

SCR 154

SD-1

**REQUESTING THE
DEPARTMENT OF
LABOR AND
INDUSTRIAL RELATIONS
TO CONVENE A
WORKPLACE SAFETY
WORKING GROUP.**

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A WORKPLACE SAFETY WORKING GROUP.

1 WHEREAS, in 2000, a total of 1,687 people were killed by
2 intimate partners, including 1,247 women and four hundred forty
3 men; and
4

5 WHEREAS, the National Coalition Against Domestic Violence
6 reports that victims of intimate partner violence lose a total
7 of eight million days of paid work each year at a cost exceeding
8 \$5,800,000,000 per year; and
9

10 WHEREAS, twenty-one to sixty percent of victims of intimate
11 partner violence lose their jobs due to reasons stemming from
12 abuse; and
13

14 WHEREAS, according to the Bureau of Labor Statistics'
15 Census of Fatal Occupational Injuries, in 2003, one hundred
16 nineteen women were killed by a former boyfriend or husband in
17 their place of work, accounting for fifteen percent of all
18 homicides of women in the workplace that year; and
19

20 WHEREAS, intimate partner violence in the workplace
21 includes intimidation, stalking, physical assault, sexual
22 assault, and harassment; and
23

24 WHEREAS, incidents of intimate partner violence at an
25 employee's workplace may also create safety issues for other
26 employees, customers, and individuals; and
27

28 WHEREAS, workplace safety is a matter of great concern in
29 the interest of the State and the welfare of Hawaii's workers;
30 now, therefore,
31



1 BE IT RESOLVED by the Senate of the Twenty-ninth
2 Legislature of the State of Hawaii, Regular Session of 2018, the
3 House of Representatives concurring, that the Department of
4 Labor and Industrial Relations is requested to convene a
5 workplace safety working group; and
6

7 BE IT FURTHER RESOLVED that the working group is requested
8 to include:
9

- 10 (1) The Director of Labor and Industrial Relations, or the
11 Director's designee;
- 12
- 13 (2) The Prosecuting Attorney of the City and County of
14 Honolulu, or the Prosecuting Attorney's Designee;
- 15
- 16 (3) A representative of the Judiciary, to be appointed by
17 the Chief Justice;
- 18
- 19 (4) A member of the Hawaii State Senate, to be appointed
20 by the Senate President;
- 21
- 22 (5) A member of the Hawaii State House of Representatives,
23 to be appointed by the Speaker of the House of
24 Representatives;
- 25
- 26 (6) A representative from a business or business network,
27 to be appointed by the President of the Senate;
- 28
- 29 (7) A representative from a business or business network,
30 to be appointed by the Speaker of the House of
31 Representatives;
- 32
- 33 (8) A representative from a business or business network,
34 to be appointed by the Governor;
- 35
- 36 (9) A representative of labor, to be appointed by the
37 President of the Senate;
- 38
- 39 (10) A representative of labor, to be appointed by the
40 Speaker of the House of Representatives;
- 41



- 1 (11) A representative of labor, to be appointed by the
2 Governor;
- 3
- 4 (12) A representative of a domestic partner violence
5 prevention organization, to be appointed by the
6 President of the Senate; and
7
- 8 (13) A representative from a human resource management
9 association, to be appointed by the Speaker of the
10 House of Representatives; and
11

12 BE IT FURTHER RESOLVED that the working group shall submit
13 a report of its findings and recommendations, including any
14 proposed legislation, to the Legislature no later than twenty
15 days prior to the convening of the Regular Session of 2019; and
16

17 BE IT FURTHER RESOLVED that the report shall include but
18 not be limited to comprehensive and compassionate human resource
19 policy recommendations that address harassment and violence in
20 the workplace and identify ways in which all stakeholders can
21 work together to create additional layers of protection for
22 employers to ensure the safety for employees and invitees; and
23

24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Governor, Chief
26 Justice, Director of Labor and Industrial Relations, and
27 Prosecuting Attorney of the City and County of Honolulu.



