

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 3050
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 3050
entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYER INTIMIDATION,"

begs leave to report as follows:

The purpose of this measure is to prohibit an employer from
coercing employees into attending employer-sponsored meetings to
communicate the employer's religious or political opinions.

Specifically, this measure:

- (1) Prohibits an employer from requiring an employee to
attend an employer-sponsored meeting or participate in
communications with the employer, the purpose of which
is to communicate the employer's opinion about religious
or political matters;
- (2) Excludes communications that an employer is required by
law to communicate;
- (3) Excludes communications of religious organizations,
political organizations, and educational institutions,
when the content of the communications directly relates
to the organization's business or purpose;
- (4) Provides an employee with protection from retaliation by
an employer for making a good faith report of a
violation of the law; and



- (5) Establishes legal remedies, including reinstatement, payment of back pay, reinstatement of employee benefits, treble damages, and attorney's fees and costs.

Testimony in support of this measure was submitted by the ILWU Local 142; the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; the Hawaii State AFL-CIO; the IBEW Local 1186; the IBEW Local 1260; the IBEW Local 1357; and the Hawaii State Teachers Association.

Testimony in opposition to this measure was submitted by the Society for Human Resource Management - Hawaii Chapter. Comments on the measure were also submitted by the Department of Labor and Industrial Relations, the Department of Human Resources Development, the Department of the Attorney General, and the Hawaii Civil Rights Commission.

Your Committee finds that in this country each individual is promised religious and political liberty, freedoms upon which this nation was founded. Unfortunately, employers seeking to impart their own religious or political beliefs to their employees in the workplace are infringing upon these freedoms. Your Committee further finds that the problem seems to be an increasing phenomenon with employers utilizing the workplace as a forum for partisan politics and proselytizing, including the introduction of threats regarding union issues. Current protections under the law are inadequate to protect employees from this type of coercive behavior. Your Committee does not believe that an employer's ability to conduct its business will be hampered by this measure. At the same time, your Committee recognizes the need to allow certain types of employers the ability to engage in activity promoting or opposing political or religious viewpoints, as such is essential to their businesses.

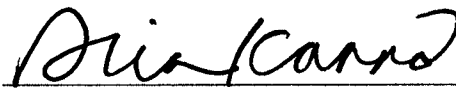
Accordingly, your Committee has amended this measure by:

- (1) Including language to indicate that the new chapter shall have no effect on chapter 368, Hawaii Revised Statutes (HRS), or part I of chapter 378, HRS, and claims or complaints made thereunder; and
- (2) Making technical, nonsubstantive changes to reflect proper and preferred drafting style and to provide further clarity.



As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3050, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3050, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor,

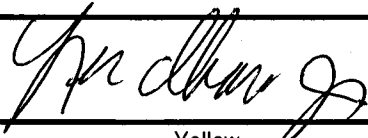


BRIAN KANNO, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 3050	Committee Referral: LBR, JHW	Date: 2-10-06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)	✓			
TANIGUCHI, Brian T.			✓	✓
SLOM, Sam			✓	
TOTAL	2	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.