

STAND. COM. REP. NO.

171

Honolulu, Hawaii

Feb 10 , 2011

RE: H.B. No. 527

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Economic Revitalization & Business, to which was referred H.B. No. 527 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

beg leave to report as follows:

The purpose of this bill is to disallow workers' compensation claims for existing work-related injuries exacerbated during recreational or social activity that takes place after work hours, where the employee disregarded restrictions placed on such activities by the employee's attending physician.

The Department of Labor and Industrial Relations and Retail Merchants of Hawaii testified in support of this bill. The City and County of Honolulu supported the intent of this measure. The Department of Human Resources Development and ILWU Local 142 opposed this bill.

Your Committees do not dispute that an injured worker should receive quality and appropriate medical care as directed by his or her physician for an injury arising out of and in the course of the worker's work-related duties. However, employee injuries that arise from a worker's voluntary participation in activities that do not constitute part of the employee's work-related duties and are engaged in primarily for social or recreational purposes, should be beyond the scope of the workers' compensation law.

HB527 HD1 HSCR LAB-ERB HMS 2011-1759



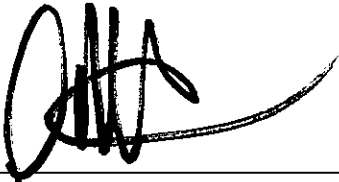
171

Your Committees have amended this bill by:

- (1) Disallowing workers' compensation claims for any injury or illness resulting from voluntary participation in any activity, the major purpose of which is social or recreational, whether or not the employer pays some or all of the cost of the activity; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Economic Revitalization & Business that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 527, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 527, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Labor & Public  
Employment and Economic  
Revitalization & Business,



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ANGUS L.K. MCKELVEY, Chair



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KARL RHOADS, Chair





