

SENATE . . . . No. 661

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**The Commonwealth of Massachusetts**

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SENATE, April 14, 1953.

The committee on Labor and Industries, to whom was referred the petition (accompanied by bill, Senate, No. 271) of Christopher H. Phillips for legislation relative to the holding of elections under the State labor relations law, report the accompanying Bill (Senate, No. 661).

For the committee,

**CHRISTOPHER H. PHILLIPS.**

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT RELATIVE TO THE INVESTIGATION AND DETERMINATION OF THE PROPER UNIT FOR COLLECTIVE BARGAINING UNDER THE LABOR RELATIONS LAW.

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

1 Section 5 of chapter 150A of the General Laws is  
2 hereby amended by striking out subsection (c), as  
3 amended by section 4 of chapter 657 of the acts of  
4 1947, and inserting in place thereof the following  
5 subsection:—

6 (c) Whenever a question affecting industry and  
7 trade arises concerning the representation of em-  
8 ployees, the commission may investigate such con-  
9 troversy and certify to the parties, in writing, the  
10 name or names of the representatives who have been  
11 designated or selected. In any such investigation, the  
12 commission shall provide for an appropriate hearing  
13 upon due notice either in conjunction with a proceed-  
14 ing under section six or otherwise, and may take a  
15 secret ballot of employees, or utilize any other suit-  
16 able method to ascertain such representatives. The  
17 commission may establish such rules or regulations as  
18 it deems appropriate to effectuate the policies of this  
19 chapter for the filing of petitions for investigation and  
20 certification by employers or employees or their rep-

21 representatives and shall include therein provision for  
22 the filing of a petition by an employer whenever it is  
23 alleged —

24 (1) That two or more labor organizations have pre-  
25 sented to the employer conflicting claims that each  
26 represents a majority of the employees in a bargain-  
27 ing unit or units claimed by them to be appropriate;  
28 or

29 (2) That a labor organization not theretofore recog-  
30 nized as the representative of a majority of the em-  
31 ployees in the bargaining unit claimed by it to be  
32 appropriate has requested the employer to bargain  
33 with it as the exclusive representative of such em-  
34 ployees, or without such request is attempting either  
35 to secure such recognition or to organize such em-  
36 ployees by picketing, strike, slowdown, boycott or  
37 other concerted cessation of work or withholding of  
38 patronage.

39 In the event of such picketing, strike, slowdown,  
40 boycott or other concerted cessation of work or with-  
41 holding of patronage the commission shall entertain  
42 the petition and shall determine any question of rep-  
43 resentation raised thereby notwithstanding any dis-  
44 claimer of interest on the part of the labor organization  
45 in securing recognition as bargaining representative of  
46 such employees.

