

ACT 18

H. B. 400.

A Bill for an Act Relating to Chapter 90C, Revised Laws of Hawaii 1955, as Amended, Concerning Strikebreakers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 106 of the Session Laws of Hawaii, 1963 (incorporated into the Revised Laws of Hawaii 1955, as amended, as Chapter 90C) is hereby repealed.

SECTION 2. The Revised Laws of Hawaii 1955, as amended, is further amended by adding thereto a new chapter to be appropriately numbered and to read as follows:

“CHAPTER RECRUITING AND HIRING OF EMPLOYEES DURING DISPUTES.

Section The term “labor disputes” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of person in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

Section It shall be unlawful for any person:

(a) To recruit, procure, supply, or refer any person for employment in place of an employee involved in a labor dispute in which such person recruiting, procuring, supplying or referring is not directly interested.

(b) When involved in a labor dispute, to employ in place of an employee involved in such labor dispute any person who customarily and repeatedly offers himself for employment in the place of employees involved in a labor dispute, or to knowingly employ any person in place of an employee involved in a labor dispute who is recruited, procured, supplied or referred for employment by any person not directly involved in the labor dispute.

(c) Who customarily and repeatedly offers himself for employment in place of employees involved in a labor dispute to take or offer to take the place in employment of employees involved in a labor dispute.

(d) Involved in a labor dispute to contract or arrange with any other person to recruit, procure, supply or refer persons for employment in place of employees involved in such labor dispute.

Section If any person advertises for, or seeks employees by means of newspapers, posters, letters, radio, television or by means of any employment agency to work for him or the person for whom he is acting at any shop, plant or establishment, while a labor dispute is still in active progress at such shop, plant or establishment, he shall plainly and explicitly mention in such advertisement or solicitation that a labor dispute exists.

The person soliciting or advertising for employees in the manner set forth herein shall use in the advertisement or solicitation his own name, and, if he is representing another, the name of the person he is representing and at whose direction and under whose authority the solicitation or advertisement is made. The appearance of this name in connection with such advertisement or solicitation shall be deemed prima facie evidence as to the person responsible for the advertisement or solicitation.

Section Any person, or agent or officer thereof, who violates any of the provisions of this chapter is punishable by a fine of not more than \$1,000 or imprisonment of not more than one year or both.”

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

(Approved April 21, 1967.)