics, Unions & Organizing

> Interest arbitration, including FCA, offers many clear benefits to the labor movement. The most obvious of these is encourag[es] collective bargaining. Where interest arbitration has been implemented, arbitration itself is rarely used; instead, the threat of arbitration tends to pressure both parties to reach an agreement on their own. Under our current system—where the NLRB lacks the power to compel employers to agree to a CBA and where even the "adamant insistence" of an "inherently unreasonable" bargaining position can still constitute good faith under the NLRA—employers may have strong incentives to refuse to negotiate. Even a credible strike threat may be insufficient to Change that in today's economy, as an employer will often decide that the costs associated with a refusal to bargain are less than the costs of signing onto any CBA. It thus shouldn't come as a surprise that between 1996 and 2004, over 40% of initial contract negotiations in the private sector closed without agreement after 2 years. FCA, especially under the automatic access model, has the potential to effectively bring that percentage down to zero.

Subpoint C: Case of the Transport Workers Union and the Metropolitan Transportation Authority show that arbitration can prevent a strike that would be detrimental to public interest

Anderson and Krause 1987 cont.

> The Transport Workers Union ("TWU") of New York City used to cry "no contract, no work."3 The TWU struck effectively in 1966 and again in 1980, imposing great financial hardship on the city.' The 1980 strike result[ing] in the imposition of a $1,000,000 fine on the Union and cost each worker two days' pay for each day of the eleven day strike.5 The strike hurt all of the parties involved, including the riding public. As a result of these experiences, the Metropolitan Transportation Authority ("MTA") and the TWU jointly requested that the state legislature enact short-term legislation authorizing the state Public Employment Relations Board ("PERB") to appoint an arbitration panel to resolve any impasses that might arise in the 1982 contract negotiations.6 The enacted legislation provided that PERB, upon the joint request of the MTA, the Manhattan and Bronx Surface Transit Operating Authority, and the Union representing their employees, would appoint a panel consisting of the three impartial members of the New York City Office of Collective Bargaining's Board of Collective Bargaining, with the Chairman of the Board serving as the panel's Chairman.7 The Act further provided that the determination of the panel would be final and binding, except that any provision thereof that would require the enactment of a law for its implementation would not be binding until such law were enacted.8 Pursuant to its statutory authority, the panel commenced hearings when the 1982 new contract negotiations reached an

impasse-only three days after the statute was enacted. 9 The dispute, therefore, was settled without resorting to another burdensome strike. In 1985 the legislation was renewed in anticipation of the next round of TWU contract negotiations,' 0 but on that occasion the parties reached agreement and avoided the need to invoke arbitration."

Subpoint D: Solvency without negative impacts of Strikes

Anderson and Krause 1987 cont.

Interest arbitration enables the labor participants to retain the leverage necessary to bargain effectively in negotiating a contract. At the same time, the harmful effects of a strike are avoided. Experience shows that the ends achieved with interest arbitration are analogous to those achieved in jurisdictions that do not prohibit the strike. In short, the experiences during the past two decades of the various jurisdictions that have adopted interest arbitration demonstrate that interest arbitration is a better way to surmount collective bargaining impasses than the trial by combat method of the strike.

Now onto the Affirmative…

Therefore, since the negative can effectively gain all the advantages of the affirmative, and doesn't lead to negative impacts for the public, while also working out better for workers, it promotes Utilitarianism by protecting the general welfare for the public. Therefore, it upholds the value of morality. Because of this, you should vote Negative.

- Defined by **West's Encyclopedia of American Law 2008 - The concern of the government for the health, peace, morality, and safety of its citizens.**
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Voters

1) My plan provides more leverage by having workers
2) Reduces the likelihood of the strike harming the public good because strikes will be shorten
3) Strikes will be less likely to happen

1. The framework debate. The Negative clearly wins the framework debate because 1. The Aff did not even have a debate and therefore my framework should \

2NR

1. Onto my case, the Aff completely disregards my case and only talks about the victims of human trafficking. I have two responses 1People who are victims of human trafficking are able to strike under my counterplan because them not striking does not hinder public interest. This is a part of the conditional right to strike. 2. Even if you don't buy that response, the truth is that the Aff could do nothing to stop this either because the people who are human trafficking are already breaking laws. Creating another law about an unconditional right to strike isn't going to help victims because abusers will likely break that law to stop these victims from striking. Compare this bad impact for one group that a would likely still occur in the aff and b the negative is not preventing to the detriment of having an unconditional right to strike for the public. In this instance, the majority of the public could be hurt. Many people can die due to medical workers being absent for normal strikes, and striking hurts the workers involved as well as exemplified through the case of the TWU vs. MTA and the Parsa 2021 card. This is why we must not have an unconditional right to strike and should instead enforce interest arbitration first. Interest arbitration allows for people to come together to form negotiations together while also making sure that the public does not get harmed by the fact that workers have not stopped working because they don't need to stop working. It also gives the workers more say in what they want to achieve in their workplace because they are at the negotiating table.

2.
3. Onto his theory and definitions debate. Saying that an can be generalized to one person is completley