

No. 1990-41

## AN ACT

HB 1756

Amending the act of May 18, 1937 (P.L.674, No.177), entitled "An act to encourage the making and maintaining of agreements concerning wages, hours, and conditions of employment between employers and employes by their representatives, and the settlement of controversies concerning the same by mediation and voluntary arbitration; conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry," providing for confidentiality of information disclosed to mediator.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4 of the act of May 18, 1937 (P.L.674, No.177), known as the Pennsylvania Labor Mediation Act, is amended to read:

Section 4. The parties or either party to a controversy between employers and employes may invoke the services of the department, or the department may proffer its services in a controversy over the making, maintaining or the application of an agreement between employers and employes concerning wages, hours or conditions of employment. Whenever the services of the department have been invoked by any party to a controversy, or when the department has proffered its services, the department shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts by mediation, through a representative of the Secretary of Labor and Industry, to bring them in agreement. *Information disclosed by a party to a mediator in the performance of mediation functions shall not be divulged voluntarily or by compulsion. All files, records, reports, documents or other papers received or prepared by a mediator while serving as such shall be classified as confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by him on behalf of any party in any type of civil proceeding.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 4th day of May, A. D. 1990.

ROBERT P. CASEY