

# HOUSE . . . . . No. 1311

By Mr. Ayers of Weston, petition of John J. Roddy relative to the investigation and determination of the proper unit for collective bargaining under the labor relations law and the regulation of picketing in connection therewith. Labor and Industries.

## The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE INVESTIGATION AND DETERMINATION OF THE PROPER UNIT FOR COLLECTIVE BARGAINING UNDER THE LABOR RELATIONS LAW, AND THE REGULATION OF PICKETING IN CONNECTION THEREWITH.

*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 hereby  
2 amended by striking out subsection (c), as amended by section 4  
3 of chapter 657 of the acts of 1947, and inserting in place thereof  
4 the following subsection:—

5 (c) Whenever a question affecting industry and trade arises  
6 concerning the representation of employees, the commission may  
7 investigate such controversy and certify to the parties, in writing,  
8 the name or names of the representatives who have been desig-  
9 nated or selected. In any such investigation, the commission  
10 shall provide for an appropriate hearing upon due notice either  
11 in conjunction with a proceeding under section six, or otherwise,  
12 and may take a secret ballot of employees, or utilize any other  
13 suitable method to ascertain such representatives. The com-  
14 mission may establish such rules or regulations as it deems ap-  
15 propriate to effectuate the policies of this chapter for the filing  
16 of petitions for investigation and certification by employers or  
17 employees or their representatives, and shall include therein

18 provision for the filing of a petition by an employer whenever it  
19 is alleged —

20 1. That two or more labor organizations have presented to  
21 the employer conflicting claims that each represents a majority  
22 of the employees in a bargaining unit or units claimed by them  
23 to be appropriate; or

24 2. That a labor organization not theretofore recognized as  
25 the representative of a majority of the employees in the bar-  
26 gaining unit claimed by it to be appropriate has requested the  
27 employer to bargain with it as the exclusive representative of  
28 such employees, or without such request is attempting either to  
29 secure such recognition or to organize such employees by picket-  
30 ing, strike, slowdown, boycott or other concerted cessation of  
31 work or withholding of patronage.

32 In the event of such picketing, strike, slowdown, boycott or  
33 other concerted cessation of work or withholding of patronage the  
34 commission shall entertain the petition and shall determine any  
35 question of representation raised thereby notwithstanding any  
36 disclaimer of interest on the part of the labor organization in  
37 securing recognition as bargaining representative of such em-  
38 ployees.

39 If a petition is filed under the foregoing provisions on the basis  
40 of picketing by a labor organization, such picketing shall, after  
41 receipt by the labor organization of notice of the filing of such  
42 petition, become unlawful and subject to being restrained by the  
43 appropriate superior court on petition of the employer for equit-  
44 able relief notwithstanding any other provisions of the General  
45 Laws; provided, however, that in no instance shall any picket-  
46 ing which is permitted as lawful under subsection (f) of section  
47 twenty C of chapter 149 be deemed unlawful or subject to  
48 restraint by the courts by reason of any provision of this section.