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SD-1

TESTIMONY



Randy Perreira
President

HAWAII STATE AFL-CIO

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The Twenty-Ninth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

Testimony by
Hawaii State AFL-CIO

April 12, 2018

S.C.R. 154, S.D.1 - REQUESTING THE
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS TO
CONVENE A WORKPLACE SAFETY
WORKING GROUP

The Hawaii State AFL-CIO supports S.C.R. 154, S.D.1 which requests the Department of Labor and Industrial Relations to convene a workplace safety working group.

The Hawaii State AFL-CIO strongly supports workplace safety and encourages the House Committee on Labor and Public Employment to support S.C.R 154, S.D.1 to help ensure violence and harassment at work is prevented.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President

IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

April 12, 2018

The Twenty-Ninth Legislature
Hawaii State House of Representatives
Committee on Labor and Public Employment

SCR154 - REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL
RELATIONS TO CONVENE A WORKPLACE SAFETY WORKING GROUP

Chair Johanson, Vice Chair Holt, and Members of the Committee,

The International Brotherhood of Electrical Workers Local Union 1260, AFL-CIO (IBEW1260), represents more than 3500 members, has advocated for all workers in the State of Hawaii for over seventy-five years and respectfully offers the following testimony in **STRONG SUPPORT** of SCR154.

IBEW1260 strongly believes all workers are entitled to working in a safe environment free of violence. Ensuring such a workplace benefits employees and employers alike. For these reasons, IBEW1260 leadership not only urges the Committee to **support SCR154** but commits to working with stakeholders to ensure Hawaii's workplaces are free of violence and harassment.

Mahalo for the opportunity to testify on this issue.

Respectfully,



Michael M. Brittain
Asst. Business Manager
IBEW1260 / AFL-CIO

SCR-154-SD-1

Submitted on: 4/11/2018 8:38:50 AM

Testimony for LAB on 4/12/2018 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Aaron Ling Johanson, Chair; to the Honorable Daniel Holt, Vice Chair; and the Members of the Committee on Labor & Public Employment:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SCR154 SD1** relating to a workplace safety working group.

The OCC on Legislative Priorities is in favor of **SCR154 SD1** and strongly supports its passage.

SCR154 SD1 is in accord with the Democratic Platform as it requests the Department of Labor and Industrial Relations to convene a workplace safety working group to address the prevention of Hawaii's workers being victimized by incidents of harassment, assault, intimidation, and violence in the workplace, particularly by intimate partners.

The Platform of the DPH provides that: "We believe that workers need to be safe and free from any form of discrimination, harassment or abuse in the workplace. We seek legislation that will achieve these goals." (Platform of DPH, P.3, Lines 131-132 (2016)).

Given that **SCR154 SD1** requests the Department of Labor and Industrial Relations to convene a workplace safety working group to address the prevention of Hawaii's workers being victimized by incidents of harassment, assault, intimidation, and violence in the workplace, particularly by intimate partners, it is the position of the OCC on Legislative Priorities to strongly support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Text/tel.: (808) 258-8889

SCR 154

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**LATE
TESTIMONY**



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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April 12, 2018

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice Chair, and
Members of the House Committee on Labor and Public Employment

Date: Thursday, April 12, 2018

Time: 11:30 a.m.

Place: Conference Room 309, State Capitol

From: Leonard Hoshijo, Director
Department of Labor and Industrial Relations (DLIR)

**Re: S.C.R. No. 154, SD1 REQUESTING THE DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS TO CONVENE A WORKPLACE SAFETY WORKING
GROUP**

I. OVERVIEW OF SENATE CONCURRENT RESOLUTION

SCR154 SD1 requests that the Department of Labor and Industrial Relations to convene a workplace safety working group. The working group shall submit a report to the 2019 Legislature that includes comprehensive and compassionate human resource policy recommendations that address harassment and violence in the workplace and identify ways in which all stakeholders can work together to create additional layers of protection for employers to ensure the safety for employees and invitees.

