

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 Ninety-Three.

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 whether or not such action is to obtain
18 for the employer more advantageous terms when (a) an employer
19 fails to provide employment to his employees with whom he is
20 engaged in a labor dispute, either by physically closing his plant
21 or informing his employees that there will be no work until the
22 labor dispute has terminated, or (b) an employer makes an
23 announcement that work will be available for the expiration of
24 the existing contract only under the terms and conditions which

25 are less favorable to the employees than those existing
26 immediately prior to such announcement. Provided that this
27 subsection shall not apply if it is shown to the satisfaction of the
28 director that:

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

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

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

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