
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2352 Session of
2014

INTRODUCED BY BRADFORD, O'BRIEN, FREEMAN, McCARTER, BROWNLEE,
THOMAS, CALTAGIRONE, FRANKEL, PAINTER, V. BROWN AND COHEN,
JUNE 17, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 17, 2014

AN ACT

1 Prohibiting the use of permanent replacement workers during a
2 labor dispute; prohibiting the use of employment agents and
3 contract employment agencies from recruiting or furnishing
4 employees to permanently replace employees in a labor
5 dispute; providing for injunctive relief and damages; and
6 imposing a penalty.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Workplace
11 Fairness Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Employment agent." A person, partnership, company, agency,
17 firm or corporation that meets all of the following:

18 (1) Is required to comply with the provisions of the act
19 of July 31, 1941 (P.L.616, No.261), known as the Employment

1 Agency Law.

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

6 Section 3. Use of permanent replacement workers.

7 An employer, including a government agency and its political
8 subdivision, or their representatives, may not hire, employ,
9 recruit, procure or offer to grant the status of permanent
10 replacement employee to a person for performing bargaining unit
11 work for an employer during either of the following:

12 (1) A lockout of employees who are members of a labor
13 organization.

14 (2) An authorized strike of employees who are members of
15 a labor organization.

16 Section 4. Recruitment of permanent replacement workers
17 prohibited.

18 An employment agent or officer or agent thereof may not send
19 an applicant to a place where a strike, lockout or other labor
20 dispute exists with the intent of permanently replacing a person
21 in a labor organization who is involved in a lockout or a strike
22 authorized by an employee representative.

23 Section 5. Injunctive relief and damages.

24 (a) Remedy by injunction.--Immediately upon the occurrence
25 of an alleged violation of this act, the employee or employee
26 representative alleging the violation may apply for injunctive
27 relief in any court of competent jurisdiction and the court
28 shall have jurisdiction to grant a temporary or permanent
29 injunction restraining any person from violating this act.

30 (b) Civil damages.--An employee or employee representative

1 may institute an appropriate civil action for damages,
2 including, but not limited to, lost wages, salary, pension and
3 retirement contributions and benefits and other employee
4 benefits and seniority, against an employer alleged to be in
5 violation of this act.

6 Section 6. Penalty.

7 A person who violates any provision of this act commits a
8 summary offense and shall, upon conviction, be sentenced to pay
9 a fine of not less than \$1,000 nor more than \$1,500 for each
10 offense. Each permanent replacement employee hired in violation
11 of this act shall be deemed a separate offense.

12 Section 7. Effective date.

13 This act shall take effect in 60 days.