

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2134 Session of  
1995

INTRODUCED BY SAINATO, VEON, DeWEESE, BELARDI, KUKOVICH,  
RICHARDSON, DALEY, STEELMAN, SURRA, RAMOS, LaGROTTA,  
LAUGHLIN, GIGLIOTTI, LEVDANSKY, CALTAGIRONE, LUCYK, McGEEHAN,  
SHANER, MIHALICH AND BELFANTI, OCTOBER 23, 1995

REFERRED TO COMMITTEE ON LABOR RELATIONS, OCTOBER 23, 1995

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," defining  
13 "strikebreaker"; and extending the provisions of the act to  
14 employment agents.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Sections 1, 2, 3, 4, 5 and 6 of the act of July  
18 12, 1972 (P.L.847, No.187), referred to as the Strikebreaker  
19 Employment Act, are amended to read:

20 Section 1. [The term "strikebreaker" shall mean a person who  
21 customarily and repeatedly offers himself for employment in  
22 place of employee involved in a labor dispute.] The term  
23 "employment agent" shall mean any person, partnership, company,

1 agency, firm or corporation that:

2 (1) Must comply with the provisions of the act of July 31,  
3 1941 (P.L.616, No.261), known as the Employment Agency Law.

4 (2) Is hired or in contact with, or arranges or offers  
5 services to a company for the purpose of recruiting, selecting,  
6 supplying, hiring or employing individuals to fill job vacancies  
7 or attain employment with the company.

8 The term "strikebreaker" shall mean a person, other than a  
9 continuously employed management person, who customarily and  
10 repeatedly offers himself for employment as a temporary or  
11 permanent replacement for an employee engaged in a labor dispute.  
12 It shall be evidence that a person customarily and repeatedly  
13 offers himself for employment in place of employees involved in a  
14 labor dispute, if such person shall have at least two times  
15 before offered to take the place of employment of persons  
16 involved in a labor dispute.

17 Section 2. It shall be unlawful for any person, partnership,  
18 agency, firm or corporation, or officer or agent thereof, or  
19 employment agent knowingly to recruit, procure, supply or refer  
20 any strikebreaker for employment in place of employees involved  
21 in a labor dispute in which such person, partnership, agency,  
22 firm or corporation or employment agent is not directly  
23 interested.

24 Section 3. (a) It shall be unlawful for any person,  
25 partnership, firm or corporation, or officer or agent thereof,  
26 involved in a labor dispute, knowingly to employ in place of an  
27 employee involved in such labor dispute any strikebreaker, or  
28 knowingly to employ any strikebreaker in place of an employee  
29 involved in a labor dispute which strikebreaker is recruited,  
30 procured, supplied or referred for employment by any person,

1 partnership, agency, firm or corporation or employment agent not  
2 directly involved in the labor dispute.

3 (b) It shall be unlawful for any person who customarily and  
4 repeatedly offers himself for employment in place of employes  
5 involved in a labor dispute to take or offer to take the place  
6 in employment of employes involved in a labor dispute.

7 Section 4. It shall be unlawful for any person, partnership,  
8 firm or corporation, or officer or agent thereof, involved in a  
9 labor dispute to contract or arrange with any other person,  
10 partnership, agency, firm or corporation or employment agent to  
11 recruit, procure, supply or refer strikebreakers for employment  
12 in place of employes involved in such labor dispute.

13 Section 5. It shall be unlawful for any person, partnership,  
14 agency, firm or corporation, or officer or agent thereof, or  
15 employment agent knowingly to recruit, solicit or advertise for  
16 employes or refer persons to employment in place of employes  
17 involved in a labor dispute without adequate notice to such  
18 person or in such advertisement that there is a labor dispute at  
19 the place at which employment is offered and that the employment  
20 offered is in place of employes involved in such labor dispute.

21 Section 6. Any person, partnership, agency, firm or  
22 corporation or employment agent violating the provisions of  
23 sections 2, 3 or 4 of this act shall be guilty of a misdemeanor  
24 and, upon conviction thereof, shall be punished by a fine of not  
25 more than two thousand dollars (\$2,000) or by imprisonment for a  
26 term not exceeding three years, or both, at the discretion of  
27 the court. Any person, partnership, agency, firm or corporation  
28 or employment agent violating section 5 of this act shall be  
29 guilty of a misdemeanor and, upon conviction thereof, shall be  
30 punished by a fine of not more than five hundred dollars (\$500)

1 or imprisonment for a term not exceeding one year, at the  
2 discretion of the court.

3 Section 2. This act shall take effect immediately.