

● **COMMERCIAL EMPLOYMENT AGENCY LAW**

STATUTORY CITATION: Haw. Rev. Stat. §§ 373-1 – 373-21

GENERAL SUMMARY: Chapter 373 of the state statutes regulates the business practices of employment agencies in Hawaii, which may encompass the recruitment and hiring activities of farm labor contractors or crew leaders.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No individual, association, partnership or company may, for a fee or other compensation, engage in the business of providing employment information, procuring jobs for workers, or procuring workers for employers, without obtaining a license to do so from the state. Granting of a license is conditioned on the applicant's payment of a biennial license fee, posting of a \$5,000 bond, and successful completion of an examination covering such topics as recruitment procedures, business law and employment agency regulations.

FEES FOR SERVICES — Labor contractors and other employment agents may not charge or collect any registration fee or advance payment for job-finding services.

UNLAWFUL PRACTICES — Licensed employment agencies and their agents and employees are prohibited from committing or engaging in any of the following acts, among numerous others:

- (1) Printing, publishing or circulating false or misleading information concerning the availability of employment, wages, hours or other job conditions.
- (2) Requiring an employer to withhold from a worker's earnings any fee or service charge for the contractor or employment agency, unless the worker has authorized such withholding in writing.
- (3) Recruiting for or referring workers to any job where a strike, walkout or other labor dispute exists without advising the worker of the situation in writing beforehand.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Department of Commerce and Consumer Affairs, Honolulu, Hawaii 96813 (808-587-4272)*. This agency is responsible for examining and licensing employment agencies in the state, and for enforcing compliance with the restrictions and duties imposed on employment agencies by these provisions. Authorized representatives of the Department may enter any place where an employment agency is operated and may inspect and copy books, contracts and other records related to its operation. Failure by a licensee to comply with the employment agency law may lead to suspension or revocation of the license and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.