# 2NC---Darty---Round 4

Prep: 6:06

## States CP

### 2NC---Conditionality

#### Condo is good---C/I: what we did.

#### 1. Neg flex---Aff sandbagging and side bias means the Neg needs more conditional advocacies to have reactive strategy.

#### 2. Processing---debates with multiple worlds challenge the Aff to sift through information and make tactical in-round decisions, which increases critical thinking skills.

#### 3. Argument Innovation---debaters won’t introduce new strategies unless they have a fallback option---alternatives overburden Neg research.

#### 4. Logic---proving the counterplan is bad does not prove the plan is good.

#### No offense:

#### 1. Condo is inevitable---new affs, add-ons, link turns, and perm re-explanations.

#### 2. Diminishing marginal utility---infinite condo is unstrategic---arguments inevitably overlap.

#### 3. Dispo’s bad. Lets the 2AC determine block strategy and there’s no community consensus on what it is even if they defined it.

## AFL-CIO

Kick

## CBR PIC

### 2NC---OV

#### Really unsure what anything the 2AC said that actually responds to the counterplan besides cardless unions key.

#### We didn’t make Joanna read 1:45 long counterplan text for no reason.

#### Counterplan solves the case.

#### 1. It strengthens employment law protections to solve each 1AC internal link, including:

#### ---paid sick leave laws to solve the disease impact,

#### ---occupational safety protections to solve the infrastructure impact,

#### ---and minimum wage and anti-retaliation remedies to ensure job security for migrant farmworkers.

#### 2. It legalizes all undocumented workers AND prohibits deportations, arrests, and raids---solving any residual deficit to advantage 1 AND solving the internal link to advantage 2.

#### Three framing issues for solvency.

#### 1. Sufficiency---deficits must cause extinction to outweigh the net benefit.

#### 2. Err Neg---most of our planks are from 1AC evidence.

#### 3. Solves better---They dropped that each plank is an alt cause to the case. <No new 1AR responses since block strategy is predicated on 2AC errors>

#### A. Workers are unaware of their rights and don’t feel comfortable voicing complaints without outreach initiatives---presumption. That’s 1AC Milczarek-Desai.

<<FOR REFERENCE>>

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.

#### B. Restrictive immigration laws limit access to employment, housing, and benefits---undermining immigrant resilience and economic contributions---presumption. That’s 1AC Pham.

<<FOR REFERENCE>>

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

#### C. Lack of occupational safety training and regulations are one of the “most significant factors” influencing safety in infrastructure. That’s 1AC Baghdadi.

<<FOR REFERENCE>>

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

#### 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---AT: CBRs/Unions Key

#### Unions aren’t key.

#### Nearly all 1AC ev is about other employment protections that Hoffman will spill over into. That’s proven by the 1AC re-cuttings. It’s about paid sick leave, minimum wage, safety laws, and other employment rights that collective bargaining isn’t key to.

#### The only unions key scenario is about how unions protect undocumented workers from deportations, raids, and arrests.

#### The counterplan solves that better by providing a pathway to legalization and banning deportations and arrests instead of hoping that collective bargaining will solve. Our case defense proves unions are incapable of truly restraining immigration actions---only 6% of CBAs have any provisions related to immigration. Most workers aren’t unionized!

### 2NC---AT: Perm: Do Both

#### Perm: do both fails.

#### 1. It’s mutually exclusive---the counterplan bans strengthening collective bargaining rights for workers subject to the IRCA, which is the opposite of the plan.

#### 2. Links to the net benefit---the counterplan never increases unionization. Inclusion of the plan links and the perm cannot shield.

### 2NC---AT: Perm: Do CP

#### Perm: do the counterplan is severance. It’s a voting issue for Aff conditionality, rendering Neg strategy impossible and undermining fairness and clash.

#### 1. The Aff---counterplan fiats the opposite of the plan. It weakens CBRs and strengthens employment law.

#### 2. “CBRs”---it requires negotiations over wages, hours, and other terms of employment

Hayes 15 [Michael Hayes, Office of Labor Management Standards, US Department of Labor, August 2015, Lexis]

The key terms in section 13(c)(2) are "continuation" and "collective bargaining rights." The term "continuation" means "a keeping up or going on without interruption; prolonged and unbroken existence or maintenance." Webster's New World Dictionary of the American Language 319 (college ed. 1962). Thus, "when the transit employees had collective bargaining rights that could be affected by the federal assistance \* \* \* these rights must be 'continued' before assistance will be awarded to the public transit authority." United Transportation Union v. Brock, 815 F.2d 1562, 1564-65 (D.C. Cir. 1987). The phrase "collective bargaining rights" refers to employees' right to designate a representative and to bargain collectively through that representative with the employer with respect to wages, hours, and other conditions of employment. See 29 U.S.C. § 158(d); Allied Chemical and Alkali Workers of Am., Local Union No. 1 v. Pittsburgh Plate Glass Co., 404 U.S. 157, 164 (1971); cf. State of California v. Taylor, 353 U.S. 553, 560 (1957) (under Railway Labor Act, "(E)ffective collective bargaining has been generally conceded to include the right of the representatives of the unit to be consulted and to bargain about the exceptional as well as the routine rates, rules, and working conditions") . "Collective bargaining rights" are therefore not substantive terms of collective bargaining agreements. Instead, the phrase refers to a process that was universally understood in 1964, and now, "to require, at a minimum, good faith negotiations, to a point of impasse, if necessary, over wages, hours and other terms and conditions of employment." Donovan, 767 F.2d at 159.

