

SENATE . . . . . No. 298.

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Commonwealth of Massachusetts.

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SENATE, April 14, 1904.

The committee on Bills in the Third Reading, to whom was referred the bill relative to the powers of the Board of Conciliation and Arbitration (Senate, No. 275), reports recommending that the same be amended by the substitution of the following bill, and that when so amended the same will be correctly drawn.

For the committee,

E. B. CALLENDER.

## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Four.

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### AN ACT

Relative to the Powers of the Board of Conciliation  
and Arbitration.

*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. Section two of chapter one hun-  
2 dred and six of the Revised Laws, as amended  
3 by chapter four hundred and forty-six of the acts  
4 of the year nineteen hundred and two, is hereby  
5 further amended by inserting after the word  
6 "blame," in the twenty-fifth line, the words:—  
7 said board shall, upon the request of the governor,  
8 investigate and report upon a controversy if in  
9 his opinion it seriously affects, or threatens seri-  
10 ously to affect, the public welfare; and by strik-  
11 ing out the words "following section," at the end  
12 of the section, and inserting in place thereof the  
13 words:— four following sections,— so as to read  
14 as follows:—

15     *Section 2.* If it appears to the mayor of a city  
16 or to the selectmen of a town that a strike or lock-  
17 out described in this section is seriously threat-  
18 ened or actually occurs, he or they shall at once  
19 notify the state board ; and such notification may  
20 be given by the employer or by the employees  
21 concerned in the strike or lock-out. If, when the  
22 state board has knowledge that a strike or lock-  
23 out, which involves an employer and his present  
24 or former employees, is seriously threatened or  
25 has actually occurred, such employer, at that time,  
26 is employing, or upon the occurrence of the strike  
27 or lock-out, was employing, not less than twenty-  
28 five persons in the same general line of business  
29 in any city or town in the Commonwealth, the  
30 state board shall, as soon as may be, communicate  
31 with such employer and employees and endeavor  
32 by mediation to obtain an amicable settlement or  
33 endeavor to persuade them, if a strike or lock-out  
34 has not actually occurred or is not then continuing,  
35 to submit the controversy to a local board of con-  
36 ciliation and arbitration or to the state board.  
37 Said state board shall investigate the cause of  
38 such controversy and ascertain which party thereto  
39 is mainly responsible or blameworthy for the  
40 existence or continuance of the same, and may  
41 make and publish a report finding such cause and  
42 assigning such responsibility or blame. Said  
43 board shall, upon request of the governor, investi-  
44 gate and report upon a controversy if in his  
45 opinion it seriously affects, or threatens seriously  
46 to affect, the public welfare. The board shall

47 have the same powers for the foregoing purposes  
48 as are given to it by the provisions of the four  
49 following sections.

1 SECTION 2. Section three of said chapter one  
2 hundred and six is hereby amended by inserting  
3 after the word "cause," in the eighth line, the  
4 words:—and may, with the consent of the gov-  
5 ernor, conduct such inquiry beyond the limits of  
6 the Commonwealth. The board shall; by striking  
7 out the word "therein," in the eighth line; and by  
8 inserting after the word "party," in the nineteenth  
9 line, the words:—and to the board,—so as to  
10 read as follows:—

11 *Section 3.* If a controversy which does not  
12 involve questions which may be the subject of an  
13 action at law or suit in equity exists between an  
14 employer, whether an individual, a partnership  
15 or corporation employing not less than twenty-  
16 five persons in the same general line of business,  
17 and his employees, the board shall, upon applica-  
18 tion as hereinafter provided, and as soon as prac-  
19 ticable, visit the place where the controversy  
20 exists and make careful inquiry into its cause,  
21 and may, with the consent of the governor, con-  
22 duct such inquiry beyond the limits of the Com-  
23 monwealth. The board shall hear all persons  
24 interested who come before it, advise the respec-  
25 tive parties what ought to be done or submitted  
26 to by either or both to adjust said controversy,  
27 and make a written decision thereof which shall  
28 at once be made public, shall be open to public

29 inspection and shall be recorded by the secretary  
30 of said board. A short statement thereof shall,  
31 in the discretion of the board, be published in the  
32 annual report, and the board shall cause a copy  
33 thereof to be filed with the clerk of the city or  
34 town in which said business is carried on. Said  
35 decision shall, for six months, be binding upon  
36 the parties who join in said application, or until  
37 the expiration of sixty days after either party  
38 has given notice in writing to the other party  
39 and to the board of his intention not to be bound  
40 thereby. Such notice may be given to said em-  
41 ployees by posting it in three conspicuous places  
42 in the shop or factory where they work.

