# Neg Card Doc---Darty---Round 4

## FDI DA

### T/Case---FDI

#### Independently, decline in FDI makes a litany of conflict vectors more likely to escalate including CBRN, cyber, resource, and ethnic conflicts

Cartwright 15 [Gen. (Ret.) James E. Cartwright, Chair of the Global Zero Commission on Nuclear Risk Reduction, Chair in Defense Policy Studies, Center for Strategic and International Studies, former Vice Chairman of the Joint Chiefs of Staff; “De-Alerting and Stabilizing the World’s Nuclear Force Postures,” Global Zero Commission on Nuclear Risk Reduction, April 2015, p.15-16, http://www.globalzero.org/files/global\_zero\_commission\_on\_nuclear\_risk\_reduction\_report.pdf]

IV. STILL AN ANARCHIC INTERNATIONAL SYSTEM In the post-Cold War era it seems almost unimaginable that states could become embroiled in confrontations that escalate to the level of nuclear brinksmanship or worse. The growing interconnectedness and interdependencies among nations in the 21st century have made major conventional war extremely costly and nuclear war unthinkable. These thickening sinews of international stability include instantaneous worldwide communications and information transfer, rapidly growing trade, massive flows of people and corporations across national boundaries, and the dramatic rise of direct foreign investment and global debt underwriting. Economic clout increasingly overshadows military might as the currency of power. And an expanding constellation of electoral democracies (tripling in number since the 1970s and growing from 70 to 125 during the past 25 years)8 has emerged. History shows that democracies do not wage war with each other. Despite counter-globalization trends in some isolated cases – notably, the partial re-nationalization and de-globalization in evidence in Russian state capitalism and in its societal introversion, and the pre-globalization stasis of the North Korean hermit kingdom – as well as the ebbing of democracy in a dozen key nations, the tide of history is heading inexorably toward greater integration of the 195 sovereign nations in the world. And this tide is ineluctably eroding the role of the threat of nuclear weapons use or actual use in arbitrating the outcome of inter-state confict.

Further marginalizing this waning role are the elusive threats to international security emerging from the same dynamics of globalization. Globalization allows increasingly lethal technologies to propagate around the world – spreading even to insular states like North Korea (recipient of nuclear technology transfers), failing states like Libya (recipient of nuclear transfers before imploding during the Arab Spring) and sub-state groups like Hamas (recipient of technologies for building rockets with sufficient range to assault Tel Aviv). The world is bracing for even worse: the inevitable acquisition of truly deadly biological pathogens or nuclear weapons by non-state actors, enabling even small groups of individuals to cause mass casualties.

The world’s nuclear stockpile offers scant defense against the spread and use of virulent weapons by imploding states and fanatical terrorists. It also offers scant political or military leverage over nuclear proliferation, cyber warfare threats, or nuclear, chemical, and biological terrorism. In many respects the world’s 16,000 nuclear weapons create the problem, not the solution to these global ills. They do not solve the problem of loose nukes falling into the hands of terrorists, for example. In fact the world’s far-flung global stockpile creates the opportunity for diversion, theft, and capture in the first place. The 1,800 out of the 16,000 poised for prompt launch do not deter anonymous cyber strikes, but they do offer a tempting target for cyber warriors bent on infiltrating the launch circuits and playing havoc.

Although globalization has diminished the role of nuclear weapons in conflict prevention and resolution, the risk of the outbreak of nuclear conflict has not decreased proportionally. Globalization has not so much lowered the risk as raised the stakes if nations with entangled economies and peoples fall victim to nuclear attack. The use of even a small number of weapons – tens to hundreds out of the 16,000 in the world arsenal – would cause massive damage across the globe as well as in the belligerent countries. It would produce more widespread and longer-term devastation in a shorter period of time than ever before in history. Billions of lives hang in the balance. And although the dire economic, environmental, health and other humanitarian consequences of such conflict create powerful incentives to avoid it, the centrifugal forces of an anarchic international system could still overpower the centripetal forces of restraint.

Mutual assured destruction on a multinational scale may substantially subdue the temptations of many potential aggressors, but it cannot guarantee their non-use. Threatening severe punitive retaliation to attack erects only psychological barriers to nation-state aggression (as long as rational nuclear authorities remain in firm control, a herculean assumption in some situations). It does not physically block it. Certainly non-state actors, such as terrorists on suicide bombing missions, will not be deterred and little stands in the way of detonating a nuclear weapon that fell into their hands. As long as nuclear weapons exist, their use simply cannot be ruled out, even among nation states.

A crisis pitting the nuclear powers against each other in dangerous brinksmanship could flare up at any time in any number of hotspots around the world. Nuclear crisis management being an imperfect science and the powers being inexperienced in this arena, a crisis today could rapidly become unmanageable and escalate. In the fog of conflict, the use of nuclear weapons by accident or design becomes more likely.

V. ESCALATION: GENERAL RISK FACTORS

Of the countries that have the dubious distinction today of possessing nuclear arsenals and planning for their use, a number of them or their close allies are at loggerheads on a regular basis. Although many are bound by common interests, they often also share a history of belligerence, clashing over borders, land, adjacent seas, religion, ethnicity, and ideology. Their leaders are not above stoking the enmity with nationalistic rhetoric, often for cynical domestic reasons. Economic interests at the heart of globalization drive nations together, and sometimes apart. Competition for scarce natural resources is spawning acrimony and shadowboxing over access to and ownership of oil and mineral deposits.9 In today’s multi-polar world, keeping a lid on these smoldering hostilities is harder than it used to be in the bipolar world of the Cold War, when two powerful blocs placed high value on stability.

A. THE NUCLEAR DEFAULT BIND

The potential for nuclear escalation stems in part from a shortage of tools for ending a crisis through diplomacy, and for securing a truce on conventional conflict. Nations may be tempted to reach for nuclear weapons for want of alternatives. Put differently, there are too few good options for filling two critical gaps in the spectrum of hostilities between opposing states: (i) the gap between crisis diplomacy and conventional conflict, and (ii) the gap between conventional and nuclear conflict. A confrontation could quickly exhaust diplomatic options and escalate to conventional military operations, and then it could quickly exhaust conventional options, leaving decision-makers in a bind: concede or escalate. If their national sovereignty is in jeopardy, and facing a paucity of non-nuclear tools, the nuclear option may be hard to resist. It could be the only remaining choice, however excruciating its election may be.

### T/Case---Link Alone

#### Link alone turns the case---unions securing restrictions on FDI require concessions that undermine their overall bargaining power

Owen 15 [Erica Owen, Ph.D. in political science from the University of Minnesota, Assistant Professor at Texas A&M University (2011-2018), “The Political Power of Organized Labor and the Politics of Foreign Direct Investment in Developed Democracies,” Comparative Political Studies Journal, Vol. 48, Issue 13, SagePub via MSU libraries]

Conclusion

This article examines the ability of organized labor to influence formal restrictions on inward FDI. I argue that labor in the aggregate is likely to be protectionist and therefore will favor restrictions on inward FDI. However, to influence policy in its preferred direction, labor must not only have effective political weight relative to other actors but also a unified policy position. Thus, the share of the labor force that is unionized and also the structure of union membership shape the political influence of organized labor on FDI policy.

I find that the effect of union density on formal restrictions is positive and increasing across the level of union concentration. An increase in union density leads to higher restrictions on investment at high levels of union concentration, in analyses at both the country and sector level. In addition, I find a similar pattern in the analysis of de facto openness: Controlling for the level of formal restrictions, the marginal effect of union density is negative and statistically significant at high levels of concentration, suggesting that organized labor is able to directly influence actual FDI flows by decreasing openness.

This article addresses two weaknesses in the existing literature. First, the theory of distributional consequences offers an explanation for protectionist labor sentiments toward the activity of foreign multinationals that cannot be explained by existing theories. Second, by examining how organized labor determines the influence of labor interests on policy outcomes, the findings suggest that organized labor is an important determinant of the political power of labor and its influence on policy outcomes.

Multinationals are increasingly important actors in the international system. The ability of multinationals to relocate production overseas likely has negative implications for the bargaining power of labor in the econ omy, and the political influence of labor in the political arena. Cases of concession bargaining in the EU and elsewhere suggest that mobile firms are able to extract concessions from labor unions in exchange for a promise not to relocate. Further research should examine how and whether labor is able to restrict outward FDI and the ability of multinationals to relocate production.

### UQ---1NC

#### US FDI is high and growing

Barraza 25 [Kelly Barraza, Managing Editor at Site Selection Magazine, “FDI IN AMERICA: How Does the U.S. Stack Up in FDI?,” Site Selection, 11/05/2025, https://siteselection.com/fdi-in-america-how-does-the-u-s-stack-up-in-fdi/]

Foreign investment in the States continues to roll in as trade temperatures fluctuate.

Foreign dollars invested in the United States increased by $332.1 billion to $5.71 trillion at the end of 2024, with the manufacturing sector seeing the highest increases and retaining the largest sector of foreign direct investment (FDI) in the country. This year has also seen a yo-yo effect when it comes to foreign investment, with a disappointing first quarter followed by a rebound in the second financial quarter of the year, showing over $100 billion in preliminary FDI recorded in Q2 of 2025, per the U.S. Bureau of Economic Analysis.

UN Trade & Investment (UNCTAD) released its FDI Explorer in early October, tracking global investment flows. The U.S. continues to be the top economy in both inward and outward FDI, with $266 billion invested outside of the country; Japan and China’s FDI investments in other countries totaled $204 billion and $163 billion, respectively. The U.S., Singapore and Hong Kong were the top three economies receiving FDI ($279 billion, $143 billion and $126 billion, respectively), with the U.S — aided by semiconductor megaprojects — helping North America see an increase of 23% in FDI projects.

One expert says there’s room for plenty more. Asked how FDI can aid the American economy, Harry Moser, founder and president of the Reshoring Initiative, says, “There are hundreds of places, especially the supply chain gaps in which most of the market demand for a product is supplied from offshore, e.g., electronic assembly, rare earth minerals, tool steel, contract manufacturer doing complex assemblies, carbide, etc.”

Projects, Projects Everywhere

According to a 2025 SelectUSA report on FDI trends in U.S. manufacturing sectors, with data provided by Moody’s Solutions and IBM-Plant Location International, manufacturing has consistently attracted significant FDI over the past 10 years and has been one of the largest recipient sectors of foreign investment in the country; from 2014 to 2024, there have been 4,031 FDI projects announced and completed in U.S. manufacturing, with $826 billion in capital expenditure and more than 667,000 jobs created.

### UQ---1NR

#### Trump doesn’t thump---trade agreements and pro-investor policies ensure a bullish FDI environment

Samford 25 [Jonathan Samford, president and CEO of the Global Business Alliance, interviewed by Kelly Barraza, “FDI IN AMERICA: How Does the U.S. Stack Up in FDI?,” Site Selection, 11/05/2025, https://siteselection.com/fdi-in-america-how-does-the-u-s-stack-up-in-fdi/]

FDI: Asked & Answered

In this Q&A, Jonathan Samford, president and CEO of the Global Business Alliance, offers insight on the direction of foreign investment in the United States and what site selectors are considering when making decisions to sign on the dotted line.

What are some key factors that site selectors look at when considering locations for FDI?

Jonathan Samford: Proximity to customers is consistently the most important factor when companies are deciding where to expand. Between similar locations, however, large employers evaluate their ready access to a high-skilled workforce and the predictability of the jurisdiction’s regulatory and policy landscape.

Do you have any recommendations to companies who are considering bringing their business to the States?

Samford: The U.S. continues to be a welcoming environment where international companies can find long-term success. But perhaps more so than in the past, investors should keep a close eye on policymaking to differentiate policy cues from political clatter.

How are companies managing differences in culture and operations when it comes to the integration of foreign investments in the U.S.?

Samford: International companies strengthen every corner of the U.S. economy. They not only bring the capital they need to grow, but they also import world-class know-how, which benefits the millions of Americans they employ. Overwhelmingly, international companies depend on American workers to succeed. And workers at international companies typically earn 7% higher wages and benefits than the economy-wide average. That’s a win-win situation.

How does FDI improve the communities that are being invested in?

Samford: Global investment delivers real impact: good-paying jobs, resources for innovation, world-class workforce development and a strong commitment to be part of the communities where they operate. That’s why policymakers from hometown mayors to the President of the United States are actively encouraging international companies to invest and create jobs here.

What are some trends you have noticed when it comes to FDI projects in the U.S. in the past few years, and how have they informed operations at your organization?

Samford: Over the past decade, more of the FDI flowing into the United States is coming from reinvested earnings, where a company pours its profits back into its U.S. operations. It’s a sign that existing investors remain bullish, while would-be investors have hit pause on their investments. Representing some of the most well-known brands in the world, our focus is on making sure U.S. policymakers don’t take these companies for granted — or worse, try to extract concessions from other nations by making them political collateral. America benefits when international companies invest here.

How have policies from the current presidential administration impacted FDI projects in the U.S.?

Samford: It’s clear that companies value the certainty that the recently announced trade agreements have provided. Investment in the second quarter surged by 137% over the previous period. President Trump has made it clear that he wants more international companies to invest in America. His “America First Investment Policy,” the Investment Accelerator, the One Big Beautiful Bill Act, lower energy costs and regulatory cuts incentivize global firms to grow their U.S. operations.

Which sectors are foreign investments primarily going toward in the U.S.?

Samford: Manufacturing leads the way. Thanks to international companies, nearly 3 million Americans are making things right here at home. Investment in this sector makes up 42% of all global investment in the U.S.

Are there areas or sectors in the U.S. that are being left behind by foreign business interests?

Samford: Some industries, like banking and real estate, aren’t seeing the same level of growth as others.

How is the recent U.S. immigration enforcement at the Hyundai plant in southern Georgia affecting investment decisions in America by foreign companies?

Samford: More than 8 million Americans are employed by companies that made a deliberate decision to invest and create jobs in the United States. I’m unaware of any company that has changed its investment strategy in light of the administration’s immigration policy.

“Proximity to customers is consistently the most important factor when companies are deciding where to expand.”

— Jonathan Samford, President & CEO, Global Business Alliance

The White House indicated there would be a $100,000 fee for those seeking H-1B visas. What impact do you see this policy having on workforce development and interest from foreign companies seeking to make FDI choices in the U.S.?

Samford: Again, the vast majority of international companies employ American workers. In fact, 2.8 million U.S. manufacturing workers are employed at one of these companies, and today, 12% of America’s private-sector research and development is conducted by American scientists at international companies.

Currently, what are the main risks non-U.S. companies are considering when making investments in the States?

Samford: At the end of the day, investors want stability and predictability so they can grow with confidence. While President Trump is clearly renegotiating our trading relationships with other nations, his administration remains supportive of welcoming international companies that are interested in investing and creating jobs in the United States. Not participating in America’s dynamic, innovative economy may be the biggest risk facing would-be investors, followed by not having sufficient resources to help explain and understand the administration’s actions.

### L---1NC

#### Increased union density causes restrictions on FDI---those are modelled globally. Otherwise, mobile capital undercuts bargaining power---presumption

Owen 13 [Erica Owen, Ph.D. in political science from the University of Minnesota, Assistant Professor at Texas A&M University (2011-2018), “Unionization and Restrictions on Foreign Direct Investment,” International Interactions Journal, Vol. 39, Issue 5, T&F Online via MSU libraries]

Abstract

Although inward foreign direct investment (FDI) has many benefits for a country as a whole, like trade, it is a source of competition for producers in the host country, with concomitant effects on labor markets. The entrance of foreign multinationals increases demand for skilled labor at the expense of unskilled labor, and also increases the elasticity of demand for labor because multinationals are able to shift production across borders. This raises the question of whether or not labor has an impact on policy toward inward FDI. I suggest that organized labor is a key determinant of the influence of labor on inward FDI restrictions. Not only do unions mitigate the collective action problem facing labor, but unionized workers, regardless of skill level, have incentives to support restrictions on inward FDI because rising elasticity of demand restricts bargaining power. I expect that higher levels of unionization will lead to greater restrictions on inward FDI. I find support for this hypothesis in an analysis of U.S. industry-level formal restrictions on inward FDI between 1981 and 2000. Industry skill intensity, a proxy for the distributional consequences of FDI for labor, does not explain variation in barriers to inward FDI, suggesting that the confluence of interests and influence is necessary for labor to influence policy.

The increased globalization of production is one of the most important changes in the world economy. Driven by multinational corporations, flows of foreign direct investment (FDI) increased from $54.1 billion in 1980 to an all-time high of $1,975 billion in 2007 (Citation UNCTAD 2012). FDI is an attractive form of capital that may lead to the creation of jobs, and the diffusion of technology and productivity from foreign to domestic firms, given sufficient levels of human capital in the host. Footnote 1 However, FDI may also be a strategy for accessing foreign markets (as an alternative to licensing or exporting). Footnote 2 Consequently, domestic firms may support barriers to inward FDI in order to protect the domestic market from competition introduced by the entrance of foreign firms (Citation Crystal 1998, Citation 2003; Citation Pandya 2008). Like trade, FDI may increase the aggregate welfare of the host, but it also generates distributional consequences. Therefore, FDI and decisions about how to regulate its flows across borders are political issues. This paper asks under what conditions we should see governments restrict FDI inflows.

Inward FDI changes the demand for domestic factors of production, particularly skilled and unskilled labor, and also the elasticity of demand. Crucially, because multinationals tend to invest in sectors of comparative advantage, in developed countries, multinationals tend to demand more skilled labor relative to purely domestic firms. This shifts demand from low skill to high skill workers and changes the composition of jobs in the economy. Additionally, greater elasticity of demand constrains the bargaining power of workers. This threat disproportionately affects unskilled workers in developed countries who compete with workers in lower wage countries. Distributional consequences, therefore, suggest that industries that use unskilled labor intensively are likely to have barriers to FDI.

However, preferences alone cannot explain policy outcomes; we must account for the influence of competing interests on the political process. Labor must overcome a collective action problem in order to influence policymakers and thus outcomes. Unions are likely to be the most successful vehicle for this because in addition to facing competitive pressures generated by inward FDI, unions have additional incentives to support restrictions. The presence of mobile capital constrains the bargaining power of unions. Moreover, the net effect of FDI on employment is not necessarily positive, especially in developed countries where a majority of FDI inflows occur through mergers and acquisitions rather than the establishment of new facilities via greenfield investment. Footnote 3

Two recent FDI transactions illustrate these dynamics in the United States. Two iconic American firms, Anheuser-Busch (AB) and Maytag, were targets of separate takeover bids in 2008 and 2005 respectively. Ultimately, InBev, a Dutch firm, acquired AB, while Haier Corp., a Chinese firm, withdrew its bid for Maytag citing political opposition. In both cases, national security was a nonissue. Nor was it based on the nationality of the investor; indeed, also in 2005, Lenovo, another Chinese firm, acquired IBM's personal computer division. The level of unionization was a key difference: unlike AB workers, Maytag workers were highly unionized and the union was vocal in its opposition to the takeover. These examples illustrate the importance of the confluence of interests and influence, leading industries with higher levels of unionization to be more protected from inward FDI.

As an initial test of this theory, I look at industry level restrictions on inward FDI in the United States. The United States is an ideal case for substantive and practical reasons. The United States is one of the largest recipients annually of FDI inflows, and foreign firms play an important role in the U.S. economy. By 2008, U.S. affiliates of foreign firms employed nearly 5.6 million workers in the United States, representing 4.7 % of total private sector employment, with much higher percentages in the area of manufacturing (Citation Anderson 2010:47). American FDI policies may also plausibly influence those in other countries. Moreover, unions in the United States are often viewed as weak, particularly in comparison with their Western European counterparts, making this a difficult test of the theory. Although aggregate formal barriers to FDI have remained largely constant over time, they vary substantially at the industry level. As I discuss below, the main political variables of interest are available at the industry level only in the United States, though the theory applies more broadly. The main analysis looks at formal restrictions between 1980 and 2000, and in an extension, I examine informal restrictions on manufacturing industries between 1998 and 2005. I find that distributional consequences alone cannot explain variation in restrictions, but that sectors with higher levels of unionization have more barriers to inward FDI as hypothesized.

The paper proceeds as follows. The first section reviews existing studies of the politics of FDI restrictions. The second section discusses the impact of inward FDI on factor, specifically labor, markets. The third section discusses the preferences of unions and their ability to influence policy. The fourth section discusses the measurement of the dependent and independent variables. The main results, robustness checks and extension to informal barriers, are presented in the fifth, sixth, and seventh sections respectively. The eighth section concludes the paper.

### L---AT: Aff Small---Yes Spillover

#### CBRs generate political and statutory momentum for future protection, creating a doom loop for FDI

Messerschmidt et al. 23 [Luca Messerschmidt, Economic Researcher at the Technical University of Munich; and Nicole Janz, independent researcher, “Unravelling the ‘Race to the Bottom’ Argument: Foreign Direct Investment and Different Types of Labour Rights,” World Development, vol. 161]

In contrast, governments might be less inclined to protect other labour rights. Due to a lack of data, we know little about FDI and working conditions such as working time, overtime pay, annual leave, fair contracts or dismissal protections. Economists have described such standards as ‘cash’ standards to highlight that they “directly affect labour costs” (Elliott & Freeman, 2003, 13) and thus, also potentially affect a country’s competitiveness for trade and FDI. When governments legally protect these rights, they might impose immediate and direct costs for foreign investors, who now face a less flexible business environment. It is not up to employees themselves to bargain or strike for these rights, although they can if implementation is lax, but the government sets clear regulation that affects all businesses. The labour rights literature has therefore labelled working conditions as ‘outcome’ rights because they dictate how much employers must invest into their workers to create certain outcomes (even if employees themselves are unable or unwilling to fight for these rights).

Let’s consider one type of outcome labour rights: adequate working time. Governments can set limit for workers’ daily and weekly working hours, require that businesses allow adequate breaks or pay annual holiday. Governments can also forbid excessive overtime hours to protect workers’ safety and health, and mandate adequate overtime premia (Davies & Voy, 2009, 97). Such working time regulations directly limit businesses’ flexibility and raise labour cost. Another example is the protection against unfair dismissal. Governments can regulate the length of the notice period, redundancy compensation, and impose other constraints on dismissal, which incurs costs for foreign investors as they cannot adjust their workforce quickly and flexibly. A third outcome right is the regulation of contracts. This sounds like a technicality, but regulating workers’ contracts and the rights of full and part-time employees as well as occasional temporary workers has direct effects on labour cost for firms. ‘Typical’ working contracts are defined as full-time contracts, where workers are employed with a single employer and enjoy full employee rights such as maternity leave or sick pay in a country (which cost money). A well-known loophole to evade labour law has been the use of ‘atypical’ workers. It is an increasingly widespread practice of governments to allow flexible, zero–hour or temporary contracts which limit the benefits and rights of workers, such as sick pay or maternity leave. Governments that want to keep labour cost low can allow firms to maintain a large and flexible portion of their workforce on never-ending, cheap atypical contracts, which has been criticised by labour activists in the past (Davies & Voy, 2009, 83). It is not surprising that developing and especially least developed countries (LDCs) which heavily depend on foreign capital hesitate to improve regulation for outcome labour rights (Elliott & Freeman, 2003, 9).

