

STAND. COM. REP. NO.

1666

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 535
S.D. 1
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 535, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this measure is to extend certain basic labor rights and protections to domestic workers by:

- (1) Prohibiting an employer from discharging or discriminating against a domestic worker in compensation or in terms, conditions, or privileges of employment because of the domestic worker's membership in any of the specified protected classes; and
- (2) Applying the protections of the State's Wage and Hour Law to domestic workers other than those employed on a casual basis or performing companionship services.

The Department of Labor and Industrial Relations, Hawai'i Civil Rights Commission, Hawaii State Commission on the Status of Women, UNITE HERE Local 5, National Employment Law Project, National Domestic Workers Alliance, the First Lady of the State of Hawaii, and several concerned individuals supported this measure. United Public Workers, AFSCME, Local 646, AFL-CIO and a concerned individual provided comments.

SB535 HD2 HSCR JUD HMS 2013-3292-1



Your Committee has amended this measure by:

- (1) Specifying that "companionship services" does not include services for the aged or infirm that require and are performed by trained personnel, such as a registered or practical nurse;
- (2) Clarifying the definition of "casual basis";
- (3) Removing nurses from the definition of "domestic service"; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 535, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 535, S.D. 1, H.D. 2.

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



KARL RHOADS, Chair



