§ 358-a. Action and injunction. 1. The industrial commissioner may maintain an action upon his own information or upon the complaint of a private person against any person, partnership, corporation or association, and any employee, agent, director or officer thereof who commits any act or engages in any conduct prohibited by this article. In any such action, the final judgment in favor of the plaintiff shall perpetually restrain the defendant from the commission or continuance of the act complained of. A temporary restraining order to restrain the commission or continuance thereof may be granted upon proof, by affidavit, that the defendant has violated any of the provisions of this article. The provisions of statute or rule relating generally to injunctions as provisional remedies in actions apply to such a temporary restraining order and the proceedings thereupon.

2. If the industrial commissioner fails to maintain an action pursuant to subdivision one hereof within fifteen days of being notified by certified mail of such an alleged violation, any industrial homeworker or any other person, partnership, corporation or association making such mailing who is aggrieved by such alleged violation may commence such an action and seek an injunction pursuant to the provisions of statute or rule relating generally to injunctions as provisional remedies.