

**ACT 106**

A Bill for an Act Relating to the Use of Strikebreakers and the Hiring of Employees During Labor Disputes, and Amending Chapter 90, Revised Laws of Hawaii 1955, as Amended.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 90, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to be appropriately numbered and to read as follows:

**“Section 90- . . . . .** 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.

(e) To recruit, solicit, or advertise for employees, or refer persons to employment, in place of employees involved in a labor dispute, without adequate notice to such person, or in such advertisement, that there is a labor dispute at the place at which employment is offered and that the employment offered is in place of such employees involved in such labor dispute.

SECTION 2. 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 strike, lockout, or other labor dispute as defined in section 90-2(h) of the Revised Laws of Hawaii 1955, as amended, is still in active progress at such shop, plant or establishment, he shall plainly and explicitly mention in such advertisement that a strike, lockout, or other labor dispute exists.

The person inserting any such advertisement or by means of any employment agency shall insert in such advertisement 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 he is inserting the advertisement. The appearance of this name in connection with such advertisement is prima facie evidence as to the person responsible for the advertisement.

SECTION 3. Any person, or agent or officer thereof, who violates any of the provisions of this Act is punishable by a fine of not more than \$1000 or imprisonment of not more than one year or both.

SECTION 4. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of the provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 29, 1963.) **H.B. 725.**

---