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There is little cross-country evidence about FDI’s effects on these labour rights due to a lack of comparable data. However, there is ample anecdotal evidence that governments, if they were to decrease regulation on labour rights, they are likely to hit more expensive outcome rights first. For example, Murillo (2005) points out that the deregulatory reforms in Latin American countries in the 1980s and 1990s mostly affected the laws that protected working conditions, while deregulation of collective labour rights was far less common. Murillo found this to be “consistent with economic pressures because the former has a more direct impact on labour costs than the latter” Murillo (2005) p. 12. Out of this general trend, three countries showed remarkable changes in their labour standards: Colombia and Guatemala (in the early 1990s), and Panama (in the late 1990s), introduced better collective labour rights protection while, during the exact same period, deregulating the protection of workers’ conditions. Murillo (2005) concluded that, when faced with economic pressures, working conditions in Latin America seemed to be the first to suffer from the ’race to the bottom’ because they were more costly for businesses. We therefore propose that the ‘race to the bottom’ theory applies in particular to outcome labour rights such as the regulation of working conditions, rather than to collective rights. Hypothesis 2: FDI is connected to worse protection of outcome labour standards such as working hours, dismissal rights, and fair contracts. It should be noted that in our theory emphasize de jure labour standards, i.e. laws and regulations, rather than rights protection in practice, as we investigate the regulatory race to the bottom argument. Labour regulations are a crucial component in businesses’ decisions about investment locations as they indicate the legal context and business environment in which firms operate (Berliner et al., 2015). 3. Data and methods 3.1. Dependent variable We measure the legal protection of a range of labour rights categories, distinguishing between collective labour standards (worker representation and industrial action rights) versus outcome standards (working hours, dismissal rights, and fair contracts). Our analysis includes annual observations from up to 75 developing countries between 1982 and 2010. To construct our dependent variable, we use the Labour Regulation Index (LRI) database from the Centre for Business Research at Cambridge University (Adams et al., 2017).3 The database provides detailed information on the legal protection of labour standards around the world. It originally consists of 40 separate indicators, each reflecting an aspect of labour law per country and year.4 The database is increasingly used in legal studies and economics, e.g. to assess the impact of employment protection legislation on economic outcomes (Adams et al., 2019, Ferreiro and Gomez, 2019, Blanton and Peksen, 2019). We use the 40 indicators to create a labour standards measure on three levels of aggregation (see Table 1). First, we grouped the 40 raw items into five separate categories to create the following variables: (1) fair working contracts, (2) adequate working time, (3) dismissal protections, (4) collective worker representation, or (5) industrial action rights (see Level 3 in Table 1). Each of these categories was built from between seven and nine original items that relate to particular aspects of labour rights. Following the recommendation from the Centre for Business Research, we took the average rather than creating an additive measure, because some of the variables contain more items than others. A full list of the 40 items, and how we grouped them into our variables, can be found in the Appendix (Table A.2). Second, since we are particularly interested in collective versus outcome rights, we use these five variables to build two overarching variables –collective rights versus outcome rights – which allow us to examine if there is an overall difference between these different types of rights as proposed in Hypothesis 1and 2. The collective rights variable is the average of collective worker representation and industrial action rights. The outcome rights variable is the average of fair working contracts, adequate working time, and dismissal protections (see Level 2 in Table 1). Third, we combine all categories into one overall labour standards index, again by taking the average, which allows us to assess overall effects and compare these with other studies on labour rights (see Level 1 in Table 1). We will enter our labour rights measure as dependent variables into our models at the three levels of aggregation separately. Since the five categories have not been examined separately in the FDI and labour rights literature, we describe here what each of them captures and which weights we applied (see also Table A.2 in the Appendix). Each of our labour standards variables is, as are the original indicators, scored between 0 and 1, whereby 1 denotes full protection; 0 no protection; and intermediate values in between 0 and 1 reflect differences in the strength of the respective laws per country-year. The variable working contracts captures if part-time, flexible and agency workers have the right to equal treatment similar to ‘typical’ workers with a permanent contract. The variable also includes the extent to which governments limit the use of fixed-term contracts in the first place, e.g. if fixed-term contracts are only allowed for work that is actually temporary by nature (e.g. maternity replacement), and if there is a maximum duration of fixed-term contracts before the employment is deemed to be permanent. The category working time measures different dimensions that regulate working time, such as the strength of the legal protection of annual leave and public holiday entitlements; the duration of the normal working week and day; limits to overtime and weekend working hours; and the payment of overtime premia.5 Fair dismissal includes the length and regulation of notice periods given to workers; redundancy compensation; and if there are any constraints on dismissal that hold employers to account if the dismissal was unjust. It also captures if there are rules for redundancy selection (e.g. if the employer must follow priority rules based on number of dependants of an employee). Collective worker representation includes the legal right to unionisation, the right to collective bargaining, and if employers have the legal duty to bargain with workers. It also captures if the law extends collective agreements to third parties, e.g. non-union members and if the law permits closed shops, gives unions or workers the right to nominate board-level directors in companies, and if works councils or enterprise committees have legal powers of co-decision making. Following a similar procedure conducted by Mosley & Uno (2007), we have weighted two of the seven raw indicators within this variable - the right to unionisation and the right to collective bargaining - with a factor of 2.5 to account for the relative importance governments granting these particular rights in the first place. 6 Industrial action rights contain the right to industrial action in general, and more specifically what types of strikes are allowed. For example, if the government grants the right to unofficial industrial action (e.g. ’wildcat’ strikes) or if it allows strikes over political issues. The variable also captures legal restrictions on running strikes, such as a notification period or compulsory arbitration before strikes can start, if lockouts are forbidden, or if employers are permitted to hire replacement workers during strikes. The variable consists of nine averaged indicators, out of which we weighted the general right to industrial action with a factor of 2.5 to account for its importance. As mentioned above, each of our labour standards variables is, as are the original indicators, scored between 0 and 1, whereby 1 denotes full protection; 0 no protection; and intermediate values in between 0 and 1 reflect differences in the strength of the respective laws per country-year. For comparability, we normalised the weighted variables between the 0 to 1 range. More details of our index construction are in the Appendix, Table A.2. Our labour standards variables are an important improvement over existing measures because they allows us to distinguish between different types of rights. Our measure is distinct from the existing index of collective worker rights by Mosley & Uno (2007) and the worker rights variable by Cingranelli and Richards (2010), which contains a range of labour rights only in one aggregated index.7 Instead, we measure each labour standard separately, which allows a comparison of FDI’s effects on different rights, in particular, the commonly neglected outcome rights. As mentioned before in the theory section, we focus on de jure rights. As well as being a good fit for our theory, measuring regulations has also the advantage that such data tends to be more reliable than hand-coding of de facto rights violations from NGO or government reports, which might carry bias (Berliner et al., 2015) or suffer from under-reporting (Mosley, 2010, 100). Fig. 1 provides an overview over our measure by region, labour right, and across time for 75 developing countries. On the whole, labour rights are best protected in Europe, Central Asia and Latin America. The Sub-Saharan African and East Asian Pacific regions improved the legal protection of labour rights in the mid-1990s but still lag behind. We also see that the protection of outcome standards (middle left) as well as collective standards (middle right) has improved over time in many regions, although there are still differences, and our analysis will examine which role FDI plays in this. Finally, the protection of our five categories of labour standards, averaged over all developing nations, has improved over time, but at different levels. For example, we see that collective worker representation in the form of unions is relatively well protected, but industrial action rights, which aim to utilize collective bargaining powers, lag behind. Work time and dismissal rights are better protected by the law if we take the average over all developing nations; it will be interesting to assess how FDI and GDP growth, which vary considerably across countries, influence these trends. Further, our correlation matrix (Table A.3 in the Appendix) shows that the respective types of labour standards are mostly positively correlated with each other. Moreover, a scatterplot of collective and outcome rights against each other, averaged by year, shows a positive relationship between both sub-measurements (see Fig. 3 in the Appendix). Fig. 1. Labour standards protection in developing countries over time (1980–2010). Labour right development over time. Top: Average over all labour standards by region. Middle: Average protection of outcome standards such as fair contracts, dismissal and work time (left) versus collective worker rights (right) per region. Bottom: Five categories of labour standards separately, average over all developing nations. Regions as defined by the World Bank: East-Asian Pacific (EAP), Europe & Central Asia (ECA), Latin America (LAC), Middle East & North Africa (MNA), South Asia (SAS), Sub-Saharan Africa (SSA). Higher values indicate better protection. 3.2. Independent variables The key independent variables of interest are logged FDI stock and FDI flow, which we take from the United Nations Conference on Trade and Development (UNCTAD, 2019). FDI stock reflects the lasting impact of investment accumulated in a country over time, indicating the leverage of foreign investors over governments in shaping public policy (Neumayer & de Soysa, 2006). FDI flow captures new investment and tells us more about annual, immediate influences on labor rights policy, so that we expect the impact of FDI flow to be more pronounced (Mosley & Uno, 2007). The previous literature has used both measures in the past (Blanton & Blanton, 2012, Blanton & Peksen, 2016, Greenhill et al., 2009, Mosley and Uno, 2007, Neumayer and de Soysa, 2006, Peksen and Blanton, 2017, Wang, 2018), and we therefore employ both versions here. We also run robustness tests with logged FDI per capita as well as logged FDI per GDP in order to make sure results do not differ based on the transformation of our dependent variable.8 Following previous studies (see e.g., Blanton & Blanton, 2012, Mosley and Uno, 2007, Neumayer & de Soysa, 2005, Neumayer and de Soysa, 2006), we employ control variables for trade, democracy, GDP growth, conflict, population size and region dummies. Trade is measured by the sum of a country’s total trade (import and export) relative to GDP. Together with FDI, trade is often used as a proxy for economic globalization. It captures the effects on labour rights protection via a reduction of tariffs and non-tariff trade barriers. The trade variable is taken from the World Bank Indicators database and logged (The World Bank, 2019). Trade has shown to produce mixed results in previous studies on collective labour rights protection (Kim and Trumbore, 2010, Mosley and Uno, 2007, Peksen and Blanton, 2017). The democracy variable indicates whether a country has established democratic institutions, rule of law and a good governance structure. It has been shown that democratic countries protect rights better (Lim et al., 2015, Mosley and Uno, 2007, Neumayer and de Soysa, 2006, Vadlamannati, 2015). The variable captures larger differences in political regimes and reflects the general ability of workers to demand protection (Mosley & Uno, 2007). The democracy variable is taken from the Polity IV measure of democracy and ranges from −10 (most autocratic regime) to 10 (most democratic) (Marshall et al., 2002). Economic growth is measured by the annual growth of GDP per capita (logged). It is often argued that level of labour standards and human rights protection improve with higher economic growth of a country because rich countries can afford to grant such rights (Elliott and Freeman, 2003, Lim et al., 2015); also, in wealthier countries workers might have greater opportunities for political participation (Mosley & Uno, 2007). We measure the annual change of GDP per capita taken from the World Bank Indicators database (The World Bank, 2019). The conflict variable measures whether a country was involved in a domestic or international conflict during a given year (1 = occurrence of domestic or international conflict, 0 = no conflict). The variable is taken from the UCDP/PRIO Armed Conflict Dataset (2014). Although the protection of worker rights has been shown to decline during conflict periods (Mosley & Uno, 2007), we would expect a smaller effect or no effect when it comes to our de jure measurement, as it is unlikely that government policies towards legal protection of workers suddenly change during conflict time. Population contains the number of people living in a country. Countries with a larger population have been shown to exhibit a decline in rights protection (Blanton & Peksen, 2016, Greenhill et al., 2009, Kim and Trumbore, 2010, Mosley and Uno, 2007, Poe et al., 1999). The population variable is taken from the World Bank Indicators database and logged (The World Bank, 2019). Following Biglaiser and Lee, 2019, Neumayer and de Soysa, 2006, and Mosley & Uno (2007), we include region dummies to control for regional characteristics in labour rights standards. Labor rights have historically been worse in some regions such as in Sub-Saharan Africa, Latin America Caribbean, and the Middle East and North Africa (Biglaiser & Lee, 2019), and there might be peer effects where labour standards diffuse within neighboring countries (Davies & Vadlamannati, 2013). We include dummies for East Asia, Europa and Central Asia, Latin America and Caribbean, Middle East and North Africa, South Asia, and Sub-Saharan Africa. Table A.4 in the Appendix provides a descriptive summary of the dependent and independent variables. An overview over all variables and their sources is in Table A.1 in the Appendix. 3.3. Models To examine the hypotheses, we apply a panel data including 75 countries (see a list of all countries in the Appendix, Table A18) from 1982 to 2010. We estimate: (1) ∊ Wherein, are our outcome variable of different labour rights indices, is our key explanatory variable FDI (stock or flow), are control variables as listed above, is time dummies, regional dummy and ∊ the panel-corrected error term. The main models are estimated using a time fixed effects panel regression with regional dummies and panel-corrected standard errors clustered by country (Beck & Katz, 1995).9 Following convention, we include a one-year lag between the dependent variables and the predictors to allow the effects of FDI stock and FDI flow to spread, and we extend the lag in our robustness section. Three main sets of models are estimated: the first set of models includes our overall labour rights measure as a dependent variable; second, we distinguish between outcome versus collective worker rights; third, we disaggregate our labour rights measure into the five categories. For all these models we employ FDI stock versus FDI flow respectively to capture potential differences between long-term accumulated investment (stock) versus recent annual investment in a country (flow). 4. Results For FDI stock we find a positive and significant relationship between FDI and overall labour standards, while FDI flow remains insignificant (see Table 2, columns 1 and 4). This corresponds to much of the existing literature, the majority of which supports the ‘climb to the top’ theory (e.g., Lim et al., 2015, Mosley and Uno, 2007). Since our overall measure includes a range of outcome and collective labour rights, it might well be that the positive coefficient is driven by the collective labour rights component in the overall index. Therefore, we next distinguish between outcome versus collective rights as our outcome variables. Table 2. FDI stock and flow, overall labour standards and ‘outcome’ versus ‘collective’ rights (1982–2010) for developing nations, time fixed effects panel regression with regional dummies and panel-corrected standard errors.

<<PARAGRAPH BREAKS RESUME>>

We now disaggregate our labour rights measures further into the five categories: representation, industrial action, contracts, work time and dismissal protection. The results are generally consistent with our hypotheses (see Table 3, Table 4). The coefficients for FDI stock and FDI flow and two types of collective standards, i.e. representation and industrial action, are generally positive and significant (Table 3 column 1, Table 4, columns 1–2), with the exception that FDI stock is not significantly related to industrial action rights (column 2 in Table 3). This is in line with our hypothesis 1 and the literature on collective labour rights. Turning to the three outcome rights, higher FDI stock is significantly connected to lower protections of working time (Table 3 column 4), while the coefficient remains insignificant for contract rights and dismissal protections (Table 3 columns 3 and 5). The results for FDI flow are more pronounced than for stock, as it is negatively and significantly connected to all three outcome rights: contract regulation, working time, and dismissal (Table 4 columns 3–5), clearly indicating that annual investment flows are related to lower de jure rights protection as we expected in hypothesis 2. The coefficients are further visualised with 90 and 95 percent confidence intervals in Fig. 2.

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The majority of the control variables show the expected results. Growth as well as democracy are connected to better labour standards. Trade is negatively connected to labour standards in our models as expected by Mosley & Uno (2007). Population size shows volatile coefficients across our models. Conflict surprisingly has a positive coefficient, even though much of the human rights literature finds that conflict is related to a decline in human rights. It could well be that conflict-ridden countries still maintain their levels of labour rights protection de jure, while the situation looks different for de facto protection (which we do not measure). 4.1. Robustness We conducted a range of robustness checks to (1) include two-sided fixed effects, (2) alter the operationalization of FDI, (3) include different time lags, (4) address variation in our labour rights variable, (5) use an unweighted version of our labour standards measure, (6) address the potential interrelationship between collective rights and outcome standards, (7) employ a fractional logit regression, (8) replace FDI flow with a dummy indicating if FDI entered a country or not, (9) use non-OECD countries instead of developing nations. The results remain largely the same. First,we included both time and country dummies (two-way fixed effects), which does not substantially change our results (see Table A.5, Table A.6). The inclusion of fixed effects has been seen critical because many independent variables remain relatively similar over time so that “the inclusion of fixed effects would greatly dilute the implied importance of these variables” (Mosley & Uno, 2007, 936). We therefore decided to follow the convention in the literature and present region dummies instead of country fixed effects in our main models (see Biglaiser and Lee, 2019, Mosley and Uno, 2007, Neumayer and de Soysa, 2006). Nonetheless, the robustness against the application of two way fixed effects models is especially promising and speak for our findings (see Appendix Table A.5). Second, we changed the operationalization of FDI stock and flow. Instead of taking the logarithm of FDI stock and flow, we ran the main models with the logarithm of FDI per capita as well FDI per GDP, which does generally not affect the results in the year fixed effects as well as the two-sided fixed effects models (see Appendix Table A.7, Table A.8, Table A.9, Table A.10). Third, we extended the one-year lag of the main model and applied two and three year-lags. Although a one-year lag between independent and dependent variable seems reasonable for governments to react on changes in FDI (see Kim & Trumbore, 2010), the effects might differ when more time has passed. We find that most results and the model fit remain stable across one-, two-, and three-year lags (see Appendix Table A.11, Table A.12). Fourth, following Neumayer & de Soysa (2006), we transformed our dependent and independent variables into three-year averages because de jure labour rights display limited annual variation. The results show no substantial changes to the main findings (see Appendix Table A.13, Table A.14). Fifth, we removed the weights included in the construction of our labour rights index, finding generally similar effects (see Appendix Table A.15).

<<PARAGRAPH BREAKS RESUME>>

Sixth, it has been argued that the protection of collective standards might influences future regulation of outcome standards, and vice versa (Berliner et al., 2015). This interrelationship argument has not been tested in the literature due to a lack of systematic data. While this is not our focus, we have addressed this in a preliminary analysis. For the models using outcome standards as dependent variable we now included collective rights as control; and for models with collective standards we included outcome rights. The results for FDI flow and FDI stock remain generally similar. We also find that both types of rights seem to positively reinforce each other, displaying positive and significant associations (see Appendix A.16).

#### They made the spillover argument for us---1AC Trivedi says it “impedes effective collective bargaining for the entire facility” AND “one violation can thwart an entire union movement” We’ll add some highlighting too.

<<FOR REFERENCE>>

Rita Trivedi 18 – attorney at the NLRB, LLM from Columbia Law School, JD from Duke University School of Law. “Restoring a Willingness to Act: Identifying and Remedying the Harm to Authorized Employees Ignored under Hoffman Plastics,” Winter 2018, University of Michigan Journal of Law Reform 51(2), pp. 357-408.

Kati Griffith makes similar observations regarding the divisions between authorized and unauthorized employees created under Hoffman. Under current law, even if an employee is unauthorized to work, he may still share a community of interest in the workplace with authorized employees sufficient to be included in the same union. 129 But if, as Hoffman requires, unauthorized workers have different remedial rights under the NLRA, divisions are likely to form that can ultimately harm the ability of authorized workers to act regarding their conditions of employment. In contrast, focusing on the collective nature of the statute can foster a sense of common cause, becoming a "legitimacy-builder that unifies documented and undocumented workers around their mutual interests as workers."130 Griffith focuses on the possibilities of unity in support of broad advocacy,13' but the point is equally applicable on the micro level of the workplace. Without attention to the effects of focusing on the unauthorized worker's possible IRCA violation and the relative minimization of the employer's NLRA violations, the shared identity and willingness to join together for the collective bargaining so central to the labor statute is at risk for authorized workers.1 32

I join Dannin and Griffith in affirming the focus on the collective. The NLRA was enacted to protect workers as a group, not as isolated individuals.133 A collective focus creates a stable long term relationship between workers and management developed through bargaining that goes beyond a one-on-one affinity/dislike.13 4 Existing law already recognizes that authorized and unauthorized workers can share a community of interest sufficient to place them in the same bargaining unit under the NLRA; erosion of the group based on Hoffman outcomes threatens that community and effectiveness of concerted action.135 But the current remedial structure not only creates a subclass of employees that lack a stake in the goals of their authorized co-workers, but also erodes the willingness and ability of authorized employees to exercise their rights and impedes effective collective bargaining for the entire facility.136

Recognizing the importance of a shared employee identity to the operation of the NLRA, some unions have begun organizing attempts involving unauthorized workers. 37 This Article takes no position on whether such attempts to secure additional rights or remedies for this group are desirable, either as a social or political matter. Yet should a union begin an organizing campaign and meet with a positive employee reaction, it may press further-and learn that some employees are unauthorized to work. It is conceivable that, at least in some cases, the union will then back away from organizing to avoid unwanted publicity. Outside organizers can quickly realize that the employer may be immunized against consequences for unfair labor practices against those unauthorized employees and that union pressure might result in heightened scrutiny for the authorized employees with whom they work. The possibility for unionization is further weakened when one realizes that unauthorized employees without protection from unlawful discharge on the basis of their union activity are less likely to vote for union representation because they do not have a comparable stake in the collective goals of their authorized co-workers or share their confidence in the union's ability to support their goals. As a result, the opportunity for authorized employees to exercise their right under the NLRA to choose union representation is undermined.

Should a facility with both unauthorized and authorized workers manage to organize a union, 38 an unscrupulous employer may be motivated to use the strained relationship between the NLRA and the IRCA to oust the chosen representatives of its lawful, authorized employees. Under the NLRA, if an employer commits an egregious violation and refuses to bargain with a union, it may face an unfair labor practice charge ultimately resulting in an order to bargaineven if there are unauthorized employees in the unit.' 39 But in this context, it is highly probable that the status of its unauthorized employees will already have been exposed, and those employees may now face immigration violations or deportation.1401 Without the full unit, the employer might try to claim that the union lacks majority support from the remaining authorized employees. Whether or not this argument is successful, 4 1 it is unlikely that those authorized employees will try to exercise their rights again, knowing that they risk another backlash from their employer.

B. Terms and Conditions of Employment

Wages and other terms and conditions of employment for authorized employees are also at risk when employers face fewer consequences for violations of the NLRA. When "unscrupulous employers can exploit some low-wage workers with impunity, all lowwage workers suffer compromised employment protections and economic security." 42 The NLRA's collective nature contemplates that workers gain in strength when they join in mutual aid withrespect to the terms and conditions of their employment. But when authorized employees are constrained in their ability to effectively act because violations against part of the workforce carry a different risk than against another, they are unable to work together towards change in their mutual terms and conditions of employment.

This inability may result in wages and working conditions below the industry standard. When an employer is incentivized to hire unauthorized workers (in violation of the IRCA) and can create a sufficient business rationalization for committing unfair labor practices against them (in violation of the NLRA), lawful employees face a race-to-the-bottom to remain competitive.143 The Board itself has recognized this danger, as expressed in then-Chairman Liebman and Member Pearce's concurrence in Mezonos Maven Bakery:

[Although] Congress sought through IRCA to protect the interests of U.S. citizens and authorized-alien workers . . undocumented immigrants, fearing detection and deportation, will work long hours, accept low wages, and tolerate substandard conditions. Thus, they possess a competitive edge in the labor market[,] particularly in the market for unskilled labor [,] over U.S. citizens and other authorized workers unwilling to submit to such exploitation. Also, undocumented immigrants' availability in a labor market tends to depress wages and working conditions for others in the same market. By deterring employers from hiring undocumented immigrants, IRCA seeks to counteract these forces. To the extent that precluding backpay awards encourages employers to hire undocumented immigrants, it is at cross-purposes with IRCA and injures the welfare of citizen and authorized-alien workers.1 44

Yet, as will be discussed below, there is an even greater danger to the working conditions of authorized workers: the impact on their willingness to freely exercise their rights under the NLRA as a result of the current inadequacy of remedies. This chill makes employees reluctant to freely share views on wages, hours, and other terms and conditions of employment. It also keeps them from acquiring the information they need to join together for mutual aid and protection regarding those terms, which depresses working conditions and suppresses rights of even authorized employees.

C. Decreased Mental Confidence Due to Inadequately Remedied Violations

The same reverse incentive structure that fails to effectively deter employers from violating the NLRA also diminishes the fundamental rights of authorized employees when they self-censor.1 45 Authorized workers may limit communications in front of unauthorized coworkers, thereby also limiting opportunities to talk to each other.'4 6 They may under-report other violations, lose some of their collective power, or even choose not to report at all, deeming it a futile exercise without more support.1 47 When, as with the NLRA, a law depends so heavily on employees acting as "private attorneys general who will pull the workplace law fire alarm when necessary," this kind of intimidation undermines the entire system of operations.1 48

The Office of the General Counsel has recognized that "no worker in his right mind would participate in a union campaign in [a] plant after having observed that other workers had previously attempted to exercise rights protected by the Act have been discharged and must wait for three years to have their rights vindicated."1 4 9 This observation is equally applicable to other forms of collective action when, under Hoffman, the employer escapes two of the most common remedies (backpay and reinstatement) for violations of the NLRA if the targeted employee is unauthorized. Just one violation can thwart an entire union movement when workers are vulnerable and create a "legacy of coercion" for the remaining authorized workers.15 0 Authorized employees will not always know whether a coworker is unauthorized or not. Once they become aware of the termination of the unauthorized employee, they may think twice before engaging in protected activity with their co-workers out of fear the employer will then target them. 151 Because of the paucity of demonstrable remedies for their colleagues, they may conclude that they too are unprotected.' 5 2 As the employer's unlawful actions become part of the lore of the shop, employees' mental confidence in the legal system as well as in the meaning of their rights under the Act is shaken; traditional remedies under the NLRA often do little to address this erosion of the so-called status quo. "Indeed, rather than removing harm to employee collective action and union support caused by employer illegal action, coworkers may become afraid of the consequences of asserting their legal rights to organize, support one another, or bargain collectively."15 3

#### Union demands spillover to non-union workplaces – threat effects and modeling

Navarro & Rosenfeld 17 [Claire Navarro, editor and producer of Hold That Thought by WashU, interview with Jake Rosenfeld, associate professor of sociology at Washington University, Ph.D. from Princeton University, 3-8-2017 https://artsci.washu.edu/ampersand/right-work-unions-income-inequality]

CN: You probably think of unions as organizations that fight for better pay, benefits, and working conditions for union members. That’s true, Rosenfeld says, but historically, organized labor has actually done much more than that. In his book What Unions No Longer Do, he lays out how, in past decades, strong unions created better conditions for all workers, not just for members. There are few main ways that these spillover effects came about.

JR: One is just simply going through the standard union role of servicing their members. That oftentimes would influence nonunion workplaces to raise their wages and to improve their benefit packages because they were worried about a union coming in through their doors. So they're watching what the neighboring firm's doing. If it happens to be organized, they say 'OK, well we don't want a union here. So we better match what they're doing.' These are what are referred to as threat effects in the literature.

CN: In other cases, non-union workplaces matched union wages not out of fear, but because higher wages became the norm. This would happen when industry leaders used organized labor.

JR: We know from surveys of employers, when you ask them, 'Well, how do you set wages and benefit packages at your workplace?' they say, 'We oftentimes look to what the leaders are doing.' So if that leader happens to be organized, you're going to match their pay and benefits scales, even if you have no labor union at your own place of business.

### IL---FDI Losses Spillover

#### Even losing a few FDI projects can stifle overall FDI

Devesa et al. 25 [Tiago Devesa, Senior Fellow at the McKinsey Global Institute; Jeongmin Seong, partner at the McKinsey Global Institute (MGI), McKinsey & Company’s business and economics research arm; Olivia White, senior partner at McKinsey & Company and a director of the McKinsey Global Institute; Nick Leung, director of the McKinsey Global Institute (MGI). He was McKinsey’s Greater China Chairman from 2010 to 2022; Michael Birshan, senior partner in London and also serves as the managing partner of McKinsey UK, Ireland, and Israel. He was elected by his fellow partners to serve on McKinsey’s Shareholders Council, which functions as the firm’s global board of directors; Jan Mischke, partner at the McKinsey Global Institute; Camillo Lamanna, Fellow at McKinsey Global Institute; and Masud Ally, knowledge expert based in the London office, “The FDI shake-up: How foreign direct investment today may shape industry and trade tomorrow,” 9-22-2025, <https://www.mckinsey.com/mgi/our-research/the-fdi-shake-up-how-foreign-direct-investment-today-may-shape-industry-and-trade-tomorrow>]

The transformative potential of FDI can hinge on a few key investors

Many emerging economies rely on just a small number of MNCs for their inward investment. Specifically, in about 100 predominantly small economies, three or fewer investors accounted for more than half of announced FDI inflows since 2022. In about 65 economies, they accounted for more than 80 percent (Exhibit 19).

In other words, while just a few large greenfield FDI announcements may transform an economy when things are going well, growth could just as easily be hindered if the project runs into problems or if the MNC isn’t fully committed to it.

Nor is this dynamic limited to small economies. Even in many large and midsize economies, three MNCs accounted for between 20 and 50 percent of the total annual value across FDI announcements since 2022. In the United States, for instance, TSMC and Samsung accounted for about 20 percent and 4 percent, respectively, of total announced investment. Similarly, France’s two largest foreign investors, both focused on data centers, represented roughly 40 percent of the country’s total announced greenfield FDI.

### !---Africa War---1NC

#### FDI deters escalation of resource conflicts over oil and minerals

Shim 24 [Gyu Sang Shim, Instructional Assistant Professor at the Bush School DC, Research Fellow with the Mosbacher Institute at Texas A&M University, “The Restraining Effects of Foreign Direct Investment on Armed Conflict,” Policy Briefs from the Mosbacher Institute for Trade, Economics, and Public Policy, Vol. 15, Issue 6, September 2024, https://bush.tamu.edu/wp-content/uploads/2024/09/V15-6-Restraining-Effects-of-FDI-on-Armed-Conflight.pdf]

Despite the well-documented connection between resource wealth and conflict, levels of violence in mining regions can vary significantly. For example, although diamond and copper mines in the southern regions of the Democratic Republic of Congo (DRC) were the location of intense conflict during the civil wars, recent violence has shifted to the eastern parts of the country. Similarly, in Ukraine's Donbas, separatists targeted Ukrainian-owned mines but spared the vicinity of a German company's facility. My recent research suggests that the threat of military intervention from the home governments of foreign miners can restrain attacks on the vicinity of foreign-owned facilities, especially when the home country has strong military capabilities and a reputation for intervention.

The presence of extractive resources within a nation can be a double-edged sword. While offering substantial economic potential, it often comes with an increased risk of civil conflict. Research shows that resource wealth, especially lootable resources like minerals, can entice rebel groups to engage in violence to gain control and exploit these resources.1 Insurgents frequently target oil-drilling operations and mining sites to fund their activities. Despite this, the security situation in mining regions varies widely. Some become intense conflict zones, while others remain relatively stable. This disparity can be influenced by the involvement of foreign investment.

WHAT’S THE TAKEAWAY?

Foreign-owned mines can receive additional military and diplomatic protection from their home countries, unlike domestic operations.

The effectiveness of foreign miners in restraining conflict depends on the credibility of military threat from their home countries.

Host countries can boost stability and security by attracting FDI from nations with strong military capabilities and global reputations

The main difference between extractive foreign direct investment (FDI) and domestic mining operations is the home country of the operating entity, although there can also be differences in capital investment and productivity. Domestic mining operations do not benefit from the "protection of nationals abroad" or "diplomatic protection" provided by foreign governments. In contrast, attacks on foreign-operated mines can lead to military interventions by the home countries of these foreign entities. For instance, when Occidental Petroleum's Can o Limo n Coven as oil pipeline in Colombia was repeatedly attacked by revolutionary forces starting in the 1990s, the US responded with substantial military aid, significantly reducing the attacks. Similarly, France sent special forces in 2013 to protect Areva's uranium mines in Niger from rebel group threats, and Angola intervened in Guinea-Bissau in 2012 to protect its investments in bauxite and oil production. Russia has also used private military companies like the Wagner Group to safeguard its gold mines in Su dan.