#### Employment law strengthens individual rights, NOT collective rights

Andrias 19 [Kate Andrias, JD, Professor of Law, The University of Michigan Law School, “An American Approach to Social Democracy: The Forgotten Promise of the Fair Labor Standards Act,” The Yale Law Journal, Vol, 128, 128, no. 3, https://openyls.law.yale.edu/bitstream/handle/20.500.13051/10362/Andrias\_tfwmq5cj.pdf?sequence=2]

A. The Labor/Employment Divide and Worksite Bargaining

Today, workplace law is generally understood to divide into two categories: employment law and labor law.51 Employment law is the body of law that offers rights to workers on an individual basis, irrespective of their membership in a union.52 Although employment law is thick and varied,53 the Fair Labor Standards Act is a cornerstone statute. FLSA guarantees minimum wage, overtime pay, and maximum hours protections to workers who are covered by the Act and not exempt from its requirements.54 Like other state and federal employment laws, FLSA operates largely independently of any collectivization in the workplace.55 The law creates procedures through which employees can aggregate their claims, though rights under the law remain guaranteed to employees only as individuals.56 And while some unions have pursued FLSA claims on behalf of groups of workers, the statute grants them no official or formal role in its operation.57

Collective action among workers, meanwhile, is governed separately by labor law, chiefly the National Labor Relations Act. The NLRA is administered by an administrative agency, the National Labor Relations Board (NLRB), which oversees representation elections and determines whether employees’ rights to organize and bargain under the statute, or to refrain from doing so, have been violated. Unlike legal regimes prevalent in Europe’s social democracies, the NLRA does not grant unions particular power to participate in the process of drafting and implementing mandatory standards for all workers; nor does it empower unions to bargain on behalf of all workers in an industry or sector. Instead, the NLRA establishes a decentralized, voluntarist system, where collective bargaining is a private negotiation between individual employers and employees at worksites where a majority has chosen to unionize.58

The scholarly consensus on the distinction between employment law and labor law views each as embracing fundamentally different approaches to protecting workers: employment law bestows individual rights, whereas labor law facilitates collective power.59 Recently, scholars have recognized that the two approaches can be mutually reinforcing.60 Both aim to enhance the dignity of workers and to promote social equality.61 Indeed, in some circumstances, individual employment statutes provide protection for collective action.62 But more frequently, labor and employment law have been understood to be in tension with one another. Scholars have highlighted how, at different points in American history, particular unions privileged majoritarian preferences and prejudices over the rights of minorities.63 Conversely, other scholars have shown how the rise of rights-conscious liberalism, including the proliferation of individual employment rights, undermined trade unionism by favoring individual over collective rights.64 Yet as the following Parts show, the original understanding of the two regimes and their relationship to one another was quite different

#### Prefer it.

#### Expanding the topic to include employment law and rights makes it unmanageable for the Neg by unlimiting Aff mechanisms and advantage ground. Voting issue for limits and ground.

### 2NC---AT: LTNB

#### The counterplan does not link to the net benefit

#### 1. All of our link evidence is specific to union density---even if employment law creates more favorable workplace conditions, the counterplan gives workers better working conditions without expanding their leverage at all. Our links are about how worker bargaining power will be used to negotiate restrictions on FDI. Err Neg, they have no evidence that employment law enhances collective bargaining power---you wouldn’t vote on an analytic link to a politics DA.

#### 2. It links less---links are a sliding scale, not a yes/no question. High risk of solvency means even a small risk that the counterplan links less than the Aff is a Neg ballot.

#### 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.

### 2NC---S---Employment Law

#### The counterplan establishes better working conditions for undocumented workers and adds teeth to employment law.

Shiva 25, \*research associate on the Inclusive Economy team at American Progress; \*\*senior fellow for Inclusive Economy at the Center for American Progress; \*\*\*probably an aff author. (\*Sachin, \*\*Karla Walter, \*\*\*David Madland, 1-15-2025, “8 Ways States Can Build Worker Power,” American Progress, https://www.americanprogress.org/article/8-ways-states-can-build-worker-power/)

Without strong enforcement of workplace employment laws, vulnerable workers are left to fend for themselves as lawbreaking employers steal workers’ wages, deprive them of leave and other benefits, and jeopardize their safety. For example, in the 10 most populous U.S. states, 2.4 million workers lose $8 billion each year because of minimum-wage violations.27 Wage theft and other workplace violations increase workers’ use of public assistance, threaten state economies, and negatively affect other workers by placing downward pressure on wages.

To ensure all workers have access to the same workplace protections, policymakers can take the following steps:

Fund state agencies that **investigate violations** and include community and worker organizations in enforcement efforts. For instance, the state of California has partnered with 10 worker centers through strategic enforcement partnerships, wherein **worker centers** and other organizations have received $12 million in private foundation funding to ensure **workers know** their **rights** and are **empowered to come forward** to report violators.28 In addition, California’s heat illness prevention rule requires that all employees and supervisors doing work with a risk of heat illness receive trainings on the risks and their rights under the law.29 Finally, states can allow worker representatives to join state **O**ccupational **S**afety and **H**ealth **A**dministration **inspections** to ensure they have a voice at the table, matching the federal government’s rule enabling such representation.30

Grant workers a **private right of action** so they can bring **lawsuits** in court to recover unpaid wages and hold employers accountable. **Arizona**, **California**, the District of Columbia, **Florida**, **New York**, and **Oregon** are the jurisdictions with the most robust private right of action for minimum wage violations.31 Similarly, New York’s Empowering People in Rights Enforcement (EMPIRE) Worker Protection Act supports workers whose rights are violated to bring **whistleblower** lawsuits on the state’s behalf, even if their employer has forced them to sign an arbitration agreement.32

Protect workers from unfair discipline or dismissal. New York City passed a **“just cause” law** for fast-food workers in 2021, which prevents workers from being disciplined or terminated unless they fail to “satisfactorily perform job duties or engage in misconduct.”33 Similarly, New Jersey enacted the Service Worker Retention Law to improve employment stability for maintenance, airport, and food preparation workers hired by labor subcontractors, **requiring** that these workers be offered **continued employment** when contracts change hands.34

Boost utilization of unemployment insurance to improve the effectiveness of government services and empower workers. Maine’s Peer Workforce Navigator program, which funds unions and **worker centers** to support government workers and help **unemployed** workers access **benefits** and new jobs, has increased **uptake rates**, **reemployment**, and interest in **worker power** and collective action.35

