

STAND. COM. REP. NO.

2204

Honolulu, Hawaii

, 2019

APR 05

RE: S.B. No. 1041

S.D. 2

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1041, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to prohibit employers from:

- (1) Requiring employees to enter into nondisclosure agreements as a condition of employment or preventing the employee from disclosing sexual harassment or sexual assault that occurs in the workplace, at work-related events, between employees, or between an employer and an employee; and
- (2) Retaliating against employees for disclosing or discussing sexual harassment or sexual assault.

The Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, and a few individuals testified in support of this measure. The Hawai'i Civil Rights Commission and Hawai'i Women Lawyers provided comments.

SB1041 HD2 HSCR JUD HMS 2019-3698



Your Committee has amended this measure by:

- (1) Providing that confidentiality is allowed for settlements between an employee alleging sexual harassment or sexual assault and an employer only if the employee consents to confidentiality; and
- (2) 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. 1041, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1041, S.D. 2, H.D. 2.

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



CHRIS LEE, Chair



