

By Mr. Hearn of Boston, petition of the Massachusetts Federation of Labor that there be established in the Department of Labor and Industries a division for the control of free and private employment offices. Legal Affairs. Jan. 15.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Five.

An Act to give Control of Free and Private Employment Offices to the Department of Labor and Industries.

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. On and after the first day of Decem-
2 ber in the year nineteen hundred and twenty-five,
3 the licensing and control of all public and private
4 employment offices within the commonwealth shall
5 be in charge of the state department of labor and
6 industries. The commissioner shall establish within
7 the department a special division to take charge of
8 such offices.

1 SECTION 2. The commissioner shall appoint a
2 supervisor of employment offices. Said supervisor
3 shall be under the direction of and responsible to
4 the commissioner. He shall be especially qualified
5 by training and experience to supervise the enforce-
6 ment of laws under the jurisdiction of the depart-
7 ment which relate to the employment of labor. The
8 commissioner shall have the authority to fix the

9 salary and term of office of said supervisor, subject
10 to the approval of the governor and council, to ap-
11 point and remove such additional inspectors and
12 clerical and other assistants as may be required for
13 the proper administration of the department.

1 SECTION 3. The free employment offices already
2 established in this commonwealth shall be main-
3 tained under the direction of said department, and
4 free employment offices may hereafter be estab-
5 lished and maintained under the direction of said
6 department in such cities as the board may select,
7 subject to the approval of the governor and council.
8 The superintendents, assistant superintendents
9 and clerks of the existing free employment offices,
10 appointed under authority of section one hundred
11 and sixty-one of chapter one hundred and forty-
12 nine of the General Laws shall be retained in said
13 employment, and shall be transferred, without ex-
14 amination and without regard to age, to the control
15 and direction of said division.

PRIVATE EMPLOYMENT OFFICES.

1 SECTION 4. No person, partnership or corpora-
2 tion shall act as an employment agent in this com-
3 monwealth or open, conduct or maintain an employ-
4 ment office or agency unless such person, partner-
5 ship or corporation shall first obtain a license there-
6 for from the state department of labor and indus-
7 tries. Every such license shall contain the name of
8 the city or town with the street and number if there
9 be any, of the building where the business is to be
10 carried on. The license, together with a copy of
11 sections four, five, six, seven and ten of this act,

12 shall be posted in a conspicuous place in every place
13 or office where the licensee does business. No li-
14 censee, agent or employee thereof shall print, pub-
15 lish or in any manner produce or cause to be pro-
16 duced or displayed any sign, card or advertisement
17 in any way resembling the designation, "Massachu-
18 setts free employment bureau". All advertise-
19 ments, window cards, circulars or other reading
20 matter issued by private employment offices or
21 agencies shall contain the words:— "Licensed Em-
22 ployment Agency" together with the regularly
23 licensed name of the agency. No license shall be
24 granted until after the applicant has filed with the
25 supervisor of employment offices a bond in the penal
26 sum of one thousand dollars, with a surety or sure-
27 ties satisfactory to the supervisor, conditioned that
28 the obliger will not violate any provision of this act
29 or regulation legally promulgated by the depart-
30 ment of labor and industries and the bond shall not
31 be accepted until approved by the department of
32 labor and industries. The said department is au-
33 thorized to cause an action to be brought on the
34 bond in the name of the commonwealth for any vio-
35 lation of the conditions thereof. The supervisor of
36 employment offices may, after a hearing, revoke any
37 such license whenever in his judgment the licensee
38 has violated any provision of this act or whenever
39 the licensee has been convicted of any crime in this
40 state or elsewhere. But the licensee whose license
41 is so revoked may appeal to the department of labor
42 and industries; provided, that his appeal is taken
43 within ten days after the revocation of the license.
44 The said department may, after a hearing, due no-
45 tice of which shall be given to the licensee and to the

46 supervisor, confirm the revocation or direct that the
47 license shall be reissued to the licensee. The de-
48 cision of the board shall be final and conclusive.

