

By Mr. Businger of Brookline, petition of John A. Businger for legislation to provide unemployment benefits to employees who are locked out of their jobs due to a labor dispute. Commerce and Labor.

**The Commonwealth of Massachusetts**

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

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  
7 of a labor dispute at the factory, establishment or other premises  
8 at which he was last employed; provided, however, that nothing  
9 in this subsection shall be construed so as to deny benefits to  
10 employees who are locked out of their jobs or to any otherwise  
11 eligible individual (1) who becomes involuntarily unemployed  
12 during the period of the negotiation of a collective bargaining  
13 contract, in which case the individual shall receive benefits for the  
14 period of his unemployment but in no event beyond the date of  
15 the commencement of a strike or lockout; or (2) who is not recalled  
16 to work within one week following the termination of the labor  
17 dispute. A lockout exists or not such action is to obtain for the  
18 employer more advantageous terms when (a) an employer fails  
19 to provide employment to his employees with whom he is engaged  
20 in a labor dispute, either by physically closing his plant or  
21 informing his employees that there will be no work until the labor  
22 dispute has terminated, or (b) an employer makes an announce-  
23 ment that work will be available after the expiration of the existing  
24 contract only the terms and conditions which are less favorable

25 to the employees than those current immediately prior to such  
26 announcement. Provided that this subsection shall not apply if  
27 it is shown to the satisfaction of the 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  
34 stoppage occurs, any of whom are participating in or financing  
35 or 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 for membership in the group or organization which caused the  
38 stoppage, shall not be considered as belonging to the same grade  
39 or class of workers as those who are responsible for the stoppage  
40 of work; provided, further, that if, in any case, separate branches  
41 of work which are commonly conducted as separate businesses  
42 in separate premises are conducted separate departments of the  
43 same premises, each such department may, for the purposes of  
44 this subsection, be deemed a separate factory, establishment or  
45 other premises.

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

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