

Honolulu, Hawaii
March 4, 2016

RE: H.B. No. 1909
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1909, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EQUAL PAY,"

begs leave to report as follows:

The purpose of this measure is to encourage equal pay between men and women by:

- (1) Ensuring that employees performing substantially similar work are paid equally, except where the employer demonstrates the wage differential is based upon certain specified factors;
- (2) Changing the requirement of "equal work" to "substantially similar work";
- (3) Prohibiting an employer from:
 - (A) Prohibiting an employee from disclosing the employee's wages, discussing and inquiring about the wages of other employees, or aiding or encouraging other employees to exercise rights under this measure;
 - (B) Screening job applicants based on their wage or salary histories;



- (C) Seeking the salary history of any prospective employee prior to offering employment to the prospective employee; and
 - (D) Paying wages less than what were advertised for a position;
- (4) Requiring employer advertisements to include specified information, including pay, shift, overtime, and allowances, to recruit candidates for hire or independent contractors publicly, or within the organization, employment agency, job-listing service, or website;
 - (5) Prohibiting the limitation of a person's right to be free of compensation discrimination in employment under the Employment Practices Law; and
 - (6) Prohibiting employers from discriminating on the basis of sex, which includes gender, under section 378-2.3, Hawaii Revised Statutes, with respect to payment of wages to employees.

The Office of Hawaiian Affairs, Hawaii Civil Rights Commission, Hawaii State Commission on the Status of Women, Hawaii Women's Coalition, Hawaii State Democratic Women's Caucus, Planned Parenthood Votes Northwest and Hawaii, Americans for Democratic Action, American Association of University Women in Hawaii, Hawaii State Coalition Against Domestic Violence, IMUAlliance, YWCA Oahu, and several individuals testified in support of this measure. The National Federation of Independent Business, Society for Human Resource Management - Hawaii Chapter, and The Chamber of Commerce Hawaii opposed this measure. An individual commented on this measure.

Your Committee recognizes that a system that measures earnings by quantity and quality of production does not necessarily conflict with a bona fide merit system.

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 H.B. No. 1909, H.D. 1, and recommends that it pass Third Reading.



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



KARL RHOADS, Chair



