

SCR154

Measure Title: URGING HAWAII'S CONGRESSIONAL DELEGATION TO OPPOSE ANY PROPOSED FEDERAL RIGHT-TO-WORK LEGISLATION.
Report Title: Right-to-Work; Federal Legislation
Description:
Companion:
Package: None
Current Referral: LBR
Introducer(s): RUDERMAN, BAKER, ENGLISH, ESPERO, GABBARD, GALUTERIA, GREEN, INOUYE, KEITH-AGARAN, KIDANI, KIM, NISHIHARA, K. RHOADS, TANIGUCHI, Ihara, K. Kahele, L. Thielen

<u>Sort by</u> <u>Date</u>	Status Text
3/9/2018	S Offered.
3/16/2018	S Referred to LBR.
3/29/2018	S The committee(s) on LBR has scheduled a public hearing on 04-03-18 3:00PM in conference room 229.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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SCR154



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

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April 3, 2018

To: The Honorable Jill N. Tokuda, Chair,
The Honorable J. Kalani English, Vice Chair, and
Members of the Senate Committee on Labor

Date: Tuesday, April 3, 2018

Time: 2:45 p.m.

Place: Conference Room 229, State Capitol

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

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

I. OVERVIEW OF PROPOSED SENATE CONCURRENT RESOLUTION

The Proposed SCR154 requests that the Department of Labor and Industrial Relations is requested 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.

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

SCR154 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. Arguments in favor of previous versions of this legislation included domestic violence considerations along the lines of the language in the 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.

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.

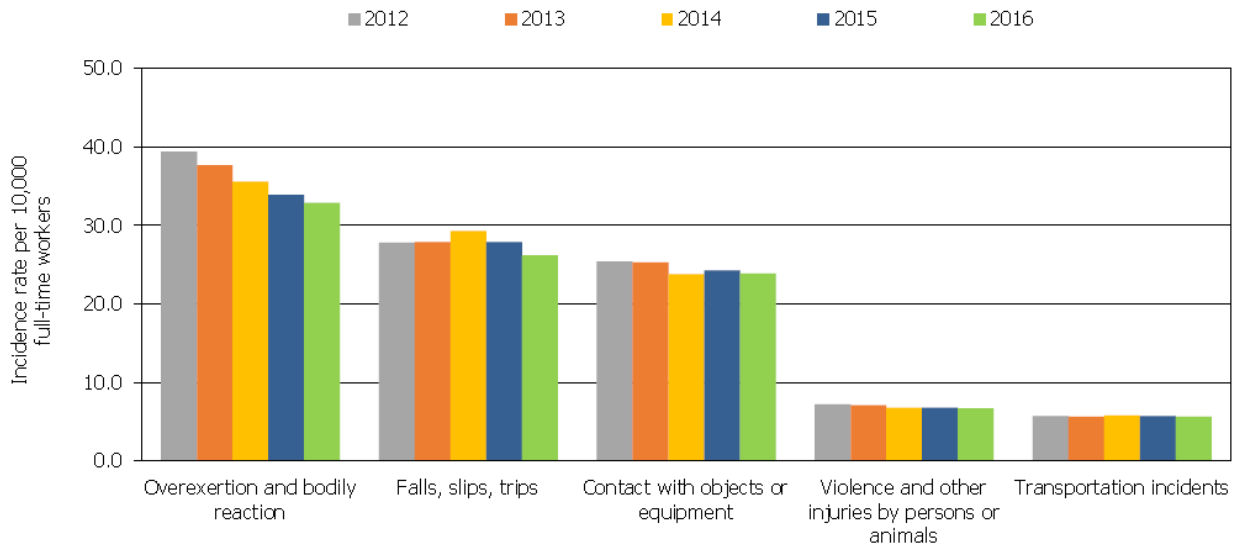
BLS published national data in 2016 covering workplace homicides from 2011-2015³. In 2015, there were 417 workplace homicides, 356 (85%) victims were men and 61 (15%) of victims were women.

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>



Randy Perreira
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The Twenty-Ninth Legislature, State of Hawaii
Hawaii State Senate
Committee on Labor

Testimony by
Hawaii State AFL-CIO

April 3, 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 the proposed 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 Senate Committee on Labor to support S.C.R 154, S.D.1 as proposed to help ensure violence and harassment at work is prevented.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the Senate Committee on Labor
Tuesday, April 3, 2018 at 3:00 P.M.
Conference Room 229, State Capitol**

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

Chair Tokuda, Vice Chair English, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SCR 154 SD1 proposed, 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.

SCR-154

Submitted on: 4/2/2018 3:00:08 PM

Testimony for LBR on 4/3/2018 3:00:00 PM

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

Comments:

To the Honorable Jill N. Tokuda, Chair; the Honorable J. Kalani English, Vice-Chair, and Members of the Senate Committee on Labor:

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 Proposed SD1 c.**

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

SCR154 Proposed SD1, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the Department of Labor and Industrial Relations to convene a workplace safety working group to report on 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.

The DPH Platform states that "[w]e believe in women's equality and right to privacy, including but not limited to equal access to reproductive services and care, shelter and counseling for victims of domestic violence, and the right of rape victims to emergency contraception in the emergency room." (Platform of the DPH, P. 4, Lines 170-172 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to obtain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382-384 (2016)).

Given that **SCR154 Proposed SD1** requests the Department of Labor and Industrial Relations to convene a workplace safety working group to report on 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, it is the position of the OCC on Legislative Priorities to 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

Submitted on: 3/29/2018 7:36:17 PM

Testimony for LBR on 4/3/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Oppose	No

Comments:

If I understand the “Right to Work” law & the foundation for the “Right to Work” correctly, it just means that employees cannot be forced to join a union or pay union dues – (except for certain industries le. railway, airline) which under the Wagner Act (1935), allowed companies to restrict employment due to various conditions, all based on having to belong to or join a union. (Taft-Hartley 1947 does bar the “closed shops”, which allowed employers to reject a candidate/”employee” based on their non-union standing...) The “Right to Work” law, does not bar a person from joining a union if they so choose to do so – only prohibits forced union dues, fees, participation in order to obtain a position with the company/organization/etc. With under law, any union that exists, needs to support members or non-members, equally and fairly.

That said, people who are within unions, usually have a higher wage and package deal – many of those “package deals” or “union regulations” have been brought to light, as well. Which unions, because of the force in numbers, have been able to broker. (Sad that a fair practice; wage benefits; health package; etc. need to be brokered, but it still does...hence the old adage of the ‘rich get richer and the poor stay poor’...Not to mention my shock at finding out the Chief of Police cannot request a police officer to cover a location that is in need of experienced officers, amongst other items, from the news...because of the Union...) So, unless every “employee” is covered by a union protecting their rights as an “employee”, and able to negotiate for their betterment, feel that the “Right to Work” just targets industries that already have a force in place, which could mean that those “employees” if a “walkout” occurs, could cripple the industry, if they can’t choose between union and non-union “employees”.