Additionally, foreign miners' home countries with significant political and economic leverage can influence host governments and collaborators of armed groups to ensure the safety of their nationals' mining operations.2 When multinational mining corporations face security threats due to conflict and instability, their home countries can use a multifaceted strategy such as threatening sanctions and economic repercussions against the host government to emphasize the urgency of the situation. Simultaneously, they might negotiate for additional foreign aid or security support, using their economic influence to persuade the host government to enhance security measures. By leveraging their geoeconomic power in this way, foreign governments can effectively push host nations to improve security, thereby reducing the risk of insurgent attacks and contributing to greater overall stability around foreign-owned mining facilities.

ARMED CONFLICT IN THE DRC

The Congo civil war's origins trace back to the 1960s, driven by disputes over mining interests from the colonial era. Belgian firms, having con trolled mineral-rich Katanga and South Kasai during colonial rule, supported secessionist movements to protect their interests after Congo's 1960 independence, leading to clashes with Congolese forces. UN intervention shifted control from Belgian to American investors through US aid to Mobutu's regime. American firms took over cop per and diamond mines in these regions, but a col lapse in copper prices and oil crises in the mid 1970s led to their withdrawal and renewed conflict. This instability prompted Belgian and French military interventions, and post-Cold War shifts in US policy contributed to Mobutu’s decline and the onset of the First Congo War in 1996.

The maps in Figure 1 illustrate the geographical distribution of armed conflicts and mining operations in the DRC. Mining activities in Congo commenced only after the end of the Second Congo War in 2003. The left map depicts conflict locations before this period, highlighting extensive violence in regions that would later host foreign owned mines. This historical context reveals a persistent link between violence and valuable mineral resources. In contrast, the map on the right, covering the period after 2003, shows a significant re duction in conflicts near foreign-owned mines. Despite the DRC's ongoing conflict and rich mineral resources, areas like Katanga and South Kasai, once major conflict zones, now exhibit relative stability. New conflict concerns, however, have emerged in regions such as Ituri, North Kivu, and South Kivu, indicating evolving patterns of violence.

THE CREDIBILITY OF THREAT MATTERS

The impact of foreign-owned mines on armed conflicts varies significantly depending on the credibility of the threat posed by the home countries of these foreign miners. The home country’s military capacity and reputation play a crucial role in this restraining effect. An analysis of georeferenced data from 1998 to 2010, covering 6,222 mining facilities across 148 countries3, reveals that foreign miners from a country that spends over $50 billion annually on military activities can prevent about two armed conflicts in regions of interest. This preventive effect, however, decreases by ap proximately 0.03 for every $1 billion reduction in military spending by the country. As Figure 2 shows, nations with significant military capabilities and a robust reputation for intervention, such as the United States, France, Italy, and Russia, create a strong deterrent effect.4 Their considerable military presence and history of intervention con tribute to a perception that aggression towards their interests will provoke substantial retaliation, thus reducing conflicts by at least two. In contrast, countries with a lower perceived military threat or less certain intervention policies, like Canada, China, Japan, Germany, and the United Kingdom, do not deter conflicts as effectively.

Some may wonder about alternative mechanisms that may prevent armed conflict in a region. One possible alternative explanation is that foreign miners may bribe armed groups. However, bribes do not guarantee the safety of business operations. In the case of Lafarge, a French cement company, many workers had been kidnapped by armed groups for ransom. When the Kurds kidnapped 9 employees in 2012, the firm had to pay €200,000 to release them, and the size of the payments subsequently increased. When Lafarge concluded that the demands of ISIS were no longer affordable, ISIS attacked the Lafarge cement factory and killed over 50 employees in September 2014. The other alternative explanation of the restraining effect of foreign miners is mercenaries hired by foreign mining corporations. These private security forces, however, often engage in human rights violations5 in regions where foreign mining facilities are located, which has been suggested as a cause of armed conflict near foreign-owned mines. According to the data analysis, firms that are more capable of bribing and hiring mercenaries do not necessarily experience more or less armed conflict in regions where their facilities are located.

The conflict in Donbas starting April 12, 2014, illustrates this dynamic. Ukrainian-owned mines in the region were heavily targeted by separatists, while Knauf Gypsum, the only foreign miner and a Ger man company in the region, was spared, likely due to Germany and NATO's strong military reputation. However, Knauf Gypsum closed its factory on February 24, 2022, following the Russian invasion of Ukraine. The German government, which had been willing to offer assistance to Knauf in 2014, was un able to provide the same level of support in 2022.

IMPLICATIONS

The impact of foreign-owned versus domestic owned mining operations on local conflicts is significantly shaped by the credibility of the threat posed by the home countries of foreign investors. My analysis underscores the pivotal role that threat perception plays in determining the efficacy of foreign miners in maintaining security in volatile regions. When military intervention by a foreign miner’s home country is deemed less likely, these foreign enterprises often face difficulties in stabilizing their operational environments and mitigating conflict. The credibility of such threats can be bolstered not only through substantial military capabilities but also through a robust reputation for global security engagement.

China’s recent military involvement in Africa, notably through the establishment of a military base in Djibouti in 2017, illustrates its strategic intent to safeguard its investments and business interests in the region. This move supports the security of pro jects associated with the Belt and Road Initiative, demonstrating a broader strategy to ensure the protection of Chinese investments through a credible and active security presence.

Additionally, host countries can also foster peace by attracting FDI from nations with substantial military capabilities and strong global reputations to strategically important locations. This strategy enhances the security of investment sites by leveraging the military and diplomatic influence of the investing countries, thereby contributing to broader regional stability.

#### Africa war escalates and draws in great powers.

Mohammed 25 [Samiya Mohammed, Advocacy & PR Officer at Horn Review, Researcher at the Ethiopian Institute for Foreign Affairs in Addis Ababa, “The Pyromaniac's Shadow: Eritrea's Pursuit of Regional Discord in the Horn of Africa”, https://x.com/HornReview/status/1899777464571728082]

The implications of such a development would be catastrophic. The Horn region, already grappling with internal divisions and economic challenges, cannot afford another descent into conflict. To Ethiopia’s west, Sudan is engulfed in a brutal civil war. To the east, Somalia struggles to rebuild after decades of collapse.

Across the Sahel, extremist groups are gaining ground. A resurgence of conflict in Tigray would create a belt of chaos stretching from the Sahel to the Horn of Africa, emboldening groups like al-Shabab and ISIL (ISIS) and disrupting global trade through the Red Sea.

The stakes could not be higher. The Horn of Africa is not just an African problem; it is a global challenge. The region’s instability has far-reaching consequences, from waves of refugees straining fragile systems in Europe to the spread of extremist ideologies into the Middle East. Global powers, from Washington to Beijing to Brussels, have a vested interest in ensuring the Horn does not descend into chaos.

Diplomatic pressure must be exerted to deter those, like Isaias, who seek to undermine peace. The Pretoria Peace Agreement must be defended, and regional cooperation incentivized through investments in trade, infrastructure, and governance. The international community must recognize that the Horn’s stability is a shared interest, one that requires sustained engagement and support.

The Horn of Africa stands at a crossroads. The choices made today will determine whether the region becomes a bridge of cooperation and prosperity or a cauldron of conflict and despair. The world cannot afford to stand idly by as Isaias Afwerki and others like him stoke the flames of discord. The time to act is now.

If the Horn descends into chaos, the ripple effects will be felt far beyond its borders. But if peace takes root, the region could become a beacon of hope, a testament to the power of diplomacy and cooperation. The Horn of Africa’s future is not just a regional concern; it is a global imperative. The world must rise to the challenge, for the sake of the Horn’s people and for the stability of our interconnected world.

### !---Africa War---AT: Thrall

#### Attacks on oil facilities escalate and draw in the U.S. and great powers

Doran 20 [Charles F. Doran, Professor of International Relations and director of the Global Theory and History Program and the International Political Economy Program at the Johns Hopkins University School of Advanced International Studies, “World Oil Security on a Precipice,” Brown Journal of World Affairs, 26(2), Spring/Summer 2020, pp.57-74, HeinOnline]

By attacking a major Saudi oil facility at Abqaiq on 13 September 2019, Iran established a new norm regarding oil security. Now, no oil field, pipeline, refinery, supertanker, or port facility is free from internecine warfare between oil-producing (OPEC) governments. Ironically, in attempting to defend a country from supply interruption, the United States risks worsening the magnitude and scope of that supply interruption rather than preventing its occurrence. In the era of highly accurate drones and missiles, the old oil field motto "all oil comes from a single barrel" has taken on a newly negative connotation. World oil stability rests on a precipice.

Both exporters and importers suffer from supply interruption, although perhaps not equally, universally, or simultaneously. Supply interruption may benefit those who have oil to sell through resultant oil price increases if their own exports have not been interrupted. The same cannot be said for buyers who, unless they are energy speculators on the futures market, ardently want to prevent supply interruption and the virtually certain subsequent (though sometimes not lasting) increase in price.

Since some 70 percent of the exportable oil in the world comes from a single place-the Persian Gulf-political stability in the Gulf remains a source of anxiety for energy consumers. The emphasis here is on oil exports: oil that has been made available to the global marketplace. This oil has a large, immediate, and global economic and political impact on price and productivity in the overall energy market.

But today's energy security tilts on an edge.' With Iran's attack on the major processing facilities of another exporter government, the old rule of interdependence within the Organization of Oil Exporting Countries (OPEC) ended.2 Through this September 2019 attack-possibly conducted in combination with Shia militias-Iran clearly signaled that it is now bent on striking energy targets directly using drones and highly accurate missiles. Why not, since it assumes it will benefit from the resulting price increases? But Iran's actions have had dangerous consequences.

Deterrence is faltering. In attempting to fend off terrorist attacks, those who want to uphold world order may end up destroying the very pipelines, refineries, processing facilities, ports, tankers, and oil fields that they are working to defend. Hostilities and the capabilities for force projection have reached a point that sharply heightens the risk of serious future supply disruption.

In the following sections, I will justify this claim by: 1) tracing the expansion of recent conflict in the Gulf region, 2) rejecting the purported danger of selective embargoes, 3) explaining how war escalates in the Gulf region, 4) noting China's quite different strategy vis-a-vis conflict in the Gulf, 5) examining the paradoxes of energy crisis, and 6) showing how an Iranian nuclear weapon would likely worsen the prospects for political stability in the region.

A BRIEF HISTORY OF CONFLICT IN THE GULF REGION

Every region has a history of conflict that is heavily influenced by global historical trends. Global conflict changed dramatically after 1945 when, under bipolarity, a tenuous but genuine peace prevailed. In contrast, regional conflict has its own sources and own identity.3 The Persian Gulf conflict worsened because of the centrality of its oil and natural gas in the global market as well as a resurfacing of the centuries-old civil war between the Sunni and the Shia Muslim sects. 4

To understand the underlying causes of these conflicts, we must remind ourselves of political and cultural basics. While Iran is predominantly Persian and Shia, Iraq is a more complex composite of Sunni, Shia, Kurdish, and Christian communities with the Shia being by far the most numerous.5 Under Saddam Hussein, the Sunni Baathist Party ruled by brutal repression.

The October War of 1973 between the Arab states and Israel ended one conflict era and began another. A principal explanation is that Israel's military arsenal of approximately 100 nuclear weapons, a nuclear submarine, and accurate missile capacities simply overwhelmed the ability of the Arab states to project force. Palestinian grievances continued with less support from the Arab states as conflict somewhat changed direction and spread across other areas of the Persian Gulf region.

Attempting to fend the larger Iran off, Iraq fought an eight-year war (1980-1988) against Iran. But Iran halted Iraq's advance a few feet from where the war had begun.6

Two years later, on 2 August 1990, Saddam invaded the tiny, oil-rich state of Kuwait on its southern border, seeking to obtain Kuwait's OPEC share of oil production in order to pay the debts Iraq had incurred in the eight-year war with Iran. 7 George H.W. Bush, with his considerable knowledge of world politics and of the oil business, understood that Saddam's next step could have been to intimidate Saudi Arabia, thereby controlling the world price for oil. In the First Gulf War, which began on 28 February 1991, the United States and its allies expelled Iraq from Kuwait but left Saddam in power in Baghdad. George H.W. Bush did not want to replace Saddam and get involved in the quagmire of domestic Iraqi politics.

In contrast, in the Second Gulf War a decade later, George W. Bush forced Saddam out of Baghdad militarily on 20 March 2003, entangling the United States in a conflict that lasted until 18 December 2011.8 Moreover, with the demise of Iraq as a strong (though problematic) balancing force, Iran once again began to threaten the region.

These choices had profound strategic implications. After the Second Gulf War, the regional balance of power fundamentally shifted, and energy politics were threatened from a new direction. With a far larger population than any of the other states in the region, Iran continued to hegemonize. As epitomized by the eight-year Iraq-Iran War, Iraq and Iran were counterpoises. 9 However, once Saddam was gone and in the absence of any strong central government for Iraq, a political vacuum emerged. The United States obligingly, if quite naively, stepped in virtually alone, believing it could fill the empty political vessel that was Iraq without immense cost.

With the defeat of the Russian forces in Afghanistan, the United States was drawn into the vacuum there as well. Suddenly, the United States found itself intermediating among Pakistan, India, Russia, and China on the contested turf of the warlord Afghanistan region, where politics were still more splintered than in the Gulf Arab kingdoms.

The United States also began acting as an intermediary between the Sunni and the Shia populations in Iraq and regionally, most notably in its bitter fight against the Sunni-leaning ISIL. But with the apparent defeat of ISIL in 2019, the United States faced not peace and a unified Iraqi polity, but instead a set of warring Shia militias stoked by Iranian money and the casuistry of Qassem Suleimani. As of 2020, this is the outline of Persian Gulf politics into which the world oil issue has also been thrown.

ARE SELECTIVE OIL EMBARGOES POSSIBLE?

The first kind of energy conflict to consider occurred in the shadow cast by the attempted selective oil embargo of the United States and the Netherlands in 1973 and 1974. Central questions in such a case include how far the risk of a selective oil embargo extends, and regarding what threats. Does the new threat to energy supply now confronting the Gulf region mean, for example, that individual importing countries will be targeted for a selective embargo?

Following the Arab-Israeli war of October 1973, Arab oil producers attempted to punish the United States and the Netherlands for their purported (and indeed actual) support of Israel during the war through weapons re-supply. Ultimately, the selective oil embargo failed. These two countries could not be isolated from the larger world market. But by cutting production substantially, Arab oil producers realized that they could manipulate prices under the guise of a selective embargo. In the face of strong demand, the attempt at embargo abruptly drove up the global price for oil fourfold. Such was the beginning of the first so-called price revolution in oil and gas production.1

Interdependence in oil markets taught the world a lesson: massive oil or gas cutbacks cause significant collective price shocks. But isolated, selective price sanctions employed vis-h-vis individual countries are virtually impossible to implement. Oil tankers have a way of changing course mid-ocean toward the direction of the highest bidder.

Whether used against independence and white supremacy in Rhodesia, apartheid in South Africa, or the foreign policy orientation of the United States and the Netherlands in the October War, selective boycotts or embargoes focusing on individual countries have always failed. The oil producers cannot successfully isolate individual targets because all users in the world will be affected by a production cut; the price of gasoline everywhere is affected by the reduction of supply." OPEC quickly learned the limits of this form of power on the world stage.

HOW TO TRIGGER A REALLY BIG WAR

While selective embargoes are not a threat, the emergent threat to world energy security posed by the new drone and missile technology is very real and intimidating.

The September 2019 attack on an oil processing unit in Abqaiq drove the global price of crude oil up by over $10 per barrel-one-sixth of its value-in just one day. The attack knocked out 5 million barrels of Saudi production, the equivalent of 5 percent of world crude oil consumption. Had the Saudis not been able to draw down the equivalent of this loss from storage, the effect of the supply disruption would have been even greater and far more enduring. In a tighter market, more extensive destruction could close off necessary production for months, driving prices skywards.

Other threats have challenged world oil markets even more severely. Saddam Hussein's invasion of Kuwait caused the oil markets to jump 20 percent in a single day. War in the Persian Gulf could generate even more striking and enduring impacts on global commerce and political stability inside and outside the Middle East. A deeper examination of the Abqaiq attack reveals how the prospect of a Persian Gulf war might rock the global energy market.

PROBING IRAN'S POLITICAL MOTIVATIONS

Fighting in Yemen, the Iran-backed Houthi rebels claimed responsibility for the 2019 attack; however, this assertion was a convenient fiction. According to UN monitors, the direction of the attack was from the North or Northwest-that is, from Iranian territory, or territory in lraq where Iranian sympathizers operate, not from the South where Yemen is located. 12 The training and sophistication that would have been necessary to operate this weaponry was beyond the Houthi skill level at this time.13 As a result, Iran was the likely perpetrator.

If Iran was the mastermind and perpetrator of this attack, as the United States government maintains and as Saudi Arabia asserts, then what was Iran's motivation?

First, since oil exports comprise a massive proportion of Iran's total GDP, a large price increase would likely have boosted the Iranian economy. Not only would the regime in Tehran have enjoyed the internal popularity that it seeks in the midst of street protests and other domestic political opposition, but a large influx of funds could also have offset its growing financial deficits. The domestic political and economic explanations appear to be important justifications for this brash and carefully planned attack on Saudi oil export capacity.

Second, Iran may have hoped to signal to other states inside and outside the region that the United States was an unreliable defense partner for the Persian Gulf oil exporters. 4 Did Iran believe it was able to demonstrate that the United States could not protect Saudi Arabia, as some of the contemporaneous reportage suggested? Much depends upon what "protection" entails. It is one thing to fail to stop a single physical attack; it is quite another to demonstrate that the overall security of the Kingdom is imperiled.

Ostensibly, Iran sought to end U.S. sanctions. Instead, the attack induced the United States to reinforce the economic sanctions.

If a demonstration of Saudi vulnerability was Iran's primary motivation at a time when the U.S. Fifth Fleet was anchored in Bahrain, what did Iran think other states would regard as an alternative to the current defense arrangement? Who or what would replace the United States? Iran was scarcely a candidate to defend the status quo. Iran continues to immerse itself in disputes throughout the Arab world, alienating the Sunni and Wahabi members of the Arab community. Did Tehran believe that anyone would imagine that a more benign or pacific Iran would follow this violence?

Third, was Iran trying to unseat Saudi Arabia inside OPEC? Perhaps Iran was casting itself as an alternative leader for the organization and a better partner, alongside Russia, to manage global oil and gas matters. The problem with this alleged motivation for the attack on the Saudi oil facilities is that it defies the logic of OPEC leadership. As former Saudi Petroleum Minister Ahmed Zaki Yamani put the matter, power in OPEC is measured by "how many barrels of oil you can bring to the bargaining table."' 5 Iran could at best pump only a fraction of the oil that Saudi Arabia brings to this table.

Regardless of Iran's motivations, this attack is likely to induce a much greater U.S. troop presence in the area.16

HOW MUCH IS AN AIRCRAFT CARRIER WORTH?

Before he was killed by a U.S. drone attack near the Baghdad airport on 2 January 2020, Major General Qassim Suleimani, commander of both the Iranian Quds Force and the Revolutionary Guards, had publicly threatened to attack a U.S. aircraft carrier. The German and British governments did mention the many "provocations" for which Suleimani was responsible.17 But the killing of the mastermind of so many plots to unsettle Iraq, Syria, Lebanon, and even Saudi Arabia and Israel, came as a shock even to a careful reader of Middle East politics.18

Suleimani's threat to sink a U.S. aircraft carrier demonstrates the degree to which military provocations involving energy security have escalated. In response to Suleimani's death, Supreme Leader Ayatollah Khamenei promised to intensify the dispute still further, likely through harassment and scattered attacks, but potentially to the brink of full-scale war.

Suppose that a U.S. aircraft carrier was attacked as part of a larger assault on U.S. naval defenses in the Gulf. How should the United States respond? Certainly, the response would involve military and naval targets in the Gulf and inside Iran. The problem then would be how to avoid hitting energy installations on either side of the Gulf. Violence could easily start in Iraq or spread there, with the oil fields and port facilities providing easy targets. Once one country's oil facilities become a target, as in the Iraq-Iran War with regard to Gulf shipping, those of another country may either be taken hostage or find themselves under attack. No natural limits for this type of military exchange exist. Energy facilities are particularly vulnerable because they cannot readily be defended against drones and missiles.

It is a tactical error to leave an aircraft carrier, notwithstanding its marvelous defenses and awesome firepower, bottled up in the narrow confines of the Persian Gulf and anchored at Bahrain or the United Arab Emirates. The United States ought to reposition this aircraft carrier to the Indian Ocean island of Diego Garcia or a similar location, where it would have more room to maneuver, be less vulnerable to a comparatively primitive, massed attack, and still retain the capacity to hit all potential targets.

President Trump faced political criticism in the United States for not mounting an immediate military response to the Iranian destruction of the Saudi processing facilities. The principal reason for this hesitation is likely that he feared a counterattack from Iran, not against a U.S. aircraft carrier but against oil fields in the Persian Gulf.

The classic issue concerning sub-conventional warfare (e.g., counterterrorism) is that it can occur in a nuclear setting because nuclear weapons are of little help in ferreting out small and widely dispersed adversaries. This is also true of energy warfare. Modern weapons technology, combining satellites, drones, and smart bombs, narrows the gap between conventional and sub-conventional warfare, but not between conventional and nuclear warfare. Yet the hesitance to cross the nuclear threshold in a world of proliferating nuclear weapons, for very solid normative and strategic reasons, can become a stimulus to sophisticated conventional attacks on energy facilities, causing massive supply disruption.

CHINA'S STRATEGY

Iran and Afghanistan are important links in the Chinese Belt and Road Initiative. They are both mineral-rich countries. In neo-mercantilist fashion, China wants to tie up Iran's natural gas and Afghanistan's vast mineral cornucopia as soon as opportunity permits-meaning as soon as the United States stabilizes these regions or pulls out of them.

China's strategy is quite different from that of the United States. China's autocratic regime does not care for democracy or liberal free trade. For example, despite U.S. efforts to tamp down the war in Afghanistan, China continued selling arms to the Taliban. China will accept any political regime in either country that can effectively wield absolute political control. Then, China will suborn the regime economically by sealing commercial deals that corrupt governments will be unlikely to resist. China's bold, though not particularly feasible, dream is to ultimately replace the United States as the arbiter of energy security in the Persian Gulf and, in future decades, globally.19

As President Trump understands the situation, despite energy interdependence, the United States must avoid the trap of shouldering all the human and financial costs of ensuring Persian Gulf energy security, while enjoying few of the direct commercial and financial gains. Indeed, it is the United States' possible hesitance to continue to provide the defense necessary to keep the oil flowing that could precipitate the worst supply disruptions. As the largest oil importer in the world, China would become the greatest loser of all.

HOW WAR BECOMES MAJOR

Because oil fields, tankers, and pipelines are difficult to defend, Iran will be tempted to attack these targets first in an energy conflict. If, instead, the U.S. naval presence in Bahrain was the initial military target of an Iranian assault, nearby oil facilities might be collateral damage.

About 21 million barrels of oil transit the Gulf on average each day.20 This volume of energy amounts to approximately 21 percent of the total liquids consumed worldwide. About one third of the traded seaborne volume of crude oil and about one-quarter of the traded liquified natural gas passes through the Strait of Hormuz.

From a naval perspective, Iran might try to close the entrance to the Strait of Hormuz, thereby cutting off traffic through the Strait where the bulk of the energy trade must pass. At its narrowest point, two channels run parallel to one another, each about a mile wide. One channel handles incoming maritime and naval traffic, while the other handles outgoing traffic. By sinking a supertanker in either of these channels, shipping would come to a virtual standstill. In addition, Iran has made no secret of its plan to scatter mines along the entrance to the Strait of Hormuz in the event of war, further hindering all traffic.

If the oil facilities of Iraq, Kuwait, the U.A.E., and Saudi Arabia were targeted as part of a larger Iranian assault, it is highly likely that either the United States or one or more of these governments would be induced to respond in kind by attacking Iranian energy facilities.

The U.S. Fifth Fleet, in part anchored in Bahrain, includes two carriers, 20 ships, 103 strike aircraft, and approximately 20,000 sailors and marines.21 Other ships, including high-speed cruisers, have been re-located from ports in the Indian Ocean and elsewhere.

The principal thrust of an Iranian attack would likely be a crowd of small patrol boats armed with powerful and quite accurate missiles and torpedoes. Simulations have examined possible outcomes. A U.S. response would certainly involve bombing from the air. Iran would attempt to move its army into place, although a U.S. counterattack from the air would make this action difficult to execute.

Nonetheless, the net result of this carnage would be oil fields, facilities, shipping, and pipelines in ruins on both sides of the Gulf, with a large share of the exportable oil and gas left as a casualty. China, India, Japan, South Korea, and much of Southeast Asia-some of the largest importers of oil and gas would certainly pay a price, although a huge rise in the market price of oil and gas would end up punishing all consumers.

### !---Africa War---AT: No Draw-In

#### African instability risks US-China proxy wars that go nclear

Tierney 21 [Dominic Tierney, Associate professor of political science at Swarthmore College, Ph. D. in International Relations from Oxford University, “The Future of Sino-U.S. Proxy War,” Texas National Security Review, Spring, 2021, https://tnsr.org/2021/03/the-future-of-sino-u-s-proxy-war/]

In fact, the United States and China have a long history of using different kinds of proxy actors against each other. During the Cold War, the United States and China engaged in proxy war in a number of African countries, including the Congo.155 The Vietnam War was, in part, a proxy conflict between South Vietnam (backed by the United States) and North Vietnam (aided by China) — although Beijing also viewed Hanoi as a rival and ultimately went to war against Vietnam in 1979. China has even used commercial fishing vessels as proxies to challenge U.S. and other states’ access to maritime regions.156 Taiwan can be considered a U.S. state proxy as well.

For both the United States and China, indirect intervention may be appealing because of the perceived costs of alternative options. Nuclear weapons and economic interdependence largely foreclose pursuing direct hostilities. Meanwhile, rising security competition and fundamental distrust mean that the partnership model may not be seen as an adequate safeguard of each country’s interests. As alternative options are eliminated, backing local actors may be the only viable means of protecting interests without provoking a backlash. Beijing, for example, may conclude that risking direct conflict with the U.S. military is reckless, whereas working indirectly through surrogates offers significant gain at reduced risk. As former National Security Adviser H.R. McMaster has remarked, “There are two ways to fight the United States military: asymmetrically and stupid[ly].”157

The notion of a Sino-U.S. proxy war may evoke images of an intense and high-stakes military rivalry, in which local actors are mere puppets and the outcome of the civil war is primarily shaped by decisions made in Washington and Beijing. But in reality, a Sino-U.S. proxy war would likely be subtle and deniable and would blur into “normal” international politics. It would involve the use of diplomacy, propaganda, cyber operations, and “weaponized interdependence” or control of key hubs in economic networks.158 Surrogate actors may seek to influence the great powers, and local dynamics will usually be determinative in shaping the course of the conflict.

