





POLICIES AND PROCEDURES MANUAL

	STRIKES AND LABOR DISPUTES	
	POLICY NUMBER: 46-5	ISSUING AUTHORITY 
	EFFECTIVE DATE: January 1, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

The role of police at the scene of a labor dispute is to maintain order, protect life and property, and preserve the rights of citizens to assemble for a peaceful demonstration. It is when conflicting interests clash that police intervention may be required to provide for safe ingress and egress to premises, to allow for normal pedestrian and vehicular traffic, and to prevent violence. In doing so, officers should be fair and impartial, use de-escalation techniques when necessary, and facilitate communication between all parties to maintain public safety and order.

II. POLICY

It is the policy of the Cambridge Police Department to:

- A. protect constitutionally guaranteed rights of all parties in a labor dispute while maintaining peace and public safety;
- B. protect private and public property;
- C. stay neutral to all sides in the dispute;
- D. de-escalate tensions when possible; and
- E. communicate with the leaders on all sides to anticipate and plan for any actions by police that may be required.

III. DEFINITIONS

- A. *Labor Union*: An unincorporated association, created to equalize the bargaining power between employers and employees regarding such matters as wages, hours of work, and terms of employment.
- B. *Picket*: A person or persons posted by a labor organization at a place of work to dissuade or prevent workers or customers from entering it during a strike; a person or persons engaged in any

similar demonstration, such as against a government's policies or actions, in front of an embassy, office building, or construction project.

- C. *Strike*: A concerted stopping of work or withdrawal of worker's services, as to compel an employer to accede to workers' demands or in protest against terms or conditions imposed by the employer.

IV. PROCEDURES

A. Operational and Supervisory Authority

1. Operational and supervisory authority for monitoring any labor disputes is the responsibility of the Shift Commander or assigned designee.
2. Officers assigned to strike locations, whether as part of a paid private detail or as assigned by the department, serve in their capacity as police officers of this department and not as special employees of the company or organization paying for their services.
3. No employee of any company or organization, whether paying for police services or not, is authorized to direct the activities or issue any order to officers assigned to the detail.

B. Assignment of Officers to Strike Details

1. Police presence may be provided by paid details or regular patrol assignments.
2. A supervisor or member of the command staff will determine if police presence will be managed by officers on shift, on details, or on an overtime assignment.
3. If the department is unable to provide the number of officers required to fill a paid strike detail, special officers or officers from other communities may work the detail.

C. General Public Safety and Law Enforcement Considerations

1. The mission of officers assigned to strike locations includes:
 - a. protection of the statutory and constitutional rights of all persons;
 - b. the protection of life and the prevention of physical injury;
 - c. the protection of personal and public property; and
 - d. the maintenance of the public peace.

D. Pre-event Planning and Communication

1. Employers and/or employees may notify the department of a planned labor action as a courtesy and may alert the department to the possibility of a disturbance.
2. In most cases, employers notify the police department regarding a pending labor strike out of concern for damage to property and injuries to persons should the strike become disruptive or violent.

3. In some cases, labor unions also notify the police department so that issues of safety may be planned out in advance.
4. When the department is notified or becomes aware of a pending strike or other labor dispute event, a deputy superintendent or designee should contact both labor and management to ascertain the following information.
 - 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.
5. As soon as possible, the deputy superintendent or designee should contact both the employer and union officials to request their cooperation in maintaining a peaceful strike and to avoid unlawful activity by any of the contending parties. Both sides in the dispute will be notified that:
 - a. the use of force or violence by employers or employees is unlawful;
 - b. the police department will enforce the law fairly and impartially;
 - c. any unlawful or disorderly act or acts that might provoke violence will require police intervention;
 - d. the rights of the general public to use the public streets and sidewalks will be maintained;
 - e. the rights of the striking employees to conduct orderly picketing in public areas will be protected;
 - f. 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; and
 - (3) inform potential customers and the public about the labor dispute and the reasons for their action.

E. Picket Lines

1. When a strike develops and a picket line is established, it shall be the obligation of the Officer-in-Charge at the scene to contact the union leader supervising the picketing and to seek cooperation.