#### Employment law provides more durable benefits to workers relative to CBRs

Galvin 20 [Daniel J. Galvin is Associate Professor of Political Science and Faculty Fellow at the Institute for Policy Research, Northwestern University, “Labor’s Legacy: The Construction of Subnational Work Regulation” Volume 74, Issue 5, 8-5-2020]

Interrogating the link between union decline and the growth of employment law also adds a new dimension to the debate over what unions do and “no longer do” (Freeman and Medoff 1984; Rosenfeld 2014). Recent scholarship has shown that many of the positive effects unions once had have disappeared along with declining union density: Union decline has been linked to rising income inequality and insecurity, wage stagnation, the deterioration of the moral economy, the magnified political influence of corporations and the wealthy, and more (Hacker and Pierson 2010; Kalleberg 2011; Western and Rosenfeld 2011; Rosenfeld 2014; Bucci 2018; Hertel-Fernandez 2018, 2019).

But the positive socioeconomic effects of higher union density were always inherently ephemeral: By definition, union-threat effects only operate when unionization is viewed as a credible option, and all other equalizing social effects follow from that threat. State-level employment laws, by contrast, are far more durable—and relative to unions’ vanishing spillover effects, they are far more beneficial for workers. Notwithstanding their many inadequacies and trade-offs, discussed below, employment laws constitute some of the only institutional protections workers have left to defend against exploitation. If unions were indeed instrumental in their enactment, then the new federalism in work regulation may be considered one of organized labor’s most significant and durable legacies.

#### Employment law solves better---it fiats the benefits that might be earned through collective bargaining

Andrias and Sachs 24 [Kate Andrias, Patricia D. and R. Paul Yetter Professor of Law, Columbia Law School, and Benjamin I. Sachs, Kestnbaum Professor of Labor and Industry, Harvard Law School, The Chicken-and-Egg of Law and Organizing: Enacting Policy for Power Building, 124 Colum. L. Rev. 777, 2024 https://www.columbialawreview.org/content/the-chicken-and-egg-of-law-and-organizing-enacting-policy-for-power-building/]

A third exception allows states and localities to pass employment laws of general applicability even when those laws have an effect on bargaining.237 For example, state and local laws can raise the floor above which collective bargaining occurs and can guarantee some of the goods that workers would otherwise achieve through bargaining, such as higher wages, benefits, or protections against unjust discipline.238 Moreover, these laws can be designed to give workers greater collective voice in the conditions of their industries. That is, states can create administrative worker boards or industry committees that provide worker organizations and business groups a formal role in setting wages and working conditions, including on an industry-by-industry basis, subject to government approval.239

### 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.

## Workplace Safety

### 2NC---Inherency

#### The entire advantage premise relies on the idea that Hoffman COULD be applied in other areas of employment and labor law.

#### The problem is that they have no evidence that it has been applied like that---courts have narrowly construed Hoffman to only be about backpay.

#### That zeroes the first advantage---none of their scenarios are about backpay or even CBRs, only other laws like paid sick leave, minimum wage protections, and other employment protections that undocumented workers have protections for---that’s Bihari.

#### State courts have refused to expand Hoffman

Kuehne 22 [Tobias Kuehne, JD and PhD from Yale University, “Immigration and Employment Federalism: State Courts and Workers' Compensation for Unauthorized Workers," Berkeley Journal of Employment and Labor Law, vol. 43, no. 2, 2022, pp. 415-454, HeinOnline via MSU libraries]

INTRODUCTION

The intersection of immigration law and labor law has generated deep disagreements over legal categories and normative commitments. Those disagreements were on full display in the Supreme Court's five-to-four split in Hoffman Plastic Compounds, Inc. v. NLRB, decided in 2002.' Hoffman asked whether Jose Castro, an undocumented worker who had been unlawfully laid off for unionizing activity, was entitled to reinstatement and backpay under the National Labor Relations Act (NLRA). The five-Justice majority opinion penned by Chief Justice Rehnquist said no, explaining that precedent had established a presumption that the NLRA did not protect conduct that violated other statutes-especially when that violation is criminal.2 Here, Castro violated the Immigration Reform and Control Act (IRCA) by presenting a false birth certificate and Social Security number at the hiring stage.3 The Hoffman majority thus bristled at the idea of "award[ing] backpay to an illegal alien for years of work not performed, for wages that could not lawfully have been earned, and for a job obtained in the first instance by a criminal fraud."4 IRCA's policies thus trumped the NLRA's. The four dissenting Justices, in an opinion authored by Justice Breyer, proceeded from a very different presumption. In their view, the majority's "decisional background" that precluded NLRA remedies when a worker had acted criminally did not exist.5 Instead, their reading of IRCA's text, its purpose, and Supreme Court precedent required that IRCA accommodate the NLRA such that unauthorized workers would receive the same NLRA remedies as authorized ones.6

Labor law scholars and activists have severely criticized Hoffman for its adverse impacts on undocumented workers. Some have argued that it gave employers additional leeway to exploit their workers.7 Others have focused on the social hierarchies and exclusion Hoffman codified.' Yet others have discussed the incentives that Hoffman created in stifling the litigation of employment disputes involving possibly undocumented workers.9 In short, scholars have criticized Hoffman's adverse impact both on undocumented workers as a subgroup and on all workers seeking to organize under the protection of the NLRA.

Yet, none of these scholars has investigated the deeper conundrum at the heart of Hoffman regarding the use of labor law as an enforcement tool for immigration policy. Stripping immigrant workers of rights and remedies runs counter to labor law's principle of collective protection, creating deep disagreements over whether labor statutes should cover undocumented workers.'0 Much of this debate centers around the inherent tensions between enforcement of the NLRA and federal immigration policy. However, this Article argues that state law has been overlooked as an arena in this conflict, one in which courts have articulated a robust commitment to protecting undocumented workers. Indeed, state courts do not protect undocumented workers merely because doing so serves the interest of American workers as a whole. Rather, state courts have developed conceptual and normative commitments to the dignity of undocumented workers for their own sake.