As an illustration, a Sino-U.S. proxy war could occur if Venezuela were to collapse into a civil war. In this case, the United States might aid rebel groups and China might support the regime through economic and military aid or diplomacy (at the United Nations or by pressuring regional actors not to cooperate with Washington).159 Such a scenario is quite plausible. The two great powers currently recognize different regimes in Venezuela. Beijing backs the Nicolás Maduro government, whereas Washington sees Juan Guaidó as the legitimate leader. In 2014, China elevated relations with Venezuela to a “comprehensive strategic partnership.”160 Beijing renegotiated loans to give Caracas some breathing room and sold significant amounts of military hardware and surveillance technology to Venezuela.161 In 2018, Pence said, “Within our own hemisphere, Beijing has extended a lifeline to the corrupt and incompetent Maduro regime in Venezuela that’s been oppressing its own people.”162 And in 2020, the United States indicted Maduro for narco-terrorism.163

Could a Sino-U.S. Proxy War Escalate?

Scholars often compare the danger of interstate war between the United States and China today to the Peloponnesian War in ancient Greece. Just as the rise of Athens in the fifth century BCE provoked fear in Sparta, triggering the Peloponnesian War, so too today, the economic and military growth of China could spark alarm in the United States and heighten the risk of conflict — what Graham Allison calls the “Thucydides Trap.”164 It’s notable that the Peloponnesian War began when outside powers meddled in a foreign civil war. In 435 BCE, according to Thucydides, the city-state of Epidamnus fell prey to “internal conflicts lasting many years.”165 Competing factions appealed to outside actors for aid, which ultimately transformed a local civil war into a broader conflict between Athens and Sparta. In turn, the campaign between democratic Athens and oligarchic Sparta deepened domestic schisms throughout the Greek world, sparking further brutal civil wars, the erosion of norms, and the desecration of religious sites.166 “Civil strife inflicted many a terrible blow on the cities,” wrote Thucydides, “as always does and always will happen while human nature remains what it is.”167

Could a Sino-U.S. proxy war intensify into a larger conflict — or even an interstate war like in ancient Greece?168 The barriers to interstate war between the United States and China will likely prevent a proxy conflict from escalating to a full-blown conventional showdown. For one thing, most foreign civil wars do not threaten the core interests of the great powers. In addition, indirect intervention is often deniable, such that one, or both, great powers may prefer to ignore the other side’s intervention precisely to control the risk of a crisis spiraling into a broader, unwanted war.169

Nevertheless, low-level proxy war could potentially escalate in unexpected ways. Scholars have found that foreign backing for rebels is correlated with a heightened chance of militarized interstate disputes.170 Patrons often end up providing more aid in foreign civil wars than initially planned because of overconfidence about the allied faction’s capabilities. What begins as a minor proxy war can evolve into a much more dangerous situation if one patron decides to step up its involvement and intervene directly with ground forces.

A powerful driver of escalation is simply an aversion to losing. Psychologists have found that “losing hurts twice as bad as winning feels good,” and in the face of potential loss, actors are willing to gamble with an increased commitment in the hope of getting back to even.171 The Vietnam War illustrates the potential for a small-scale proxy conflict to intensify when neither side is willing to accept defeat. Another example is Cuban involvement in Angola. In the 1960s and 1970s, Havana began giving aid to the communist-aligned People’s Movement for the Liberation of Angola (MPLA) in the form of a relatively small training mission. This escalated into a large-scale and direct intervention with tens of thousands of Cuban ground troops deployed to check South African intervention and ward off the potential defeat of the MPLA.172 In the context of a potential U.S.-Chinese proxy war, Washington and Beijing may originally envision modestly backing a friendly regime or rebel group. However, if either country’s surrogate faces defeat, the patron may increase its support, including sending in ground or air forces to avoid a strategic, moral, or reputational loss.173

Ignorance could also spur unanticipated escalation. In recent decades, the United States has struggled to manipulate foreign civil wars in Afghanistan, Iraq, Libya, and elsewhere due to a lack of knowledge about local cultures, ethnic tensions, and languages. China is even more likely to blunder out of ignorance because Beijing’s diplomatic corps is not sufficiently trained for complex civil conflicts and China lacks a network of non-governmental organizations. China and the United States may end up stumbling in the fog of proxy war. Intervention in civil conflicts is often complex and covert, making it difficult to accurately perceive a patron’s degree of involvement, resolve, or influence over surrogates. This uncertainty can encourage a rival patron to engage in worst-case-scenario thinking and misperceive — and perhaps overreact to — the adversary’s involvement. In 2017, a U.S. jet shot down a Syrian aircraft that attacked the rebel Syrian Democratic Forces. Russia responded by suspending deconfliction protocols designed to avoid escalation, illustrating how intervention can evolve in unexpected and dangerous ways.174

In addition, surrogate forces may pursue an agenda that deviates from the patron’s preferences and potentially escalates the conflict.175 The Obama administration struggled to convince the Shia-dominated Nouri al Maliki government in Iraq to reach out to Iraqi Sunnis, worsening the Iraqi civil war.176 In such a situation, the local regime’s dependence on the United States does not translate into U.S. control because Washington cannot credibly threaten to end support: A collapse of the government would also be a loss for U.S. interests.177 Surrogates may also escalate a civil war by mistake, worsening an already tense situation or drawing global condemnation. In 2014, Ukrainian rebels shot down Malaysia Airlines Flight 17, using a surface-to-air missile provided, and subsequently recovered, by Russia. Ukrainian rebels may have fired the missile in error, believing the target to be a military aircraft.178 Similar events in a Sino-U.S. proxy war could spur a retaliatory response, particularly given loss aversion, cultural ignorance, and the fog of proxy war.

A U.S.-Chinese proxy war could also deepen the intrastate conflict itself. Scholars have found that external support tends to exacerbate civil wars.179 Take, for example, recent proxy wars in Libya, Syria, and Yemen, which have often spilled across borders. In Yemen, direct Saudi intervention and indirect Iranian intervention empowered the Houthis, provided fertile terrain for extremists like al-Qaeda in the Arabian Peninsula and triggered catastrophic humanitarian consequences.180

Conclusion

In 2007, Robert Gates said that unconventional wars were “the ones most likely to be fought in the years ahead.”181 This holds true for military competition between the United States and China. Strategic doctrine in both countries downplays intervention in foreign civil wars. And yet, any future military rivalry between China and America is likely to take the form of proxy war because of the systemwide dynamics that inhibit interstate war. The battlefield is more likely to be in Venezuela, Iran, North Korea, or Myanmar than in the South China Sea.

A Sino-U.S. proxy war may be low-level, covert, and deniable. Moreover, even as the United States and China seek to manipulate a particular civil war in contrary directions, they may cooperate in other internal conflicts to achieve shared goals like combatting terrorism. However, there is a significant danger that psychological dynamics, ignorance of local culture, and the independence of local actors could unintentionally deepen the civil war or cause a proxy war to spiral into a larger conflict.

### !---Africa War---XT: No Extinction

#### African instability exacerbates numerous existential threats

Ray 22 [Maj. Charles Ray, US Army (ret.), chair of the Africa Program of the Foreign Policy Research Institute, retired US Foreign Service officer who served as ambassador to Cambodia and Zimbabwe and was deputy assistant secretary of defense for POW/Missing Personnel Affairs, “America, You Better Believe That Africa Matters,” https://americandiplomacy.web.unc.edu/2022/05/america-you-better-believe-that-africa-matters/]

In the minds of most Americans and Europeans, the continent of Africa has long been seen as peripheral to world affairs, looked at either as a source of natural resources ripe for extraction or a place of poverty and violence requiring massive amounts of aid. This is a shortsighted and distorted view of a diverse continent and is long overdue for a reset.

The truth is that Africa is home to some of the planet’s most strategic minerals and other resources, and that natural and manmade disasters plague the continent. It is far more diverse and dynamic than popular culture, mainstream media, and even many foreign policy makers portray it. For a lot of reasons, some of them existential, it is far from peripheral; it matters.

Rich in Resources, but Mired in Poverty

Africa’s resources, its strategic minerals such as gold, copper, diamonds, cobalt, and oil, as well as its human resources during the height of the global slave trade, have always been as much a curse as a blessing to the continent. With a significant percentage of global reserves of some of the world’s most strategic minerals, Africa has often been, and in some places still is, a pawn in the struggles between powerful nations out to gain access to and/or control over minerals that are vital to modern industry. To name just two examples, Africa is thought to have 21 percent of the world’s total gold reserves and 85 percent of its platinum.

The competition to obtain these minerals is often waged with complete disregard to the impact it has on the countries or upon the lives of the average Africans who get little or no benefit from their extraction.

While living standards and wages vary from country to country, and often from region to region within individual countries, the average salary across the continent is less than US $400 per month; one in three Africans (more than 400 million people) subsist on less than US $2 per day, representing 70 percent of the world’s poorest people.

Troubles—Natural and Man-made

Across the continent, but particularly in sub-Saharan Africa, climate change causes significant environmental problems. In addition, overfishing, deforestation, mining, and intense climate-unfriendly agriculture compound an already serious situation. Addressing Africa’s climate problems is hampered by lack of resources, poor governance, corruption, and lack of respect for the rule of law by the governing elites. All this combines to exacerbate a dire situation. While the lion’s share of the blame for this dire situation rests with Africa’s rulers, the devastating impact of European exploitive colonization, the Atlantic slave trade, and the US-USSR Cold War competition that used African surrogates against each other’s interests must not be ignored.

In 2020, the US Agency for International Development (USAID) and the Department of State provided $8.5 billion of assistance to 47 countries and 8 regional programs in sub-Saharan Africa. And yet, far too many foreign assistance programs, as well meaning as they are, create dependence on foreign aid, prop up autocratic rulers, and feed into corruption, failing to alleviate the pervasive poverty. Despite US and European efforts to put conditions on use of assistance, funds are still misused; unrestricted aid from countries like China and Russia, to name but two, contributes to abuse. Corruption and poor governance are often considered the leading causes of poverty in Africa, and despite decades and millions of foreign aid, it often seems that little has changed.

Africa is a Continent not a Country

When the aforementioned problems are considered, along with the increasing number of military coups and attempted coups, it’s understandable, though incorrect, that many outsiders think this represents the entire continent. Too often, Africa is perceived and presented as a global basket case that comes to our notice only when the next disaster strikes.

Africa, however, is not a monolith. It is as diverse as any other continent, more diverse than some. With 54 countries it is the second largest and second most populous continent with 1.3 billion inhabitants, over 1,500 languages and is home to every major religion and hundreds of different ethnic groups. By 2050, the population of the continent is expected to nearly double to 2.4 billion and will account for nearly fifty percent of the world’s population growth. In addition, Africa is on average a young continent. Approximately 40 percent of its populations is under 15, and in some countries over half the populations is under 25.

The Numbers Matter

The demographics outlined in the previous paragraphs should be enough to cause the world to reevaluate its views on the African continent. Africa’s growing young population will have an impact on the world —whether good or bad depends on how Africans and the world act in the present.

Because wars have destroyed so much of the colonial infrastructure, many young Africans have, for instance, never experienced analog telephones. They’ve grown up entirely in the digital age and represent a huge potential market for technological products and services as well as an immense work force. On the other hand, if their economic needs are not met, they represent a large potential source of recruits for extremist movements.

The African continent is also urbanizing at a breakneck pace. In 1960, 80 percent of Africa’s people lived in rural areas. That number is currently 60 percent and by 2050 will drop to 40 percent. Urbanization has been caused by underperforming economies in rural areas, wars, and climate-fueled crises. The move from countryside to city, which in many places leads to people being lifted out of poverty, has not had that effect in much of Africa. Africa’s large cities are not designed or equipped to deal with the negative impacts of climate change, and many of the rural migrants, in fact 70 percent of Africa’s urban population, live in slum conditions without access to economic opportunity, health care, or education. Slums are prone to flooding; because of the construction materials used in the slum housing, during the hot season they became urban heat islands leading to illness and death from heat.

While Africa has about 17 percent of the world’s population, it only accounts for a single-digit percentage of global greenhouse gas emissions. It nonetheless suffers more from climate change than any other populated continent, with droughts, floods, climate-caused storms and heat waves that reduce food production, increase health problems, and contribute to population displacement.

While this alone should be of concern to the rest of the world, of equal concern is the impact that Africa has on climate change, notwithstanding its low level of carbon emissions. The Congo rainforest is the world’s second largest carbon sink after the Amazon rainforest. With the degradation of the Amazon rainforest, which now emits more CO2 than it absorbs, it is vitally important to stemming the rise of global warming caused by excess carbon dioxide in the atmosphere. The Congo rainforest, though, is currently also under threat from deforestation caused mainly by local agricultural practices.

The Congo basin could also be the origin of the world’s next pandemic. With human populations increasingly encroaching on wildlife habitats, the chance of animal-to-human transmission of dangerous viruses is increased; one shudders to imagine a viral disease that is an infectious as Covid-19 but as deadly as Ebola. Absent a concerted African and international effort to identify and isolate the zoonotic diseases of the region, such a scenario is just a matter of time.

While extremist and terrorist groups in Africa have not to date played a major role in global terrorism, most of the major international terrorist organizations, al-Qaeda and IS primarily, have a presence there and have established relationships with many of the continent’s domestic extremist groups. Terrorist activity has increased significantly in Africa over the past decade; if not dealt with it could become an international threat.

A Renewed Cold War, or a Continuation of the Old War?

The competition between the US and the USSR, which used African (and sometimes Cuban) forces as proxies for the two great powers in their struggle over influence in Africa, ostensibly ended with the collapse of the Soviet Union. Russia, though its presence was diminished, never completely abandoned the continent and now, with the deployment of the Wagner Group mercenaries across Africa, appears to be reviving its presence. In addition, the global competition between the US and China, though mainly economic and influence competition, seems like the Cold War redux.

China is now sub-Saharan Africa’s largest trading partner in mostly import-driven trade. China is also a major investor in Africa, with its firms dominating infrastructure projects. China has established a military presence in Africa, with a support base in Djibouti and reportedly has plans to establish a naval base in Equatorial Guinea on Africa’s Atlantic coast.

On the economic front, China’s largest import from Africa is oil, but it also imports a number of vital minerals to fuel its rapidly growing economy including iron ore and cobalt. In 2011, the Chinese imported almost all of Zimbabwe’s tobacco crop, undercutting American and European buyers who had previously been the main customers. Africa is also a growing market for cheap Chinese manufactured goods.

Chinese investments in Africa don’t come with the governance, rule of law, and human rights conditions of American and European government assistance, or the legal restrictions that come with American private investment,. Because of this, Chinese investment is popular with the ruling elites and has contributed to a degree to economic development in some countries. But China’s lack of governance conditions, its support for some of the continent’s most authoritarian leaders and the debt burden its loans have imposed on some of the world’s poorest countries has generated controversy both on the continent and internationally. With Chinese firms—some state-controlled and others ostensibly privately owned but still influenced by the government—becoming increasingly dominant in African economies, US and European policymakers view the situation with an understandable degree of concern.

The Good, the Bad, and the Inevitable

Africa will have a significant impact on the world over the coming decades in several areas. Whether that impact is positive or negative will depend in large part on the actions of Africans themselves. But the impact will also be affected by the policy choices of countries like China and the United States.

If Africa’s economies are structured to provide adequate wages and living standards, it will be a lucrative customer base, a profitable investment destination, and a source of a young, tech-savvy labor force. It could, if economic and governance conditions are improved, contribute to a solution of the supply chain issues that were highlighted during the Covid pandemic.

On the other hand, if conditions do not improve, Africa could become the world’s worst nightmare; a densely populated continent of disaffected young people who are ripe for recruitment by extremist movements and at a minimum become part of a massive population relocation to areas of greater economic opportunity.

If methods are not developed and deployed to mitigate the negative impacts of climate change, such as developing climate-friendly agriculture and building more resilient cities, food production will not keep pace with population growth, increasing Africa’s dependence on foreign assistance just to feed its people. This will perpetuate the cycle of poverty and suffering and further add to the destabilizing impact of population displacement. Relocation of populations caused by famine, war, or other disasters will put more pressure on already overburdened cities, with increased flows of people northward,. These flows will put increased pressure on southern Europe and the Mediterranean and ultimately impact the rest of western Europe and the United States.

Africa and the world, working collectively, must implement measures to protect and preserve the Congo rainforest. If it continues to degrade, it will lead to reduced rainfall, affecting agricultural production in regions where agriculture depends on it. The precipitous and dangerous rise in global temperatures that is likely to result will mean more frequent and violent tropical storms and rising sea levels. Destruction of wildlife habitats and increased human-animal contact could lead to the emergence of new viruses that could quickly become pandemic. These are not just African problems. They are global problems.

## CBR PIC

### 1NC---Text

#### The United States federal government should:

#### ---not strengthen collective bargaining rights for workers subject to the Immigration Reform and Control Act;

#### ---clarify that the Immigration Reform and Control Act does not precede or repeal remedies for harassment, injuries, wage violations, and other workplace-related abuses protected by the Fair Labor Standards Act, Title VII, and other federal and state employment statutes;

#### ---increase enforcement of and penalties for violations of employment law;

#### ---strengthen paid sick leave laws for workers in the US, including expanding enforcement and educational outreach to frontline industries;

#### ---expand public benefits to all workers in the US in times of economic crises, modelled off of the CARES Act;

#### ---design and implement a regulatory framework for safety protocols in infrastructure development in collaboration with stakeholders, increase funding for OSH research on technology and benchmarks to maximize safety, and offer bilingual training and education for undocumented workers to navigate their legal rights;

#### ---establish a legalization program for undocumented and temporary workers and prohibit deportations, arrests, and raids.

### 1NC---S---Employment Law

#### Expanding anti-retaliation protections for violating employment law solves

Marisa Díaz & Christopher Ho 20 - Immigrant Worker Justice Program Director at National Employment Law Project, Senior Staff Attorney in the National Origin and Immigrants’ Rights Program at Legal Aid at Work, J.D. from Stanford Law & J.D. from Stanford Law, Senior Staff Attorney at The Legal Aid Society at the Employment Law Center, San Francisco. “BRIEF OF TENNESSEE IMMIGRANT AND REFUGEE RIGHTS COALITION, LATINO MEMPHIS, ET AL. AS AMICI CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE RICARDO TORRES,” 08/13/2020, Document 27, Comments on Case No. 20-5492.

Denying Mr. Torres any remedies for retaliation based on filing a workers’ compensation claim would effectively deny him his right to be free from such retaliation. This is but an application of the ancient legal maxim ubi jus, ibi remedium—“Where there is a right, there is a remedy.”9

Undocumented workers compose a significant subset of the workforce in the U.S. and Tennessee in industries with high rates of workplace injuries. Fears of immigration and job-related retaliation make such workers particularly vulnerable to workplace abuse. Without meaningful anti-retaliation remedies, reporting becomes a “Hobson’s choice,” and “employees understandably might decide that matters had best be left as they are.” Mitchell v. Robert DeMario Jewelry, Inc., 361 U.S. 288, 293 (1960). Undermining workplace protections hurts not only undocumented workers; it also endangers the rights and safety of all workers. When remedies for injuries and retaliation are weakened, so too are the incentives for employers to rectify unsafe practices. “[I]t needs no argument to show that fear of economic retaliation might often operate to induce aggrieved employees quietly to accept substandard conditions.” Id. at 292 (citing Holden v. Hardy, 169 U.S. 366, 397 (1898)).

Undocumented workers in the United States—of whom there are approximately eight million—are an integral part of the nation’s workforce and work alongside U.S. citizens.10 They are concentrated in industries with disproportionately high levels of injury and death, such as agriculture, manufacturing, construction, and food services.11 About half of all crop farmworkers in the United States—more than one million—are undocumented.12 Tennessee reflects these national trends; it is home to over 348,000 immigrants, of whom roughly 130,000 are undocumented.13 Tennessee’s undocumented community is overrepresented in similarly high-risk industries.14 Annually in the U.S., approximately 4,800 workers are killed on the job, and almost three million others become ill or injured, often in these same industries.15

Courts have recognized the extreme vulnerability of undocumented workers to workplace abuse.16 Undocumented workers face increased risks of harassment, injuries, wage violations, and other abuses.17 Studies reveal that while undocumented workers experience more workplace injuries and are subject to more wage violations than nonimmigrant workers, they report injuries and violations less frequently.18 Undocumented workers walk a tightrope to protect their jobs and health while avoiding workplace retaliation, which often includes immigration-related threats.19 Rendering workplace protections “inapplicable” to undocumented workers “would leave helpless the very persons who most need protection from exploitative employer practices[.]” N.L.R.B. v. Apollo Tire Co., 604 F.2d 1180, 1184 (9th Cir. 1979) (Kennedy, J., concurring).

Foreclosing remedies “virtually guts” anti-retaliation protections, Contreras v. Corinthian Vigor Ins. Brokerage, Inc., 25 F. Supp. 2d 1053, 1058 (N.D. Cal. 1998), leaving workers without a critical means to uphold basic workplace rights. The experience of Maricruz Ladino exemplifies both the vulnerabilities of undocumented workers and the importance of remedies. She came forward to report rampant sexual assault and harassment among farmworker women despite her fears of immigration and job-related consequences, including termination.20 Indeed, once she spoke out, her employer threatened her and eventually fired her: “Then there were threats . . . that if I continued with the case, I would be deported.”21 Despite these risks, she sued the company and ultimately settled her claim.22

Workers speaking out can inform broader, industry-wide policy changes. Notably, due to cases like that of Ms. Ladino, farms in California with over 50 employees must now participate in sexual harassment trainings to ensure basic workplace safety.23

Conversely, without remedies for undocumented workers, employers lose a critical deterrent against unsafe policies, and all workers suffer. As the Ohio Court of Appeals analogously observed, “If illegal aliens were injured, the employer would not lose any money because the aliens could not collect workers’ compensation. Therefore, the employer may become lax in workplace safety, knowing it would suffer no consequences if its employees were injured at work.” Rajeh, 813 N.E.2d at 703. Employers who expose undocumented workers to unsafe or unhealthy conditions expose their entire workforce to the same risks.

Workers need meaningful anti-retaliation protections to freely report workplace injuries or labor violations. When those protections are weakened, even for just a subset of workers, more workers are more likely to stay silent, leading to preventable injuries. Cultural shifts in the reporting of sexual harassment illustrate the critical role of coworkers’ reporting in one’s decision to report abuse. According to a 2016 report by the U.S. Equal Employment Opportunity Commission, 60 to 70 percent of women have experienced sexual harassment during their careers, yet approximately 70 percent of those women never complained internally to their employers.24 The #MeToo movement, however, has encouraged more people to report illegal harassment.25 Simply put, when one employee reports a labor violation, it breaks down the culture of silence around reporting and uplifts conditions for all workers.

The COVID-19 pandemic only points to the need for meaningful antiretaliation protections that encourage workers to report problems. Currently, reports indicate that some employers are pressuring individuals to continue working despite extremely high risks of contracting COVID-19.26 At least one federal suit has been filed against a company for threatening to fire employees who did not continue working despite potential COVID-19 exposure.27 In recent months, COVID-19 outbreaks have been reported at farms and food processing plants nationwide.28 At one Tennessee farm, 100 percent of farmworkers tested positive for the virus.29 Safeguards against retaliation for reporting workplace injuries are paramount, since COVID-19 threatens the health and safety of all workers, and their broader communities, regardless of immigration status.

This Court should affirm that federal immigration law does not preempt the award of state-law remedies to Mr. Torres. Without a remedy, there is effectively no right. See Marbury, 5 U.S. (1 Cranch) at 163. Foreclosing meaningful relief to workers like Mr. Torres would exacerbate the unsafe working conditions and fear of retaliation already experienced by undocumented workers, leading to more dangerous workplaces for all.

### 1NC---S---Disease/Worker Rights AC

#### Strengthening paid sick leave laws solves their disease internal link AND alt causes thump

Shefali 1AC Milczarek-Desai 23 - Associate Professor of Law and Co-Director of the Bacon Immigration Law and Policy Program at University of Arizona. “Opening the Pandemic Portal to Re-Imagine Paid Sick Leave for Immigrant Workers,” August 2023, California Law Review, vol. 111.

Court cases furthered exacerbated IRCA’s negative impact on the employment and labor rights of im/migrant workers because they opened the door to limiting certain remedies for im/migrant workers, whose workplace rights had been violated. This case law is important to understand before examining why im/migrant workers fail to benefit from paid sick leave laws because it contextualizes im/migrant workers’ predicament when it comes to asserting rights in the workplace, such as the right to paid sick leave.