1 SECTION 5. The department of labor and indus-
2 tries shall fix the fee for the said licensees and shall
3 establish reasonable maximum fees to be charged
4 for the registration of applicants for employment
5 and for securing employment for them. No license
6 and no officer or employee of any licensee shall de-
7 mand or accept any fee greater than that so fixed by
8 the department of labor and industries.

1 SECTION 6. It shall be the duty of every licensed
2 employment office or agency to keep a register of all
3 persons applying for employment, together with
4 their names, address, age, nativity, sex, color, trade,
5 occupation or profession; also the names and ad-
6 dresses of persons, firms and corporations to whom
7 any applicants have referred and the positions
8 which have been secured for such applicants. The
9 licensee shall also keep a register of every person,
10 firm or corporation applying for help or servants,
11 the names of all persons referred to them and the
12 results. Said register shall at all times be open for
13 inspection by the department of labor and indus-
14 tries, and by the sheriff of the county or the chief
15 of police of the city or town in which the office or
16 agency is situated or any persons delegated by
17 either of said officers to inspect same.

1 SECTION 7. Any person, firm or corporation
2 guilty of violating any provision of this act shall be
3 punished by a fine of not less than fifty nor more

4 than one hundred dollars or by imprisonment in the
5 county jail for a term not exceeding six months or
6 by both such fine and imprisonment. It shall be the
7 duty of the department of labor and industries to
8 enforce the provisions of this act and to institute
9 criminal or civil proceedings whenever informed of
10 any violation of its provisions. So far as applic-
11 able the powers conferred upon and the duties im-
12 posed upon the department of labor and industries
13 by chapter one hundred and forty-nine of the Gen-
14 eral Laws, are extended to provide for the en-
15 forcement of this act.

1 SECTION 8. The words "private employment
2 agency", as used in this act, mean any person, firm
3 or corporation furnishing employment or help, or
4 displaying any employment card, sign, bulletin or
5 other advertisement or through any card, sign, cir-
6 cular, pamphlet or other medium or advertisement,
7 offering employment or help; provided that the
8 provisions of this act shall not apply to teachers'
9 agencies, ministerial bureaus and nurses' registries,
10 nor to employment agents who do not receive fee,
11 commission or valuable consideration of any kind,
12 either directly or indirectly from any employer or
13 any employee in return for services rendered or as-
14 sistance furnished by such agents or to any employ-
15 ment bureau or department maintained by any club,
16 organization or association due at stated periods
17 from all members thereof without reference to the
18 extent to which they obtain the services of such em-
19 ployment bureau or department; and, provided,
20 further that the provisions of this act shall not pre-
21 vent an unlicensed person from acting as manager,

22 assistant or other agent of any duly licensed person,
23 partnership or corporation in connection with the
24 business carried on by such licensee.

1 SECTION 9. The term “ applicant for employ-
2 ment ” as used in this act shall be construed to mean
3 any person seeking work of any lawful character
4 and “ applicant for help ” shall mean any person,
5 firm or corporation seeking help or offering to em-
6 ploy labor in any legitimate work or business.

1 SECTION 10. No employment office or agency
2 and no person shall send or cause to be sent any
3 help or person to any place of bad repute, house of
4 ill fame or assignation or place of amusement kept
5 for immoral purposes, or for the purpose of secur-
6 ing a position for any applicant or otherwise, shall
7 circulate, publish, record or issue any report or in-
8 formation to cause the discharge of any person em-
9 ployed in any legitimate service. Any such office or
10 agency or person violating any provision of this
11 act or of any other law, shall forfeit his or its li-
12 cense. No agency or person shall publish or cause
13 to be published or circulated any false or fraudu-
14 lent notice, advertisement or statement or give any
15 false information, or make any false representation
16 or promise concerning work or employment or help,
17 and no such agency shall make any false entry in
18 any book, record or register kept by it or used by it
19 in connection with its business. No such agency
20 shall conduct its business in a building where in-
21 toxicating liquors are sold.

