

# HOUSE . . . . No. 754

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Bill accompanying the petition of Fremont L. Pugsley and others for legislation relative to the settlement of labor disputes. Labor. January 10.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

### AN ACT

To alter and amend the Laws relating to Labor.

*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. Sections eleven, twelve, thirteen, fourteen,  
2 fifteen and sixteen of chapter five hundred and fourteen  
3 of the acts of the year nineteen hundred and nine and  
4 so much of section ten thereof as reads as follows:—  
5 “The board shall, from time to time, establish such rules  
6 of procedure as shall be approved by the governor and  
7 council”, are hereby repealed and the following sections  
8 are substituted therefor.

1 SECTION 2. Whenever a difference or controversy  
2 arises and so long as one exists, involving wages, hours  
3 or conditions of labor between any employer or employers  
4 of twenty-five or more laborers, in any business or in-

5 dustry whatever, and one or more of his or their em-  
6 ployees, the state board of conciliation and arbitration  
7 shall, for the purpose of hearing the whole controversy  
8 and decreeing a complete and final settlement thereof,  
9 have absolute and exclusive jurisdiction of all the mat-  
10 ters, facts and parties involved, or having any interest  
11 in the controversy.

1 SECTION 3. The principal parties to any difference or  
2 controversy described in the preceding section shall, im-  
3 mediately after such difference arises, inform the said  
4 state board thereof, giving their names and post office  
5 addresses, and shall state in general terms, at least, the  
6 nature of the controversy, the kind of business or indus-  
7 try and the approximate number of laborers involved  
8 therein; and whenever the said parties shall settle their  
9 controversy by mutual agreement before the said state  
10 board shall have issued their final decree thereon, the said  
11 parties shall immediately report this fact to said state  
12 board, together with the terms and conditions of said  
13 agreement, for their approval, and, if approved, it shall  
14 be substituted for a decree of said board; and any said  
15 principal party who shall be found by the said state board  
16 to have neglected or refused to so give the said informa-  
17 tion shall be subject to fine or imprisonment or both at  
18 the discretion of said board.

1 SECTION 4. If any party to a difference or contro-  
2 versy described in section two of this act, or any person  
3 who takes part in such controversy after it has arisen,  
4 shall, during the time such controversy remains unsettled,  
5 or previously in anticipation thereof, or after a settle-  
6 ment thereof, consciously and wilfully do, or attempt to  
7 do, any act of any kind which shall in any way interfere

8 with or prevent the orderly, regular and usual continu-  
9 ance of the business or industry affected by such contro-  
10 versy, then such party shall be deemed a disturber of  
11 the public peace and be liable to arrest and imprisonment  
12 and shall forfeit and be deprived of all his or her rights,  
13 titles and interests in such business or industry and the  
14 property and appurtenances thereof, except that any per-  
15 son may at any time quit such business or industry for  
16 any good and lawful reason, such as change of locality  
17 or to engage in other business, or because of disability,  
18 without incurring said liabilities or penalties: *provided*  
19 that he or she has first given to the state board such  
20 notice of intention to quit as said board may approve.

1 SECTION 5. Upon notice received by the state board,  
2 as provided in section three of this act, that a controversy  
3 of the aforesaid kind exists, the said board shall im-  
4 mediately and with all reasonable diligence and dispatch  
5 proceed to a settlement thereof and issue a decree as soon  
6 as possible, consistent with a complete investigation, a  
7 determination of relevant facts and a fair and equitable  
8 adjustment of the rights and interests of the parties.

1 SECTION 6. The proceedings and deliberations of the  
2 state board shall be under such rules as said board may  
3 adopt, subject to the approval of the supreme court of the  
4 commonwealth.

1 SECTION 7. Questions of law in dispute between the  
2 state board and any party or parties to a controversy  
3 heard shall be appealed to the supreme court of the com-  
4 monwealth for final determination.

1 SECTION 8. Questions of fact shall be determined by a  
2 majority of the state board, unless one or both of the

3 principal parties to the controversy shall demand a jury  
4 for that purpose, as provided by the constitution of the  
5 commonwealth.

1 SECTION 9. The state board shall have power to ap-  
2 point local boards and shall confer upon them so much  
3 of their own jurisdiction and powers as they may deter-  
4 mine. Said local boards shall consist of three members,  
5 one of whom shall be an employer, or shall be selected  
6 from an association representing employers of labor; one  
7 shall be selected from a labor organization and shall not  
8 be an employer of labor; and the third shall be appointed  
9 upon recommendation of the other two: *provided* such  
10 recommendation be made within a reasonable time after  
11 a vacancy occurs. The term for each member of a local  
12 board shall not exceed three years, and the date of ap-  
13 pointment shall be at the discretion of the state board.

1 SECTION 10. The procedure of local boards shall be  
2 similar to that of the state board and subject to their  
3 approval, and a decree of settlement issued by a local  
4 board shall have the same force and effect as decrees of  
5 the state board; but any of the principal parties affected  
6 thereby may appeal to the state board, if, upon a hearing,  
7 such party shall satisfy the state board that injustice has  
8 been done by some specific condition or requirement of  
9 the said decree.

1 SECTION 11. The state or local boards may summon  
2 and examine under oath any person as a witness and may  
3 require the production of any written or printed matter in  
4 their judgment necessary to their proceedings. Sum-  
5 monses may be signed and oaths administered by any  
6 member of state or local boards. Witnesses summoned

7 shall be allowed fifty cents for each attendance and also  
8 twenty-five cents for each hour of attendance in excess of  
9 two hours, and shall be allowed five cents a mile for travel  
10 each way between their respective places of employment  
11 or business and the place where the board is in session.  
12 Each witness shall certify in writing the amount of his  
13 travel and attendance and the amount due him shall be  
14 paid forthwith by the board issuing the summons, for  
15 which purpose the board may have money advanced to it  
16 from the treasury of the commonwealth as provided in  
17 section thirty-five of chapter six of the Revised Laws, as  
18 amended by section one of chapter three hundred and  
19 sixty-nine of the acts of the year nineteen hundred and  
20 five.