After IRCA “injected the nation’s immigration laws directly into the workplace,”[86] the Supreme Court, in Hoffman Plastic Compounds, Inc. v. NLRB, severely limited im/migrant workers’ rights under a leading federal labor rights law.[87] The National Labor Relations Act (NLRA) provides workers with the right to engage in union-related activities and concerted action in the workplace.[88] If a worker faces adverse employment action including, but not limited to, termination for participating in activity protected under the statute, the NLRA provides the worker with the sole monetary remedy of backpay.[89] Backpay means the earnings a worker would have made but for an employer’s retaliatory actions.[90] The National Labor Relations Board (NLRB) is the federal administrative agency tasked with bringing NLRA claims against employers and determining backpay awards.[91] In determining whether to award backpay under the NLRA, the NLRB can take into account whether a worker sought replacement employment in good faith after termination.[92]

Hoffman Plastic arose when Jose Castro, a worker in the polyvinyl resins and plastic pipework company, was fired by his employer for attempting to unionize his workplace.[93] The NLRB determined that Mr. Castro’s rights had been violated by Hoffman Plastic Compounds, Inc., and that he should be awarded $66,951 in backpay.[94] The employer appealed and argued that Mr. Castro, who lacked work authorization,[95] should not be entitled to backpay because IRCA made it unlawful to employ unauthorized workers.[96]

In an earlier case that arose before the passage of IRCA, the Court had held that unauthorized workers were covered by the NLRA because the Act states that the “‘term employee’ shall include any employee.”[97] In Hoffman Plastic, the Court followed its precedent that unauthorized workers like Mr. Castro were covered under the NLRB.[98] However, the opinion, written by then-Chief Justice William Rehnquist, went on to state that, due to IRCA having “significantly changed” the legal landscape, Mr. Castro could not be awarded backpay.[99] The Court asserted that IRCA made “combating the employment of [undocumented workers]” central to immigration law and policy and that awarding Mr. Castro backpay “runs counter to policies underlying IRCA.”[100] The Court’s opinion, however, ignored the legislative history clearly stating that IRCA should not be read to alter unauthorized workers’ rights under employment and labor laws since the very purpose of the NLRA’s backpay provision is to deter violations of workers’ rights to unionize.[101] Instead, the Court reasoned that, because IRCA prohibited Mr. Castro from legally working in the United States in the first place, it would contravene everything IRCA stood for to award him backpay. This reasoning is based on the notion that a worker would have been employed but for an employer’s unlawful action.[102] The Court went on to state that awarding backpay to unauthorized workers under the NLRA “condones and encourages future violations.” [103] This, it said, was because unauthorized workers would not be able to fulfill their duty to mitigate damages “without triggering new IRCA violations, either by tendering false documents to employers or by finding employers willing to ignore IRCA and hire illegal workers.”[104] Thus, the Court concluded that “allowing the Board to award backpay to [persons without work authorization] would unduly trench upon explicit statutory prohibitions critical to federal immigration policy.”[105]

The central dilemma in Hoffman Plastic perfectly illustrates the collision between immigration laws, like IRCA, and workers’ rights laws, like the NLRA. On the one hand, Hoffman Plastic Compounds, Inc. clearly violated Mr. Castro’s labor rights, and IRCA’s legislative history states that the rights of workers are not to be diminished by IRCA. On the other hand, the logic of backpay is that a worker would have been employed but for an employer’s bad actions. The Court could have chosen to adhere to the plain language of the NLRA, which does not require work authorization as a prerequisite for mitigation of damages under its backpay provision, but it did not.[106] Rather, the Hoffman Plastic Court chose to privilege immigration enforcement above workers’ rights.[107]

Refusing to award workers backpay when employers are liable for workers’ rights violations—what Professor Wishnie referred to as “functional immunity” from employment and labor laws—has done little to nothing to further IRCA’s prohibition on unauthorized employment but has significantly hurt labor rights.[108] Worse still, Hoffman Plastic brought the exact opposite result from what IRCA sought because the Court’s holding incentivizes employers to hire people without work authorization who are barred from seeking certain types of damages.[109]

By gutting NLRA backpay protections for unauthorized workers,[110] Hoffman Plastic signaled to employers that they could retaliate against im/migrant workers who dared engage in collective bargaining or other NLRA protected activities with impunity—even if they were found liable they would not have to make backpay awards.[111] Employers soon began pressing courts to apply Hoffman Plastic logic to damages under other federal employment and labor laws such as Title VII and the FLSA.[112]

The most recent battle over the reach of Hoffman Plastic arose in the context of a state workers’ compensation law. In Torres v. Precision Industries, Inc., Ricardo Torres hurt his back while working at Precision Industries.[113] He filed for worker’s compensation under Tennessee state law, and was terminated for doing so by his employer in contravention of that law’s anti-retaliation provision.[114] When Mr. Torres sued for retaliatory discharge, Precision Industries borrowed Hoffman Plastic logic to argue that the former employee should not be awarded any damages, not merely non-payment of backpay, because he lacked work authorization.[115] A federal district court in Tennessee initially agreed with the employer and prohibited Mr. Torres from recovering economic and non-economic damages based on IRCA.[116] Relying heavily on Hoffman Plastic, the Sixth Circuit Court of Appeals ultimately upheld the portion of the district court’s decision on remand that denied Mr. Torres backpay for the period in which he was unauthorized to work.[117] The appeals court concluded, however, that Mr. Torres could recover other types of damages because IRCA does not “preempt compensatory and punitive damage awards unrelated to an employee’s immigration status.”[118] The court made this distinction by focusing on that portion of the Hoffman Plastic decision pointing out that backpay mitigation requires an unauthorized person to seek employment.[119] Thus, the Sixth Circuit holding reasons that even though IRCA was created to “halt the hiring and continued employment of unauthorized [workers] . . . this does not mean Congress has occupied the entire field of employment regulation, including causes of action arising out of an individual’s employment, authorized or not.”[120]

The Precision Industries opinion, like the Hoffman Plastic opinion, straddles the intersection between immigration enforcement and workers’ rights. Both Precision Industries and Hoffman Plastic continue to indulge the legal fiction that situates im/migrant workers as impossible subjects forced to occupy a space that refuses to recognize their rights but that profits from their labor.[121] Even though these cases do not limit im/migrant workers’ rights to remedies under most employment and labor laws, the next Section explains how the collision between immigration enforcement and workers’ rights—created in part by IRCA and its resulting case law—largely strips im/migrant workers of meaningful access to employment and labor protections such as paid sick leave.

C. The Emergence of the “Brown Collar Workforce”

The COVID-19 pandemic has laid bare a twenty-first-century workforce that is highly stratified and segregated based on race and immigration status.[122] In this picture, im/migrant workers toil in occupations and industries that have come to be associated with laudable buzzwords such as “frontline” and “essential,” which really are code words for jobs that pay little, often are dangerous to health and safety, and have high rates of employment and labor law violations.[123] What led to the overrepresentation of im/migrant workers in these jobs[124] is a long and complicated puzzle, painstakingly put together by renowned scholars, such as historian Mae Ngai and sociologist Ruth Milkman.[125] Their work carefully traces the decades-long lineage of im/migrant workers’ concentration in certain types of jobs. It also shows that changes to the legal landscape between the mid-1960s and the mid-1980s ultimately resulted in the making of what often is referred to today as the “brown collar workplace.”[126]

With the passage of Title VII, which forbid workplace discrimination on the basis of race, national origin, ethnicity, sex and religion,[127] Black Americans, along with other less-educated Americans, began fleeing undesirable jobs made worse by the weaking of labor unions.[128] At the same time, as described above, the 1965 amendments to the INA and the first-time imposition of quotas on legal migration from Mexico resulted in a newly undocumented workforce desperate for work.[129] Twenty years later, IRCA’s passage in 1986 led to the Hoffman Plastic decision, workplace raids, and im/migrant workers’ increased sense of vulnerability.[130] This vulnerability is a key element in the making of the brown collar workforce because it creates subservience,[131] which is appealing to employers who engage in violations of workplace rights.[132] Indeed, researchers have shown that brown collar workers’ vulnerable status makes them less likely to engage in complaint-making when their employment and labor rights are violated.[133]

In addition to a lack of im/migrant worker complaint-making, there is also an enforcement problem. Employment and labor laws disincentivize violations of workplace rights by making employers pay when violations occur.[134] For example, the FLSA permits workers whose minimum wage and overtime rights have been violated to seek up to double the amount they are owed in unpaid wages;[135] the NLRA allows workers to be paid for time they could not work due to retaliatory discharge;[136] Title VII provides for backpay, frontpay, and compensatory and punitive damages;[137] and most local minimum wage and paid sick time laws allow workers to recover liquidated damages in addition to compensatory damages for employer violations.[138] These laws also come with strong prohibitions against retaliation when workers assert their rights, which can result in additional monetary damages.[139] Importantly, in order to get from violation to economic recovery for workers and punishment for employers, the system relies nearly exclusively on worker complaints.[140] This bottom-up method of workers’ rights enforcement does not function as intended when it comes to im/migrant workers.[141]

Employment and labor laws on federal, state, and local levels set up a dual system whereby enforcement action can be taken by the agency tasked with upholding the law at issue or by an individual worker or groups of workers under private rights of action.[142] Sometimes the two enforcement mechanisms work in tandem, such as when workers file complaints with the appropriate agency and then the agency investigates and, if necessary, takes legal action.[143] Over time, consistent starvation of agency budgets on the federal level as well as in many states has led to worker complaints being “the primary driver of enforcement activity.”[144] The legal system assumes that all workers have equal access to complaint-making. Several empirical studies conducted by economists over the past twenty years have disproved this assumption when it comes to the most vulnerable workers.[145]

In a 2004 study, David Weil and Amanda Pyles examined three years’ worth of complaint data at the U.S. Department of Labor (DOL) for violations under the FLSA and the Occupational Safety and Health Act (OSHA).[146] After deducing that “the annual probability of receiving an inspection for one of the 7.0 million establishments covered [by the FLSA or OSHA] is well below .001,”[147] the researchers concluded that holding employers who commit FLSA and OSHA violations responsible is mostly contingent upon worker complaint-making.[148] They then hypothesized that a worker is more likely to engage in the complaint-making process if the perceived benefits to the worker outweigh the costs.[149]

The researchers defined the cost of making a complaint not only as retaliatory behavior by the employer, but also the cost in time and energy required to research and understand the laws under which an employee’s rights may have been violated.[150] After sifting through the data, the researchers concluded that “the nature of the benefits and costs [of complaint-making] preclude many workers from exercising their rights in the first place, resulting in a modest-level of complaint activity.”[151] They theorized that workers who “feel vulnerable to exploitation,” including “immigrant workers,” are even less likely to assert their workplace rights.[152]

This research makes two important contributions to understanding the plight of im/migrant workers. First, it demonstrates that the existing system of bottom-up workplace rights enforcement wrongly assumes that all workers experiencing workplace violations have equal access to vindicating their rights by complaining either to agencies or through private rights of action.[153] Second, it shows that differently situated workers have differing benefit/cost ratios for engaging in complaint-making, and that the most vulnerable workers are unlikely to assert their workplace rights because the costs greatly exceed the benefits of complaining about workers’ rights violations.[154] Additional studies confirm that im/migrant workers often fall into this “most vulnerable” category and are less likely than other workers to engage in complaint-making when their workers’ rights are violated.[155]

Building on earlier studies, in 2014, economists Charlotte Alexander and Arthi Prasad examined the “powerful incentives [vulnerable workers have] to stay silent in the face of workplace problems” by specifically surveying im/migrant workers.[156] Reviewing data collected from over four-thousand workers in three of the largest U.S. cities, they found that im/migrant workers do not benefit from employment and labor laws for two main reasons: 1) they lack the legal knowledge “to identify violations of their rights and access the proper enforcement procedures,” and 2) the risks in complaint-making far outweigh the benefits for these workers.[157] The researchers further found that even when workers had knowledge of workplace rights and how to engage in complaint-making, “43 [percent] of workers who had experienced a workplace problem . . . decided not to make a claim”[158] and that “the most common reason” for im/migrant workers’ “silence was their fear of employer retaliation.”[159]

Other research shows that im/migrant workers often do not complain about workplace abuses because they anticipate retaliation before it occurs.[160] This has been well documented in im/migrant-heavy workplaces where employer threats—both spoken and unspoken—prevent workers from raising their workplace rights for fear of adverse employment action.[161] These silencing tactics are especially effective because, under the law, employees cannot state a claim for employer retaliation until after the retaliation occurs.[162] Thus, the mere threat of retaliation is often enough to foreclose im/migrant workers from making complaints.[163] Alexander and Prasad’s 2014 study also found that when im/migrant workers overcome the fear of retaliation and complain, roughly 43 percent “experienced some form of employer reprisal in response” and of these reprisals, 35 percent “constituted unlawful retaliation in violation of labor and employment laws.”[164] While the remainder of reprisals “likely did not rise to the level of an ‘adverse employment action’” as defined under employment and labor laws, they “nevertheless likely had a silencing effect on workers.”[165] Importantly, even when actionable retaliation occurs, anti-retaliation remedies in employment and labor laws “can be invoked only after the employee has suffered [harm], and offer, at best, the possibility of an uncertain remedy after a long delay.”[166]

For example, in Tolano v. El Rio Bakery, four im/migrant workers filed claims against their employer under the FLSA, NLRA, and state minimum wage law for failing to pay overtime or minimum wage and for engaging in retaliation against the workers when they collectively complained about these violations of their workplace rights.[167] After the case was filed in federal district court, the employer filed for bankruptcy, which led the district court to stay its case pending the bankruptcy court’s determination.[168] Almost a year later, the bankruptcy court rejected the employer’s bid for bankruptcy protection. In the intervening months, the employer shut down its business, sold all assets, and disappeared.[169] Thus, when the district court resumed the initial case and ultimately awarded the workers a combined $197,078 in monetary damages, there was little to no hope of actual recovery for the im/migrant workers who braved making a legal complaint.[170]

A similar situation developed with Turman v. Koji’s Japan, Inc., a class action that began in 2010 as a result of an employer systematically violating workers’ rights under the FLSA and state labor laws.[171] Like the employer in Tolano, the restaurant responded by shuttering its business and filing for bankruptcy, while the sole shareholder and director absconded with the assets.[172] Over eleven years of litigation and several court decisions later, an appellate court finally ruled that the restaurant’s sole shareholder and director was personally liable for violations of workers’ rights under both the FLSA and state law.[173]

Thus, even when vulnerable workers muster the courage to complain, despite the costs they are likely to encounter, they may never recover damages to make up for lost wages or time. Even when courts award damages, workers may have to wait many years for payment. Moreover, employers often avoid paying the steep prices needed to deter them from committing future workplace violations.[174] Thus, the logic behind enforcement of employment and labor laws, which depends on workers making complaints, has failed im/migrant workers.[175]

Viewed another way, the effectiveness of workers’ rights laws depend “significantly on worker ‘voice,’” and cannot help im/migrant workers when their voices are effectively silenced.[176] To be sure, this silencing is based, in large part, on fear of employer retaliation and the threat of immigration enforcement. But there is also another more insidious reason for this silencing. In 2010, Latin American Studies scholar Shannon Gleeson interviewed forty-one Latinx workers, both with and without work authorization, in the restaurant industry in two large U.S. cities to determine why im/migrant workers are less likely to engage in complaint-making.[177] Gleeson found that not only did rights enforcement face substantial barriers created by “limitations of an underresourced labor standards enforcement bureaucracy, lack of knowledge about rights, and employer intimidation,” but workers themselves had internalized a “legal consciousness” that prevented them from making claims when their workplace rights were violated.[178] Gleeson concluded that because the im/migrant workers she interviewed assumed a stance in which they did not believe they were worthy of accessing their workplace rights, “efforts toward reducing [barriers to workplace rights enforcement], while certainly necessary, may be insufficient to ameliorate the fundamental challenge that undocumented status poses.”[179]

In summary, the century-long collision between immigration laws and employment and labor laws has produced a brown collar workforce critical to the American economy but unable to benefit from basic workplace rights. The COVID-19 pandemic has revealed that this disenfranchisement reverberates beyond the well-being of individual workers by threatening entire industries, those they serve, and the public at large. One way to address this crisis is to locate im/migrant workers outside the binary of immigration enforcement versus workers’ rights and inside a public health matrix dependent upon the health and safety of frontline, essential workers. Paid sick leave laws are a portal through which this re-imagining can occur.

II. Paid Sick Leave in America

The pandemic has demonstrated that public health suffers when low-wage im/migrant workers do not have access to paid sick leave. This Section situates paid sick leave rights within a broader public-health policy conversation and highlights the importance of ensuring that im/migrant workers benefit from paid sick leave laws. It does so by describing the United States’ paid sick leave laws and the significant public health benefits they confer to multiple stakeholders.

A. The Legal Landscape

The federal government has never enacted a permanent, national, paid sick time law.[180] Indeed, America lags far behind nearly all of its counterparts among wealthy nations and even among many developing countries in this regard.[181] Congress tried but failed to enact the Pandemic Protection for Workers, Families, and Businesses Act after the 2010 H1N1 epidemic.[182] The Healthy Families Act, first introduced in Congress in 2004 and most recently re-introduced in 2019, has also failed to garner the Congressional votes required to become law.[183] Congress finally implemented a national paid sick leave mandate in the form of the Families First Coronavirus Response Act (FFCRA) after the COVID-19 pandemic hit U.S. shores. However, that mandate was temporary and expired six months before the deadly Delta variant gripped the nation in the summer of 2021.[184] Even when it was in effect, FFCRA was limited in scope because it excluded millions of U.S. workers, including those working at companies with more than 500 employees, those at workplaces with fewer than 50 employees,[185] and those designated by their employers as healthcare workers and first responders.[186]

The only paid sick leave laws in the United States today have been enacted by states and municipalities. Since 2006, when San Francisco became the first place in America to enact a paid sick leave ordinance, local paid sick time laws have burgeoned.[187] Although these laws vary, most are based on a system whereby workers earn one hour of paid sick time for every thirty to forty hours worked.[188] Workers may use a capped number of earned paid sick time hours per year[189] for a variety of reasons including preventative medical care for themselves or a family member, their own illness, caring for a sick family member, and in some cases, for domestic violence related reasons and during a public health emergency.[190] These laws also have a notice requirement; employers must notify their employees of their right to take sick leave and the terms under which they can use it.[191]

Contrary to some employer concerns that workers would abuse paid sick leave, studies of paid sick time laws in several jurisdictions have shown that workers are unlikely to use their earned paid sick days for reasons that don’t qualify for paid sick time.[192] Rather, “employees treat paid sick days not as an entitlement, but as insurance, to use when illness strikes the worker or a family member.”[193]

The modern patchwork of local paid sick leave laws has significantly increased the number of American workers with access to paid sick days. New York City’s law, for example, expanded paid sick leave coverage by 1.2 million workers.[194] Two years after San Francisco’s law went into effect, 99 percent of the city’s workplaces with twenty or more employees provided paid sick days and “[l]ow-wage workers . . . significantly benefitted from the ordinance, especially those working in food service and accommodation sectors.”[195] A survey of employers one year after Seattle’s paid sick time law passed found that “marginalized workers—those in low-paying and part-time positions—are likely to gain significant coverage through mandated paid sick leave policies.”[196] Connecticut’s paid sick leave law similarly resulted in “the largest increases in paid sick leave coverage . . . where workers needed the assistance most, e.g., healthcare, education and social services, hospitality, and retail.”[197]

B. Paid Sick Days Create Net Benefits

Numerous empirical and simulated studies show that paid sick days create net benefits because they achieve the twin goals of ensuring worker health and community safety. This research has revealed that workers without access to paid sick leave are more likely to engage in “presenteeism”[198] than their counterparts with leave, and that these sick workers subsequently infect others at high rates.[199] The converse also is true: when workers have access to paid sick leave, there is a correlative reduction in the spread of viral infections.[200]

Empirical data collected during the H1N1 epidemic of 2009–10[201] revealed that about eight million workers showed up to work with that dangerous influenza virus and went on to infect about seven million additional people.[202] A 2013 National Health Interview Survey concluded that “both full-time and part-time workers without paid sick leave are more likely to attend work while sick.”[203] Although no large-scale studies have yet discerned how many workers went to work infected with the novel coronavirus or how many additional COVID-19 cases resulted, an empirical study during the first summer of the pandemic showed that nursing home aides who engaged in presenteeism were responsible for 44 percent of COVID-19 spread among multiple nursing homes, co-workers, and older residents.[204]

A significant body of research has established that presenteeism is responsible for several large outbreaks of foodborne illnesses too. In 2008, a worker without paid sick leave at a Chipotle restaurant in Ohio came to work ill, prepared food, and subsequently infected 500 people, resulting in hundreds of dollars in cost to the local community.[205] A Wyoming norovirus outbreak in 2012 affected over three hundred people and was traced to restaurant workers who showed up to work sick.[206] Moreover, each year, “there are approximately seventy-six million instances of food-borne illness nationwide . . . and food-service workers who go to work despite being sick were the leading causes of such outbreaks.”[207] Looking beyond the costs incurred by workers, consumers, and communities when disease outbreaks occur, the Harvard Business Review has estimated that presenteeism costs “American companies . . . more than $150 billion” annually.[208]

On the flip side of presenteeism are paid sick leave policies, which have been shown to reduce disease outbreaks. For example, one study comparing the rate of foodborne illnesses in jurisdictions before and after they adopted paid sick leave laws found that the rate diminished by 22 percent after paid sick leave was mandated.[209] A Harvard School of Public Health survey showed that while paid sick leave did not eliminate presenteeism, it “greatly reduce[d] it.”[210] A simulated study using Google Flu Trends data demonstrated that when workers have access to paid sick leave policies that allow them to stay home when they are sick, infection rates decrease by about 10 percent.[211] At least three other simulated studies showed a similar and significant reduction in pandemic spread as a result of paid sick leave laws.[212] Yet another simulated study suggested that paid sick leave would encourage workers to abide by governmental quarantine recommendations.[213] Two other studies have shown that paid sick leave policies result in increased vaccination rates for a broad spectrum of workers.[214] One of these studies, based on Medical Panel Expenditure data from 2006–10, projects that higher vaccination rates due to paid sick days “would result in 18.2 thousand fewer health care visits” and “64 thousand fewer work absences from influenza” alone.[215]

Employees are not the only beneficiaries of paid sick time laws, which have also been linked to favorable conditions for employers. Studies have consistently “found a relationship between paid sick leave policies and economic benefits for employers such as improved employee productivity, reduced turnover and lower associated hiring and training costs as well as improved employee morale and loyalty.”[216] Moreover, several studies conducted in jurisdictions with paid sick leave mandates show that the “overall [negative] impact on businesses was minimal” in that employers reported experiencing “little or no additional costs” and that implementing paid sick days “had minimal effect on business operations.”[217] In New York City, where the paid sick time law covers 3.4 million workers, 94 percent of employers reported “the law ‘had no effect on business’ productivity, while 2 [percent] . . . reported that productivity actually increased.’”[218] Employers also reported little to no extra cost for implementation of the paid sick leave law.[219] Surveys collected from employers in San Francisco and Connecticut, two other jurisdictions with paid sick leave laws, show that most employers did not experience an increase in costs as a result of these laws.[220] Similarly, the California Chamber of Commerce, which originally opposed that state’s paid sick leave law, “reported that employers have not experienced the expected burden” of the law and reported little to no difficulty in complying with the law.[221] In short, a substantial and growing body of empirical data and research confirms “that paid sick leave can be used as an effective policy instrument for controlling epidemics”[222] without harming business interests.

C. Paid Sick Leave and Im/migrant Workers

Despite the demonstrable win-win-win that paid sick leave brings to workers, employers, and the public at large, low-wage workers—a workforce that includes large numbers of im/migrant workers, and everyone they come into contact with—are being excluded from these benefits. DOL figures reveal that “low-income workers still lag far behind in access to paid sick leave.”[223] Nationwide, “only about 65 [percent] of American full-time workers have access to sick leave” and in low-wage, part-time, and service sectors of the economy, this numbers drops precipitously to 20 [percent] of the workforce.[224] All in all, about “forty-four million workers—primarily within low-income brackets—lack access to even a single paid sick day in the United States.”[225] Moreover, using data from the Centers for Disease Control and the U.S. Bureau of Labor Statistics, researchers have estimated that “at least 20 million Americans go to work sick, which [researchers] attribute to lack of access to paid sick leave.”[226] Indeed, one worker survey found that “[o]nly 13 [percent] of low-income workers . . . reported beliefs that they could stay home during a pandemic outbreak.”[227] Many of these workers are im/migrants who work in essential industries performing frontline jobs.[228]

National surveys collected in the aftermath of the H1N1 Pandemic revealed that Latinx workers “had a higher risk of infection due to disproportionate lack of access to paid sick leave” and that these workers had “lower rates of paid-leave access” than their counterparts during that epidemic.[229] Not only were workers in these groups unable to stay home when ill or appropriately socially distance while at work, but they also faced increased hospitalizations and deaths.[230] These higher hospitalization and death rates among racial and ethnic minorities have been replicated during the current COVID-19 pandemic, with Black and Latinx individuals being three times as likely to contract coronavirus and twice as likely to die from it than individuals in other ethnic groups.[231]

While some portion of im/migrant workers’ lack of access to paid sick leave can no doubt be attributed to jurisdictions without paid sick leave laws, emerging research shows that even im/migrant workers who live in jurisdictions with paid sick leave mandates fail to benefit from these laws.[232] To date, no comprehensive study has gathered data regarding the extent to which im/migrant workers have been able to access paid sick leave when they live and work in jurisdictions with paid sick leave laws. The COVID-19 pandemic, however, has prompted researchers to begin looking at this important question since earlier disease outbreak data shows that paid sick leave laws among this group of workers significantly reduces the spread of contagious diseases and resulting fatalities. The largest such study so far to look at this issue was conducted in the middle of the COVID-19 pandemic by the University of Massachusetts Labor Center, which collected surveys from 1600 frontline, essential, low-wage workers.[233] The data revealed that workers felt unprotected from COVID-19 at work and that they could not quit due to economic concerns.[234] Thus, this study revealed information previous research had not unearthed—that despite a robust state paid sick leave law and temporary federal paid sick leave legislation then in effect, a large percentage of low-wage workers, many of whom identified as Latinx, did not receive paid sick days.[235]

Empirical researchers have yet to explore why im/migrant workers do not benefit from paid sick leave laws when such laws exist, although at least two small-scale studies have been launched by the Clinic.[236] The next Section utilizes critical legal theories to construct a framework within which to analyze im/migrant workers’ inability to access paid sick time in jurisdictions with paid sick leave laws.

<<THEIR CARD ENDS>>

III. Im/migrant Workers, Paid Sick Leave, and COVID-19

As described in Section II, paid sick leave laws benefit multiple stakeholders because when workers can take paid sick time, they reduce the risk of disease transmission to all members of the public they encounter. The collision of immigration enforcement and workers’ rights, described in Part I, however, has historically prevented low wage, im/migrant workers from accessing workers’ rights, including paid sick leave. This Section uses critical race and movement law theories to explain why im/migrant workers have not, to date, benefitted from existing paid sick leave laws. It then employs critical race, movement, and public health law frameworks to argue that paid sick leave should be situated within a paradigm of mutual aid, as opposed to a traditional workers’ rights paradigm, to better benefit im/migrant workers.

A. Paid Sick Leave’s Failure to Protect Im/migrant Workers

Dating at least as far back as the 1918 flu pandemic, racial and ethnic minorities in the United States have fared worse than the rest of the population during disease outbreaks.[237] In the wake of COVID-19’s devastation in marginalized communities, critical legal scholars have asserted that this type of disproportional impact is “not due to any biological differences between races, but rather . . . a result of social factors.”[238] One such factor is workers’ ability, or lack thereof, to stay home from work to rest, recover, and seek medical attention when sick. As discussed above, emerging studies show that im/migrant workers largely lack access to this social benefit even when they live in jurisdictions with robust paid sick leave laws.

Critical race theory’s critique of the formal equality doctrine provides a framework to analyze and explain this situation. Critical race theorists have long pointed out that formal equality,[239] which is embedded in all workers’ rights legislation and is what requires the law to protect workers equally,[240] must be distinguished from substantive equality,[241] which “asks whether an individual can actually do what the right allows [them] to do in theory.”[242] Viewing paid sick leave laws with this distinction in mind demonstrates that im/migrant workers experience a wide chasm between the formal equality written into paid sick leave laws and the substantive equality in the outcomes that result from these same laws.

The nation’s collection of paid sick leave laws are intended to benefit all workers, including im/migrant workers, because they apply to all workers regardless of documentation status, job, or industry.[243] These laws mandate that workers earn, and have the opportunity to use, a set number of paid sick days per year.[244] They also provide robust remedies when workers’ paid sick leave rights are violated. For instance, most laws allow for double or treble damages when workers are not paid for sick leave days that they have earned.[245] This means that workers who earned but were denied paid sick days can be compensated two to three times their hourly wage rate if they had to take time off from work for a paid sick leave purpose. Moreover, all paid sick leave laws contain anti-retaliation provisions intended to prevent employers from punishing workers who either use paid sick leave or assert their right to it.[246] At least one state law imposes a severe penalty for retaliation, requiring employers to pay a minimum of $150 per day as long as the retaliatory action continues or until final judgment is rendered.[247] Finally, all paid sick leave laws can be enforced by filing complaints with the appropriate state or local agency or through private right of action in court.

In this respect, paid sick leave laws mirror earlier workplace rights such as minimum wage, overtime, and anti-discrimination mandates—all of which provide damages to workers for rights violations, anti-retaliation protection, and complaint procedures through labor agencies and courts.[248] The empirical data regarding im/migrant workers and other employment and labor protections, however, demonstrates that im/migrant workers are less likely to benefit from rights such as minimum wage and overtime for a plethora of reasons, including fear of immigration enforcement, threats of retaliation, lack of education and knowledge about workers’ rights, and financial inability to retain counsel or other legal support.[249] These obstacles make im/migrant workers less likely to engage in complaint-making.[250] Complaint-making, however, is critical because the research also shows that under-resourced labor agencies rely on worker complaints in order to enforce workers’ rights laws.[251]

In spite of this evidence, paid sick leave laws, many of which were enacted after this research was conducted and made available,[252] continue to provide the same mechanisms for enforcement as earlier workers’ rights laws that were not already benefitting im/migrant workers. It stands to reason that paid sick leave laws, which are modeled after traditional workers’ rights laws, also fail im/migrant workers. This is because these workers are less likely to engage in the requisite complaint-making when faced with employers who do not provide paid sick days even when the law requires it.[253] The underlying reasons for not engaging in complaint-making likely mirror the reasons found under traditional workers’ rights laws—fear due to the worker’s or a family member’s immigration status, threats of adverse employment action, and lack of understanding of paid sick leave rights.[254] Thus, when viewed through the lens of critical race theory’s critique of the formal equality doctrine, paid sick leave laws fall short of conferring substantive equality upon im/migrant workers just like their traditional workers’ rights counterparts.

