

By Mr. Caron of Springfield, petition of Paul E. Caron that employees locked out of their jobs due to a labor dispute be made eligible for employment benefits. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO UNEMPLOYMENT BENEFITS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 151A, section 25 of the General Laws, as most recently
2 amended by Chapter 489, section 5 of the Acts of 1982, is hereby
3 further amended by striking out subsection (b) and inserting in
4 place thereof the following new subsection: —
5 (b) Any week with respect to which the director finds that his
6 unemployment is due to a stoppage of work which exists because of
7 a labor dispute at the factory, establishment or other premises at
8 which he was last employed; provided, however, that nothing in this
9 subsection shall be construed so as to deny benefits to employees
10 who are locked out of their jobs or to any otherwise eligible individ-
11 ual (1) who becomes involuntarily unemployed during the period of
12 the negotiation of a collective bargaining contract, in which case the
13 individual shall receive benefits for the period of his unemployment
14 but in no event beyond the date of the commencement of a strike or
15 lockout: or (2) who is not recalled to work within one week follow-
16 ing the termination of the labor dispute. A lockout exists whether
17 or not such action is to obtain for the employer more advantageous
18 terms when (1) an employer fails to provide employment to his
19 employees with whom he is engaged in a labor dispute, either by
20 physically closing his plant or informing his employees that there
21 will be no work until the labor dispute has terminated, or (b) an
22 employer makes an announcement that work will be available after
23 the expiration of the existing contract only the terms and condi-
24 tions which are less favorable to the employees than those current
25 immediately prior to such announcement. Provided that this sub-

26 section shall not apply if it is shown to the satisfaction of the
27 director that: —

28 (1) [He] a worker is not participating in or financing or directly
29 interested in the labor dispute which caused the stoppage of work;
30 and that

31 (2) [He] a worker does not belong to a grade or class of workers
32 of which, immediately before the commencement of the stoppage,
33 there were members employed at the premises at which the stop-
34 page occurs, any of whom are participating in or financing or
35 directly interested in the dispute, except that an individual for
36 whom no work is available and who is not a member of or eligible
37 to membership in the group or organization which caused the stop-
38 page, shall not be considered as belonging to the same grade or class
39 of workers as those who are responsible for the stoppage of work;
40 provided, further, that if, in any case, separate branches of work
41 which are commonly conducted as separate businesses in separate
42 premises are conducted in separate departments of the same prem-
43 ises, each such department may, for the purposes of this subsection,
44 be deemed a separate factory, establishment or other premises.

45 (3) For the purposes of this chapter, the payment of regular
46 union dues or assessments shall not be construed as participating in
47 or financing or being directly interested in a labor dispute.

48 (4) The individual has, subsequent to his unemployment because
49 of a labor dispute, obtained employment, and has been paid wages
50 of not less than the amount specified in clause (a) of section twenty-
51 four; provided, however, that during the existence of such labor
52 dispute the wages of such individual used for the determination of
53 his benefit rights shall not include any wages each individual earned
54 from the employer involved in such labor dispute.