Dr. Willis J. Nordlund, professor of business at New River Community and Technical College, has published an article in the Labor Law Journal chronicling the history and questioning the future efficacy of work stoppages in the United States.

Nordlund notes that American work stoppages historically have had two characteristics that differentiate them from those elsewhere in the world. They have been more violent, and they have been largely apolitical, he says.
He traces the development of the evolution of work stoppages from before the Industrial Revolution, when craftsmen withheld production of their products to force higher prices and income, to the heyday of unionization in America that culminated in passage of the National Labor Relations Act in 1935.

Nordlund argues that the power of unions to effect change through work stoppages has been in decline for the past 30 years. He cites several factors that have contributed to that trend. First is the decrease in union membership since its peak in the 1970s. A second is the significant demographic shift in the character of the labor force that has hindered union formation. Another is the migration of industry to the South, where almost all of the nation’s right-to-work states are located.

He concludes that while all of those changes have weakened unions and their ability to engage in work stoppages, it was a series of five U. S. Supreme Court opinions and Court dicta handed down between the late 1930s and the 1980s that have most restricted union formation and the right to strike. Of these, the one with the greatest impact gave employers the right to permanently replace striking workers, Nordlund says, noting that only two countries—South Africa and the United States—are they only ones that permit permanent striker replacement.

Because of the conservative trend in Congress and overriding concerns about issues such as the economy, the war in Afghanistan, the Gulf of Mexico oil spill and health care legislation, Nordlund argues that supporters of workers’ rights are losing the window of opportunity to pass meaningful labor law reform presented by the election of President Obama.

“This missed opportunity to change American labor law will haunt the American worker and the American labor movement for a generation,” Nordlund writes. “The next opportunity is not on the horizon, but it is certainly many decades in the future.”

Finally, Nordlund suggests that the time may have arrived for American labor unions to consider forming a labor party to advocate for workers.

“The United States is one of the few developed nations that does not have a labor party. With strong public sentiment for a third party—witness the Tea Party movement—to challenge the two dominant parties, American unions have a built-in contingent of 15-20 million workers who could form the core of a labor party,” he writes.

Nordlund has been on the New River faculty since 2003. He earned his bachelor’s degree in economics at the University of Minnesota and did graduate work at East Tennessee State University before earning a doctorate in economics from the University of Utah.
Prior to joining New River, Nordlund was professor and dean of the School of Business at the College of West Virginia. He also worked for a number of years as a regional director in the U.S. Department of Labor Office of Workers’ Compensation Program.

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