- a. Picket leaders are usually responsible persons selected for their leadership ability.
 - b. Good relations between the police and the strikers can ease problems that may surface.
 2. If an incident arises, or it is apparent that a potentially dangerous situation may occur, it should be immediately called to the attention of the picket leader, who should be encouraged to handle the problem immediately, if possible. In many cases, this will eliminate the need for intervention by the police.
 3. Both picketers and persons crossing the picket lines have constitutionally guaranteed rights; it is the responsibility of on-scene police personnel to provide access for persons crossing the picket lines for any reason and to provide for normal vehicular and pedestrian passage.
 4. Officers on scene will monitor the picket lines to anticipate and prevent acts of violence or destruction of property through de-escalation techniques and other interventions when necessary.
- F. Rights of Picketers and Persons Crossing Picket Lines
1. Persons engaged in lawful and peaceful picketing are exercising a right granted to them by both Massachusetts and federal law. Police officers have an obligation to protect that right and to protect those persons involved.
 2. Similarly, non-striking employees, customers, and members of the public have a lawful right to enter or leave the site of a strike. Police officers have an obligation to protect those rights and to protect those persons who are exercising their rights.
 3. The police officer's role is one of balancing what may appear to be conflicting rights or interests and of providing a buffer to ensure that all parties can peacefully exercise their rights without being exposed to physical danger, property damage, or breaches of the peace.
 4. Picketers are allowed to march on public sidewalks and streets if their activities do not prevent the use of those public ways by others.
 - a. While picketing, persons are allowed to verbally or by sign attempt to persuade others to their point of view, provided that such persuasion is not accompanied by injury or threat of injury.
 - b. Picketers who continue blocking sidewalks, streets, or driveways and do not allow others to pass, are subject to arrest for disorderly conduct. However, prior to making such an arrest, officers should:
 - (1) determine if the picketing is in fact blocking the sidewalk, street, or driveway in such a way that a person actually attempting to use it is prevented from doing so;
 - (2) verbally or by clear physical direction indicate that the picketers should desist in their activity; and
 - (3) permit a reasonable amount of time for compliance.

5. Persons entering or leaving the site of the strike should anticipate that their passage may be subject to a reasonable delay. Such delays are related to ensuring their safety, the safety of persons on the picket line, and the right of picketers to engage in peaceful persuasion.
6. If such persons crossing the line ignore or fail to follow reasonable and lawful directions of police officers, and thereby create a hazardous situation or a breach of the peace, their conduct could be considered disorderly in character.

G. Providing Safe Passage through Picket Lines

1. Under normal circumstances, persons on foot should be escorted, by at least one officer, through the picket line to a reasonable distance from the line.
2. Generally, when cars are waiting in line to pass through the picket line, the line should be stopped and vehicles allowed to pass when safe to do so.
 - a. Permitting cars to pass safely will help to prevent prolonged waiting and encourage operators to drive at reasonable speeds.
 - b. If the volume of picketers, their conduct, or other factors such as weather or lighting conditions make passage unsafe, officers shall reduce the flow of vehicles through the line or, in extreme cases, stop the passage of vehicles until sufficient officers are present to ensure safe passage.
 - c. Persons driving motor vehicles through the line must exercise due care and caution and must obey the directions of police officers.
 - d. Any person who intentionally, negligently, or recklessly endangers picketers, the public, or the police by their manner of operation should be charged with the appropriate motor vehicle or criminal offense.

H. Union Organizing Efforts

1. Unions may want to go onto private property to gain access to employees for the purpose of attempting to organize them. The National Labor Relations Act (NLRA) confers rights only on employees, not on unions or their non-employee organizers. Thus, as a rule, an employer need not allow non-employee organizers onto the employer's property for the purpose of either speaking with employees or distributing union literature.
2. In unusual situations, a union may convince the National Labor Relations Board (NLRB) or a court that a certain group of employees is so inaccessible that an exception should be made to the general rule. In the absence of an order from the NLRB or a court, union organizers have no more rights than other private citizens and may be barred from private property by the owner or person in charge of such property.
3. As part of their organizing efforts, unions may also want to publicize their displeasure with an employer. This may take the form of handing out flyers to members of the public in and about an employer's place of business.

4. Such activities do not ordinarily come within the scope of the NLRA. In such situations, union organizers must conform to all applicable statutes and City ordinances.
5. Union organizers must comply with the same statutes as other private citizens in attempting to gain access to employees. Should the person who owns or is in lawful control of private property restrict solicitation, union organizers may be denied entry.
6. Union organizers are to be warned that their actions in violation of statutes such as trespassing, disturbing the peace or disorderly conduct are unlawful.
7. Should a violation persist after the warning has been given, officers shall consult with a supervisor to determine what enforcement action is most appropriate. This may include the arrest of some or all of the organizers, applying for criminal complaints, or advising the complainant of their right to file a complaint in the appropriate District Court.
8. Officers should maintain neutrality on the labor relations aspect of any dispute between organizers and property owners.
9. As with many types of disputes, if officers discover that some reasonable accommodation is possible which satisfies both the property owner and the union organizers, there is no need for enforcement action.