

JAN 25 2006

A BILL FOR AN ACT

RELATING TO EMPLOYER INTIMIDATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **FREEDOM FROM EMPLOYER INTIMIDATION**

6 § **-1 Definitions.** The following terms shall have the
7 following meanings, unless the context dictates otherwise:

8 "Employee" means any person engaged in service to an
9 employer in a business of the employer and includes research
10 assistants, research fellows, teaching assistants, teaching
11 fellows, post-doctoral associates, interns, and residents at
12 independent nonprofit institutions of higher education or
13 nonprofit general hospital facilities, the real property of
14 which is the basis of a state grant in lieu of taxes.

15 "Employer" means a person engaged in business who has
16 employees, including the State and of its any political
17 subdivisions.



1 "Labor organization" means any organization that exists for
2 the purpose, in whole or in part, of collective bargaining or of
3 dealing with employers concerning grievances, terms or
4 conditions of employment, or of other mutual aid or protection
5 in connection with employment.

6 "Political matters" includes political party affiliation or
7 the decision to join or not join any lawful, political, social
8 or community group or activity, or any labor organization.

9 § -2 **Employer intimidation; prohibited.** No employer or
10 employer's agent, representative, or designee may require its
11 employees to attend an employer-sponsored meeting, or
12 participate in any communications with the employer or its
13 agents or representatives, the primary purpose of which is to
14 communicate the employer's opinion about religious or political
15 matters.

16 § -3 **Exceptions.** (a) An employer or its agent,
17 representative, or designee may communicate to employees
18 information about religious or political matters that the
19 employer is required by law to communicate, but only to the
20 extent of that legal requirement.

21 (b) Nothing in this chapter shall prohibit:

1 (1) A religious organization from requiring its employees
2 to attend an employer-sponsored meeting, or to
3 participate in any communications with the employer or
4 its agents or representatives, the primary purpose of
5 which is to communicate the employer's religious
6 beliefs, practices, or tenets;

7 (2) A political organization from requiring its employees
8 to attend an employer-sponsored meeting, or to
9 participate in any communications with the employer or
10 its agents or representatives, the primary purpose of
11 which is to communicate the employer's political
12 tenets or purposes; or

13 (3) An educational institution from requiring student
14 instructors to attend lectures on political or
15 religious matters that are part of the regular
16 coursework at the institution.

17 § -4 **Anti-retaliation; prohibited.** No employer or
18 employer's agent, representative, or designee shall discharge,
19 discipline, or otherwise penalize or threaten to discharge,
20 discipline, or otherwise penalize any employee because the
21 employee, or a person acting on behalf of the employee, makes a
22 good faith report, verbally or in writing, of a violation or a



1 suspected violation of this section. This section shall not
2 apply when the employee knows that the report is false.

3 § -5 **Enforcement.** Any aggrieved employee may enforce
4 this chapter by means of a civil action brought no later than
5 ninety days after the date of the alleged violation in the
6 circuit court of the district where the violation is alleged to
7 have occurred or where the employer has its principal office
8 within the State. The court may award a prevailing employee all
9 appropriate relief, including rehiring or reinstatement of the
10 employee to the employee's former position, back pay, and
11 reestablishment of any employee benefits to which the employee
12 would otherwise have been eligible if the violation had not
13 occurred. The court shall award a prevailing employee treble
14 damages, together with reasonable attorneys' fees and costs.

15 § -6 **Remedies; undiminished.** Nothing in this chapter
16 shall be construed to limit an employee's right to bring a
17 common law cause of action against an employer for wrongful
18 termination or to diminish or impair the rights of a person
19 under any collective bargaining agreement."

20 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY: 

Report Title:

Labor; Intimidation

Description:

Prohibits employers from coercing employees into attending employer-sponsored meetings on the employer's religious or political opinions.

