

Waltham Police Department

CHAPTER 103

STRIKES AND LABOR DISPUTES

General Order Number: GO-08 07/31/2024

Effective Date: 07/2024

POLICY

It is the policy of the Waltham Police Department to enforce the law and to protect life and property at the scene of any labor-management conflict.

The key to effective police action in these circumstances is to be completely fair and objective. 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 appearance 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.

It should be noted that both sides in a labor dispute have definite rights and responsibilities. The strikers have a right to assemble and to picket peacefully to publicize and dramatize their cause. They do not have the right to intimidate non-strikers or to impede persons or vehicles from entering or leaving the employer's property. The employer has a right to keep their business open and to have their property safeguarded from damage or destruction.

It is the task of the police to protect the rights of both sides and this can become increasingly more difficult when a strike extends over a protracted period and the actions of the strikers become militant. In such cases the police must remain tolerant and patient but never 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 affect such arrests and the offenders removed 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 persons 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 company officials to seek their cooperation and to point out the police responsibility in the controversy and their obligation to maintain public safety and good order.

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 assistance to the police department in carrying out its responsibilities.

- 2.** As soon as possible, the Officer-In-Charge (OIC) or their designee, will interview the employer (or their representative) 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 acts that might provoke violence will be prevented.
 - d.** That the rights of the general public to use the streets and sidewalks will be maintained.
 - e.** That the right of the striking employees to conduct orderly picketing will be protected.
 - f.** That the striking employees will be permitted to:
 - 1.** Peacefully persuade those still employed to join the strike.
 - 2.** Peacefully persuade those considering employment not to do so.

- 3.** Inform potential customers about the labor dispute and the reasons for their action.
- 3.** When a strike develops and a 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 their cooperation. Picket leaders are usually responsible persons selected for their leadership ability. Good relations between the police and the strikers can ease 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 they 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, management officials, and company security guards or with non-striking personnel.
- 6.** Police officers shall avoid any unnecessary conversation with known friends or acquaintances that may be in the picket line or associated with management.
- 7.** Police officers shall not enter company property except to perform a police purpose.
- 8.** Police officers shall not use any company cafeteria and shall not accept invitations to eat either with union or management personnel.
- 9.** Police officers shall ensure that all persons who wish to do so have the opportunity to enter and leave the company premises peacefully.
- 10.** If the picket lines close to prevent such entrance or exit, the picket leader will request to open the line to provide free access to the company property. If the picket leader fails to comply with this request, or the picketers do not respond to their orders, the police shall open the line to facilitate the movement of persons and vehicles entering or leaving the company property.
- 11.** Trucks delivering or removing material to and from the company 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 asks advice from the police, they shall be careful to notify the driver that they must make their 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.
- 12.** Police officers are assigned to duty at the scene of a labor dispute for the specific purpose of providing 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.

13. This policy should be carried out in conjunction with all other relevant and consistent departmental policies.

Resources Available: [46.1.3d]

NEMLEC will be our primary response to emergency operations. This is only authorized through the Waltham Chief of Police or designee.

Numerous resources are available which include but are not limited to the following:

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| State Police Framingham | Air Wing (North) | 978-686-9464 |
| | Bomb Squad | 978-567-3365 |
| | Communications | 508-820-2121 |
| | K-9 | 508-820-2121 |
| | Tear Gas | 508-820-2121 |
| | Other Weapons | 508-820-2121 |
| | General Support | 508-820-2121 |
| | S.W.A.T. | 508-820-2121 |
| State Police – Boston | | 617-727-6780 |
| Federal Bureau of Investigation – Boston | | 617-223-6000 |
| State Fire Marshal | | 978-567-3100 |
| Watertown Police | | 617-972-6500 |
| Eastern Bus Company | | 781-891-0045 |
| Waltham Fire Department | | 781-314-3710 |
| CHEMTREC | | 800-424-9300 |