

HOUSE No. 904

Bill accompanying the petition of the Master Builders Association of the city of Boston for legislation relative to peaceful communications with applicants for positions during labor disputes. Joint Judiciary. January 13.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To allow Peaceful Communications with Applicants for Positions during Labor 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 SECTION 1. In case a dispute between an employer
2 and his employees results in a strike or lockout it shall
3 be lawful for representatives of the striking or locked-
4 out employees, selected as hereinafter provided, to walk
5 upon the public streets and ways in the vicinity of the
6 place of employment, other than at the door or gate of
7 the factory or shop where the strike exists, and personally
8 to inform persons who intend to go to work in the em-
9 ployment where such strike or lockout exists, of the
10 actual facts and circumstances in connection with such

11 strike or lockout: *provided*, that such patrolling and
12 interviewing be conducted in an orderly and peaceable
13 manner and under the conditions set forth in this act.

1 SECTION 2. Such patrolling and interviewing shall
2 be unlawful unless, and until, the dispute shall have been
3 presented to the state board of arbitration and concilia-
4 tion and credentials issued as hereinafter provided. Any
5 of said employees, or any one in their behalf, may notify
6 said state board, in any effective manner, and said board
7 shall forthwith visit the city or town where such strike
8 or lockout exists and give a prompt hearing to said em-
9 ployees, who may appear through one or more representa-
10 tives, after notice to the employer, who may also appear.
11 The board, acting with as much despatch as possible,
12 shall determine whether a lawful strike or lockout exists,
13 the number of employees involved, and the actual facts
14 and circumstances of the strike or lockout and the
15 reasons therefor, and make a brief written finding
16 thereof. A copy of such finding shall be at once sent to
17 the employer, to the representative of the employees and
18 to the chief of police or other officer acting in the capacity
19 of the chief of police, in the city or town where the strike
20 or lockout exists. The original finding shall be at once
21 filed in the office of the board, together with such report
22 as the board may deem necessary, and both such finding
23 and report shall be open to public inspection.

1 SECTION 3. The officer referred to shall thereupon
2 immediately inform himself of the conditions surround-
3 ing the place of employment where the strike or lockout
4 exists, and shall detail such patrolmen or deputies as he
5 may deem necessary to maintain order in and about the

6 premises. He shall then furnish such persons as may be
7 selected by the striking or locked-out employees from
8 their number, in such manner as they see fit, as their
9 representatives, with credentials, which credentials shall
10 bear upon them the finding of said board, and which shall
11 be the authority of the said representatives to whom they
12 are issued, and to no other persons, to proceed in the
13 way and manner described in this act. The total num-
14 ber of such representatives shall not exceed one for every
15 twenty employees involved and in no event shall exceed
16 fifty. Only one set of representatives shall be furnished
17 with credentials during any one strike or lockout: *pro-*
18 *vided, only,* that in case of death or physical or mental
19 disability of any representative, the said chief of police,
20 or other officer acting in that capacity, may cancel the
21 credential held by such deceased or disabled person and
22 issue a new credential to such representative as may be
23 selected by the employees to fill the vacancy so occasioned.
24 Each credential must be signed personally by the officer
25 issuing it, must indicate his official character, and must
26 bear upon its face the name, description and residence of
27 the person to whom it is issued. It must also recite that
28 the bearer shall not inform any person interviewed of
29 any matters or things not set forth on the credential,
30 and state the penalty for failure to conform to this rule
31 and to this act in other particulars. The officer issuing
32 these credentials shall furnish to the employer a list of
33 the names and residences of those to whom he has issued
34 credentials, and also a copy of such credential.

1 SECTION 4. The chief of police, or other such officer,
2 shall keep a record of the names, description and resi-
3 dences of all persons to whom credentials are so issued.
4 The representatives to whom these credentials are issued

5 shall at all times, when engaged in patrolling or inter-
6 viewing, have with them the said credentials and shall
7 show them, on request, to any person they may address,
8 and no such representative shall inform any person in
9 the employ of, or seeking employment from, the em-
10 ployer with whom the dispute exists, of any matters or
11 things not set forth on his credential, but shall confine
12 himself strictly thereto. It shall be unlawful for any
13 person not bearing such credential to endeavor to per-
14 suade or induce any present or prospective employee not
15 to enter into, or continue in, the service of such employer.

1 SECTION 5. Nothing in this act shall be held to per-
2 mit intimidation or threats or any unlawful interference
3 with the rights or liberties of another, or the use of
4 abusive or offensive language, or continued attempts to
5 persuade workmen after they have stated that they do
6 not wish to be interviewed.

1 SECTION 6. A violation of any of the provisions of
2 this act shall be punishable with a fine of not more than
3 one hundred dollars, or by imprisonment for not more
4 than six months, or by both such fine and imprisonment.

1 SECTION 7. This act shall take effect upon October
2 one, nineteen hundred and thirteen.