This Article proceeds in four Parts. Part I lays out the necessary background. That Part first discusses the history of the NLRA's problematic definitions of "employee" and "unfair labor practices," and the fact-intensive evaluation of each. A half-century later, IRCA further complicated the picture when it sought to discourage the influx of unauthorized workers into the labor market. In the process, IRCA created tensions between national immigration and federal labor policy that were left unresolved. Hoffman stumbled into this tension when it confronted a seemingly narrow legal question: Are undocumented workers who were laid off in violation of the NLRA entitled to backpay for work not performed due to the illegal firing? Under this narrow inquiry lurked a deeper question of principle: Should workers who were never authorized to enter the labor market be compensated for work they did not perform after they suffered an injury for which authorized workers would be compensated? IRCA's circuitous history does not provide the key to resolving this disagreement. Indeed, IRCA's disparate underlying policies lent plausibility to both the majority and the dissent. The majority leaned on IRCA's goal to make the labor market less attractive to undocumented immigrants by strengthening border enforcement and penalizing employers for knowingly employing unauthorized workers. The dissent, in turn, based its reasoning on IRCA's grant of a one-time amnesty to millions of unlawfully present immigrants, which served to prevent the creation of a vulnerable, exploited underclass. But both opinions couched their arguments in terms of economic incentives and allocations of burdens. They did not, as this Article argues, work out the deeper commitments that come with each position. Indeed, the conflicting underlying commitments in Hoffman point to a much deeper conceptual and normative dilemma.

Part II presents this Article's principal contribution by tackling Hoffman's underlying dilemma head on. On a conceptual level, the dilemma running through Hoffman is establishing what is required for membership in the U.S. labor market. One side treats an unlawful entry as dispositive for denying membership and its accompanying benefits. The other side treats the unauthorized worker's presence in, and contribution to, the labor market as dispositive for granting membership and its benefits. The dilemma between these two positions becomes clear when taking them to their logical conclusions. On the one hand, the majority's legal formalism of insisting that an unlawful entry taints a worker's continued presence in the labor market rings hollow when applied to workers who have contributed to the labor market (and their community at large) for years or even decades, yet are denied benefits upon injury at work. At some point, it seems, membership must be earnable, in that contribution to the community must outweigh unlawful entry. On the other hand, if, as the dissent insists, physical presence in the labor market from the moment of entry suffices, the category of membership seems to become meaningless.

On the normative level, the dilemma is one of deservingness. Does denying benefits to unauthorized workers render them second-class? On the other hand, does granting them benefits demote the worth of those who are lawfully present in the labor market? In other words, does the initial unlawful entry into the labor market taint the employment relationship so thoroughly as to preclude benefits? This Article ultimately argues that taking a side in the Hoffman debate implies deep, unaddressed, and fundamentally opposed commitments along both the conceptual and the normative dimension.

Part III widens the frame to discuss a similar phenomenon on the state level. Much like backpay for NLRA violations, workers' compensation laws compensate workers for work not performed after they have suffered an injury. After Hoffman, state courts were confronted with the question of whether Hoffman's reasoning applied to workers' comp as well, and would thus preempt workers' comp benefits for undocumented workers. But state courts not only largely rejected this argument-they generally found workers' comp schemes to overwhelmingly favor undocumented workers. Reading representative cases from over two dozen jurisdictions, this Article shows that workers' comp schemes near-unanimously come out on one side of the dilemma: they fear perverse incentives for unscrupulous employers, they treat undocumented workers as productive members of the community, and they refuse to brand the undocumented worker as a criminal or otherwise blameworthy when it comes to recovering workers' compensation benefits. To be sure, workers' comp covers physical injuries, while backpay for NLRA violations covers legal injuries. But this distinction is not material to this Article's argument. The analysis here focuses on the impediments to performing work that law treats as compensable for citizens and documented workers, asking whether those impediments are similarly compensable for undocumented workers, and interrogating the conceptual and normative justifications for why that is or is not the case. In the end, layoffs in violation of the NLRA and worksite injuries each represent a break in a worker's earning potential due to forces beyond their control. It is therefore appropriate to ask why the law compensates documented workers in both scenarios, yet undocumented workers in just one.

Part IV briefly provides some corroborating evidence of this phenomenon in the state law context of recovering lost wages for work actually performed. This Article shows that states can provide a check against federal policies that undermine labor statutes and marginalize the undocumented worker. After identifying the dilemma at the heart of Hoffman and examining its conceptual and normative dimensions, this Article observes that, in the context of workers' comp, state courts have consistently come out differently than the Hoffman majority. Importantly, state law has embraced and defended dignitarian view of the undocumented worker that is not merely instrumental to protecting American workers as a whole, but recognizes undocumented workers for their own sake.

#### 1AC Garcia proves no spillover – despite broad language, it’s not extended to other statutes and tons of alt causes to restrictions

[For reference. MSU = Green]

Ruben J. Garcia 12 - Professor of Law and Co-director of the Workplace Law Program at the William S. Boyd School of Law, University of Nevada. “Ten Years after Hoffman Plastic Compounds, Inc. v. NLRB: The Power of a Labor Law Symbol,” Spring 2012, Cornell Journal of Law and Public Policy 21(3), pg. 659-676.

