

SENATE No. 224

To accompany the petition of the Massachusetts State Chamber of Commerce Inc., by Clifton C. Mowry, executive secretary, for legislation relative to the conciliation and arbitration of industrial disputes. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT RELATIVE TO THE CONCILIATION AND ARBITRATION OF INDUSTRIAL DISPUTES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 150 of the General Laws is hereby amended
- 2 by inserting after section 3 the following sections: —
- 3 *Section 3A.* Whenever any representative of em-
- 4 ployees or labor organization shall desire to nego-
- 5 tiate a collective bargaining agreement, or make
- 6 any change in any existing agreement, or shall
- 7 desire any changes in the rates of pay, rules or
- 8 working conditions in any place of employment, it
- 9 shall give written notice to the employer of its
- 10 demand, and it shall thereupon be the duty of the
- 11 employer and the representative of employees to
- 12 endeavor in good faith to reach an agreement re-
- 13 specting such demand. An employer shall give like
- 14 notice to his employees, representative or labor

15 organizations of any intended change in any existing
16 agreement. If no agreement is reached at the
17 expiration of ten days after service of such notice,
18 any employees, representative, labor organization,
19 or employer may give notice of intention to strike
20 or lockout, as the case may be, but it shall be un-
21 lawful for any labor organization or representative
22 to institute or aid in the conduct of a strike or for
23 an employer to institute a lockout, unless notice of
24 intention to strike or lockout has been served by
25 the party intending to institute a strike or lockout
26 upon the board of conciliation and arbitration of the
27 department of labor and industries and the other
28 parties to the labor dispute at least ten days before
29 the strike or lockout is to become effective.

30 Notice by the employer shall be signed by him or
31 his duly authorized officer or agent, and notice by
32 the employees shall be signed by their representative
33 or its officers, or by the committee selected to con-
34 duct the strike. In either case the notice shall be
35 served by delivering it to the board of conciliation
36 and arbitration in person or by sending it by reg-
37 istered mail addressed to the board at its office.
38 The notice shall state briefly the nature of the dispute
39 and the demands of the party who serves it. Upon
40 receipt of a notice the board shall fix a time and
41 place for a conference with the parties to the labor
42 dispute upon the issues involved in the dispute, and
43 the board shall then take whatever steps it deems
44 most expedient to bring about a settlement of the
45 dispute, including assisting in negotiating and
46 drafting a settlement agreement. It shall be the
47 duty of all parties to a labor dispute to respond to
48 the summons of the board of conciliation and arbi-

49 tration for joint or several conferences with the
50 board or a member thereof, or with a designated
51 agent of the board, and to continue in such con-
52 ferences until excused by the board, not beyond,
53 however, the ten day period heretofore prescribed
54 except by mutual consent of the parties to the
55 dispute.

56 *Section 3B.* To preserve the public peace and
57 order and avoid and prevent violence and the dis-
58 turbance of the orderly movement and transporta-
59 tion of persons and merchandise in and upon the
60 ways and streets of the commonwealth, and if the
61 dispute is in any industry, business or institution
62 affected with a public interest, which includes, but
63 is not restricted to, any industry, business or insti-
64 tution engaged in supplying the necessities of life,
65 safety, or health, so that a temporary suspension of
66 its operation would endanger the life, safety, health
67 or well-being of a substantial number of people of
68 any community, the provisions of section three A
69 of this act shall apply and the board of conciliation
70 and arbitration shall also notify the governor who
71 may appoint a special conciliation board of three,
72 to conduct a hearing and make a report on the
73 issues involved and the merits of the respective
74 contentions of the parties to the dispute. If the
75 special board is appointed by the governor, the
76 board of conciliation and arbitration shall imme-
77 diately notify the parties to the labor dispute and
78 shall also inform them of the date of the notification
79 to the governor. The members of such special
80 board shall on account of vocations, employment or
81 affiliations be representative of employees, em-
82 ployers, and the public respectively. Such report

83 shall be filed with the governor and may be made
84 public in such manner as he may determine. If
85 and when a special board shall be appointed, neither
86 party to the dispute shall make any change in the
87 situation affecting the dispute and no strike or
88 lockout shall be instituted until the report of the
89 special board shall have been filed, or thirty days
90 have elapsed after the notification to the governor.

91 *Section 3C.* For the purpose of all hearings which,
92 in the opinion of a special board of conciliation ap-
93 pointed by the governor pursuant to the provisions
94 of section three B of this act, are necessary and proper
95 for the exercise of the duties assigned to it under
96 section three B —

97 (1) The special board shall have the power to
98 issue subpoenas requiring the attendance and testi-
99 mony of witnesses and the production of evidence
100 which relates to any matter involved in any such
101 hearing, and may by its chairman administer oaths
102 and affirmations and may examine witnesses. Such
103 attendance of witnesses and the production of evi-
104 dence may be required from any place in the com-
105 monwealth of Massachusetts but hearing, shall be
106 held in a county where the labor dispute has arisen
107 or exists.

108 (2) In case of contumacy or refusal to obey a
109 subpoena issued under subsection (2) of this section,
110 the superior court within the jurisdiction of which
111 the hearing is being conducted or within the juris-
112 diction of which said person guilty of contumacy or
113 refusal to obey is found or resides or transacts busi-
114 ness, upon application by a special board shall have
115 jurisdiction to issue to such person an order requir-
116 ing such person to appear before the special board,

117 there to produce evidence if so ordered, or there to
118 give testimony, touching the matter under investi-
119 gation or in question; and any failure to obey such
120 order of the court may be punished by said court as
121 a contempt thereof.

122 (3) Any party to or party affected by the dispute
123 may appear before a special board in person or by
124 attorney or by their representative, and shall have
125 the right to offer competent evidence and to be heard
126 on the issues before the report is made.

127 *Section 3D.* Members of any special board of
128 conciliation appointed by the governor under the
129 provisions of this act shall each be paid fifteen dollars
130 per day and their necessary expenses while serving.

STATE

IN SENATE

January 10, 1900

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION

PASSED BY THE SENATE

ON JANUARY 10, 1900

ALBANY:

WEDDERBURN, BROS. & CO. PRINTERS

1900

STATE OF NEW YORK

IN SENATE

January 10, 1900

REPORT

OF THE

