

West Virginia Senate outlaws public employee strikes as state demands schools reopen

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On Monday, West Virginia's upper legislative chamber passed a bill which changes state law, outlawing work stoppages and other collective action by public employees. The measure threatens that "participation in a concerted work stoppage" can be used to terminate workers.

The bill is not just retribution for the massive statewide strikes of 2018–19, but is aimed at intimidating workers, and particularly educators, who are becoming increasingly radicalized and opposed to the deadly reopening of schools and nonessential workplaces. The passage of the bill directly followed the announcement by Republican Governor Jim Justice that schools will fully reopen for in-person instruction starting next month.

While public work stoppages in West Virginia have been forbidden based upon interpretations of previous court rulings, Senate Bill 11, passed by a margin of 21–12, would make such actions illegal by definition. The bill, which has yet to go to the state House of Delegates for ratification, declares: "Public employees in West Virginia have no right, statutory or otherwise, to engage in collective bargaining, mediation or arbitration, and any work stoppage or strike by public employees is hereby declared unlawful."

The bill targets teachers specifically, cynically claiming that a work stoppage in education "poses a serious disruption to the thorough and efficient system of free schools, guaranteed to the children of West Virginia by section one, article XII of the Constitution of West Virginia." The bill was introduced on the three-year anniversary of the massive West Virginia teacher strike that erupted in 2018.

The bill attacks a local superintendent's right to close schools in anticipation of a work stoppage. This is a response to events in the 2018 teachers' strike, when superintendents closed classes as teachers walked out, in many cases supporting their demands. It also bans

extracurricular activities during a strike, in an attempt to pit students and parents against educators.

Most significantly, the bill forbids alternate instruction methods, such as allowing teachers to work remotely, a clear response to educators' widespread refusal to report for class in-person as the pandemic has raged on.

A related bill, House Bill 2536, would require "county board[s] to withhold pay of assigned employees when school [is] closed temporarily due to concerted work stoppage or strike."

The raft of anti-teacher legislation is part of a one-two punch in the ruling class' drive toward a full economic reopening in the state of West Virginia. It follows Governor Justice's demand last week that all pre-K-through 8th grade classes reopen for daily in-person instruction by March. Last Friday, Justice declared that the governor's mansion would loosen pandemic-related restrictions related to indoor dining, public gatherings and other protocols immediately.

On Tuesday, one day after the state senate passed SB 11, the state Board of Education (BoE) held a special meeting to unanimously ratify the governor's plan to return pre-K through 8th grade students to in-person classes no later than March 3. The BoE cited the politically-driven Centers for Disease Control and Prevention (CDC) guidance published this month which declares that students may study in-person "at any level" of viral transmission.

The state's top coronavirus official, Dr. Clay Marsh, claimed that school transmission was not "closely tied to community transmission rates," deceitfully calling schools "among the safest places for our children."

The policy acknowledges that high school students transmit the virus "at rates similar to adults," and allows "grades 9–12 [to] remain with blended instruction if the infection rate in the community is high." Schools with widespread family requests to remain online must apply

for waivers from the ordinance. Meanwhile, the plan grudgingly allows schools tasked with educating students both online and in-person to request a four-day week to allow a single day to plan online curricula.

As of Wednesday, the state of West Virginia has recorded over 130,000 COVID-19 cases and 2,285 deaths. While community spread has lowered significantly since last month, when 54 out of the 55 state counties were designated in the “red” tier with high positivity rates, it is highly doubtful that case loads will remain stable with a full in-person reopening, given that the new and more transmissible variants of COVID-19 are spreading throughout the region.

The intervention of the West Virginia state legislature is a direct response to the growth of working class opposition to the reopening of in-person classes throughout the United States and internationally in the midst of the pandemic. The broadside against the West Virginia teachers is clearly a measure of the capitalists’ nervousness that any let-up in the bipartisan drive to reopen the economy may provoke an onslaught of pent-up opposition which threatens to break free of the trade union bureaucracies’ vice grip and ignite a broad-based movement of the entire working class.

It comes in the aftermath of a near-strike in Chicago earlier this month and the ongoing mass opposition of Philadelphia and Los Angeles teachers to the resumption of in-person learning.

West Virginia teachers have been preemptively singled out due to their heroic nine-day strike in 2018 in defiance of a back-to-work order, as well as a subsequent strike against the privatizing of education in 2019. The 2018 strike, which was launched despite opposition from the state teachers unions, ignited an international wave of opposition from teachers and school workers on several continents in response to decades of reactionary policies meant to dismantle public education and attacks on the working class more broadly.

The West Virginia senators, who sanctimoniously claim that striking teachers are depriving students of an education, are only continuing the general corporate and political onslaught against the working population, even as they stuff their pockets with the money slashed from school budgets and gutted work safety programs.

For their part, the West Virginia Education Association and the American Federation of Teachers-West Virginia have failed to mobilize educators against the return to deadly workplaces, just as they forced through a betrayal of the demands for full funding of health care in 2018 and

allowed the opening of charter schools.

Instead of mobilizing the strength of the working class to demand all-remote learning until the pandemic is contained, the unions have filed a series of legal maneuvers, restraining orders and the like, which have done nothing to prevent the governor and state BoE from returning educators to the classroom.

As with all expressions of working class opposition, the union worked to isolate and strangle these struggles while selling false promises that the election of “teacher candidates” or Democrats would defend them.

On Monday, this fantasy was refuted when Amy Nichole Grady, a Republican state senator and former teacher—who had recently won election over the notoriously right-wing and anti-teacher senator Mitch Carmichael—supported SB 11 and voted to outlaw teachers’ right to strike.

In order to advance a struggle against the homicidal reopening of schools, teachers should join and build the network of rank-and-file safety committees, independent of the pro-corporate trade unions and the Democrats and Republicans.

These committees have been established in Tennessee, Pennsylvania, Michigan, Chicago, New York City, Alabama, Texas, California and a growing number of cities and states across the US and internationally. They fight to link the struggles of educators with all other workers in order to shut down all schools and nonessential workplaces, while demanding the provision of full economic support to all workers affected. This must be coupled with expanded resources to fight the pandemic and provide high quality aid to families sheltering at home. Sign up today to take up this struggle !



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