DLIR supports the intent of the resolution, offers comments and suggests an amendment. SCR154 SD1 is an effort to address concerns raised by HB2200 RELATING TO PUBLIC SAFETY. The proponents of HB2200 had the measure introduced to address workplace violence and harassment. Arguments in favor of previous versions of this legislation included domestic violence considerations along the lines of the language in the resolution.

DLIR suggests that the Department not be the convener of the working group as the kind of safety matters that the DLIR has jurisdiction over differ from the concerns focused on by HB2200 with its title "RELATING TO PUBLIC SAFETY" and SCR154.

Both the contents of HB2200 with its title of “RELATING TO PUBLIC SAFETY” and SCR154SD1 focus on intimate partner harassment and relate to non-employee violence or harassment. DLIR has a stake in the issue and is willing to participate.

II. CURRENT LAW

The Occupational Safety and Health Administration (OSHA) and the Hawaii Occupational Safety and Health Division (HIOSH) promulgate standards in an effort “...to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.” Neither agency has any jurisdiction over criminal matters.

III. COMMENTS ON THE SENATE CONCURRENT RESOLUTION

The Department suggests that the working group also consider and make recommendations on ensuring activities provided by and protected by Federal and State law, County ordinance, rule, regulation, or judicial decision are not adversely affected.

OSHA and HIOSH workplace rules do not deal specifically with domestic violence or intimate partners. However, the Bureau of Labor Statistics (BLS), pursuant to the Occupational Safety and Health Act of 1970, has the responsibility for developing a comprehensive statistical system covering work-related injuries, illnesses, and fatalities in private industry. In 1972, BLS designed the annual Survey of Occupational Injuries and Illnesses to estimate the number and frequency of work-related injuries and illnesses by detailed industry for the nation and for states participating in the SOII. DLIR’s Research & Statistics Office (R&S) participates in this effort and reports annually on injuries, illnesses and fatalities in the workplace:

In 2016, the national rate of fatal occupational injuries was 3.6 per 100,000 workers, in Hawaii the rate was 2.4/100,000 workers¹. In 2016, national nonfatal workplace injuries and illnesses reported by private industry employers occurred at a rate of 2.9 cases per 100 full-time equivalent workers, in Hawaii that rate was 3.6/100 workers².

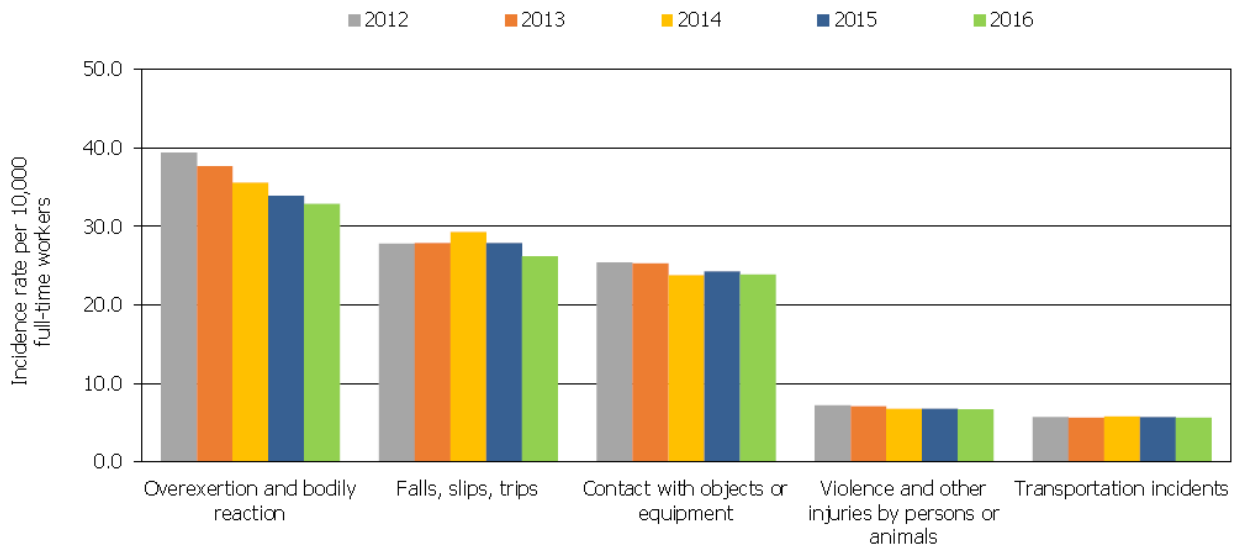
BLS published national data in 2016 covering workplace homicides from 2011-2015³. In 2015, there were 417 workplace homicides, 356 (85%) victims were men and 61 (15%) of victims were women.

