

By Mr. Flaherty of Cambridge, petition of Charles F. Flaherty, Jr., for legislation relative to certain labor laws. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO CERTAIN LABOR LAWS.

*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. Chapter 149 of the General Laws is hereby  
2 amended by striking out section 17, as most recently amended by  
3 section 6 of chapter 760 of the acts of 1970, and inserting in place  
4 thereof the following section: —

5 *Section 17.* For the enforcement of the provisions of this chap-  
6 ter, the commissioner, the assistant commissioner and the asso-  
7 ciate commissioners, and the director, inspectors, and other  
8 representatives of the division of industrial safety may enter places  
9 of employment, other than places of employment of persons  
10 engaged in domestic service in the home of the employer, and  
11 examine the methods of protection from accident, the means of  
12 escape from fire, the sanitary provisions, the lighting and means of  
13 ventilation, and make investigations as all provisions of this chap-  
14 ter, and shall have access to all records pertaining to wages, hours,  
15 and other conditions of employment which are found essential to  
16 such investigations.

1 SECTION 2. Said chapter 149 is hereby further amended by  
2 striking out section 56, as most recently amended by section 2 of  
3 chapter 372 of the acts of 1974, and inserting in place thereof the  
4 following section: —

5 *Section 56.* No minor shall be employed or permitted to work  
6 more than (a) nine hours in any one day, or (b) more than six days  
7 in a week, or (c) more than forty-eight hours in any one week,  
8 determined by the total number of hours of employment if the  
9 minor shall be employed or permitted to work in more than one  
10

11 The provision of clause (a) of section fifty-six shall not apply to:  
12 (a) transportation and telephone companies; (b) hotels, private  
13 clubs and places of amusement where the employment is deter-  
14 mined by the department to be seasonal; (c) if the work to be  
15 performed by a minor is not continuous, but is divided into two or  
16 more periods, the total of all such periods may fall within a span of  
17 ten consecutive hours; (d) cooperative vocation training program  
18 students may be employed for ten hours in any twenty-four hour  
19 period; (e) mercantile establishments during the six week days  
20 within the four week period preceding Christmas, and the Satur-  
21 day before Easter may employ minors for eleven and one-half  
22 consecutive hours.

23 The provisions of clause (c) of section fifty-six shall not apply to  
24 manufacturing establishments or hotels where employment is  
25 determined by the department to be by seasons. The commissioner  
26 may grant authority for employees of hospitals to be employed for  
27 more than nine hours in one day and forty-eight hours in one week  
28 and outside a period of ten consecutive hours, or for employees of  
29 nursing or convalescent homes, rest homes and charitable homes  
30 for the aged to be employed for more than forty-eight hours in one  
31 week, if he finds that an emergency exists. Notwithstanding any  
32 other provision of this chapter, no minor under fourteen shall be  
33 employed in service on a farm for a total of more than four hours in  
34 any one day nor more than a total of twenty-four hours in any one  
35 week, except that the provisions of this paragraph shall not apply  
36 to the employment of a minor under fourteen who is related by  
37 blood or marriage to the owner or operator of the farm on which  
38 such minor is employed.

1 SECTION 3. Section fifty-eight of said chapter one hundred  
2 forty-nine is hereby repealed.

1 SECTION 4. Said chapter 149 is hereby further amended by  
2 striking out section 102, as appearing in the Tercentenary Edition,  
3 and inserting in place thereof the following section: —

4 *Section 102.* If a minor shall, without the orders, consent or  
5 knowledge of the employer or of the superintendent, overseer or

6 other agent of the employer, labor in a manufacturing or mechan-  
7 cal establishment, factory or workshop during a part of any time  
8 allowed for meals in such establishment, factory or workshop,  
9 according to the notice required by section fifty-six, and if a copy of  
10 such notice was posted in a conspicuous place in the room where  
11 such labor was performed, with a rule of the establishment, factory  
12 or workshop forbidding such minor to labor during such time,  
13 neither the employer nor a superintendent, overseer or other agent  
14 of the employer shall be held responsible for such labor.

1 SECTION 5. Section 105A of said chapter 149 is hereby  
2 amended by striking out the first sentence, as most recently amend-  
3 ed by chapter 180 of the acts of 1951, and inserting in place thereof  
4 the following sentence: — No employer shall discriminate in any  
5 way in the payment of wages as between the sexes, or pay any  
6 person in his employ salary or wage rates less than the rates paid to  
7 employees of the opposite sex for work of like or comparable  
8 character or work of like or comparable operations; provided,  
9 however, that variations in rates of pay shall not be prohibited  
10 when based upon a difference in seniority.

1 SECTION 6. Section 137 of said chapter 149, as appearing in  
2 the Tercentenary Edition, is hereby amended by striking out the  
3 first sentence and inserting in place thereof the following sen-  
4 tence: — The proprietor of every foundry engaged in the casting  
5 of iron, brass, steel or other metal, and employing ten or more  
6 persons, shall establish and maintain, except in towns where it  
7 would be impracticable by reason of the absence of public or  
8 private sewerage or of any running water system, a toilet room of  
9 suitable size and condition for such persons to change their clothes  
10 therein, and provided with wash bowls, sinks or other suitable set  
11 appliances connected with running hot and cold water, and also a  
12 water closet connected with running water and separated from the  
13 said toilet room.

1 SECTION 7. Section 141 of said chapter 149, as so appearing,  
2 is hereby amended by striking out the third sentence and inserting

3 in place thereof the following sentence: — Every person carrying  
4 on a mercantile establishment where twenty or more persons are  
5 employed shall in the manner aforesaid provide such medical and  
6 surgical chest as the department may require.

1 SECTION 8. Said chapter 149 is hereby further amended by  
2 striking out sections 158 and 158A, as so appearing, and inserting  
3 in place thereof the following two sections: —

4 *Section 158.* Deductions shall not be made from the wages of  
5 persons paid by the day or hour, and employed in the manufactur-  
6 ing or mechanical establishments, while machinery is stopped, if  
7 said persons are refused the privilege of leaving the mill while the  
8 damage to said machinery is being repaired; and if they are  
9 detained in their workrooms during such time they shall not be  
10 compelled to make up time lost by such stopping unless compen-  
11 sated therefor at their regular rates of wages. Whoever violates this  
12 section shall be punished by a fine of not more than twenty dollars.

13 *Section 158A.* Whoever requires or permits any person, as a  
14 condition of securing employment, to work in any factory, work-  
15 shop, manufacturing, mechanical or mercantile establishment  
16 without monetary compensation shall be punished by a fine of not  
17 more than fifty dollars.

1 SECTION 9. The third paragraph of subsection (c) of section  
2 25 of chapter 151A of the General Laws is hereby amended by  
3 striking out clause (4), as amended by section 5 of chapter 323 of  
4 the acts of 1968.