

REPEAL THE NO-STRIKE PROVISION OF THE TAYLOR LAW

1 The right to withhold labor is a fundamental human right. It is recognized as a human
2 right by the United Nations Commission on Human Rights and by the UN International
3 Labour Organization. A UN report describes the right to strike as fundamental “to
4 creating democratic and equitable societies.” The right to strike is also enshrined in the
5 constitutions of more than 90 countries. Many legal scholars argue that freedom of labor,
6 including the right to withhold labor, is protected by the Thirteenth Amendment of the
7 U.S. Constitution.

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9 Strikes and other workplace actions have been decisive in gaining recognition of rights
10 that are now widely considered essential—not just for the workers involved, but for all:
11 the end of child labor, the eight-hour day, the right to collective bargaining, the existence
12 of regulations protecting workers against dangerous conditions on the job, the
13 establishment of social security and unemployment, and more.

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15 New York State has outlawed the use of the valuable tool of withholding labor by public
16 employees. The [1967 Public Employees’ Fair Employment Act](#), known as the “Taylor
17 Law,” establishes the right of public employees to unionize, but makes strikes by public
18 employees illegal. The courts have defined “strike” broadly to include any collective
19 withholding of labor. The Taylor Law also requires employers to impose severe penalties
20 on strikers and their union. It shifts the balance of power against public-employee unions
21 and robs them of lawful use of labor’s essential tool for winning economic justice.

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23 The imbalance of power for public-sector labor unions in New York was intensified in
24 June 2018, when the Supreme Court decided in *Janus v. AFSCME* that while public-
25 sector unions must continue to represent all employees in their bargaining unit, they are
26 no longer permitted to collect a fair share fee for the cost of representing them. The
27 imbalance must be rectified.

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29 Historically, and as recently as last year and this January, strikes by teachers and other
30 academic workers have proven to be an essential tool in struggles to improve the quality
31 of education, abolish discrimination in education and expand access to high-quality
32 public schools and universities. Some have succeeded in winning more public funding
33 for public education, especially for students from communities of color and low-income
34 communities.

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36 The 675,000 members of NYSUT are committed to securing economic justice for
37 themselves, their families and all working people; to ensuring that all New Yorkers,
38 regardless of income, have access to the best possible education; and to achieving social
39 justice through the trade union movement.

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41 Many other states in the U.S. recognize the right of all workers, including most public-
42 sector workers, to strike. New York State has among the highest density of unionized
43 workers in the nation and prides itself on being a progressive state. Yet New York
44 continues to deny millions of workers access to a fundamental human right and an
45 essential tool for advocating for the needs of the public and combating inequality.

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47 Resolved that NYSUT will work with legislators and other public-sector unions to draft
48 legislation that, without diminishing any of organized labor's existing legal protections,
49 including the Triborough Amendment, will grant public-sector employees the right to
50 strike.

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52 Resolved that NYSUT will fight for public-sector workers in New York State to gain the
53 legal right to strike by making the repeal of [Section 210 of the Taylor Law](#) a legislative
54 priority and working with other unions and organizations to this end.

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56 Resolved that NYSUT will include in its publications and membership meetings
57 opportunities for education on the right to strike in the United States, including
58 how the right was won, its history as a fundamental democratic right, the role it has
59 played in building the labor movement, and the history of the Taylor Law in New York
60 State.