Homicides represented 18 percent of fatal occupational injuries to women in 2015 compared with 8 percent of fatal occupational injuries to men. Homicides accounted for approximately 9 percent of all fatal occupational injuries in 2015. There were 417 workplace homicides in 2015, a slight increase from 2014 but down 12 percent from the 475 reported in 2012.

Workplace homicides by type of assailant, 2011-2015

Assailant type	Number of homicides
All assailants	2,173
Robber	721
Other or unspecified assailant	551
Co-worker or work associate	312
Student, patient, client or customer	247
Inmate, detainee in custody, or suspect not yet apprehended	182
Relative or domestic partner	160

Nonfatal occupational injury and illness incidence rates for cases with days away from work by selected event or exposure, all ownerships, 2012-16



The above chart is from BLS's 2016 *Case and Demographic Characteristics for Work-related Injuries and Illnesses Involving Days Away From Work* that is available here: <https://www.bls.gov/iif/oshcdnew.htm>

¹ <https://www.bls.gov/news.release/cfoi.t05.htm>

² https://www.bls.gov/news.release/archives/osh_11092017.pdf

³ <https://www.bls.gov/iif/oshwc/cfoi/workplace-homicides.htm>



LATE

**Testimony to the House Committee on Labor
Thursday, April 12, 2018 at 11:30 A.M.
Conference Room 309, State Capitol**

**RE: SCR 154 SD1 REQUESTING THE DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS TO CONVENE A WORKPLACE SAFETY
WORKING GROUP**

Chair Johanson, Vice Chair Holt, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SCR 154 SD1, which requests the Department of Labor and Industrial Relations to convene a workplace safety working group.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

According to data from the U.S. Bureau of Labor Statistics ("Bureau") nearly two million Americans report they've been victims of violence at work. In 2014, 15,980 workers in the private industry experienced trauma from nonfatal workplace violence. Such incidents resulted in days away from work. Furthermore, 409 workers in private industry and government were workplace homicide victims in 2014. Of those who died of workplace violence, 32% were employed in a retail establishment.

Of the victims who experienced trauma from work place violence, 67% were female, 69% worked in the healthcare and social assistance industry, 23% required 31 or more days away from work to recover, and 20% involved 3 to 5 days away from work.

The Bureau further notes that in two-thirds of workplace homicides the attacker has no known personal relationship with the victims, and most assailants who are employees commit workplace violence due to something else going on in their lives such as mental illness, drug abuse, divorce, or perceived personal failure. While we encourage all employers to have comprehensive and compassionate human resource policies in place to address harassment and violence in the workplace, this bill would create an additional layer of protection for employers to ensure the safety for both employees and invitees.

Passage of this resolution will allow employers, labor representatives and domestic partner violence prevention organizations to work together over the interim to study and develop additional layers of protections for employers to ensure the safety of employees and customers.

Thank you for the opportunity to testify.