1 SECTION 3. Section four of said chapter one  
2 hundred and six is hereby amended by striking  
3 out the words "thereto in writing," in the sixth  
4 line, and inserting in place thereof the words:—  
5 so to do; and by striking out the words "griev-  
6 ances complained of," in the eighth line, and  
7 inserting in place thereof the words:— existing  
8 controversy,— so as to read as follows:—

9 *Section 4.* Said application shall be signed  
10 by the employer or by a majority of his employees  
11 in the department of the business in which the  
12 controversy exists, or by their duly authorized  
13 agent, or by both parties, and if signed by an  
14 agent claiming to represent a majority of the em-  
15 ployees, the board shall satisfy itself that he is  
16 duly authorized so to do; but the names of the  
17 employees giving the authority shall be kept

18 secret. The application shall contain a concise  
19 statement of the existing controversy and a promise  
20 to continue in business or at work without any lock-  
21 out or strike until the decision of the board, if made  
22 within three week after the date of filing the  
23 application. The secretary of the board shall  
24 forthwith, after such filing, cause public notice to  
25 be given of the time and place for a hearing on  
26 the application, unless both parties join in the  
27 application and present therewith a written request  
28 that no public notice be given. If such request  
29 is made, notice of the hearings shall be given to  
30 the parties in such manner as the board may  
31 order, and the board may give public notice  
32 thereof notwithstanding such request. If the  
33 petitioner or petitioners fail to perform the pro-  
34 mise made in their petition, the board shall proceed  
35 no further thereon without the written consent of  
36 the adverse party.

1 SECTION 4. Section five of said chapter one  
2 hundred and six is hereby amended by striking  
3 out the words "a fit person," in the third line,  
4 and inserting in place thereof the words:—fit  
5 persons; by striking out the word "assistant," in  
6 the fourth line, and inserting in place thereof the  
7 word:—assistants; and by striking out the words  
8 "shall appoint such experts if so nominated," in  
9 the fifth line, and inserting in place thereof the  
10 words:—may appoint one from among the per-

11 sons so nominated by each party, — so as to read  
12 as follows: —

13 *Section 5.* In all controversies between an em-  
14 ployer and his employees in which application  
15 is made under the provisions of the preceding  
16 section, each party may, in writing, nominate fit  
17 persons to act in the case as expert assistants to  
18 the board and the board may appoint one from  
19 among the persons so nominated by each party.  
20 Said experts shall be skilled in and conversant  
21 with the business or trade concerning which the  
22 controversy exists, they shall be sworn by a  
23 member of the board to the faithful performance  
24 of their official duties and a record of their oath  
25 shall be made in the case. Said experts shall, if  
26 required, attend the sessions of the board, and  
27 shall, under direction of the board, obtain and  
28 report information concerning the wages paid  
29 and the method and grades of work prevailing  
30 in establishments within the Commonwealth  
31 similar to that in which the controversy exists,  
32 and they may submit to the board at any time  
33 before a final decision any facts, advice, argu-  
34 ments or suggestions which they may consider  
35 applicable to the case. No decision of said  
36 board shall be announced in a case in which said  
37 experts have acted without notice to them of a  
38 time and place for a final conference on the  
39 matters included in the proposed decision. Such  
40 experts shall receive from the Commonwealth  
41 seven dollars each for every day of actual service

42 and their necessary travelling expenses. The  
43 board may appoint such other additional experts  
44 as it considers necessary, who shall be qualified  
45 in like manner, and, under the direction of the  
46 board, shall perform like duties and be paid the  
47 same fees as the experts who are nominated by  
48 the parties.