

STRIKES AND LABOR DISPUTES

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I. POLICY

The police role at the scene of any labor/management conflict is to enforce the law and to protect life and property. The key to effective police action in these circumstances is to be completely fair and objective in the performance of their duties. It is not the function of the police to determine which side is right or wrong or to take any personal or official position either way. Police officers should never permit themselves to be placed in any position that might have the appearances of favoring one side or the other.

Labor disputes usually represent legitimate differences of opinion on the part of both management and employees. These differences may have existed for a long time and the final decision to strike may create a very tense and emotional situation which can test the competency and effectiveness of the police to the utmost. If labor violence erupts, the police cannot ignore their duty to restore order, but in doing so, they cannot use unnecessary force on otherwise law abiding citizens.

It should be noted that both sides in a labor dispute have definite rights and responsibilities. The strikers have the right to assemble and to picket peacefully to publicize and dramatize their cause. They do not have the right to intimidate non-strikers, nor to impede persons or vehicles from entering or leaving the employer's property. The employer has a right to keep his business open and to have his property safeguarded from damage or destruction. Pickets must not interfere with the use of public thoroughfares either by pedestrian or vehicular traffic.

It is the task of the police to protect the rights of both sides and this can become increasingly difficult when a strike extends over a protracted period and the actions of the strikers become more militant. In such cases, the police must remain tolerant and patient but never be reluctant to take decisive action when the need arises.

Arrests at strike scenes should be avoided except for flagrant violations requiring immediate action. Only sufficient force shall be used to effect such arrests and remove the offenders from the scene as quickly as possible to avoid an emotional reaction of their fellow strikers. Whenever possible, it is preferable to obtain sufficient information to be later presented to the court for the issuance of a court process against the person(s) concerned. An important factor in avoiding disorder and the subsequent necessity for making arrests is to establish an early contact with the strike leaders and the company officials to seek their cooperation and to point out to the police their responsibilities in the controversy and their obligation to maintain safety and good order.

II. PROCEDURES

1. Whenever the police department is notified of the existence of a strike or labor dispute, the following information will be obtained for departmental purposes:
 - a. the name, business address, and telephone number of the employer;
 - b. the name, address, and telephone number of the union concerned;
 - c. the kind of business involved;
 - d. the reason for the dispute;
 - e. the date the strike was declared;
 - f. the approximate number of employees involved;
 - g. any trouble that might be anticipated;
 - h. any additional information that could be of assistance to the police department in carrying out its responsibilities.

2. As soon as possible, the Chief or his representatives will interview the employer and the union officials to ensure that there will be no unlawful activity by any of the contending parties. Both sides in the dispute will be notified:
 - a. that the use of force or violence will not be permitted;
 - b. that the law will be enforced fairly and impartially;
 - c. that any unlawful or disorderly act or acts that might provoke violence will be prevented;
 - d. that the rights of the general public to use the public streets and sidewalks will be maintained;
 - e. that the rights of the striking employees to conduct orderly picketing in public areas will be protected;
 - f. that the striking employees will be permitted to:

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- peacefully persuade those still employed to join the strike;
 - peacefully persuade those considering employment not to do so; and
 - inform potential customers and the general public about the labor dispute and the reasons for their actions
3. When a strike develops and the picket line is established, it shall be the obligation of the Officer-in-Charge at the scene to make contact with the union leader supervising the picketing and seek his cooperation. Picket leaders are usually responsible persons selected for their leadership ability. Good relations between the police and the strikers can ease the problems of law enforcement.
 4. If an incident arises, or it is apparent that a potentially dangerous situation is arising, it should be called to the attention of the picket leader immediately and he should be encouraged to handle the problem immediately, if at all possible. In many cases, this will eliminate the need for intervention by the police.
 5. Police officers shall avoid any fraternization with pickets, union leaders or management officials.
 6. Police officers shall avoid any unnecessary conversation with known friends or other persons who may be in the picket line or associated with management.
 7. Police officers shall not enter company property except to perform a proper police purpose. They shall not park departmental vehicles on company property or use any company facilities or telephones, nor those of the union, unless absolutely necessary.
 8. Police officers shall not fraternize with company security guards or with non-striking personnel.
 9. Police officers shall not use any company cafeteria and shall not accept invitations to eat either with union or management officials.
 10. Police officers shall ensure that all persons who wish to do so have the opportunity to enter and leave company premises peacefully.

11. If a picket line closes to prevent such entrance, the picket leader will be requested to open the line to provide free access to the company property. If the picket leader fails to comply with this request or the pickets do not respond to his orders, the police shall open the line to facilitate the movement of persons and vehicles. **When it is necessary that police officers open picket lines, they shall face the pickets rather than the persons or vehicles entering the company property in order to observe the actions of the pickets and prevent physical injury or property damage**

12. Trucks delivering materials to the company or removing finished products present a special problem. **Pickets have the right to present their case to the truck driver and shall be allowed a reasonable time for this purpose.** If the truck driver requests advice from the police, they shall be careful to notify the driver that he make his own decision. If possible, this should be done in the presence of the picket leader and within the hearing of the pickets. **Under no circumstances shall the police advise a truck driver to enter or leave the company property.**

13. Police officers are assigned to duty at the scene of a labor dispute for the specific purpose of protecting public safety and maintaining peace and good order. In carrying out these sensitive duties, they must conduct themselves at all times in a professional manner and never, by word or act, create any doubt of police neutrality in the controversy.

14. To avoid creating the impression that the police are encouraging or forcing persons in vehicles to enter the company premises, officers on traffic duty should avoid signaling drivers to turn into the company premises. An alternative is to signal traffic only to proceed along the public way and to stop such traffic when a driver signals his intention to turn into the premises, across such traffic.

GUIDELINES

1. Strikers will be allowed approximately 60 to 90 seconds per vehicle to picket.

2. Officers will open a lane of traffic through the line when time expires large enough for vehicular or pedestrian traffic to pass through safely.

3. Any striker failing to comply with the lane will be arrested for disorderly conduct and/or other appropriate charges.

4. When officers encounter little or no problems during a strike, officers should document transgressions and report and/or discuss problems with the strike captain. If the problems persist, officers should then take definitive action against the violator(s). Only when officers encounter repeated problems shall a “Zero Tolerance” policy be instituted for all acts and crimes by either side for the duration of the labor dispute.
 5. Officers will remain neutral at all times while the labor dispute is on-going.
 6. No intoxicated persons will be allowed on the picket line.
 7. Provocation/taunting by private security guards will not be tolerated.
 8. Persons crossing the picket line will be stopped a safe distance from the line prior to a lane of traffic being opened. Once a lane is established and deemed safe the person/vehicle will be allowed in or out of the property.
 9. Police officers on/off duty will not openly display signs or support for either side. (ex.: using sirens/lights as they pass by the picket line, etc.)
 10. Officers are reminded that all labor disputes are volatile situations. The actions of one well meaning officer may endanger others and encourage acts by either side which may result in arrests, violence, and injuries.
- **This policy/guideline should be carried out in conjunction with all other relevant and consistent departmental policies.**