

The Commonwealth of Massachusetts

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SPECIAL REPORT

OF THE

COMMISSIONER OF LABOR AND INDUSTRIES  
RELATIVE TO CERTAIN LABOR PRACTICES

UNDER CHAPTER 82 OF THE RESOLVES OF 1955.

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NOVEMBER 29, 1955

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## SPECIAL REPORT OF THE COMMISSIONER OF LABOR AND INDUSTRIES RELATIVE TO CER- TAIN LABOR PRACTICES.

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DEPARTMENT OF LABOR AND INDUSTRIES,  
STATE HOUSE, BOSTON 33, November 29, 1955.

*To The Honorable Senate and House of Representatives, State House,  
Boston 33, Mass.*

GENTLEMEN:— Pursuant to the provisions of chapter 82 of the Resolves of the current year, I have made an investigation and study of Senate Documents numbered 324, 340 and 341, and House Documents numbered 1127 and 1622, all of the current year, and in conformance with the directions contained in said resolve, I hereby report to the General Court results of my investigation and study and my recommendations.

The draft of legislation necessary to carry the recommendations into effect is attached hereto.

Senate Bill No. 324 increases from seven to ten the number of days in a calendar year on which the hours of employment of women and children in mercantile establishments may be permitted to fall within a period of not exceeding eleven and one half consecutive hours. The regular statutory restriction is ten hours. Of these ten days, eight are to be week days within a period of five weeks immediately preceding Christmas and the ninth and tenth days are to be week days either in the week immediately preceding Easter or during the month of January.

This bill does not change the maximum hours permitted in a day or week, but merely adds three days to the present seven during the course of the year on which the maximum hours may be stretched to fall within a period of eleven and one half in a day, but only during the particularly busy

periods of the year. It would give needed relief to our mercantile establishments, particularly in Boston, and would effect no hardship on their employees. I therefore recommend its adoption.

Senate Bill Nos. 340 would affect the same ten consecutive hour restriction and recommends that restaurants be added to those establishments which are exempted from this provision when the employment in the same is determined by the Department to be by seasons.

It does not appear to me that restaurants are in the same category as hotels, private clubs or places of amusement, or have similar problems sufficient to justify their inclusion in a group of seasonal establishments, and I would not, therefore, recommend this change.

Senate Bill No. 341 would exempt restaurants from the provisions of the statute requiring employers to grant one day's rest in every seven consecutive days.

I would hesitate recommending any further extension of the number of establishments exempted from the present statute, and have found no pressing need for this proposal.

House Bill No. 1127 would extend the application of the present statute requiring wages to be paid weekly to include vacation benefits. The present law is limited to "wages earned," and this proposal would broaden the statute to include a contract right. In my opinion this would be difficult to enforce, and there is some doubt of the wisdom of the Commonwealth stepping into a new field, especially in view of the fact that it would be difficult to determine the violations, and the law does not authorize the Department to collect the benefits, but only to prosecute an employer criminally for any infractions. I do not recommend the adoption of this proposal.

House Bill No. 1622 affects section 24 of chapter 149, and the purpose of this is to absolve strike pickets from legal action providing the picketing conduct is not unlawful. This bill would prevent any person or persons, regardless of numbers, from being enjoined in the absence of any unlawful conduct.

This section is part of chapter 149, but contains no enforcement provisions. It is actually a recital of the legal rights of pickets.

Yours very truly,

ERNEST A. JOHNSON,  
*Commissioner.*

## PROPOSED LEGISLATION.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE HOURS OF EMPLOYMENT OF WOMEN  
AND CHILDREN IN MERCANTILE ESTABLISHMENTS.

*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 56 of chapter 149 of the General Laws, as  
2 amended, is hereby further amended by striking out,  
3 in line 25, the word "seven" and substituting in place  
4 thereof the word:— ten, — and by striking out, in  
5 line 26, the word "six" as it appears in each instance  
6 and substituting in place thereof the word:— eight, —  
7 and by striking out, in line 26, the words "four weeks"  
8 and substituting in place thereof the words:— five  
9 weeks, — and by striking out, in lines 27 and 28, the  
10 words "and the seventh the Saturday immediately pre-  
11 ceding Easter" and substituting in place thereof the  
12 words:— and the ninth and tenth in the week im-  
13 mediately preceding Easter, or during the month of  
14 January, all as appearing in chapter three hundred and  
15 sixty-eight, acts of nineteen hundred and forty-seven.