The true impact of Hoffman may be hard to determine. One reason is that undocumented workers are unlikely to complain even before their status becomes known; further, once their status does become known, workers are reluctant to speak up for their rights.74 And yet, Hoffman remains a powerful symbol of what is wrong with American labor law, especially as it relates to immigrant workers.75 Others have argued that Hoffman is simply a reflection of the weakness of labor law for all workers. 76

The courts have generally not extended Hoffman past the issue of back pay under the NLRA, but the breadth of the Court's holding can be applied to remedies other than back pay.77 The Court held that awarding an undocumented immigrant "pay for work not performed" would trench upon the regulation of immigration.78 Despite this broad language, courts have refused to extend Hoffman to cases involving Title VII of the Civil Rights Act, the Fair Labor Standards Act, and the Occupational Safety and Health Act. 7 9

Although immigrant workers have continued organizing both in their workplace and in social movements, employers have continued to exploit immigrant workers, documented and undocumented.80 Where the NLRA and other federal laws like the FLSA do not apply, as in agriculture and domestic services, the holding of Hoffman is necessarily limited.81

Most advocates recognize that immigrant workers will not truly be free in the workplace until they have legal status to remain in the country. 8 2 But as the guest worker programs that have been part of the American workplace for over half a century have shown, it is not enough simply to have legal status to protect the rights of workers. 3 There have been numerous cases of exploitation of guest workers, all of whom have legal status. 84 Thus, legal status is necessary but not sufficient to protect immigrant workers. There must also be attention to the enforcement of existing rights for immigrants and citizens alike.85

There have been a number of other factors that may have restricted rights more than Hoffman; for example, there have been laws over the past decades that have restricted the rights of undocumented and Latino workers, such as Proposition 187 and its progeny.86

More empirical work must be done to measure the impact of Hoffman on union organizing. Trends over the last fifty years show a steady decline in private sector unionization, from a high in the 1950s of approximately one-third of workforce in unions, to the current rate below eight percent.87

Nothing in the Hoffman decision limits the ruling to the NLRA. During oral arguments, Ryan McCortney, the lawyer for Hoffman, argued that a finding in the NLRB's favor would affect the possibility of recovering back pay under Title VII.88 Indeed, some courts, most prominently the United States Court of Appeals for the Fourth Circuit, have even held that undocumented workers are not employees at all under Title VII.89 This finding has continued to be undisturbed, and may provide a greater threat to immigrant worker organizing than Hoffman.

When asked about the effect of the Hoffman decision, McCortney said the decision would not change the employer's duty to pay minimum wages.90 However, he said, "it could affect the remedies for [for legal violations]. This was about pay for work not performed." 91

Beyond McCortney's prediction that the decision's impact will be broad, other effects are quite possible.92 First, the way that Hoffman resolved the tension between immigration control and labor policy might prove to be a model for the policy objectives of other statutes to be ceded to the prerogatives of immigration control. The Hoffman rule also puts at risk any remedy obtained for an undocumented worker that is not "pay for work not performed." 93

Second, with Hoffman, the seeds for revisiting the basic protection of undocumented workers as "employees" had been planted. During oral argument, Justice Kennedy questioned the government as to whether they thought undocumented workers should be allowed to be in a bargaining unit at all, even though that was not at issue and the Court did not disturb Sure-Tan's holding that undocumented workers were employees. 94 In Agri Processors Co. v. NLRB, the employer tried to use this invitation to question whether a bargaining unit of documented workers and undocumented employees could be challenged on the basis that the unit was not appropriate. 95 The Court of Appeals for the District of Columbia Circuit rejected the challenge, however, holding that the "community of interest" required by the NLRB in certifying bargaining units had to do with similarity of work and working conditions, and not immigration status. 96

In the end, the decision in Hoffman boiled down to an empirical question as to whether granting or refusing a remedy under the NLRA would result in more immigration or more exploitation of workers? Chief Justice Rehnquist and the four justices who joined his majority opinion based their decision in part on the fear that upholding the NLRB's and the D.C. Circuit's award of back pay would "encourage future violations [of immigration laws] by undocumented workers." 97 While the number of undocumented immigrants has indeed gone down over the last ten years, most analysts point to the weakening of the economy over that time to explain why more people have refrained from making the long and dangerous journey into the United States.98 Economics is a major determinant of why people migrate.99

Writing for the four dissenters, Justice Breyer was more concerned about the possibility of exploitation if no real penalties existed for labor law violations beyond a posting and the possibility of a contempt charge for repeat offenders. 10 The employer will get "one free bite at the apple," by being required to post a notice and only being subject to a more serious contempt sanction.10

Justice Breyer's concern that employers would use the majority's position in Hoffman to deny workers the protection of "every labor law under the sun" was raised at oral argument. 10 2 The evidence gathered by the National Employment Law Project and other researchers shows that Justice Breyer was prescient that the lack of deterrence for violating the NLRA would only further incentivize employer misconduct.10 3

### 2NC---AT: Disease I/L

#### No disease internal link:

#### 1. Internal link is ludicrous---the idea that the only determinant of whether a global pandemic would cause extinction is whether a fraction of the US population decides to use their sick leave is absurd. Litany of alt causes that matter far more--- other transmission vectors like airports or grocery stores, the USFG’s response, international measures, etc.

#### 2. The impact swamps their internal link---any disease capable of causing extinction would NOT be the type you bring into work---people aren’t gonna show up to work with the plague.

#### 3. Alt causes thump---lack of knowledge about sick pay opportunities, lack of coverage, and hesitancy to use sick leave thump---that’s 1AC Milczarek-Desai.

### 2NC---AT: Disease !

#### Pandemics won’t cause extinction---genetic diversity, lethality-virulence trade-offs, and isolation check

Vermeer et al. 25 [Michael J.D. Vermeer, PhD Chemistry, senior physical scientist at RAND; Emily Lathrop, PhD Mechanical Engineering, associate engineer at RAND; and Alvin Moon, PhD Mathematics, associate mathematician at RAND, “On the Extinction Risk from Artificial Intelligence,” RAND, 05/2025, p. 18-21, https://www.rand.org/content/dam/rand/pubs/research\_reports/RRA3000/RRA3034-1/RAND\_RRA3034-1.pdf]

Requirement 1. Multiple Pathogens Are Likely Required Because a Single Pathogen Would Be Unlikely to Kill a Sufficient Percentage of the Population to Be an Extinction Threat

To support this assertion, we look first to historical pandemics. Natural biological threats have existed for millennia. The 14th-century bubonic plague—the Black Death—wiped out 30–50 percent of Europe’s population, and the 1918 influenza pandemic resulted in 50 million deaths worldwide (Shipman, 2014). The combination of drought and pathogens introduced during the European conquest of Mexico in the 16th century led to more than a 90-percent reduction in the native population (Acuna-Soto et al., 2002). However, although these examples led to drastic human population declines, they did not fully extinguish the human population. Indeed, with one known exception—the extinction of the Christmas Island rat, preceded by the emergence of a deadly pathogen in the population—there are no well-corroborated instances of pathogens causing the complete extinction of a mammalian species (Wyatt et al., 2008).

