

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1060 Session of
1991

INTRODUCED BY COHEN, PISTELLA, VEON, DALEY, LESCOVITZ, McNALLY,
LEVDANSKY, ROBINSON, JOSEPHS, STABACK, CIVERA, EVANS,
FREEMAN, BELFANTI, WOZNIAK, KOSINSKI, KRUSZEWSKI, TRELLO,
BILLOW, PESCI, LAUGHLIN, TANGRETTI, BELARDI, STISH, TRICH,
STURLA, RICHARDSON AND JAMES, APRIL 9, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 9, 1991

AN ACT

1 Amending the act of July 12, 1972 (P.L.847, No.187), entitled
2 "An act prohibiting and making unlawful the employment of
3 professional strikebreakers in place of employees involved in
4 a labor dispute; prohibiting and making unlawful recruitment
5 and furnishing of employees to replace employees involved in a
6 labor dispute by a person or agency not directly involved in
7 the labor dispute and the employment of persons so recruited
8 or furnished; prohibiting and making unlawful recruitment of
9 or advertising for employees to take the place of employees
10 engaged in a labor dispute without stating that the
11 employment offered is in place of employees involved in a
12 labor dispute, and repealing certain existing law," further
13 defining "strikebreaker"; further prohibiting the recruiting
14 of, supplying of, employing of, offering oneself as,
15 advertising for, and soliciting of a strikebreaker or
16 substitute employee to replace an employee temporarily not
17 working due to a labor dispute; and further providing for
18 penalties.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Sections 1, 3, 4, 5 and 6 of the act of July 12,
22 1972 (P.L.847, No.187), referred to as the Strikebreaker
23 Employment Act, are amended to read:

24 Section 1. The term "strikebreaker" shall mean a person who

1 customarily and repeatedly offers himself for employment in
2 place of employe involved in a labor dispute or a person that
3 has been previously engaged in illegal activities associated
4 with a labor dispute.

5 Section 3. (a) It shall be unlawful for any person,
6 partnership, firm or corporation, or officer or agent thereof,
7 involved in a labor dispute, knowingly to employ in place of an
8 employe involved in such labor dispute any strikebreaker[, or
9 knowingly to employ any strikebreaker in place of an employe
10 involved in a labor dispute which strikebreaker is recruited,
11 procured, supplied or referred for employment by any person,
12 partnership, agency, firm or corporation not directly involved
13 in the labor dispute].

14 (b) It shall be unlawful for any person who customarily and
15 repeatedly offers himself for employment in place of employes
16 involved in a labor dispute to take or offer to take the place
17 in employment of employes involved in a labor dispute.

18 (c) Any person, partnership, agency, firm or corporation
19 planning to employ persons in place of employes involved in a
20 labor dispute must, prior to the hiring of such persons, require
21 that they submit to a standard security check performed by the
22 Pennsylvania State Police. This security check must be kept on
23 file by the employer and be available for inspection by the
24 Department of Labor and Industry or any other law enforcement
25 officer.

26 Section 4. (a) It shall be unlawful for any person,
27 partnership, agency, firm or corporation, or officer or agent
28 thereof, to contract or arrange with any employment agency
29 registered under or covered by the act of July 31, 1941
30 (P.L.616, No.261), known as the "Employment Agency Law," to hire

1 any persons for employment in the place of employees involved in
2 a labor dispute.

3 (b) It shall be unlawful for any person, partnership, firm
4 or corporation, or officer or agent thereof, involved in a labor
5 dispute to contract or arrange with any other person,
6 partnership, agency, firm or corporation to recruit, procure,
7 supply or refer strikebreakers for employment in place of
8 employees involved in such labor dispute.

9 Section 5. (a) It shall be unlawful for any employment
10 agency registered under or covered by the act of July 31, 1941
11 (P.L.616, No.261), known as the "Employment Agency Law," or any
12 agency of the Commonwealth to make referrals of any persons for
13 employment in the place of employees involved in a labor dispute.

14 (b) It shall be unlawful for any person, partnership,
15 agency, firm or corporation, or officer or agent thereof,
16 knowingly to recruit, solicit or advertise for employees or refer
17 persons to employment in place of employees involved in a labor
18 dispute without adequate notice to such person or in such
19 advertisement that there is a labor dispute at the place at
20 which employment is offered and that the employment offered is
21 in place of employees involved in such labor dispute.

22 Section 6. Any person, partnership, agency, firm or
23 corporation violating the provisions of sections 2, 3 [or], 4 or
24 5(a) of this act shall be guilty of a misdemeanor and, upon
25 conviction thereof, shall be punished by a fine of not more than
26 two thousand dollars (\$2,000) per incident or by imprisonment
27 for a term not exceeding three years, or both, at the discretion
28 of the court. Any person, partnership, agency, firm or
29 corporation violating section [5] 5(b) of this act shall be
30 guilty of a misdemeanor and, upon conviction thereof, shall be

1 punished by a fine of not more than five hundred dollars (\$500)
2 per incident or imprisonment for a term not exceeding one year,
3 at the discretion of the court.

4 Section 2. This act shall take effect in 60 days.