It seems clear that paid sick leave laws were crafted with traditional workers’ rights laws in mind but without a corresponding thought as to these laws’ shortcomings when it comes to assisting im/migrant workers. This is somewhat surprising given that the contemporary paid sick leave movement, which began in the early 2000s, had its origins in grassroots advocacy that included im/migrant rights groups.[255] The emergent field of movement law theory provides guidance in understanding how paid sick leave advocates may have unintentionally replicated earlier workplace rights’ blind spots, and how this might be avoided in the creation of future paid sick leave policy.

Movement law, like critical legal studies, is interested in ideals such as justice and equality that come under the purview of the law but that the law has failed to achieve.[256] Its focus is on working in solidarity with social and grassroots movements in order to create legal meaning and frameworks, and to do so without imposing a hierarchical structure that places the law, lawyers, and legal scholars at the top and groups of people organizing for a more just, equitable, and sustainable future at the bottom.[257] In other words, movement law urges those with legal knowledge to co-generate “ideas alongside social movements” rather than for them.[258]

Viewed through a movement law lens, paid sick leave laws are crafted in a manner that do not consider the lived reality of im/migrant workers. For example, it is common for im/migrant workers and communities to be unaware of their workplace rights or, even if they have knowledge regarding workers’ rights, to lack an understanding of the specific mechanisms for provision and enforcement of these rights.[259] Paid sick leave laws reflect this on a basic level because some provide state and local labor agencies with the option to engage in community education and outreach.[260] But these laws are silent when it comes to determining how to go about identifying vulnerable worker groups for outreach purposes, the importance of gaining community trust, and/or best practices for educating marginalized groups. Perhaps due to these oversights, labor agency educational programming often does not reach im/migrant workers.[261]

Paid sick time laws also ignore the reality that most im/migrant workers cannot afford legal assistance to file workplace complaints with labor agencies or courts. Labor agency complaint procedures can be byzantine,[262] and successfully filing a court action requires some degree of legal knowledge, advice, or representation. Without creating alternative mechanisms for enforcement—that is, modes of enforcement that do not rely largely on worker complaint-making—paid sick leave laws all but ensure im/migrant workers’ inability to benefit from paid sick days when faced with non-compliant employers. For example, sick time laws could require state and local labor agencies to conduct periodic sick leave audits of employers in industries that are known violators of workers’ rights. As written, however, paid sick leave laws do not embrace movement law strategies informed by im/migrant workers’ stories, concerns, and suggestions, which in turn might have led to better protections for this subset of workers.[263]

Drafters of paid sick leave laws are not the only ones who have failed to appreciate the “limits of rights discourse to transform the prevailing order”[264] when it comes to im/migrant workers and paid sick time. Scholars and policy analysts analyzing paid sick leave laws, including those discussing vulnerable groups’ lack of access to paid sick days, are silent when it comes to im/migrant workers’ predicaments and perspectives.[265] In this way, the literature surrounding paid sick leave continues to ignore voices and experiences that are traditionally overlooked by the legal academy and its primary reliance on “traditional legal sources.”[266] When workers’ perspectives are ignored, recommendations for enhancing paid sick leave’s reach to marginalized workers risk being stale upon arrival.[267] Indeed, otherwise comprehensive legal articles discussing paid sick leave exemplify this when they call for expanding paid sick leave by using existing laws as templates to increase the number of jurisdictions with paid sick time and, ultimately, to enact a national paid sick leave law.[268] Although this scholarship is well meaning, its failure to acknowledge the limits of current paid sick leave laws and to explore why im/migrant workers’ are not able to access them leaves the most vulnerable workers out of the paid sick time paradigm.

B. Shifting the Paid Sick Time Paradigm to Center Im/migrant Workers

Shifting the paid sick time paradigm in a manner that is more inclusive of vulnerable workers will require scholars and policymakers to center im/migrant workers when advocating for and drafting sick time laws.[269] This centering does not mean that marginalized workers necessarily have all the answers. Rather, this type of engagement with im/migrant workers and their communities often makes legal theory and law work “better, [and be] more hopeful, more grounded, and more accountable.”[270] This is critical given the hegemonic forces, lack of political will, and limited economic resources that buttress status quo notions, such as the sufficiency of formal equality within paid sick leave laws.[271] It is precisely because of these types of challenges and obstacles that movement law urges those trained in law to “take cues from social movement epistemes,” in order to be able to “gesture at new possibilities.”[272] This Section aims to do just that by first learning alongside a group of essential, frontline workers who successfully advocated for their workplace rights, and then applying these lessons to show how paid sick leave laws could be more effective for im/migrant workers.

In 2018, a group of nurses at two hospitals in Tucson, Arizona, many of whom are im/migrants, decided to organize themselves under National Nurse’s United (NNU), an AFL-CIO affiliated union, because hospital management had consistently failed to ensure safe working conditions for them and their patients.[273] At first, the nurses’ chances of unionizing seemed miniscule because Arizona has very few unionized workplaces and unionizing in the state is difficult.[274] The nurses, however, crafted a unique strategy: they centered their campaign around narrating personal stories about what it felt like to be essential, frontline, healthcare workers who are overworked and dangerously understaffed while tending to patients in need of critical care and attention.[275] Importantly, the nurses’ narrative shifted focus away from their workplace right to organize to change hospital staffing policies and onto their lack of ability to provide the best care possible for their patients given current staff-to-patient ratios. Additionally, early in the campaign, the nurses prioritized providing legal knowledge to and cultivating solidarity among their ranks.[276] This was important given that the nurses knew management would engage in aggressive and unlawful tactics against nurses advocating for the union, such as threats and retaliatory behavior.[277] By fall of 2019, just months before COVID-19 inundated hospitals and healthcare workers nationwide, the Tucson nurses achieved what no other group of hospital workers in the state had ever done before: they unionized their hospitals. As a result, they ensured that their voices would be heard and their concerns addressed—and they did this in furtherance of their goal to provide the best quality healthcare to the people they had dedicated their careers to serving.

The nurses who brought NNU to Arizona engaged in a seemingly simple yet extraordinary move—they situated their workers’ rights within a broader public health conversation. The NNU provides useful lessons for shifting the paid sick leave paradigm, notwithstanding the differences between unionization campaigns and drafting paid sick time legislation that embraces im/migrant workers.

When the NNU nurses foregrounded their patients’ well-being and tied this to their need for lower staff-to-patient ratios, they activated critical race theory’s “interest convergence principle.” A term coined by Derrick Bell, interest convergence posits that minority groups, such as im/migrant workers, significantly benefit from laws and social policies that also benefit dominant groups.[278] The nurses highlighted the convergence of their interests and their patients’ interests by focusing their unionizing campaign on patients’ negative healthcare outcomes when nurses are overworked and understaffed. The same strategy can be used to enhance paid sick leave protections for im/migrant workers by pointing out that dominant groups—be they nursing home residents, meat purchasers, or restaurant goers—will benefit if workers in these industries, many of whom are im/migrants, are more likely to use paid sick leave.

Critical race theorists do not always view interest convergence as a successful strategy because, as Bell argued, “even when the interest convergence principle results in an effective . . . remedy [for marginalized groups], that remedy will be abrogated at the point that policymakers fear [it] . . . is threatening the superior societal status of [dominant groups].”[279] Although this failure of interest convergence to sustainably help vulnerable groups often has played out as Bell feared,[280] this critique does not necessarily extend to laws and policies connecting workers’ rights to public health. For instance, low staff-to-patient ratios at a hospital arguably enhances the quality of life for all patients regardless of their status in dominant or vulnerable groups. The same can be said for paid sick leave laws that embrace im/migrant workers. For example, disincentivizing presenteeism by providing an im/migrant worker who is sick with COVID-19, H1N1, or even the common flu with paid sick leave benefits both that worker and an exponentially larger number of individuals, some of whom are from dominant groups that rely on that worker’s labor. When paid sick leave is viewed as a broader public health measure, rather than as an individual workers’ rights issue, it perfectly converges the interests of workers and those who rely on and benefit from the workers’ labor.[281]

Recently, health law scholars have hit upon a similar idea in calling for a “solidarity-based theory of public health” that highlights the interconnectedness of workers’ rights and public health outcomes.[282] Specifically, they argue that because “[i]nfectious disease pandemics are fueled by the connection of people to one another in society,” the public’s health and safety can be safeguarded only by acknowledging these connections and working toward mutual aid.[283] When viewed within this paradigm of connection and mutual aid, paid sick leave is more than a workplace right—it is a highly efficacious tool for achieving and maintaining the health and safety of entire populations, especially during times of disease outbreaks, epidemics, and pandemics. Indeed, a central policy purpose behind paid sick leave is to ensure that workers take time off from work when they are ill rather than engaging in presenteeism, which spreads infection and disease.[284] Thus, attempts to expand paid sick leave laws that are inclusive of im/migrant workers must prominently feature the fact that paid sick leave laws protect everyone—im/migrant workers by providing time off for medical care, rest, and recovery,[285] and everyone else by protecting the public from sick workers who can spread contagion.[286]

Framing paid sick leave as a hybrid law at the intersection of workplace rights and public health shifts the paid sick time paradigm to embrace im/migrant workers in three ways. First, it removes im/migrant workers’ access to paid sick leave from the confines of immigration enforcement and im/migrant workers’ rights, which have stifled the ability of paid sick leave laws to adequately reach and protect im/migrant workers.

Second, situating im/migrant workers and paid sick leave within a public health matrix allows us to see how “fundamentally individualistic employment and anti-discrimination laws have undermined—rather than supported—workers’ ability to protect themselves and others.”[287] Employment and labor laws are focused on the “attribution of fault and responsibility” among workers and employers, which not only obfuscates communal or governmental responsibilities but also does not result in effective public health outcomes.[288] Paid sick leave laws exemplify this problem. Even though these laws exist to safeguard workers and the public, their enforcement mechanisms for apportioning blame and damages focus on individual employers and, because im/migrant workers are unlikely to complain about their employers, these laws do not ultimately function as intended.[289]

Third, tying im/migrant workers’ rights to public health opens the door to innovations that do not currently exist in paid sick leave laws. For example, perhaps the very process whereby paid sick days are requested and provided needs to be re-examined. If the underlying goal of paid sick leave is to ensure public health and safety beyond a singular workplace, then it does not make sense to expect individual employers to bear the brunt of paying for all sick days, as is required under most state paid sick leave laws.[290] Rather, a system more akin to workers’ compensation, where employers are required to purchase insurance to pay for injured workers’ medical bills, might be more appropriate. A workers’ compensation model is especially attractive to im/migrant workers since workers’ compensation does not exclude im/migrant workers as is the case under public benefits models such as unemployment insurance.[291] Therefore, im/migrant workers might be less fearful of making paid sick leave claims under a workers’ compensation-type rubric.[292] Moreover, workers’ compensation claims contain built-in mechanisms for attorney’s fee payments, which may make it more feasible for im/migrant workers to file these claims as opposed to claims for other types of workers’ rights.[293]

Shifting paid sick time from an exclusively workers’ rights-based paradigm to a mutual aid paradigm centers the importance of low wage, im/migrant workers’ access to paid sick leave. When these workers, who often are also essential and frontline workers, can afford to stay home while ill, they simultaneously benefit the public at large by preventing disease outbreaks. Thus, situating paid sick leave within a public health matrix underscores why lawmakers and policymakers should put care and attention into ensuring that im/migrant workers meaningfully benefit from paid sick leave laws.

C. Challenges and Recommendations to Ensuring that Im/migrant Workers Benefit from Paid Sick Leave Laws

While locating paid sick leave policies within a public health matrix highlights the public health benefits of providing im/migrant workers with access to paid sick leave, it is not enough to ensure that im/migrant workers will be able to benefit from paid sick leave laws. To do this, scholars and policymakers must spend time engaging with, listening to, and learning from im/migrant workers. Lawmakers can then look to this research and craft more inclusive paid sick leave laws that implement effective strategies to educate im/migrant workers about their paid sick leave rights, encourage workers to request paid sick time, and enforce paid sick leave laws when they are not followed. For example, im/migrant workers might express that education and outreach components of paid sick leave laws would be more beneficial if they instructed labor agencies to use certain types of presentation techniques such as the use of interpreters and bilingual materials. Im/migrant workers may also favor outreach methods that utilize individuals whom their community trusts, such as embedded community health workers.[294]

Including im/migrant workers in these conversations also helps policymakers understand what exactly is needed to help workers feel safe, or at the very least emboldened to engage in complaint-making. This is another important lesson that can be gleaned from the NNU nurses’ campaign. Because the nurses took time to engage in community building within their ranks before launching a full-scale unionizing effort, those nurses singled out for employment retaliation were more able to withstand management’s intimidation tactics. Some workers, however, will never feel comfortable making complaints against employers who violate their paid sick leave rights. To address these situations, policymakers must take fears of immigration enforcement and job loss into account when crafting paid sick leave laws.[295] They can do so by using scarce resources to target enforcement of paid sick leave laws in frontline, essential industries like agriculture, meat-processing, and long-term care that rely heavily on im/migrant labor. They also can work closely with advocates within im/migrant worker communities to begin conversations about the benefits of paid sick leave not just for individual workers, but also for their families and communities.

Although there is no substitute for spending time alongside the very workers that paid sick leave laws intend to, but fail to, protect, this is not a panacea because workers do not speak in a unified voice.[296] It is highly likely that im/migrant worker communities will contain different, sometimes opposing views regarding how best to craft paid sick leave laws that provide maximum benefits. This means that movement lawyers and policymakers must do the difficult work of tolerating dissonance, participating in active listening, and practicing patience, while workers identify possible solutions. There may be other hurdles as well. For instance, extrapolating from prior research about im/migrant workers and other workplace rights, it is plausible that at least some workers have culturally-based or self-limiting beliefs that will prompt them to shy away from asserting their paid sick time rights and encourage them to engage in presenteeism.[297] Even robust laws and policies may not be able to address deeply embedded psychological factors.

Overcoming these types of obstacles will take time, research, and experimentation in the field. To date, no large-scale quantitative or qualitative data has been collected on im/migrant workers’ experiences with paid sick leave laws. This type of research would allow policymakers to evaluate the efficacy of different paid sick leave models and conduct additional research on how im/migrant workers have benefited. In collecting this data, researchers and policymakers should consider collaborating with trusted partners of im/migrant communities, such as embedded community health workers, to understand and address the psychological barriers im/migrant workers face when accessing their paid sick leave rights.

### 1NC---S---Econ/Immigration Law AC

#### Expanding public benefits during economic crises solves immigrant resilience AND alt causes thump

Huyen 1AC Pham et al 24 - University Distinguished Professor of Law at Texas A&M University School of Law. Natalie C. Cook – M.A. candidate at Bush School of Government and Public Service. Ernesto Amaral - Associate Professor in the Department of Sociology at Teas A&M. Raymond Robertson - Professor of Economics and Government at Bush School of Government and Public Service. Suojin Wang – Professor of Statsitics at Texas A&M. “The Limits of Immigrant Resilience,” August 2024, Southern California Interdisciplinary Law Journal 33(3), pg 509-546.

IV. CONCLUDING THOUGHTS

Thus far, this Article contrasted our findings of immigrant labor outcomes during the COVID-19 pandemic with evidence of immigrant resilience during the Great Recession, the most recent economic crisis in the United States. The literature is replete with other examples of immigrant resilience and their ability and willingness to adapt to harsh labor market conditions. Studying foreign-born workers in the European Union during the Great Recession, Martin Kahanec and Martin Guzi found that immigrant workers responded more fluidly than natives to labor shortages by moving across regions, occupations, and sectors.24 3 Kerry Preibisch analyzed the labor patterns of immigrant agricultural workers in Canada and observed that they boosted the Canadian economy with their willingness to work seasonally in accordance with agricultural cycles. 244 In the face of scarce economic opportunity, Professors Yemisi Freda Awotoye and Robert Singh found that United States immigrants are more likely than natives to become entrepreneurs and create jobs, not only for themselves, but also for others. 245Adaptability in the face of challenging labor market conditions is a hallmark of immigrant workers.

These findings suggest important limits to that resilience: when employment options (even bad employment options) are severely limited, immigrant workers fare poorly, particularly in comparison with native-born workers. These findings may feel limited to the unique circumstances of the COVID-19 pandemic, but there are other scenarios where labor options could be similarly and severely restricted for immigrant workers. Of note, with the continued rise of restrictive sub-federal immigration laws across the United States,246 the ability of immigrant workers to move within the country for jobs may be severely hampered.247 States, cities, and counties have enacted laws that deputize local law enforcement officials to enforce federal immigration laws and that limit immigrant access to employment, housing, and benefits.248 These laws create very negative sub-federal immigration climates that may restrict the movement of immigrants to those jurisdictions.24 9 It is also possible that a more geographically uniform economic recession that could severely restrict job opportunities for immigrants in ways that implicate their resilience. 250 Finally, as the threat of airborne diseases continues to grow,251 lawmakers must consider the implications for vulnerable immigrant populations in future pandemics and health crises.

Limits on immigrant resilience raise important policy concerns. First, immigrant workers and their families may be more vulnerable during times of economic crisis than previously thought. Insightful research has been done about the challenges that immigrants face in the United States,252 but the underlying assumption for much of that research is that immigrants have access to work, albeit often under harsh and dangerous conditions. Without access to work and its income streams, immigrants and their families may be in more dire straits than previously considered, and the human welfare consequences of this are significant.

Flowing from this, governments should seriously consider expanding public benefits to immigrants, especially during economic crises. In March 2020, in response to COVID-19, Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). 253 The $2.2 trillion Act offered generous aid to many, including expanded unemployment benefits for workers,254 direct stimulus payments to individuals,255 forgivable loans to businesses, 256 a moratorium on eviction and foreclosures,2 funding for the healthcare industry,258 and funding for state and local governments.259 Subsequent laws extended and expanded these benefits.20

One group that was largely left out of these crucial aid distributions were foreign-born individuals living in the United States who do not have citizenship. Some of the aid exclusions targeted undocumented immigrants by requiring proof of lawful immigration status as a prerequisite for receiving aid-for example, the federal supplemental unemployment benefits.26I Other aid exclusions targeted undocumented immigrants but also swept up immigrants with lawful immigration status.262 For example, the direct stimulus payments were not granted to any taxpayers who filed with individual tax identification numbers ("ITINs"), instead of Social Security Numbers ("SSNs").263 Though undocumented immigrants are eligible to obtain ITINs, other immigrants with lawful immigration status also use ITINs, including foreign nationals who are students, professors, or researchers living in the United States but do not qualify for SSNs, or dependents and spouses of citizens or lawful permanent residents who similarly do not qualify for SSNs.264 Significantly, the stimulus payment exclusion also applied to family members who filed jointly with an ITIN taxpayer, even if those family members had SSNs.25 The Migration Policy Institute estimates that about 14.4 million people were excluded from stimulus payments on these grounds.266

Similarly, provisions in the CARES Act that expanded Medicaid benefits to the uninsured to cover the testing and treatment of COVID-19 excluded undocumented individuals and many foreign-born individuals with lawful status, including those with green cards who had not met five-year eligibility requirements, Deferred Action for Childhood Arrivals ("DACA") beneficiaries, and individuals with Temporary Protected Status. 267 When COVID-19 vaccines first became available, there were even debates about whether proof of lawful immigration status should be required to receive the vaccine.21 When asked if undocumented workers at a local meatpacking facility would be vaccinated as part of the state's vaccination efforts, Governor Pete Ricketts of Nebraska responded, "You're supposed to be a legal resident of the country to be able to be working in those plants, so I do not expect that illegal immigrants will be part of the vaccine with that program."219 After outcry ensued, Rickett's communications director clarified that undocumented immigrants would receive vaccines, but that the state would prioritize citizens and legal residents. 270

The policy reasons offered for these COVID-era restrictions are familiar in debates about immigrant access to public benefits generally. Some policymakers wanted to prioritize scarce resources for American citizens or those with lawful, more long-term connections to the United States.271 Other policymakers took a more negative approach, not wanting to "reward" those who violated United States immigration laws with public benefits or to be a "pull factor" to encourage immigration violations by others.272 But our results show that immigrants experienced an extraordinarily harsh labor market during COVID-19, harsh even as compared with past economic crises. Thus, governments at the federal and sub-federal levels would be well-advised to extend benefits, without regard for immigration status, when economic conditions mimic those experienced during the pandemic.

### 1NC---S---Workplace Safety/Safety Training AC

#### Establishing occupational safety regulations, research, and outreach initiatives solves AND alt causes thump

Ahmad 1AC Baghdadi 24 – Assistant Professor in the Department of Civil and Environmental Engineering at Umm al-Qura University. “Navigating occupational safety and health challenges in sustainable infrastructure projects: a comprehensive review,” 2024, Frontiers in Built Environment, vol. 10.

Infrastructure projects play a crucial role in improving societal well-being by facilitating access to essential systems, services, and utilities necessary for economic activities. However, the nature of these projects presents significant challenges and threats that can result in serious injuries to personnel and contractors, thereby necessitating effective management to prevent and mitigate such risks (Prochazkova and Prochazka, 2014). Unlike many other industries where project staff may not need to be present on-site at all times (Alaloul et al., 2020), all workers and technical engineers involved in infrastructure projects are required to work on-site, either to carry out operations or ensure project completion according to specifications (Balkhyour, Ahmad and Rehan, 2019). Therefore, the ability to manage unforeseen circumstances is imperative.

Construction and infrastructure projects encounter similar risks. In contrast, infrastructure projects often face additional challenges and safety issues that are uncontrollable, such as those related to OSH concerns, which is related to third-party public safety (Campbell, 2008). Infrastructure construction sites are perceived as inherently risky environments characterised by unstructured conditions, inadequate facilities, congested workspaces, and exposure to adverse weather conditions Eppenberger and Haupt, 2003). Therefore, ensuring the safety of workers and the general public is paramount in such projects.

Challenges to OSH in infrastructure projects are generally intertwined with construction challenges (Campbell, 2008), which is why prioritising infrastructure OSH is imperative for stakeholders, including owners, consultants, contractors, governments, and project participants (Reid, 2009). Continuously improving OSH conditions is essential for all countries, with an emphasis on enhancing the risk assessment process and the effectiveness of risk elimination or reduction decisions (Cagno et al., 2001).

Various factors contribute to the heightened risks and vulnerabilities of OSH in infrastructure projects compared to other types of construction projects. Such factors include construction methods, use of heavy equipment, workers’ casual attitudes towards safety, inadequate leadership, and limited client and project management involvement in OSH (Laryea, 2010). Furthermore, accidents affect not only the individuals involved, but also the project parameters, leading to delays and loss of productivity (Chileshe and Dzisi, 2012; Saad, 2016) emphasised that poor safety performance results in increased overall OSH expenses. This study focused on identifying the barriers and challenges to OSH in infrastructure projects. Contextual factors, which are often viewed as spin-offs of barriers, encompass variables that are indirectly related to OSH interventions but significantly influence their success (Stolk et al., 2012; Micheli et al., 2018). Evaluating OSH in infrastructure projects becomes challenging if these barriers are not addressed (Abu Aisheh et al., 2021).

Worksite incidents often occur due to failure to recognise or address inherently dangerous conditions, negligence, or disregard for safety protocols (Zerguine et al., 2016). Inadequate personal protective equipment (PPE), lack of safety training, absence of well-structured safety management systems and insufficient supervision also contribute to safety hazards in infrastructure projects (Hamid et al., 2008; Teo et al., 2008; Priyadarshani et al., 2013; Nawi et al., 2016).

Workers’ negligence, inability to follow job processes, high-level work, unsafe working conditions, poor site management, lack of skill and attitude towards safety all contribute to safety challenges in infrastructure projects (Ammad et al., 2020). Accidents are also attributed to a lack of safety awareness, educational training, company insurance and practical guidance, as well as unregulated activity and insufficient equipment (Enshassi et al., 2008).

A lack of safety training and policies are significant barriers to safety implementation in infrastructure projects (Saad, 2016). Safety training is vital for accident prevention and reduction (Yiu et al., 2018). Insufficient safety awareness and understanding among workers lead to unsafe behaviours and practices (Chileshe and Dzisi, 2012; Sobral and Soares, 2019). Thus, effective safety communication between managers and workers is crucial for safety management (Hanafi, 2018). Communication difficulties, including linguistic, religious, and cultural barriers, may hinder safety efforts on worksites (Mouleeswaran, 2014). Management’s inconsistent OSH behaviour, inadequate information and communication, and prioritisation of production over safety are the main barriers to safety implementation (Garnica and Barriga, 2018). The four key challenges to OSH implementation are an uncomfortable work environment, lack of safety awareness, absence of safety management programmes and industry norms discouraging safety programmes (Buniya et al., 2021). Meanwhile, factors such as poor project preparation, financial constraints, inadequate data, lack of emergency plans, hazardous conditions and overall project constraints further exacerbate the safety challenges in infrastructure projects, especially in developing countries (Nawaz et al., 2020)

Risky work environments, limited equipment accessibility, social isolation and individual obligations during the workday are significant concerns that affect safety performance (Pamidimukkala and Kermanshachi, 2021). Tight project schedules add pressure and stress, contributing to health and safety hazards and reduced productivity (Kartam, Flood and Koushki, 2000). Perceived OSH challenges include costs, lack of management commitment, inadequate safety culture, resource shortages, lack of enforcement, training deficiencies and lack of understanding of development (Dugolli, 2021). Poor data management makes estimating risk impact and taking corrective measures difficult (Khan, 2013; Revathi K et al., 2017). Alcohol consumption at work increases the risk of injury for drinkers and others, underscoring the importance of safety awareness and education (Meliá and Becerril, 2009; Arezes and Bizarro, 2011; Manjula and De Silva, 2014). Safety knowledge is crucial for promoting safety practices and behaviours (Manjula and De Silva, 2014).

A lack of safety regulations, procedures, standards, and effective communication of safety standards hinder safety programmes (Aksorn and Hadikusumo, 2008). Company culture plays a significant role in employee safety; a lack of commitment to safety and failure to follow safety regulations contribute to deficiencies in safety (Zhang and Gao, 2012). Workers’ failure to use PPE correctly is attributed to ignorance, negligence, apathy, and excessive trust, thereby underscoring the importance of safety awareness and training (Tan and Razak, 2014). Insufficient safety regulations, procedures, and standards, coupled with ineffective communication, further hinder safety efforts (Aksorn and Hadikusumo, 2008; Mahmoudi et al., 2014).