A greater threat would likely come from novel pathogens, including both modified natural pathogens or completely de novo pathogens, designed for high transmissibility and high lethality. However, even pathogens designed to cause these effects might be limited by human heterogeneity. Human genetic diversity plays a key role in limiting the effectiveness of pathogens across populations. Within a population, pathogens affect individuals differently depending on factors related to the specific genetic characteristics of each host (Jones, 2021). Some individuals or subpopulations might possess genetic traits that confer resistance or immunity to certain pathogens. For example, differences in viral receptors between individuals can affect the ability of the hepatitis C virus to enter a host’s cells (Huang et al., 2019).

The strength of immune response can vary among individuals, influencing their ability to fight off infections. The likelihood that a pathogen will cause death is influenced by the immune response that an individual is able to put up against the pathogen (Rouse and Sehrawat, 2010), meaning that outcomes will vary between individuals, even when controlling for pathogen dose.

Relatedly, the infection dose—the amount of a pathogen that an individual is exposed to—can significantly alter the course of a disease (Rouse and Sehrawat, 2010). Individuals who only receive a small infection dose have a higher chance of successfully mounting an immune response, and infection dose is a factor that cannot easily be controlled for. This is the case not only for transmissible pathogens that spread person-to-person but also for nontransmissible pathogens, such as Bacillus anthracis, the causative agent of anthrax. As a result, it is unlikely that even a carefully engineered pathogen would be 100 percent lethal for all humans, as certain individuals or populations might possess traits that allow them to fight the disease or receive a nonlethal dose of the pathogen that causes the disease. Case studies have suggested that exposure to even highly lethal viruses, such as rabies, is not always fatal (Gold et al., 2020).

The postinfection survival of some individuals leads to several important consequences. First, some populations will emerge with immunity; survivors might develop immunological memory, thereby reducing the severity of disease on reinfection. Second, over generations, natural selection will dictate that hosts with immune systems that are better equipped to fight off a pathogen will survive and pass along those traits to offspring. Third, subpopulations with increased immunity within a larger population can alter disease dynamics, thereby lowering the pool of susceptible individuals and reducing the continued spread of a pathogen in the population (Grassly and Fraser, 2008).

Finally, even if a single pathogen could be designed to be consistently highly lethal after many replications, we assert that sufficient numbers of humans would likely survive to avoid extinction. A virus that was 99.99 percent lethal and reached the entire human population, for example, might leave at least 800,000 individuals alive. As previously noted, the minimum viable population for human beings is unknown, but it is likely well below 800,000 people.

Requirement 2. Widespread Dissemination in Multiple Places Is Likely Required Because Initial Infections of a Small Population in One Location Could Allow a Pathogen to Mutate to Become Less Lethal over Time

For transmissible pathogens, evolutionary pressures and host-pathogen interactions result in altered pathogen characteristics as the pathogen reproduces within a host and spreads host to host (Geoghegan and Holmes, 2018; Gerstein, Espinosa, and Leidy, 2024). This results in modifications to pathogen characteristics, leading to variants with modified lethality and transmissibility. In addition to host-pathogen interactions altering pathogen characteristics, viruses are prone to transcription and translation errors, resulting in random mutations over time and unpredictable changes in pathogen characteristics (Sanjuán et al., 2010).

In one well-cited evolutionary biology study, researchers traced the evolution of the myxoma virus, which was introduced to Australia in 1950 to control the invasive rabbit population (Kerr et al., 2012). The original virus was highly lethal with a 99.8 percent fatality rate. However, once released, the virus quickly mutated, and, within two years, the landscape was dominated by less lethal strains, even with the continued release of very virulent strains into the local population (Kerr et al., 2012). Although these less lethal strains still had fatality rates of between 70 percent and 95 percent, this allowed for the survival of some rabbits; this natural selection resulted in the emergence of rabbit resistance to myxomatosis (Marshall and Douglas, 1961). Ultimately, the virus failed to exterminate the invasive rabbit population, and invasive rabbits persist in Australia as of this writing. Interestingly, this experiment was independently repeated in France in 1952 with similar results: the emergence of attenuated (i.e., less virulent) strains and natural selection for resistant rabbits (Kerr et al., 2012). We note, however, that the different generational periods for humans and rabbits might indicate the need for caution in applying this example to an equivalent scenario affecting humans. Rabbits reach reproductive age on much shorter timescales than humans do and have many more offspring per pregnancy. Therefore, it might be much more challenging for a human population to recover and sustain itself in the face of a similarly lethal transmissible virus.

Both theory and historical examples of virus evolution indicate that highly lethal viruses will often evolve to decreased virulence over time, resulting in lower mortality (Geoghegan and Holmes, 2018). This makes intuitive sense because very lethal pathogens will quickly sicken and kill their hosts, thereby limiting their own transmission opportunities. Conversely, less virulent strains that allow hosts to survive longer have more chances of spreading among a population, leading to increased presence in a population. If a pathogen retains alternative nonhuman hosts—a reservoir species—it might be less self-limiting because the pathogen could conceivably maintain high lethality in human hosts concurrently with transmissibility from the reservoir species. Others have found, however, that low-virulence infections have a greater chance of establishing transmission in human hosts, which might diminish the ability of pathogens to completely wipe out a human population, even where a reservoir species exists (Geoghegan and Holmes, 2018; Geoghegan et al., 2016).

