



The Future of the Illinois Employment of Strikebreakers Act

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The Illinois Employment of Strikebreakers Act was originally enacted in 1975 and was expanded in 2003. Legal challenges to the 2003 amendments started even before the effective date of the amendments. The question brought up in litigation was whether the Strikebreakers Act was preempted by the NLRA. The Court of Appeals for the 7th Circuit remanded the case for a determination on those merits. Therefore, there is some doubt about the status of the Strikebreakers Act and if it will continue to have an impact on employers in Illinois.

This article provides the reader with a brief overview of the relevant federal preemption principles, the history of the Strikebreakers Act, and the underlying legal challenges to the enforceability of the Strikers Act.

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