Table 1 presents a comprehensive compilation of the OSH challenges encountered in infrastructure projects, classified into distinct categories: Organisational factors; resource and infrastructure factors; legislative and regulatory factors; human factors; environmental and external factors; safety practices and procedures. Within each category, specific barriers identified from the literature review are delineated, along with corresponding references. This systematic categorisation facilitated a structured comprehension of the multifaceted challenges that are inherently present in ensuring OSH compliance within infrastructure projects.In infrastructure projects, OSH challenges are intricate and encompass various factors that significantly influence safety outcomes and project success. Understanding these challenges from organisational dynamics to regulatory frameworks and external factors is crucial. This discussion aimed to dissect different categories and factors of OSH challenges, emphasising those with the most impact and their implications for project stakeholders. Doing so enabled us to deepen our understanding of OSH management in infrastructure projects and identify areas for targeted interventions to improve safety outcomes and project performance.

• Most significant category and factors:

- Organisational factors: Our findings highlight the critical role of organisational factors, such as management commitment, resource allocation, safety culture and effective safety management practices, in ensuring worker wellbeing and project success (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Strong commitment from top management is essential for fostering a safety-first culture and ensuring adequate resource provision for safe work practices (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Conversely, a weak safety culture and lack of worker engagement present significant barriers to effective safety management (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Implementing robust safety management systems, including planning, training, and monitoring, is vital for mitigating health and safety risks (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Failures in safety management practices contribute to unsafe work conditions and undermine safety efforts (Nawaz et al., 2020; Al-Mhdawi et al., 2024), and inadequate planning and communication among stakeholders can further exacerbate safety challenges Nawaz et al., 2020).

- Legislative and regulatory factors: Adhering to OSH regulations is crucial for maintaining a safe work environment and upholding ethical standards in infrastructure projects (Nordengen and Roux, 2013). Non-compliance can lead to severe repercussions, underscoring the need for a robust regulatory framework and a culture of safety compliance in the industry Nordengen and Roux, 2013). Effective legislation, enforcement and awareness of safety requirements are essential for promoting safe work practices and ensuring stakeholders’ accountability (Nordengen and Roux, 2013). Compliance with OSH regulations is indispensable for meeting legal obligations, minimising le-gal liabilities and fostering a safety culture within infrastructure projects (Nordengen and Roux, 2013).

• Least significant category and factors:

- Environmental and external factors: Environmental and external factors are important, yet their direct impact on safety outcomes in infrastructure projects is perceived as less significant than that of organisational and legislative factors (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). However, proactive risk management remains crucial for addressing challenges and ensure project success (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). While environmental factors such as adverse weather conditions and regulatory changes can introduce complexities and risks, they are often beyond the direct control of project stakeholders (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). Effective risk management strategies and contingency planning can help mitigate their impact on safety and overall project performance (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023).

- Safety practice and procedure factors: Safety practices and procedures are vital for creating a safe work environment. However, their influence on safety outcomes is considered relatively less significant than that of organisational and legislative factors (Nawaz et al., 2020; Bolsherotov, 2021; Al-Mhdawi et al., 2024). The effectiveness of safety practices depends on the support and compliance established at higher organisational and regulatory levels (Nawaz et al., 2020; Bolsherotov, 2021; Al-Mhdawi et al., 2024). Without robust organisational support and adherence to regulatory requirements, safety protocols may not be adequately implemented or enforced, limiting their direct impact on safety outcomes (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Safety practices and procedures represent the implementation tier of safety management systems, and their efficacy is contingent upon support from organisational and regulatory levels (Nawaz et al., 2020; Al-Mhdawi et al., 2024).

4 Case studies and comparative analysis

Infrastructure projects and other construction ventures face distinct OSH challenges due to differences in scale, complexity, duration and impact on public safety and the environment. Recognising these variations is crucial for implementing effective safety management practices that address the specific hazards and regulatory requirements associated with each project type (Baniassadi et al., 2018; Greiman and Sclar, 2019; Indrayana and Suraji, 2022). Four case studies are represented, to illustrate the significant differences in OSH challenges between infrastructure projects and other forms of construction.

4.1 Infrastructure projects

4.1.1 Big Dig tunnel project (Boston, Massachusetts, USA)

• OSH challenges: The extensive scale and complexity of the Big Dig project in Boston introduced significant safety challenges, with workers encountering risks associated with confined spaces, underground utility handling and coordination with multiple stakeholders. Notably, the threat of tunnel collapses posed a considerable risk, exemplified by incidents such as the 2006 ceiling panel collapse, resulting in a motorist fatality (Albee, 1991).

• Key differences: Infrastructure projects such as the Big Dig involve specialised construction techniques and intricate underground work, such as tunnelling and bridge construction, necessitating tailored safety measures and equipment (Albee, 1991; Welsh, 1999).

4.1.2 Channel Tunnel (Eurotunnel)

• OSH challenges: The construction of the Channel Tunnel between the UK and France presented unique safety challenges due to its underwater nature. Workers navigated the underwater conditions, managed compressed air environments and prevented flooding during the construction process (Welsh, 1999).

• Key differences: Underwater or subsurface construction projects such as the Channel Tunnel pose distinct hazards related to water pressure and diving operations, requiring specialised expertise and equipment (Anner et al., 2013; Gueorguiev, 2019; Li et al., 2021).

4.2 Construction projects

4.2.1 Rana Plaza building collapse (Dhaka, Bangladesh)

• OSH challenges: The Rana Plaza disaster highlighted common safety issues in various construction contexts, such as inadequate building codes, poor structural integrity and unsafe working conditions. Workers, particularly in garment factories, faced risks such as overcrowding, absence of fire exits and structural deficiencies (Hossain, 2019; Trebilcock, 2020; Grier et al., 2023; Rehman et al., 2023).

• Key differences: Infrastructure projects focus on challenges related to scale and complexity, whereas other construction forms prioritise different safety aspects, such as fire safety and building integrity, necessitating tailored safety measures (Rudnik, 2018; Chen et al., 2022).

4.2.2 Grenfell Tower fire (London, UK)

• OSH challenges: The Grenfell Tower fire exposed systemic failures in fire safety, building regulations and construction practices. Issues such as inadequate fire safety pro-visions and confusing building regulations contributed to the tragic outcome (Mitchener, 2018; Chen et al., 2019; Ewen, 2023).

• Key differences: Residential construction projects such as Grenfell Tower prioritise fire safety and evacuation procedures, while infrastructure projects may emphasise hazards such as structural stability and environmental impact (Baniassadi et al., 2018; Indrayana and Suraji, 2022).

4.3 Comparative analysis

• Scale and complexity: Infrastructure projects typically involve larger scales and complexities due to their extensive nature, encompassing structures such as bridges, highways, airports and tunnels. Thus, managing safety across vast areas and intricate structures presents unique challenges (Masrom et al., 2015; Ayat et al., 2023). In contrast, other construction projects vary in size and complexity, with more standardised processes and less extensive spatial requirements (Dardiri et al., 2017).

• Workforce skills and training: Infrastructure projects demand a highly specialised workforce with expertise in various engineering disciplines, requiring training in specific safety protocols. Other construction projects may have a more generalised workforce with training focused on standard construction safety practices (Misra and Mohanty, 2021; Ahmed, 2023).

• Duration and timeline: Infrastructure projects typically have longer durations, which is why the possibility of accidents may increase over time. Other construction projects may vary in duration, affecting the intensity and duration of the OSH challenges faced by workers (Jones, Caudle and Pappworth, 1996).

• Regulatory compliance: Infrastructure projects are subject to complex regulations due to their significant impact on public safety and the environment. Compliance with OSH regulations, environmental regulations and industry standards adds complexity to safety management (Dimitrova et al., 2014; Mwelu et al., 2018).

• Public safety concerns: Infrastructure projects prioritise public safety because they have a direct impact on public wellbeing, involving hazards such as working near live traffic. Other construction projects may entail fewer public safety risks (Chi et al., 2016).

• Environmental impact: Infrastructure projects have significant environmental implications, requiring compliance with environmental regulations. While all construction projects must consider environmental impact, the scale and scope of these projects may vary (Alamgir et al., 2018; Saldaña-Márquez et al., 2019). Understanding these differences is essential for implementing tailored safety measures that address the unique challenges in each type of construction project.

5 Conclusion and recommendations

Infrastructure projects are indispensable for societal advancement, but strict adherence to OSH regulations to safeguard both individuals and property is necessary for such projects to be executed successfully. These projects, which are characterised by complexity and hazards, can give rise to hazardous environments and adverse environmental impacts if safety measures are not prioritised (Gámez-García et al., 2019). Inadequate OSH practices contribute significantly to the rate of injuries, fatalities, and property damage in construction projects, particularly in infrastructure projects. Infrastructure projects have long been associated with risks and incidents, resulting in project delays, escalated costs, diminished productivity, and negative reputational consequences (Sathvik et al., 2023). Hence, ensuring OSH compliance is essential to avoid accidents. Identifying impediments to OSH in the infrastructure sector is critical so that governments, organisations and policymakers can devise and implement effective interventions gradually to ameliorate these barriers and enhance OSH performance. This research identified major hurdles that need to be addressed to improve OSH performance in the infrastructure sector. The findings of this review can serve as a basis for further exploration of the identified challenges. This study is significant because it elucidates the OSH challenges and barriers in infrastructure projects, provides insights to improve OSH and educates professionals in the field. Addressing infrastructure challenges is imperative because they affect not only project deliverables, but also the safety of the involved personnel. In addition, the findings contribute to infrastructure safety by offering theoretical insights and a comprehensive understanding of stakeholder challenges during infrastructure development.

<<THEIR CARD ENDS>>

Organisational and legislative factors are the most significant categories and factors influencing OSH in infrastructure projects. Their impact on safety culture, resource allocation, compliance and accountability highlight their significance in ensuring the wellbeing of workers and the success of projects. Addressing organisational and legislative factors through proactive measures and robust safety management practices is essential for promoting a safe work environment, minimising risks, and achieving positive outcomes in infrastructure projects. These include:

• Design and implement safety protocols specifically tailored to address the distinct risks and complexities inherent in infrastructure projects, with factors such as project scale, environmental considerations and resource limitations taken into consideration.

• It is crucial to prioritize the early detection, evaluation, and reduction of risks at every phase of infrastructure projects. This proactive approach ensures that potential dangers to both workers and the environment are minimized effectively. By addressing risks before they escalate, we can safeguard the health and safety of personnel and protect the natural surroundings throughout the project’s duration.

• Advocate for the establishment and enforcement of robust regulatory frameworks that effectively uphold safety standards and ensure compliance with OSHregulations in infrastructure development endeavours.

• It is essential to foster cooperation between different stakeholders involved in infrastructure projects, such as government bodies, contractors, engineers, and safety experts. This collaboration should aim to facilitate the exchange of best practices, insights gained from past experiences, and innovative approaches. By sharing this valuable information, all parties can work together more effectively to tackle occupational safety and health (OSH) challenges that arise during infrastructure projects.

• Dedicate sufficient resources to ongoing research with the specific goal of improving occupational safety and health (OSH) practices, technologies, and methodologies. This research should be specially designed to meet the distinct needs of infrastructure projects. By investing in such targeted research, we can develop and refine strategies and tools that are directly applicable to the challenges faced in these complex environments. This commitment to innovation will help ensure that OSH measures keep pace with the evolving demands of infrastructure development and continue to protect workers effectively.

• Offer specialised training programmes and educational initiatives to equip workers with the skills, knowledge and awareness required to identify and mitigate OSH risks effectively.

• Cultivate a culture of safety across all organisational levels, emphasising the importance of OSH practices, fostering open communication and empowering workers to actively engage in safety initiatives.

• Establish robust mechanisms for monitoring and evaluating the effectiveness of implemented safety measures, identifying areas for improvement, and ensuring the continuous enhancement of OSH performance in infrastructure projects.

• Involve local communities in the planning and execution of infrastructure projects to address safety concerns, environmental impacts, and community wellbeing, thereby fostering transparency and trust.

• Embrace innovative technologies such as drones, sensors, and virtual reality simulations to enhance the safety monitoring, risk assessment and decision-making processes in infrastructure projects.

### 1NC---S---Legalization

#### A legalization program and restrictions on deportation solve advantage 2

Rappaport 26 [Nolan Rappaport, Executive Branch Immigration Law Expert in the House Judiciary Committee, “Should the US limit deportations only to dangerous criminals?,” The Hill, 01/08/28, <https://thehill.com/opinion/immigration/5677426-immigration-laws-presidential-power/>] \*\*we don’t endorse language used in small text of card

On the other hand, given that there are more than 14 million in the country illegally, it is possible that some — or even many — of them could help to meet our employment needs if they had authorization to work here. And they could be identified with a points-system like the ones used in Canada and Australia.

A legalization program would provide the work authorization they need; however, with one exception, that is not a realistic solution. It has been 40 years since the Immigration Reform and Control Act of 1986 established the last large legalization program. But a legalization program for Deferred Action for Childhood Arrivals (DACA) participants might be possible.

Trump initiated talks with Democrats on such a program during his first term in office, and the proposal he made can be modified to attract the bipartisan support needed to move it through the legislative process. If that approach fails, a modified DACA program should be considered that would provide temporary lawful status and employment authorization to adult immigrants who can meet America’s employment needs. The number of participants could be limited to make the proposal acceptable to Republicans by restricting participation to only the most highly qualified immigrants.

The fact that the administration doesn’t have the authority to shield noncriminal aliens from deportation doesn’t mean that it can’t be done. Congress has the authority to do it. But that isn’t likely to happen. If Congress had wanted deportations to be limited to criminal aliens who pose a threat to national security or public safety, it would have written its laws that way to begin with.

### 2NC---S---Employment/Non-Unionized AC

#### D. Limited scope---most workers aren’t unionized

Behrens et al. 20 [Martin Behrens, Program Director at the WSI/Hans-Boeckler-Foundation; Alexander J. S. Colvin, Kenneth F. Kahn ‘69 Dean and the Martin F. Scheinman Professor of Conflict Resolution at the ILR School, Cornell University; Lisa Dorigatti, Research Associate at the University of Milan; and Andreas H. Pekarek, Lecturer in the Department of Management and Marketing at the University of Melbourne, “Systems for Conflict Resolution in Comparative Perspective,” ILR Review, March 2020, https://journals.sagepub.com/doi/abs/10.1177/0019793919870800]

At a basic level, we found regulated and individual systems of dispute resolutions to serve as subsystems of final resort. With union density, collective bargaining, and works council coverage declining in all of the countries under observation, employment rights guaranteed by law provided for a minimum floor available to those workers who did not benefit from collective regulation of labor relations. Working-time laws or statutory minimum wages applied even to those workers who were not covered by a collective agreement. Beyond this function of “supplementarity,” where one institution makes up for the deficiencies of the other (Crouch 2005), we also observed examples of “synergies” whereby the effects of different subsystems mutually enforced each other (Deeg 2005: 3). The classic example in Germany was the way in which resolving distributive issues of wages through the collective bargaining system facilitated the focus of establishment-level works councils on integrative negotiation issues, with the potential for joint problem solving. In the United States also, however, we found that the individual employment rights litigation system provided a source of employee power that encouraged the growth of non-union dispute resolution systems incorporating some elements of fairness protections.

We also observed that as systems have changed over time, an element of institutional lock-in appeared to influence or constrain the subsystems that emerged and the pathways of change. In Germany, the declining coverage of the dual system of collective representation occurred in conjunction with an expanding system of statutory employment rights, but both reflected the juridification of Germany’s more regulated system of conflict resolution. Similarly, in Australia, modern awards made by tribunals continued to set industry-specific minimums, but there was also an expansion in statutory individual employment rights. Unions remained central to collective bargaining, but the system also provided for non-union agreement-making.

Both Italy and the United States presented some additional complexity to this picture. They exhibited the growing importance of subsystems that involve regulated, individualized resolution of rights-based conflicts, despite the voluntarist nature of other subsystems in those countries. In both cases, this was connected to the fact that the reach of the more voluntarist collective bargaining subsystem has decreased. In the United States there was an expansion of a similarly voluntarist system of individualized non-union dispute resolution. This was not the case in Italy though, where the voluntary resolution of individual disputes maintained a close connection to the collective dimension through the importance of trade unions in assisting workers.

Nevertheless, a striking finding across all four of our national systems was the decline in collective conflict resolution subsystems and the growing importance (albeit not always reflected in a quantitative growth) of individualized, regulated conflict resolution subsystems. This finding supported arguments that individual employment rights are becoming a more central component of IR systems, and bolstered suggestions that these subsystems need to become a more prominent focus of IR research and policy development (Piore and Safford 2006; Colvin 2012).

### 2NC---S---Legalization

#### Legalization of work, educational outreach, and federal anti-retaliation provisions creates certainty for workers and nullifies concerns created by Hoffman

Lee 21 [Jennifer J. Lee, Associate Professor of Law, Sheller Center for Social Justice, Temple University Beasley School of Law, “Legalizing Undocumented Work,” Cardozo Law Review, vol. 42, no. 5, September 2021, pp. 1893-1948, HeinOnline via MSU libraries]

A. Two Options for Legalizing Undocumented Work

The legalization of undocumented work can take on two approaches: simply repealing the prohibition on undocumented work or affirmatively legalizing undocumented work. Both approaches raise challenges. Should workers be registered into some kind of database? What kind of protections exist to prevent such a database from being used for immigration enforcement purposes? Despite having the lawful ability to work, undocumented workers would still be vulnerable to employers who could use the possibility of deportation to keep workers subordinated. While the legalization of undocumented work is not a panacea, it is a significant step to removing some of the precariousness undocumented workers experience on a daily basis. In turn, the hope is that they will have increased power to negotiate, complain, and agitate for workplace reform.

By repealing the prohibition on undocumented work, employers could hire those without work authorization.261 Employers, for example, would no longer engage in the I-9 process to verify documents of a worker.262 It would obviate the need to use false documents for employment, reducing an undocumented worker's exposure to potential civil or criminal liability relating to document fraud. This repeal would return employers to the system that existed prior to the enactment of IRCA in 1986.263 Without the employer prohibition at the federal level, there would no longer be federalism concerns about states and localities regulating undocumented work.

States and localities that seek to restrict immigration would likely enact harsh measures that penalize employers and undocumented workers. Several states have already enacted E-Verify laws that penalize employers by revoking their licenses for having hired undocumented workers.264 Arizona went further by seeking to criminalize workers for engaging in undocumented work, although this provision was preempted by IRCA.265 Prior to IRCA, states and localities had laws on the books to regulate the work of immigrants in various ways, often focusing their laws to keep immigrants out of particular industries.266

In contrast, states and localities that seek to welcome immigrants could choose to go further to enact measures that help to affirmatively legalize undocumented work. They could issue state or local-level work permits for residents. These permits could be tied to other benefits that exist for residents and help with the payment and collection of taxes. The closest example to such local programs is when states have attempted to create their own guest worker programs.267 These programs were not only preempted but also problematic because of the well-known abuses in the guest worker programs.268 Yet they provide a glimpse into how some states have sought to independently legalize immigrant workers at the local level.

While there may be some discomfort about how this free-for-all would result in fragmentation among states and localities, it is already occurring on the issue of immigrants.269 Sanctuary-type policies are a good example of this difference.270 Rather than view such dichotomy as a harm to national identity, policy divergences at the local level can be helpful.271 Undocumented workers may vote with their feet, leaving behind jurisdictions that are less welcoming.272 The differential treatment can create a natural experiment about the benefits and drawbacks of legalizing undocumented work. Are places suddenly faced with high unemployment or economic benefits? What is the impact of defining the community more exclusively or inclusively? What does the landscape look like for workers in differing jurisdictions in terms of workplace standards and rights?

Beyond repealing the prohibition on undocumented work, the federal government could take additional steps to legalize undocumented work. Such steps could potentially prevent states and localities from legislating to penalize undocumented work because of preemption.273 Federal immigration law, for example, could be amended to include an affirmative statement about the legality of undocumented work. Such language might state: "Any person or entity may recruit, hire, or employ an alien that is present in the United States, regardless of whether the alien is lawfully admitted for permanent residence or otherwise authorized to be lawfully present in the United States." By creating an affirmative program at the federal level, it would uniformly legalize undocumented work and create facially equal rights for undocumented workers under labor and employment laws.274 [FOOTNOTE 274] 274 The courts too could take on this task on their own, although it is unlikely given the decision in Hoffman Plastic. With either of these proposals, the decision in Hoffman Plastic, which is premised on a conflict between IRCA and the NLRA, would become inapplicable. See supra text accompanying notes 58-61. [END FOOTNOTE 274]

There are still, however, practical challenges with these two options. The first is the creation of some type of workable registration system for undocumented workers to facilitate the payment of payroll taxes. Such a system would require protections to prevent such information from being used for immigration enforcement purposes. The second more fundamental challenge to these proposals is one of political feasibility.

The Federal Insurance Contributions Act (FICA) requires that employers pay a contribution to the Social Security and Medicare programs on behalf of an employee. Employers are also required by law to deduct the employee's contribution to the Social Security and Medicare programs. Currently, undocumented workers who work under false social security numbers (SSNs) are paying into the system, which has resulted in an estimated $13 billion annually paid in payroll taxes.275 With either approach, undocumented workers would need an SSN-type number so that employers could comply with FICA. The Social Security Administration (SSA), for example, could issue such numbers to undocumented workers that could be used solely for purposes of FICA and filing taxes with the IRS.

Undocumented immigrants, however, are categorically ineligible for federal public benefits such as Social Security or Medicare.276 If the law continues to make undocumented workers ineligible, they are paying into a system from which they will never benefit. Native-born workers and lawful permanent residents can only qualify for these benefits if they have earned forty lifetime credits. What if undocumented immigrants who meet these requirements could similarly obtain this benefit? On the one hand, it might seem reasonable to open up the system to undocumented workers who have earned the forty lifetime credits. On the other hand, powerful political discourse about immigrants "draining taxpayer resources" will likely prevent them from obtaining this kind of federal benefit.277 An alternative idea would be to create a separate fund from these FICA payments that could be reimbursed annually to undocumented workers when they file their taxes.278

Further, there is some concern about how an SSN-type number can cause employers or the government to track undocumented workers. If such numbers are facially different, employers would be able to recognize who among their employees is an undocumented worker. This differentiation could facilitate the same kind of employer exploitation of undocumented workers that exists under the current system. There is also concern that the federal government will use such information to conduct immigration enforcement. In the past, the SSA has not shared information with ICE for immigration enforcement purposes. The SSA, for example, has a no-match letter program. It issues letters to employers when it finds that the SSN listed on the Form W-2 does not match the SSA's records. The SSA, however, has steadfastly announced that the purpose of these letters is to "properly post its employee's earnings to the correct record."279 In fact, the SSA has interpreted the sharing of such information with ICE as a violation of federal law.280

While at first glance, the creation of an SSN-type number system for undocumented workers may seem unworkable, the IRS's ITIN system provides a good example. In 1996, the IRS began to issue ITINs to help those without SSNs to "comply with the U.S. tax laws."281 While ITINs are not exclusively issued to undocumented immigrants, millions of undocumented immigrants have obtained ITINs in order to file their taxes each year.282 The IRS has been successful in catering to undocumented immigrants by advertising that the ITIN is available for any person regardless of immigration status.283 In fact, the Internal Revenue Code prohibits the sharing of taxpayer information with any other federal agency.284 A similar restriction would have to be enacted for the SSA to ensure the confidentiality of such records.285

In terms of political feasibility, it is hard to imagine building the necessary impetus for repealing the federal prohibition, much less creating a new system that allows workers to lawfully work in the United States. If the failed attempts to enact legalization are any kind of barometer for feasibility, these proposals will be politically challenging. At the same time, unlike issues of citizenship status, these proposals do not require contending with the harder questions of who "deserves" citizenship status. All workers would be automatically eligible to lawfully work in the United States.

B. Limitations of Legalizing Undocumented Work

Even assuming the successful creation of a system that can legalize undocumented work, such workers are still at risk of exploitation. Unscrupulous employers who suspect or discover the undocumented status of workers may seek to use the threat of immigration enforcement to exploit such workers. Regardless of the lawful ability to work, undocumented workers are still at risk of arrest, detention, and deportation by ICE.

The anti-retaliation provisions of many federal laws ostensibly protect workers from such immigration-related retaliation if workers have voiced or filed workplace complaints.286 Yet such protections are piecemeal, as they are dispersed within various labor and employment laws. A comprehensive and federal anti-retaliation provision that is more specifically applicable towards immigration-enforcement retaliation could more readily protect undocumented workers. In California, for example, the law protects undocumented workers by issuing civil penalties for employers who call or threaten to call the police or ICE in response to workers asserting their rights under the state labor and employment laws.287 There are other states and localities that have defined the crime of extortion to include threatening immigration enforcement in order to stop a worker from obtaining a work-related benefit.288 In order to make such an anti-retaliation law truly effective at the federal level, it would require the Department of Labor (DOL) to engage in active community education with both employers and workers to notify them of the prohibition on retaliation. The funding that is used by ICE to conduct I-9 audits and workplace raids could be transferred to the DOL to fund enforcement of this program.

It is also crucial that the government act to restrain ICE from engaging in immigration enforcement at the workplace. Currently, a memorandum of understanding (MOU) exists between ICE and other federal agencies that enforce workers' rights, such as the DOL, Equal Employment Opportunity Commission (EEOC), and National Labor Relations Board (NLRB).289 This MOU states that ICE will generally refrain from engaging in enforcement at a worksite if there is an existing investigation of a labor dispute. Yet it fails to consider the many forms of immigration-enforcement retaliation that occur at the workplace prior to initiating a federal investigation. Ex ante monitoring could help address this problem.290 The laws could require that ICE get permission from the DOL before engaging in any enforcement action at a workplace.291 Even more significantly, the workplace should be off- limits as a site for immigration enforcement. At least one federal proposal has envisioned increasing the ability of undocumented workers to obtain visas based on serious workplace abuses, which would help address any retaliatory actions for their deportation.292

The failure to address immigration status, however, ultimately leaves intact the overall caste system created by the differentiations between those with and without lawful immigration status. There is no denying that legalizing undocumented work is an incomplete solution for undocumented immigrants. From the perspective of workers, however, the workplace remains an incredibly important part of the everyday lived experiences of many undocumented immigrants.293

Further, the ability of workers to freely quit their jobs and seek work elsewhere without limitations will hopefully change the dynamics of the workplace. Currently, undocumented workers may remain in jobs and put up with unjust or unsafe working conditions because of the fear of being "discovered" or the anxiety of having to find another job in a limited market for undocumented work.294 The legalization of undocumented work may make some undocumented workers feel more comfortable to negotiate or complain about on-the-job conditions. There may be psychological benefits too in gaining some stability and power in the workplace.295 While the imbalance of power between employers and low-wage workers will persist, there should be increased pressure on employers to improve the on-the-job conditions needed to attract and retain workers.

The focus on undocumented work too is not meant to imply that social rights should only be restored to "deserving" working immigrants. Outside of work, there are many issues that confront undocumented immigrants that violate principles of equality or freedom, such as equal access to benefits or freedom from civil detention. Rather than perceive the focus on undocumented work as exclusionary, it serves as a test case concerning the restoration of additional social and political rights to undocumented immigrants. In doing so, it will help to lessen the "illegality" of such immigrants by helping to strengthen their worker identities and reduce intergroup bias.296 As undocumented workers engage in legal work within their communities, the more incongruous their "illegality" as a matter of citizenship status will be with their lived lives.

### 2NC---AT: L2NB

#### Their “unions key” card also proves the counterplan doesn’t link. It says unions are forcing companies to involve unions in discussions about changes to company policy and that the protections “beyond what is required by law” are “only possible through contract negotiations”

Mimi Goldberg 24 – JD from Cornell Law School. “Quizás Se Puede: Evaluating Union Success in Incorporating Immigrant Workers,” 2024, Harvard Civil Rights-Civil Liberties Law Review, vol. 59, pg. 303-324.