Requirement 3. Follow-Up Actions Are Likely Required After an Initial Dissemination of a Pathogen Because Natural and Artificial Isolation Might Shield Human Communities from Infection

The path of the coronavirus disease 2019 (COVID-19) pandemic illustrates that a highly transmissible pathogen can readily infect every region of the world despite efforts to contain it (e.g., lockdowns) (Onyeaka et al., 2021; Jeanne et al., 2023); it was a pandemic with truly global diffusion. Although the relatively low lethality of COVID-19—relative to the extremely high lethality assumed in our scenario—and the prevalence of asymptomatic cases likely aided in the diffusion of the virus, the pandemic showed that a pathogen could realistically have global diffusion. However, global diffusion is not sufficient for a pathogen to create an extinction risk—it must reach nearly every human community on earth, even those that are naturally or artificially isolated.

There still exist uncontacted tribes, and many regions and communities remain relatively isolated. As a highly lethal pandemic spreads, it is likely that human communities would take steps to isolate themselves to whatever extent they could to prevent infection; island nations have even been suggested as potential refuges from pandemics with extinction potential (Boyd and Wilson, 2020; Turchin and Green, 2019). Where human communities are successful in isolating themselves from contact with the pathogen, follow-up actions would be required to either intentionally disseminate the pathogen among them or to find other means to exterminate surviving humans.

### 2NC---AT: Infra I/L

#### No infrastructure internal link:

#### 1. Delays in construction does not mean all infrastructure becomes unreliable---a few workplace accidents doesn’t mean all construction companies become unable to repair anything

#### 2. Alt causes---workplace culture, lack of training, and lack of resources are the primary factors for construction accidents---that’s 1AC Baghdadi.

### 2NC---AT: Infra !

#### No blackouts impact.

#### 1. Global infrastructure vulnerabilities make it inevitable.

#### 2. It’s resilient. Redundancy measures and repairs check spillover---it’d easily be fixed in a timely manner---that’s Mueller. Err Neg, their impact card doesn’t have any concrete scenarios

FINISHING

Most other infrastructure is similarly resilient and can be readily repaired, resulting in minimal damage or disruption to communities. This can be seen, for example, when power poles or transmission towers are damaged in a storm, when communication cables are accidentally severed by construction workers, or when pipelines catch fire or explode because of accidents or lack of maintenance. Moreover, alternate means of supply are also often available, and diversions around damaged infrastructure can allow lines of transport, supply or communication to be maintained.

Thus, terrorist attacks on such infrastructure elements are unlikely to cause significant long-term losses to society because damage is often repairable at an entirely bearable cost and in a timely fashion. It is important for society to become ‘resilient,’ arguing that ‘the more resilient we become as a society, the less consequential acts of terrorism become’ (Flynn, 2004). That is, particularly given the limited damage terrorism is likely to perpetrate, society should prepare itself to be able to absorb the effects, deal with them, keep things in perspective, and then, in an orderly manner, get on with its normal task without unnecessarily inflicting further damage on itself by excessive reaction or, as Flynn puts it, by ‘spooking’ itself. To do otherwise is to play into the hands of the terrorists (Mueller & Stewart, 2012, 2016a). However, only about 15% of U.S. domestic homeland security expenditures are devoted to mitigation and resilience (OMB 2016). For a fuller discussion, see our first two books (Mueller & Stewart, 2011, 2016a).

#### 3. Past blackouts and disruptions empirically deny the scenario

#### 4. The grid’s basically invincible. Empirics, physical resilience, recovery, segmentation, and diversity.

Lambert 23 [Hannah Ray, Associate producer at Fox News, citing Daniel Brooks, vice president of integrated grid and energy systems at the Electric Power Research Institute. "What is the national power grid and how resilient is it?" Fox News. 1/20/2023. foxnews.com/us/national-power-grid-resilient]

Overall, the grid is "extremely reliable," he said. But with more of the U.S. electrified than at any other point in history, the grid also faces more threats. "We've seen an increasing number of what folks would call a one-in-100-year type of event," Brooks told Fox News. Extreme weather events like record-breaking wildfires in California, hurricanes and powerful winter storms have become larger considerations for grid planners, Brooks said. But weather is not the only concern. WHAT IS IT? THE NATIONAL POWER GRID: "There are bad guys out there that would like to be able to leverage vulnerabilities that they could find with cyber or maybe physical security," Brooks said. Gunfire erupted this week at a substation in Randolph County, North Carolina. While it did not cause any outages, it comes less than two months after more than 40,000 electric customers in North Carolina were left in the dark after someone shot at two substations. On Christmas morning, vandals struck four substations in Washington, knocking out power to about 15,000 customers. Pundits and activists soon speculated whether the increase in attacks on power stations could be the work of "right-wing extremists." The motive in both North Carolina cases remains unknown and no one has been arrested. But the men now charged with attacking the substations in Washington allegedly planned to commit a burglary while the power was out. "Those aren't the normal events that we actually design and operate the grid through," Brooks said. But grid planners "really want to avoid any type of event that could result in a long duration outage," which could threaten peoples' health and safety, he added. Transmission towers have become increasingly hardened against winds, he said. Some power lines are designed so that if a tree limb falls across them, the lines drop away from the pole rather than dragging down the entire pole which would take much longer to fix. "Part of resiliency is making sure that we don't get those long duration outages by putting in systems that allow us to be able to recover quickly," he said. The national power grid is actually made up of three loosely-connected regions. That's good news when it comes to resiliency because it means if there's a serious problem in the Western interconnection, the Eastern U.S. should be fine, Brooks said. "An issue that starts to happen and hopefully would never actually cascade into a complete blackout, that wouldn't go beyond those individual grids," he said. A diverse array of power sources is also key to grid resiliency, Brooks said. Solar power might perform well during the day, but the benefits vanish when the sun does, so other resources such as nuclear, gas or coal might pick up the slack.

### 2NC---AT: Food Wars !

#### No food wars impact:

#### 1. US exports don’t solve---the US exports less than 2% of total food for the most food insecure countries.

#### 2. No will---countries on the brink of starvation are less likely to resort to violence and other factors like politics are more important---that’s Vestby.

