



MIDDLETON POLICE DEPARTMENT

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POLICY
13.1.1.12

SUBJECT: **Strike and Labor Disputes**

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MRR

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[WILEAG \(5th Ed.\) Standards: 13.1.1.6](#)

Strikes And Labor Disputes

Purpose

The purpose of this policy to define the proper role of this agency in dealing with labor disputes, to provide guidance to protect the rights of both labor and management and to safeguard life and property.

Policy

The parties involved in a labor dispute have rights as well as responsibilities. Strikers may assemble and demonstrate peacefully to bring attention to their cause, but they do not have the right to intimidate non-strikers or to impede business. The employer has a right to keep the business open and operationally free from undue interference, intimidation, damage or destruction. Within this context, it is the policy of this law enforcement agency that officers assigned to strikes and labor disputes shall deal fairly and impartially with the parties involved and with reasonable consideration of the emotional environment involved in these events while upholding their sworn responsibilities to protect life and property and protect the rights of all parties involved.

Procedures

- A. Command Authority
Operational control of officers assigned to a labor strike is the responsibility of the Chief of Police or his designee.
- B. The Officer-In-Charge (OIC) of the department's strike response shall contact the company and labor unions involved in order to:
 - 1. Inform them that the police agency is aware of the strike (or impending strike) and advise them of agency policy relating to the enforcement of law and protection of personal and corporate rights,
 - 2. Emphasize to the union the importance of a peaceful demonstration, that their rights to legally assemble and protest will not be interfered with so long as it does not interfere with the legal rights of the company to transact business, and state the agency's position on warning and arresting demonstrators and the need to maintain communication at all times between police personnel and strike leaders.

If an insufficient number of officers are available to man the strike detail, permission may be sought from the Chief of Police to request assistance under this agency's mutual

assistance agreement. In no case shall non-sworn personnel, reserve or auxiliary officers be utilized in strike details.

- C. In determining manpower and equipment needs, the OIC shall consider:
 - 1. the number of pickets, their attitude and organization;
 - 2. the number of non-strikers, anti-strikers and bystanders;
 - 3. whether the striking company will attempt to stay open and whether non-striking employees will attempt to enter the premises; and
 - 4. the cooperation of all parties involved in the strike.

Duties and Responsibilities of Assigned Personnel

- A. General duties and responsibilities of officers assigned to labor strikes are:
 - 1. protection of life and prevention of personal injury;
 - 2. protection of statutory and constitutional rights of all parties involved;
 - 3. protection of personal and public property; and
 - 4. maintenance of public peace.
- B. Officers are prohibited from fraternizing or engaging in any unnecessary conversation with picketers, management personnel or bystanders.
- C. Officers shall not enter company property except to conduct necessary police business, nor shall they park vehicles or use the facilities or services of labor or management unless absolutely necessary.
- D. Arrests for minor law violations should be kept to a minimum, and efforts should be made to control such conduct through conversation with picket captains, union representatives or management personnel.
- E. Officers shall attempt to verify unlawful acts committed by picketers not in their presence. Picket captains or management representatives shall be warned that recurrence of such acts may result in arrest. Arrests will be made thereafter where probable cause exists.
- F. Verbal abuse against officers, unaccompanied by threats, should not be the sole reason for arrest. Language that incites violence or other unlawful acts shall form the basis for physical removal and/or arrest of those responsible.
- G. Consumption of alcohol by picketers or others shall be discouraged, and persons who fail to abide with open container, public consumption, public inebriation or related laws shall be subject to arrest with supervisory approval.
- H. Persons committing unlawful acts of a substantive nature or those who persist in committing unlawful acts in the presence of an officer shall be subject to arrest. Decisions on making arrests should include:
 - 1. the availability of adequate numbers of suitable equipped officers to provide backup; and
 - 2. the seriousness of the offense relative to the potential negative effects it may have as an incitement to violence or other unlawful behavior.

Operation of Picket Lines

Strikers have the right to peacefully picket and to persuade others to honor their picket line as long as their activities do not violate statutes such as trespass, disturbance of the peace or disorderly conduct, among others. As such, officers have an obligation to protect those persons engaged in such activity.

Non-striking employees, customers and members of the public have the right to enter or leave the site of the strike.

Officers shall take all reasonable measures to protect the rights of the above parties. Attempts by either labor or management personnel to prevent the free exercise of these rights will first be brought to the attention of the appropriate strike captain or management supervisor. Failure of these individuals to assist in taking corrective action will warrant police intervention in accordance with the provisions of section B of this policy.

Officers shall advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved; if appropriate, attempt to dissuade them of such action and advise them that they must follow police instruction if they choose to cross.

Officers shall provide necessary breaches in picket lines to allow interested parties to cross and shall personally escort pedestrian traffic across the line to a safe distance.

Vehicular traffic shall be provided with access through picket lines after having been given appropriate warnings as stated in item 4 of this section. The volume, rate of passage and speed of vehicles crossing picket lines shall be determined by the OIC.