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# 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 any of its political  
17 subdivisions.



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

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



1 good faith report, verbally or in writing, of a violation or a  
2 suspected violation of this section.

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 the rehiring or reinstatement of  
10 the 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       **§ -7 Applicability of other laws.** Nothing in this

1 chapter shall be construed to affect chapter 368 or part I of  
2 chapter 378 and claims or complaints made thereunder."

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



**Report Title:**

Labor; Intimidation

**Description:**

Prohibits employers from coercing employees into attending employer-sponsored meetings on the employer's religious or political opinions. (SD1)

