



1           §377-B Prohibition of agreements denying employment because  
2 of non-membership in labor organization. No person shall be  
3 denied the opportunity to obtain or retain employment because of  
4 non-membership in a labor organization, nor shall the State or  
5 any subdivision thereof, or any corporation, individual, or  
6 association of any kind, enter into an agreement, written or  
7 oral, which excludes a person from employment or continuation of  
8 employment because of non-membership in a labor organization.

9           §377-C Illegality of acts or agreements violating this  
10 part; strike or picketing for illegal purpose. Any act or  
11 provision in an agreement which is in violation of this part is  
12 illegal and void.

13           §377-D Prohibition of threatened or actual interference  
14 with a person, the person's family or property to compel that  
15 person to join a labor organization, strike, or leave  
16 employment. It is unlawful for an employee, labor organization,  
17 or officer, agent, or member thereof, by any directly or  
18 indirectly threatened or actual interference with the person,  
19 the person's immediate family or property, to compel or attempt  
20 to compel the person to join a labor organization, to strike  
21 against the person's will, to leave employment, or to dissuade  
22 the person from crossing the picket line.



1           §377-E Prohibition of conspiracy to induce persons to  
2 refuse to work with persons not members of labor organization. A  
3 combination or conspiracy by two or more persons to cause the  
4 discharge of any person or to cause the person to be denied  
5 employment because the person is not a member of a labor  
6 organization by inducing or attempting to induce any other  
7 person to refuse to work with the person, is illegal.

8           §377-F Civil liability of person violating this part. A  
9 person who violates any provision of this part, or who enters  
10 into an agreement containing a provision declared illegal by  
11 this part, or who brings about the discharge of or denial of  
12 employment to any person because of non-membership in a labor  
13 organization shall be liable to the person injured as the result  
14 of the act or provision and may be sued therefore, and in the  
15 action, any labor organization, subdivision, or local thereof,  
16 shall be bound by the acts of its duly authorized agents acting  
17 within the scope of their authority, and may sue or be sued in  
18 its common name.

19           §377-G Injunctive relief from injury resulting from  
20 violation of this part. A person injured or threatened with any  
21 type of injury or loss by an act declared illegal by this part



1 shall, notwithstanding any other provision of law to the  
2 contrary, be entitled to injunctive relief."

3 SECTION 3. Chapter 377, Hawaii Revised Statutes, is amended  
4 by designating sections 377-1 through 377-18 as "Part I. General  
5 Provisions".

6 SECTION 4. Section 377-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§377-4 Rights of employees. Employees shall have the right  
9 of self-organization and the right to form, join, or assist  
10 labor organizations, to bargain collectively through  
11 representatives of their own choosing, and to engage in lawful,  
12 concerted activities for the purpose of collective bargaining or  
13 other mutual aid or protection, and such employees shall also  
14 have the right to refrain from any and all such activities[  
15 ~~provided that employees may be required to join a union under an~~  
16 ~~all union agreement as provided in section 377-6(3)] ."~~

17 SECTION 5. Section 377-6, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§377-6 Unfair labor practices of employers. It shall be an  
20 unfair labor practice for an employer individually or in concert  
21 with others:

22 (1) To interfere with, restrain, or coerce the employer's



1 employees in the exercise of the rights guaranteed in  
2 section 377-4[+] beyond that which is allowed under part  
3 II;

4 (2) To initiate, create, dominate, or interfere with the  
5 formation or administration of any labor organization or  
6 contribute financial support to it, but an employer  
7 shall not be prohibited from reimbursing employees at  
8 their prevailing wage rate for time spent conferring  
9 with the employer, nor from cooperating with  
10 representatives of at least a majority of the employer's  
11 employees in a collective bargaining unit, at their  
12 request, by permitting employee organizational  
13 activities on employer premises or the use of employer  
14 facilities where the activities or use create no  
15 additional expense to the employer;

16 (3) To encourage or discourage membership in any labor  
17 organization by discrimination in regard to hiring,  
18 tenure, or other terms or conditions of employment. An  
19 employer, however, may enter into an all-union agreement  
20 with the bargaining representative of the employer's  
21 employees in a collective bargaining unit, unless the  
22 board has certified that at least a majority of the



1 employees have voted to rescind the authority of their  
2 bargaining representative to negotiate such all-union  
3 agreement within one year preceding the date of the  
4 agreement [-]; provided that such agreement shall not  
5 displace employees who are not union members. No  
6 employer shall justify any discrimination against any  
7 employee for non-membership in a labor organization [if  
8 ~~the employer has reasonable grounds for believing that:~~  
9 ~~(A) Such membership was not available to the employee on~~  
10 ~~the same terms and conditions generally applicable~~  
11 ~~to other members,~~  
12 ~~(B) Or that membership was denied or terminated for~~  
13 ~~reasons other than the failure of the employee to~~  
14 ~~tender periodic dues and the initiation fees~~  
15 ~~uniformly required as a condition for acquiring or~~  
16 ~~retaining membership];~~

