

HOUSE No. 2364

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting the rights of workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/19/2017</i>

HOUSE No. 2364

By Mr. DeCoste of Norwell, a petition (accompanied by bill, House, No. 2364) of David F. DeCoste relative to the right to organize of certain workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act protecting the rights of workers.

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 150A as appearing in the 2016 Official Edition of the General
2 Laws is hereby amended by striking section 3 and inserting in place thereof the following:-

3 Section 3. (a) Employees, or a single employee in a one-man unit, shall have the right to
4 self-organization, to form, join or assist labor organizations, to bargain collectively through
5 representatives of their own choosing, and to engage in concerted activities, for the purpose of
6 collective bargaining or other mutual aid or protection. An employee shall also have the right to
7 refrain from any such activities.

8 (b) Notwithstanding any general or special law or rule or regulation to the contrary, no
9 person shall be required, as a condition or continuation of employment, to:

10 (1) become or remain a member of a labor organization;

11 (2) pay any dues, fees, assessments, or other similar charges, however denominated, of
12 any kind or amount to a labor organization; or

13 (3) pay to any charity or other third party, in lieu of such payments, any amount
14 equivalent to or pro rata portion of dues, fees, assessments, or other charges required of members
15 of a labor organization.

16 (c) Any agreement, understanding or practice, written or oral, implied or expressed,
17 between any labor organization and employer which violates the rights of employees as
18 guaranteed by provisions of this section is hereby declared to be unlawful, null and void, and of
19 no legal effect.

20 (d) Any person who directly or indirectly violates any provision of this Section shall be
21 guilty of a misdemeanor. Superior Court shall have jurisdiction to hear and determine any
22 violation of this Chapter.

23 (e) Any person injured as a result of any violation or threatened violation of the
24 provisions of this section shall be entitled to injunctive relief against any and all violators or
25 persons threatening violations.

26 (f) Any person injured as a result of any violation or threatened violation of the
27 provisions of this section shall recover any and all damages, including costs and reasonable
28 attorney fees, of any character resulting from such violation or threatened violation. Such
29 remedies shall be independent of and in addition to the penalties and remedies proscribed in
30 other provisions of this section.

31 (g) It shall be the duty of the Attorney General of this State to investigate complaints of
32 violation or threatened violations of this Chapter and to prosecute all persons violating any of its
33 provisions, and to take all means at his or her command to ensure effective enforcement.

34 (h) The provisions of this section shall not apply:

35 (1) to employers and employees covered by the Federal Railway Labor Act;

36 (2) to federal employers and employees;

37 (3) to employers and employees on exclusive federal enclaves;

38 (4) where they would otherwise conflict with, or be pre-empted by, federal law; or

39 (5) to any employment contract entered into before the effective date of this section.

40 However, the provisions of this section shall apply to any renewal or extension of any existing

41 contract.