

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, October 4, 1960.

To the Honorable Senate and House of Representatives:

In accordance with Article LVI of the Amendments to the Constitution of the Commonwealth, I am returning herewith S. 705, An Act Requiring Registration of the Use of Imported Labor Replacements or Strike Breakers in Labor Disputes.

In my Annual Message of January 6, 1960, I stated:

“The importation of strike breakers by industry and professional pickets by labor when engaged in a labor dispute seriously interferes with the underlying concept of free, collective bargaining. Both management and labor agree on proposals which would make compulsory the registration of such persons, and I so recommend.”

S. 705 provides only for the registration of imported labor replacements or strike breakers, and does not cover at all the complementary registration of imported professional pickets. I therefore return it with the recommendation that it be amended by striking out the title and inserting in place thereof the following title:— “An Act Requiring Registration of the Use of Imported Labor Replacements or Strike Breakers or Professional Pickets in Labor Disputes,” and by striking out everything following the enactment clause and inserting in place thereof the following:—

The General Laws are hereby amended by inserting after chapter 150C the following chapter:—

CHAPTER 150D.

REGISTRATION OF LABOR REPLACEMENTS OR STRIKE BREAKERS.

SECTION 1. It is hereby declared that the employment of non-residents of the commonwealth as labor replacements or strike breakers or as professional pickets during a strike or lockout tends

to produce and prolong industrial strife, violence and other crimes and disorders which would be to some extent mitigated if persons importing such labor replacements or strike breakers or pickets during a labor dispute were required to register such persons and provide the information required by section three.

SECTION 2. When used in this chapter —

“Person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

“Employer” includes any person acting in the interest of an employer, directly or indirectly, but shall not include the commonwealth or any political subdivision thereof, any educational institution, or any labor organization, other than when acting as an employer, or anyone acting in the capacity of officer or agent of such labor organization.

“Labor replacement” or “strike breaker” includes any person, except a professional engineer or scientist, who enters into the employment of an employer involved in a labor dispute when a lockout has started or after a strike has been called against that employer and before the labor dispute has ended, but shall not include any such person who does not perform any services which prior to such labor dispute, lockout or strike were performed by a person whose work has ceased as a direct consequence of such labor dispute, lockout or strike.

“Labor dispute” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employee.

“Labor organization” includes any organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or labor disputes.

“Professional picket” means any person not a member in good standing of a labor organization involved in a labor dispute, who in behalf of the labor organization engages in picketing.

“Picketing” means one or more persons who are posted or walk patrol in the vicinity of a place of business involved in a labor dis-

pute for the purpose of influencing or informing the public or others concerning the issues or matters in dispute.

SECTION 3. Any person not an employer of employees or any labor organization involved in a labor dispute who directly or indirectly arranges for the importation of labor replacements or strike breakers or pickets from outside the commonwealth to work in or picket any establishment within the commonwealth where a labor dispute exists shall file a written report with the commissioner of labor and industries within five days of the time of his making any such arrangements. The report shall contain the following information: (a) names and addresses of persons hired, used or about to be hired or used and the date or dates on which such persons were imported or are to be imported; (b) the total amount of compensation paid or to be paid to these persons; (c) amount of expenses paid or to be paid; and (d) the amount received by the person for his services for arranging the hiring of the labor replacements or strike breakers or pickets.

Any employer of employees involved in a labor dispute who directly arranges for or who contracts with any person for the importation of labor replacements or strike breakers from outside the commonwealth to work in any establishment within the commonwealth where a labor dispute exists shall file a written report with the commissioner of labor and industries within five days of the time of his making any such arrangement or contract. The report shall contain the following information: (a) the name and address of the person with whom he has made such an arrangement or executed any such contract and of each person to be imported by the employer; (b) the date on which labor replacements or strike breakers have been or are to be imported or the date on which any such contract was entered into; and (c) the total amount of compensation and expenses paid or to be paid to any person for such importation of labor replacements or strike breakers and to each person who acts as a labor replacement or strike breaker.

Any labor organization involved in a labor dispute which directly arranges for or makes use of a professional picket imported from outside of Massachusetts during a labor dispute in the commonwealth shall file a written report with the commissioner of labor and industries within five days of the making of such arrangement or use, containing the following information: (a) the name and address of the person or persons with whom he is arranging

or whom he is importing; (b) the date or dates on which the persons are to be imported or used; and (c) the amount of compensation to be paid each such imported person and by whom such compensation is paid.

Such reports shall be public records.

SECTION 4. No person shall directly or indirectly engage a labor replacement or strike breaker or professional picket knowing that within seven years prior thereto the person so engaged has been convicted of an offense constituting a felony in the jurisdiction within which he was convicted.

SECTION 5. Whoever being required by section three to file a report fails to file such report or whoever violates the provisions of section four shall for the first offense be punished by a fine of not less than one hundred nor more than five hundred dollars, and for a second or subsequent offense by a fine of not less than one thousand nor more than five thousand dollars.

The commissioner of labor and industries or any person involved in the labor dispute or his representative may bring a complaint under this section in the district court within the jurisdiction of which the employer has his place of business.

SECTION 6. Nothing in this chapter shall be construed so as to deprive employees of a struck plant from lawful picketing.

SECTION 7. If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or the application of the provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Respectfully submitted,

FOSTER FURCOLO,
Governor of the Commonwealth.