Other common protections for immigrant workers provided job security and preserved their seniority within the union . Almost a quarter of the union contracts (23%) prohibited employers from taking adverse action against workers who lawfully amended their immigration status, and thereafter provided new information, such as a social security number, to their employer . 63 A smaller number of CBAs (18%) contained detailed reinstatement provisions, allowing union members who lost work authorization or were terminated because their employer discovered they lacked authorization to return to their previous position if they could amend their status within a certain time window . 64 Although the short window of these reinstatement provisions may not reflect the actual time it takes to navigate immigration proceedings,65 this type of provision provides increased job security and allows the union to preserve seniority, an incentive for members to join and remain within the union.

The most inclusive union provisions provided protections for immigrant workers in the case of interactions with immigration enforcement agencies . Around one third of the CBAs (30%) required employers to involve the union in discussions about immigration status, whether they were geared towards a particular employee, related to changes in company policy or law, or spurred by contact from immigration enforcement agencies . 66 Many contracts (24%) outlined procedures for the employer, union, and workers to follow when the employer receives a No-Match letter, which informs employers that a worker’s social security number does not match their name, or any similar contact from immigration enforcement agencies . 67 A small minority of contracts forbade the employer from requiring an employee to meet with U .S . Immigration and Customs Enforcement (ICE) . 68 This category of contracts allows unions to insert themselves as an intermediate actor between workers and employers, or workers and immigration enforcement agencies, which can help ensure that a worker’s rights are protected and prevent immigration arrests at work

The CBA review indicates that immigration-specific protections for workers can ensure that their rights are respected in the workplace and materially increase their ability to navigate the challenges that accompany noncitizen status . For some, a union contract even provided a pathway to citizenship . 69 However, only 6% of the total contracts provided substantive immigration-related protections, illustrating that there is still vast room for improvement within the labor movement . This number perhaps overstates the impact of the CBAs studied, as only 4% of total contracts issued contained provisions beyond what was already mandated by law . 70

These contracts illustrate that some unions are observing changes in the labor movement that are taking place outside the context of CBAs . The substantive protections offered in the CBAs studied illustrate that unions have potential to materially advance the conditions of immigrant workers and address the unique needs that they face . Furthermore, unions are beginning to understand the necessity of meeting the current needs of the working class for their continued survival . Despite these underwhelming statistics, hope remains . Worker centers and alternative organizing models have illustrated how new creative strategies can overcome organizing barriers in the immigrant workforce71 The success of these models has assured unions that it is worth investing resources to run organizing campaigns in immigrant communities . Additionally, these models have highlighted the specific needs of this community that unions have previously ignored . To continue this success, more unions can build on their importance to this segment of the workforce by providing direct benefits to immigrant workers

Unions as Immigration Intermediaries

While unions must continue to make progress on incorporating immigrant workers into the rank-and-file, the CBA review did reveal an important offering that unions can provide their immigrant members. Many unions are inserting protections that allow the union to serve as an intermediate party in the workplace between the employee and the employer or an immigration enforcement official . 72 Significantly, these protections could perhaps only exist in a unionized workplace because a union, unlike an alternative organizing model, has physical presence in the workplace . Similarly, these union provisions give workers protections beyond what is required by law, which is only possible through contract negotiations . The following section details and suggests proposals for the various ways that unions can uniquely position themselves as immigration intermediaries.

A. Procedures for Contact with Immigration Enforcement Agencies

Immigration enforcement often takes place in the workplace . 73 Much attention has been given to the ways in which No-Match letters, issued by the Department of Labor (DOL) when auditing employer I-9 records, have been used to intimidate undocumented workers . 74 Although there are many potentially innocuous reasons as to why the DOL may issue a No-Match letter, employers will commonly use these letters as implicit threats of deportation to workers to stifle organizing campaigns . 75 For example, during a larger battle with the Korean Immigrant Workers Advocates, who sought to unionize grocery stores in LA’s Koreatown, employers used No-Match letters as a basis for firing a large majority of workers who were active in organizing a union . 76 Furthermore, workplace raids, wherein ICE unexpectedly arrives to interrogate workers on their status, have been on the rise as the federal government revived a focus on arresting and detaining people while at work . 77

As a result, procedures relating to possible immigration enforcement in the workplace were among the most popular immigration-related provisions in CBAs studied . These procedures detail how employers can react to receiving a No-Match letter or contact from immigration authorities, with some provisions even going so far as to prohibit employer collaboration with ICE . 78 These provisions ensure that union leaders are able to either instruct workers on how to avoid being apprehended or talk on behalf of vulnerable workers to immigration enforcement. Organizers are critical advocates for workers following workplace raids because they apply public pressure on elected officials to intervene on behalf of workers, support affected families, and connect those detained to legal representation . 79 Thus, provisions that enable unions to step in during immigration enforcement events may prevent apprehension and enable quick mobilization in support of detained union members.

## Workplace Safety

### 1NC---AT: Food Wars

#### No food wars.

Vestby ’18 [Vestby, Ida Rudolfsen, and Halvard Buhaug; 5-18-18; Doctoral Researcher at the Peace Research Institute Oslo; doctoral researcher at the Department of Peace and Conflict Research at Uppsala University and PRIO; Research Professor at the Peace Research Institute Oslo (PRIO); Professor of Political Science at the Norwegian University of Science and Technology (NTNU); and Associate Editor of the Journal of Peace Research and Political Geography; “Does hunger cause conflict?” Prio, https://blogs.prio.org/ClimateAndConflict/2018/05/does-hunger-cause-conflict/]

It is perhaps surprising, then, that there is little scholarly merit in the notion that a short-term reduction in access to food increases the probability that conflict will break out. This is because to start or participate in violent conflict requires people to have both the means and the will. Most people on the brink of starvation are not in the position to resort to violence, whether against the government or other social groups. In fact, the urban middle classes tend to be the most likely to protest against rises in food prices, since they often have the best opportunities, the most energy, and the best skills to coordinate and participate in protests.

Accordingly, there is a widespread misapprehension that social unrest in periods of high food prices relates primarily to food shortages. In reality, the sources of discontent are considerably more complex – linked to political structures, land ownership, corruption, the desire for democratic reforms and general economic problems – where the price of food is seen in the context of general increases in the cost of living. Research has shown that while the international media have a tendency to seek simple resource-related explanations – such as drought or famine – for conflicts in the Global South, debates in the local media are permeated by more complex political relationships.

### 1NC---AC

#### 2. 1AC Baghdadi has alt causes to safety including culture, lack of training, and resources that are the primary reason for accidents

[For reference. MSU = Green]

Ahmad Baghdadi 24 – Assistant Professor in the Department of Civil and Environmental Engineering at Umm al-Qura University. “Navigating occupational safety and health challenges in sustainable infrastructure projects: a comprehensive review,” 2024, Frontiers in Built Environment, vol. 10.

Infrastructure projects play a crucial role in improving societal well-being by facilitating access to essential systems, services, and utilities necessary for economic activities. However, the nature of these projects presents significant challenges and threats that can result in serious injuries to personnel and contractors, thereby necessitating effective management to prevent and mitigate such risks (Prochazkova and Prochazka, 2014). Unlike many other industries where project staff may not need to be present on-site at all times (Alaloul et al., 2020), all workers and technical engineers involved in infrastructure projects are required to work on-site, either to carry out operations or ensure project completion according to specifications (Balkhyour, Ahmad and Rehan, 2019). Therefore, the ability to manage unforeseen circumstances is imperative.

Construction and infrastructure projects encounter similar risks. In contrast, infrastructure projects often face additional challenges and safety issues that are uncontrollable, such as those related to OSH concerns, which is related to third-party public safety (Campbell, 2008). Infrastructure construction sites are perceived as inherently risky environments characterised by unstructured conditions, inadequate facilities, congested workspaces, and exposure to adverse weather conditions Eppenberger and Haupt, 2003). Therefore, ensuring the safety of workers and the general public is paramount in such projects.

Challenges to OSH in infrastructure projects are generally intertwined with construction challenges (Campbell, 2008), which is why prioritising infrastructure OSH is imperative for stakeholders, including owners, consultants, contractors, governments, and project participants (Reid, 2009). Continuously improving OSH conditions is essential for all countries, with an emphasis on enhancing the risk assessment process and the effectiveness of risk elimination or reduction decisions (Cagno et al., 2001).

Various factors contribute to the heightened risks and vulnerabilities of OSH in infrastructure projects compared to other types of construction projects. Such factors include construction methods, use of heavy equipment, workers’ casual attitudes towards safety, inadequate leadership, and limited client and project management involvement in OSH (Laryea, 2010). Furthermore, accidents affect not only the individuals involved, but also the project parameters, leading to delays and loss of productivity (Chileshe and Dzisi, 2012; Saad, 2016) emphasised that poor safety performance results in increased overall OSH expenses. This study focused on identifying the barriers and challenges to OSH in infrastructure projects. Contextual factors, which are often viewed as spin-offs of barriers, encompass variables that are indirectly related to OSH interventions but significantly influence their success (Stolk et al., 2012; Micheli et al., 2018). Evaluating OSH in infrastructure projects becomes challenging if these barriers are not addressed (Abu Aisheh et al., 2021).

Worksite incidents often occur due to failure to recognise or address inherently dangerous conditions, negligence, or disregard for safety protocols (Zerguine et al., 2016). Inadequate personal protective equipment (PPE), lack of safety training, absence of well-structured safety management systems and insufficient supervision also contribute to safety hazards in infrastructure projects (Hamid et al., 2008; Teo et al., 2008; Priyadarshani et al., 2013; Nawi et al., 2016).

Workers’ negligence, inability to follow job processes, high-level work, unsafe working conditions, poor site management, lack of skill and attitude towards safety all contribute to safety challenges in infrastructure projects (Ammad et al., 2020). Accidents are also attributed to a lack of safety awareness, educational training, company insurance and practical guidance, as well as unregulated activity and insufficient equipment (Enshassi et al., 2008).

A lack of safety training and policies are significant barriers to safety implementation in infrastructure projects (Saad, 2016). Safety training is vital for accident prevention and reduction (Yiu et al., 2018). Insufficient safety awareness and understanding among workers lead to unsafe behaviours and practices (Chileshe and Dzisi, 2012; Sobral and Soares, 2019). Thus, effective safety communication between managers and workers is crucial for safety management (Hanafi, 2018). Communication difficulties, including linguistic, religious, and cultural barriers, may hinder safety efforts on worksites (Mouleeswaran, 2014). Management’s inconsistent OSH behaviour, inadequate information and communication, and prioritisation of production over safety are the main barriers to safety implementation (Garnica and Barriga, 2018). The four key challenges to OSH implementation are an uncomfortable work environment, lack of safety awareness, absence of safety management programmes and industry norms discouraging safety programmes (Buniya et al., 2021). Meanwhile, factors such as poor project preparation, financial constraints, inadequate data, lack of emergency plans, hazardous conditions and overall project constraints further exacerbate the safety challenges in infrastructure projects, especially in developing countries (Nawaz et al., 2020)

Risky work environments, limited equipment accessibility, social isolation and individual obligations during the workday are significant concerns that affect safety performance (Pamidimukkala and Kermanshachi, 2021). Tight project schedules add pressure and stress, contributing to health and safety hazards and reduced productivity (Kartam, Flood and Koushki, 2000). Perceived OSH challenges include costs, lack of management commitment, inadequate safety culture, resource shortages, lack of enforcement, training deficiencies and lack of understanding of development (Dugolli, 2021). Poor data management makes estimating risk impact and taking corrective measures difficult (Khan, 2013; Revathi K et al., 2017). Alcohol consumption at work increases the risk of injury for drinkers and others, underscoring the importance of safety awareness and education (Meliá and Becerril, 2009; Arezes and Bizarro, 2011; Manjula and De Silva, 2014). Safety knowledge is crucial for promoting safety practices and behaviours (Manjula and De Silva, 2014).

A lack of safety regulations, procedures, standards, and effective communication of safety standards hinder safety programmes (Aksorn and Hadikusumo, 2008). Company culture plays a significant role in employee safety; a lack of commitment to safety and failure to follow safety regulations contribute to deficiencies in safety (Zhang and Gao, 2012). Workers’ failure to use PPE correctly is attributed to ignorance, negligence, apathy, and excessive trust, thereby underscoring the importance of safety awareness and training (Tan and Razak, 2014). Insufficient safety regulations, procedures, and standards, coupled with ineffective communication, further hinder safety efforts (Aksorn and Hadikusumo, 2008; Mahmoudi et al., 2014).

Table 1 presents a comprehensive compilation of the OSH challenges encountered in infrastructure projects, classified into distinct categories: Organisational factors; resource and infrastructure factors; legislative and regulatory factors; human factors; environmental and external factors; safety practices and procedures. Within each category, specific barriers identified from the literature review are delineated, along with corresponding references. This systematic categorisation facilitated a structured comprehension of the multifaceted challenges that are inherently present in ensuring OSH compliance within infrastructure projects.In infrastructure projects, OSH challenges are intricate and encompass various factors that significantly influence safety outcomes and project success. Understanding these challenges from organisational dynamics to regulatory frameworks and external factors is crucial. This discussion aimed to dissect different categories and factors of OSH challenges, emphasising those with the most impact and their implications for project stakeholders. Doing so enabled us to deepen our understanding of OSH management in infrastructure projects and identify areas for targeted interventions to improve safety outcomes and project performance.

• Most significant category and factors:

- Organisational factors: Our findings highlight the critical role of organisational factors, such as management commitment, resource allocation, safety culture and effective safety management practices, in ensuring worker wellbeing and project success (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Strong commitment from top management is essential for fostering a safety-first culture and ensuring adequate resource provision for safe work practices (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Conversely, a weak safety culture and lack of worker engagement present significant barriers to effective safety management (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Implementing robust safety management systems, including planning, training, and monitoring, is vital for mitigating health and safety risks (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Failures in safety management practices contribute to unsafe work conditions and undermine safety efforts (Nawaz et al., 2020; Al-Mhdawi et al., 2024), and inadequate planning and communication among stakeholders can further exacerbate safety challenges Nawaz et al., 2020).

- Legislative and regulatory factors: Adhering to OSH regulations is crucial for maintaining a safe work environment and upholding ethical standards in infrastructure projects (Nordengen and Roux, 2013). Non-compliance can lead to severe repercussions, underscoring the need for a robust regulatory framework and a culture of safety compliance in the industry Nordengen and Roux, 2013). Effective legislation, enforcement and awareness of safety requirements are essential for promoting safe work practices and ensuring stakeholders’ accountability (Nordengen and Roux, 2013). Compliance with OSH regulations is indispensable for meeting legal obligations, minimising le-gal liabilities and fostering a safety culture within infrastructure projects (Nordengen and Roux, 2013).

• Least significant category and factors:

- Environmental and external factors: Environmental and external factors are important, yet their direct impact on safety outcomes in infrastructure projects is perceived as less significant than that of organisational and legislative factors (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). However, proactive risk management remains crucial for addressing challenges and ensure project success (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). While environmental factors such as adverse weather conditions and regulatory changes can introduce complexities and risks, they are often beyond the direct control of project stakeholders (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023). Effective risk management strategies and contingency planning can help mitigate their impact on safety and overall project performance (McDonnell and Chung, 2002; Nekhoroshkov and Nekhoroshkov, 2018; Abolelmagd et al., 2023).

- Safety practice and procedure factors: Safety practices and procedures are vital for creating a safe work environment. However, their influence on safety outcomes is considered relatively less significant than that of organisational and legislative factors (Nawaz et al., 2020; Bolsherotov, 2021; Al-Mhdawi et al., 2024). The effectiveness of safety practices depends on the support and compliance established at higher organisational and regulatory levels (Nawaz et al., 2020; Bolsherotov, 2021; Al-Mhdawi et al., 2024). Without robust organisational support and adherence to regulatory requirements, safety protocols may not be adequately implemented or enforced, limiting their direct impact on safety outcomes (Nawaz et al., 2020; Al-Mhdawi et al., 2024). Safety practices and procedures represent the implementation tier of safety management systems, and their efficacy is contingent upon support from organisational and regulatory levels (Nawaz et al., 2020; Al-Mhdawi et al., 2024).

4 Case studies and comparative analysis

Infrastructure projects and other construction ventures face distinct OSH challenges due to differences in scale, complexity, duration and impact on public safety and the environment. Recognising these variations is crucial for implementing effective safety management practices that address the specific hazards and regulatory requirements associated with each project type (Baniassadi et al., 2018; Greiman and Sclar, 2019; Indrayana and Suraji, 2022). Four case studies are represented, to illustrate the significant differences in OSH challenges between infrastructure projects and other forms of construction.

4.1 Infrastructure projects

4.1.1 Big Dig tunnel project (Boston, Massachusetts, USA)

• OSH challenges: The extensive scale and complexity of the Big Dig project in Boston introduced significant safety challenges, with workers encountering risks associated with confined spaces, underground utility handling and coordination with multiple stakeholders. Notably, the threat of tunnel collapses posed a considerable risk, exemplified by incidents such as the 2006 ceiling panel collapse, resulting in a motorist fatality (Albee, 1991).

• Key differences: Infrastructure projects such as the Big Dig involve specialised construction techniques and intricate underground work, such as tunnelling and bridge construction, necessitating tailored safety measures and equipment (Albee, 1991; Welsh, 1999).

4.1.2 Channel Tunnel (Eurotunnel)

• OSH challenges: The construction of the Channel Tunnel between the UK and France presented unique safety challenges due to its underwater nature. Workers navigated the underwater conditions, managed compressed air environments and prevented flooding during the construction process (Welsh, 1999).

• Key differences: Underwater or subsurface construction projects such as the Channel Tunnel pose distinct hazards related to water pressure and diving operations, requiring specialised expertise and equipment (Anner et al., 2013; Gueorguiev, 2019; Li et al., 2021).

4.2 Construction projects

4.2.1 Rana Plaza building collapse (Dhaka, Bangladesh)

• OSH challenges: The Rana Plaza disaster highlighted common safety issues in various construction contexts, such as inadequate building codes, poor structural integrity and unsafe working conditions. Workers, particularly in garment factories, faced risks such as overcrowding, absence of fire exits and structural deficiencies (Hossain, 2019; Trebilcock, 2020; Grier et al., 2023; Rehman et al., 2023).

• Key differences: Infrastructure projects focus on challenges related to scale and complexity, whereas other construction forms prioritise different safety aspects, such as fire safety and building integrity, necessitating tailored safety measures (Rudnik, 2018; Chen et al., 2022).

4.2.2 Grenfell Tower fire (London, UK)

• OSH challenges: The Grenfell Tower fire exposed systemic failures in fire safety, building regulations and construction practices. Issues such as inadequate fire safety pro-visions and confusing building regulations contributed to the tragic outcome (Mitchener, 2018; Chen et al., 2019; Ewen, 2023).

• Key differences: Residential construction projects such as Grenfell Tower prioritise fire safety and evacuation procedures, while infrastructure projects may emphasise hazards such as structural stability and environmental impact (Baniassadi et al., 2018; Indrayana and Suraji, 2022).

4.3 Comparative analysis

• Scale and complexity: Infrastructure projects typically involve larger scales and complexities due to their extensive nature, encompassing structures such as bridges, highways, airports and tunnels. Thus, managing safety across vast areas and intricate structures presents unique challenges (Masrom et al., 2015; Ayat et al., 2023). In contrast, other construction projects vary in size and complexity, with more standardised processes and less extensive spatial requirements (Dardiri et al., 2017).

• Workforce skills and training: Infrastructure projects demand a highly specialised workforce with expertise in various engineering disciplines, requiring training in specific safety protocols. Other construction projects may have a more generalised workforce with training focused on standard construction safety practices (Misra and Mohanty, 2021; Ahmed, 2023).

• Duration and timeline: Infrastructure projects typically have longer durations, which is why the possibility of accidents may increase over time. Other construction projects may vary in duration, affecting the intensity and duration of the OSH challenges faced by workers (Jones, Caudle and Pappworth, 1996).

• Regulatory compliance: Infrastructure projects are subject to complex regulations due to their significant impact on public safety and the environment. Compliance with OSH regulations, environmental regulations and industry standards adds complexity to safety management (Dimitrova et al., 2014; Mwelu et al., 2018).

• Public safety concerns: Infrastructure projects prioritise public safety because they have a direct impact on public wellbeing, involving hazards such as working near live traffic. Other construction projects may entail fewer public safety risks (Chi et al., 2016).

• Environmental impact: Infrastructure projects have significant environmental implications, requiring compliance with environmental regulations. While all construction projects must consider environmental impact, the scale and scope of these projects may vary (Alamgir et al., 2018; Saldaña-Márquez et al., 2019). Understanding these differences is essential for implementing tailored safety measures that address the unique challenges in each type of construction project.

5 Conclusion and recommendations

Infrastructure projects are indispensable for societal advancement, but strict adherence to OSH regulations to safeguard both individuals and property is necessary for such projects to be executed successfully. These projects, which are characterised by complexity and hazards, can give rise to hazardous environments and adverse environmental impacts if safety measures are not prioritised (Gámez-García et al., 2019). Inadequate OSH practices contribute significantly to the rate of injuries, fatalities, and property damage in construction projects, particularly in infrastructure projects. Infrastructure projects have long been associated with risks and incidents, resulting in project delays, escalated costs, diminished productivity, and negative reputational consequences (Sathvik et al., 2023). Hence, ensuring OSH compliance is essential to avoid accidents. Identifying impediments to OSH in the infrastructure sector is critical so that governments, organisations and policymakers can devise and implement effective interventions gradually to ameliorate these barriers and enhance OSH performance. This research identified major hurdles that need to be addressed to improve OSH performance in the infrastructure sector. The findings of this review can serve as a basis for further exploration of the identified challenges. This study is significant because it elucidates the OSH challenges and barriers in infrastructure projects, provides insights to improve OSH and educates professionals in the field. Addressing infrastructure challenges is imperative because they affect not only project deliverables, but also the safety of the involved personnel. In addition, the findings contribute to infrastructure safety by offering theoretical insights and a comprehensive understanding of stakeholder challenges during infrastructure development.

## Worker Organizing

### 1NC---Solvency

#### The advantage starts at 6%

Mimi Goldberg 24 – JD from Cornell Law School. “Quizás Se Puede: Evaluating Union Success in Incorporating Immigrant Workers,” 2024, Harvard Civil Rights-Civil Liberties Law Review, vol. 59, pg. 303-324.

B. Results

This review of union contracts reveals that a small but sizable minority of unions are successful in advocating for immigrant worker protections . During the period examined, 1,016 CBAs were available through Bloomberg Law’s database . However, only 113 of these contracts contained any mention of immigration or work authorization (11%) . An even smaller percentage of CBAs (6.4%) contained substantive provisions related to immigration status . While these numbers leave room for improvement, they indicate that some unions are taking immigration issues seriously

The most common provision within union contracts was an antidiscrimination provision (present in 56%), which forbade discrimination on account of immigration status . 57 However, since discrimination on account of immigration status is already unlawful,58 these provisions tended to be mere virtue signaling rather than a substantive gain for immigrant workers . In over one third of the union contracts containing immigration provisions (38%), these provisions were the only type of protection specifically offered to immigrant workers . 59

### 1NC---Thumper---Deportations

#### Current deportations thump---their evidence is status quo descriptive

Sarah Krieger 25 – Policy Analyst at USCIS Office of Policy & Strategy. “The Price of Cruelty: How Trump’s Mass Deportation Agenda Endangers Us All,” 10/03/2025, National Immigration Law Center, https://www.nilc.org/articles/the-price-of-cruelty-how-trumps-mass-deportation-agenda-endangers-us-all/

The second Trump administration has – in less than a year – established a whole-of-government campaign against immigrants. Their mass deportation agenda is being carried out through indiscriminate and often violent raids and arrests. These arrests have drawn significant attention for the resulting family separations and disappearances of community members to inhumane prisons here and abroad. In addition to this immediate pain to those whose families are being torn apart, the Trump administration’s immigration agenda directly harms our collective economy, health, and safety as a nation. This commentary reviews the harm thus far to our country, as the administration pursues its mindless ambitions.

The only coherent policy goal of this administration when it comes to immigration is its relentless pursuit of cruelty—no matter what the cost and no matter what else is impacted. The strategy is clear: to cultivate so much suffering and fear, through real and threatened violence, that immigrants choose to abandon their communities and lives in the United States. As a nation, we are witnessing the profound cost—in both tangible and intangible ways—of a government deliberately targeting a community for misery, making life so unbearable that they consider exiling themselves to survive.

Our Economy

The human costs of mass deportation are clear, but sometimes less visible are the financial costs to American communities. The harm is immediate and expansive, affecting our nation’s GDP, the job market, the cost of goods, and lost tax revenue.

Mass deportations are forecast to reduce our nation’s Gross Domestic Product (GDP, a measure of the overall economy) by more than 7 percent in the next three years—greater than the damage to the U.S. economy during the Great Recession from 2007 to 2009, when the country’s GDP fell by more than 4 percent. In addition, despite the administration’s claims, the actual consensus of researchers is clear: mass deportations cause U.S. citizens to lose jobs. According to one estimate, if the administration succeeds in its staggering and inhumane goal of removing 4 million people over the next 4 years, there would be 2.6 million fewer jobs for U.S.-born workers.

Communities are also seeing the ramifications of this cruelty in the prices they pay for food and housing. Economists have estimated that deporting 1.3 million immigrants would increase prices 1.5 percent in the next three years. Deporting 8.3 million immigrants in that time would increase prices by more than 9 percent. This is greater than the inflation the United States saw from 2019 to 2021, during the COVID-19 pandemic, when prices went up by less than 8 percent over three years.

Immigrants are essential to the U.S. economy, paying almost $580 billion in taxes annually, including massive contributions to federal, state, and Social Security taxes. Contrary to this administration’s claims, undocumented immigrants contribute far more to Social Security than they receive; in 2022, for example, they contributed $26 billion in Social Security taxes, despite being ineligible to receive the benefits they pay for. The Social Security program is already facing a funding shortfall; lower immigration (not even mass deportation) would create an increased shortfall by more than 11 percent. The administration’s efforts to allow the Internal Revenue Service to share private taxpayer information with Immigration and Customs Enforcement (ICE) will likely result in less tax revenue from immigrants due to a chilling effect.

Small businesses and farmers are already enduring very real harms less than one year into the administration’s campaign of cruelty. Since January, the labor force has already shrunk by more than 1.2 million immigrant workers. Restaurant owners, already facing economic hardships, are struggling to keep their businesses staffed and afloat. Other small business owners across the country have experienced sharp decreases in customer traffic due to fears of immigration enforcement. Some business owners report losing up to 50 percent of their customers, and up to two-thirds of their workforce. Farmers are especially hard hit. Over the last three decades, approximately 40 percent of the farm labor force has been made up of undocumented immigrants. In addition to mass deportation, the reduction in the numbers of immigrants arriving to the United States is also “really hurting” farmers.

Despite all the economic benefits immigrants contribute, this administration has chosen to spend astonishing sums on harming them – approximately $170 billion over the next four years – that could be far better used to strengthen and support our communities, not break them apart. $170 billion would fund a paid family and medical leave program or a universal preschool program for almost a decade. Or it could clear the backlog of all needed infrastructure improvements to our country’s public transit systems, twice.