
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Peacock (SB 551)

Present law provides that no court shall issue any restraining order or temporary or permanent injunction which prohibits any person from doing any of the following acts:

- (1) Refusing to perform any employment duties regardless of any contract or agreement to do such work or to remain in such employment.
- (2) Becoming or remaining a member of any labor organization regardless of any such undertaking or promise.
- (3) Paying or giving to, or withholding from, any person any strike or unemployment benefits.
- (4) Aiding any other person by any lawful means who is being proceeded against or is prosecuting any action or suit in any court of the United States or of any state.
- (5) Giving publicity to and obtaining or communicating information regarding the existence of, or the facts involved in, any dispute, whether by advertising, speaking, patrolling any public street or any place where persons may lawfully be, without intimidation or coercion, or by any other method not involving fraud, violence, breach of the peace, or threat thereof.
- (6) Ceasing to patronize or to employ any person or persons.
- (7) Assembling peaceably to do or to organize to do any of the acts heretofore specified or to promote lawful interests.
- (8) Advising or notifying any person or persons of an intention to do any of the acts heretofore specified.
- (9) Agreeing with other persons to do or not to do any of the acts heretofore specified.
- (10) Advising, urging, or inducing without fraud, violence, or threat thereof, others to do the acts heretofore specified, regardless of any such undertaking or promise related to labor organizations.
- (11) Doing in concert of any or all the acts heretofore specified on the ground that the persons engaged therein constitute an unlawful combination or conspiracy.

Proposed law retains present law but provides that no person or persons shall engage in mass picketing in any of the following circumstances:

- (1) Hindering or preventing a person from pursuing lawful employment by means of coercion or the threat of bodily injury.
- (2) Obstructing or interfering with the ingress or egress of any place of business.
- (3) Obstructing or interfering with free and uninterrupted use of public roads, streets, highways, railways, airports, waterways, or other ways of travel or conveyance by mass picketing when such activities would interrupt the normal business activities of a business.
- (4) Engaging in the picketing on the land of a private residence of the employer without permission of the owner of the residence.

Proposed law provides that "mass picketing" shall mean the patrolling in close formation by two or more persons who are employees or members of a labor organization in order to prevent access to a business premise or to interrupt the normal operations of a business.

Proposed law provides that an employer or business that is subjected to prohibited activity pursuant to proposed law may bring an action in a court of competent jurisdiction to enjoin the prohibited activity, without regard to the existence of other remedies, demonstration of irreparable harm, or other factors.

Proposed law provides that upon a finding of a violation of the provisions in proposed law, the court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought pursuant to proposed law. Failure to comply with an order of the Court issued under proposed law shall be punishable as contempt of court.

Proposed law provides that nothing in proposed law shall prohibit lawful picketing or free speech that is guaranteed by the U.S. Constitution or the La. Constitution.

Present law provides that no court shall issue a temporary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings by the court that include the following evidences: (a) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted, (b) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial thereof than will be inflicted upon the defendants by the granting thereof, (c) that complainant has no adequate remedy by ordinary legal procedure, or (d) That the public officers charged with the duty to protect complainant's property have failed or are unable to furnish adequate protection.

Proposed law retains present law but provides that those finds are not necessary for the court to

order a temporary or permanent injunction pursuant to proposed law.

Proposed law provides that no bond shall be required to be posted in any suit to enjoin the prohibited acts set forth in proposed law.

Present law provides that no restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available machinery of governmental mediation or voluntary arbitration, but nothing herein contained shall be deemed to require the court to await the action of any such tribunal if irreparable injury is threatened.

Proposed law retains present law but provides that the provisions of proposed law shall not apply to any prohibited activities pursuant to proposed law.

Present law provides that punishment for contempt of court orders, regarding unlawful labor activities, shall be a fine, not exceeding \$100, or by imprisonment not exceeding 15 days, or both.

Proposed law retains present law but provides that in cases involving a violation of prohibited activities in violation of proposed law, the court shall subject the violator to a fine of up to \$1,000 for each day of the violation and the fine shall be paid into the registry of the court.

Proposed law provides that, if a labor organization assist in the prohibited activity in violation of the injunction granted pursuant to proposed law, the labor organization shall be subject to a fine of up to \$10,000 for each day of the violation and the fine shall be paid to the registry of the court.

Proposed law provides that upon a showing of damages, any person adversely affected by a violation of proposed law may be compensated from the payment of fines made to the registry of the court.

Proposed law provides that, if no claims are filed for damages within one year of the date of the damages, then the funds which have been deposited in the registry of the court shall be deposited in the general fund of the court for use in the administration of the court.

Proposed law provides that, if claims are filed within one year of the date of the damages claimed, then any funds which are left over after damages are paid, shall be deposited in the general fund of the court for use in the administration of the court.

Effective August 1, 2014.

(Amends R.S. 23:844, 845, 846, and 849; adds R.S. 23:821(4) and 841.1)