

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
DOCKET NO. 2381CV328

COMMONWEALTH EMPLOYMENT RELATIONS BOARD

V.

MASSACHUSETTS TEACHERS ASSOCIATION

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DECISION AND ORDER ON PLAINTIFF'S MOTION  
FOR PRELIMINARY INJUNCTION

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The Commonwealth Employment Relations Board (the "Board") filed a Verified Complaint and a Motion for Preliminary Injunction, on February 2, 2023, against the Massachusetts Teachers Association ("MTA") seeking an injunction to enforce its Ruling on Strike Petition and Interim Order (the "Ruling") issued on Friday January 27, 2023 at 7:07 p.m. (See Exhibit 1 to Board's Verified Complaint). The Woburn School Committee ("School Committee") filed a motion to intervene which has now been allowed by this Court (See endorsement **Paper #6**). MTA filed an Answer to the Verified Complaint, an Opposition to the motion seeking injunctive relief and, further, opposes the School Committees motion to intervene, all of which was reviewed by the court prior to the hearing.

The parties appeared before the court today, February 3, 2023, for hearing on the motion for preliminary injunction. Defendant, MTA, agrees that M.G.L. c. 150E §9A prohibits public employees and their unions from *inducing, encouraging or condoning* a strike (emphasis added). But MTA contends that the Order issued by the Department of Labor Relations ("DLR") requiring the MTA to disavow support for a strike vote raises a "prior restraint" First Amendment objection and that simply appearing at/during negotiations between the School Committee and the WTA is not contrary to the protected activities under G. L. c. 150E §2. The Supreme Judicial Court disagrees. See *Labor Relations Commission v. Fall River Educators' Association*, 382 Mass. 465, 473 (1981). See also *Commonwealth Employment Labor Relations Board v. Boston Teachers Union, Local 66, AFT, AFL-CIO*, 74 Mass. App. Ct. 500, 506 (2009) (requiring teacher's union to disavow prior statements supporting a strike did not impose a

judicial restraint). Although the Court recognizes the rights identified in §2 it's also recognized that the actions/behaviors identified in the Verified Complaint, present motions and accompanying affidavits paint a wholly different scenario of support, inducement, encouragement and a failure to condone.

Accordingly, Plaintiffs have satisfied the requirement of a likelihood of success on the merits. They have further shown that the actions of MTA, in direct support of the WTA, have and will effect the students in the district who will continue to suffer harm if they cannot attend school as scheduled.

After review of all the documents filed by the parties and oral argument, the motion for preliminary injunction is **ALLOWED**. The court **ORDERS** the MTA to comply with the following:

1. MTA is to comply with DLR's Order issued on January 27, 2023;
2. MTA and its officers shall immediately cease and desist from inducing, encouraging or condoning any strike, work stoppage, slowdown, or other withholding of services as it relates to the WTA. The MTA shall not permit its officers to encourage, condone or induce any strike, work stoppage, slowdown or other withholding of services.
3. The MTA and its officers shall publicly state, no later than 9:00 pm. on February 3, 2023 that (1) any strike that has resulted from the strike vote that was scheduled to take place on January 27, 2022, as well as any other work stoppage, slowdown, or other withholding of services is illegal and must therefore cease; and (2) that WTA members must immediately return to work.
4. The MTA and its officers shall notify the DLR in writing of the steps taken to comply with this Order by no later than Saturday February 4, 2023 at 11:00 am.
5. The MTA and its designated officers shall appear as reasonably required by The Board for a proceeding to determine compliance with this Order and the Board's Supplemental Order.

**SO ORDERED.**

Dated: January 3, 2023 @ 4:20 pm.

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Camille F. Sarrouf, Jr., Justice  
Superior Court