#### 3. It’s thumped---other factors undermining agriculture like aging populations and changing demand thump. It’s also empirically denied by past food shocks like COVID and Ukraine---that’s their 1AC Maró evidence.

#### Food insecurity has complex effects of conflict risks---abundance is also likely to risk conflict

Sova & Zembilci 23, \*Senior director of Public Policy and Research at World Food Program USA previously United Nations \*\*Former program manager of the CSIS Global Food Security Program, 4-6-2023, “Dangerously Hungry” https://www.wfpusa.org/policy-advocacy/reports-publications/dangerously-hungry/)

Since 2017, researchers have empirically connected 12 specific drivers of hunger (e.g., crop yields, food prices) to eight distinct types of instability and conflict ranging from protests and riots to civil war (see Figure 3). The drivers of food-related instability can be grouped into three main categories: the climate crisis, resource conflict and economic shocks. Over the past five years, half of all peer-reviewed studies in this review have examined food-related instability through the lens of the climate crisis. Food insecurity alone rarely produces conflict. Instead, people must also be motivated to choose conflict over peace. Those motivations can be grouped into three distinct categories: desperation, grievance or governance. Hunger is not a necessary precondition for food-related instability. Instead, conflict is often the product of perceived threats to food availability, access and/ or utilization. Therefore, people participating in violent conflict are not always experiencing hunger. The inverse is also true: People experiencing hunger are not always violent. Food-related instability can be driven by both food scarcity and abundance, sometimes simultaneously. Food price riots and protests are most common in urban areas. More extreme forms of food-related instability, like terrorism and civil war, often begin in rural areas farther from the reach of government authorities.

#### Cribb’s wrong---no food wars AND war turns insecurity.

Purcell 24 [Dr. Maureen J. Purcell, PhD, MA, Postdoctoral Researcher, UCI Blum Center for Poverty Alleviation. Former Lecturer, Environmental Law, California State University, Long Beach, "Book Review: Food or War," Environment & Security, Vol. 2, Issue 2, 01/09/2024, SAGE]

A criticism of Food or war is that the titular argument that food has a role in the genesis of conflict becomes muddled with the positive feedback loop argument couched within the food–war nexus Cribb describes. The former seems to neglect the role of conflict in causing food and hunger crises, emphasizing only a one-way relationship from food crisis to war. This is not to say that Cribb does not present both pathways of this nexus—he does and in compelling fashion—but rather that the evidence supports a slightly different and more cyclical hypothesis than the central thesis.

Similarly, in emphasizing the inarguably important role of food in relationship to conflict, other variables critical for understanding the conflict cycle are ignored. Full bellies do not premise utopia as Cribb seems to extrapolate from his material. A well-fed populace is not one without ideological, moral, or political differences—all of which have been implicated in the conflict cycle. At times Cribb likens food stress to “tinder” (e.g., pp. 140–141, 149), which would suggest, perhaps more appropriately, that the state of the food system is a necessary but not sufficient element of initiating conflict. While the argument posited is never that food is the only cause, the other contributors are rarely if at all mentioned, leaving the non-expert reader without a sense of what else contributes to this complex issue.

Finally, while the main argument is persuasive (if at times muddled) some statements would benefit from supporting evidence while others would specifically be better supported by scientific evidence rather than popular science journalism or news media. This is particularly true of each instance in which the female gender is ascribed particular personality traits in universal fashion in apparent disregard for feminist critiques of stereotyping. Trying to anticipate this very critique, Cribb states, “This isn’t gender stereotyping. It’s an observation about how different kinds of humans think” (2018, p. 201), which does not offer the credibility to his argument that he thinks it does. From a science communication perspective, the mixing of scientifically supported and unsupported claims at times makes it difficult to determine what is a tested and true understanding and what is Cribb’s personal perspective.

#### Cribb’s only degree is in Homeric Greek, not a scientist---reject it. Also doesn’t have a PhD… Just a Bachelors

Cribb 21 (Julian Cribb, Homeric Greek Expert, Science Communicator; “ASC Scope Interview: Julian Cribb, Science Communicator, Journalist, Author and Strong Advocate for Earth’s Future,” Australian Science Communicators, 01-11-21, https://www.asc.asn.au/blog/2021/01/11/asc-scope-interview-julian-cribb-science-communicator-journalist-author-and-strong-advocate-for-earths-future/)

Why did you choose to study science?

A: My degree is in Homeric Greek, so I didn’t study science – but having a bit of Greek and Latin is a big help in translating scientific words, and the philosophy of science owes its origins to the Greeks. However, I was always fascinated by science and, in my first career as an agricultural journalist, I found myself reporting a lot of science – animal science, soil science, ecology, agronomy, weather, climate etc. I wrote my first climate change story back in 1976! In the 1990s The Australian asked me to come and work for them (again, I had worked there before) and asked me what I wanted to report on. I said science, because the opportunities for a news journalist in science are limitless (as distinct from politics, economics etc which repeat themselves constantly). I was their science editor for 5 years and thoroughly enjoyed it. While on the Oz, I was the first western journalist into Chernobyl after the disaster – but that is a story in itself. I’m glad I don’t work there today, as the Oz has abandoned any attempt to report science objectively and often seeks to distort it nowadays. But in my days the editors were better and the political agenda was less stark.

## Worker Organizing

### 2NC---Solvency

#### The Aff doesn’t solve.

#### 1. Unions only protect from deportations at the workplace, not outside of work---the plan cannot stop raids outside of the workplace or even under-the-table information transfers from employers to ICE about worker status

#### 2. Collective bargaining agreements don’t solve---only a tiny percent of CBAs mention immigration at all. Nothing about the plan’s rights ensure employers agree to protections in their contracts---that’s Goldberg

#### 3. Their internal link evidence is largely about current deportations---it says Trump has already deported 1.3 million workers and that is already undermining small business and farmers---that’s Krieger. This also certainly thumps their food wars scenario on advantage 1.