17 (4) To refuse to bargain collectively with the  
18 representative of a majority of the employer's employees  
19 in any collective bargaining unit provided that if the  
20 employer has good faith doubt that a union represents a  
21 majority of the employees, the employer may file a



1 representation petition for an election and shall not be  
2 deemed guilty of refusal to bargain;

3 (5) To bargain collectively with the representatives of  
4 less than a majority of the employer's employees in a  
5 collective bargaining unit, or to enter into an all-  
6 union agreement except in the manner provided in  
7 paragraph (3);

8 (6) To violate the terms of a collective bargaining  
9 agreement;

10 (7) To refuse or fail to recognize or accept as conclusive  
11 of any issue in any controversy as to employment  
12 relations the final determination of the board or of any  
13 tribunal of competent jurisdiction;

14 (8) To discharge or otherwise discriminate against an  
15 employee because the employee has filed charges or given  
16 information or testimony under the provisions of this  
17 chapter;

18 (9) To deduct labor organization dues or assessments from  
19 an employee's earnings, unless the employer has been  
20 presented with an individual order therefore, signed by  
21 the employee personally;

22 (10) To employ any person to spy upon employees or their



1           representatives respecting their exercise of any right  
2           created or approved by this chapter;

3           (11) To make, circulate, or cause to be circulated a  
4           blacklist;

5           (12) To offer or grant permanent employment to an individual  
6           for performing work as a replacement for a bargaining  
7           unit member during a labor dispute; or

8           (13) Based on employment or willingness to be employed during  
9           a labor dispute, to give employment preference to one  
10          person over another who:

11           (A) Was an employee at the commencement of the dispute;

12           (B) Exercised the right to join, assist, or engage in  
13           lawful collective bargaining or mutual aid or  
14           protection through the labor organization engaged in  
15           the dispute; and

16           (C) Continues to work for or has unconditionally offered  
17           to return to work for the employer."

18          SECTION 6. Section 377-4.5, Hawaii Revised Statutes, is  
19 hereby repealed.

20          ~~["§377-4.5 Religious exemption from labor organization~~  
21 ~~membership. Notwithstanding any other provision of law to the~~  
22 ~~contrary, any employee who is a member of and adheres to~~





1 ~~established and traditional tenets or teachings of a bona fide~~  
2 ~~religion, body, or sect which has historically held~~  
3 ~~conscientious objections to joining or financially supporting~~  
4 ~~labor organizations shall not be required to join or financially~~  
5 ~~support any labor organization as a condition of employment,~~  
6 ~~except that an employee may be required in a contract between an~~  
7 ~~employees' employer and a labor organization in lieu of periodic~~  
8 ~~dues and initiation fees, to pay sums equal to the dues and~~  
9 ~~initiation fees to a nonreligious, non labor organization~~  
10 ~~charitable fund exempt from taxation under section 501(c)(3) of~~  
11 ~~the Internal Revenue Code, chosen by an employee from a list of~~  
12 ~~at least three funds, designated in the contract or if the~~  
13 ~~contract fails to designate any funds, then to any fund chosen~~  
14 ~~by the employee. If any employee who holds conscientious~~  
15 ~~objections pursuant to this section requests the labor~~  
16 ~~organization to use the grievance arbitration procedure on the~~  
17 ~~employee's behalf, the labor organization is authorized to~~  
18 ~~charge the employee for the reasonable cost of using the~~  
19 ~~procedure." ]~~

20 SECTION 7. In codifying the new sections added by section 2  
21 of this Act, the revisor of statutes shall substitute

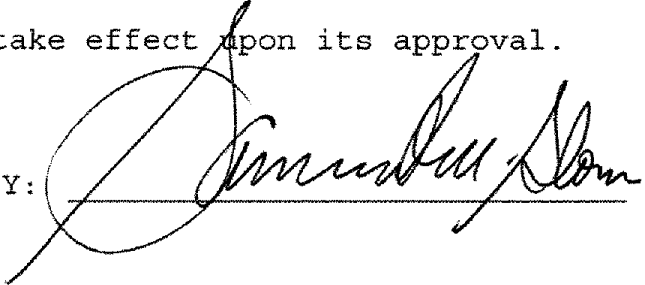
1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval.

6

INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "S. M. ...".

**Report Title:**

Labor

**Description:**

Protects each citizen's right to gainful employment regardless of non-membership in any labor organization.

