



# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the House Committee on Labor  
Thursday, February 7, 2018 at 9:30 A.M.  
Conference Room 309, State Capitol**

**RE: HOUSE BILL 1536 RELATING TO EQUAL PAY**

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

The Chamber of Commerce Hawaii ("The Chamber") supports HB 1536, which prohibits the disclosure of an employee's wages by any person other than the employee.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 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.

This bill helps to clarify the intent of the Equal Pay bill that passed last session (Act 108, 2018). It doesn't take away from the law, such that it still allows employees to talk about their own salary to others, however, the amendment prevents employees from talking about other employee's salaries. For example, a payroll specialist would not be allowed to disclose or share other employee salaries to other employees.

Thank you for the opportunity to testify.



# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice  
Opposing HB 1536 – Relating to Equal Pay  
House Committee on Labor & Public Employment  
Thursday, February 7, 2019, 9:30 AM, conference room 309

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Dear Chair Johanson, Vice Chair Eli, and members of the Committee:

Thank you for the opportunity to provide testimony **OPPOSING HB 1536**.

We are concerned that removing “discussing” wages from the list of protected activities would not move us closer to the goal of pay equity. In fact, it may have the opposite effect.

Similarly, if an employee would like to find out if she is paid less than her male colleagues, we are concerned that the added language in this bill, “no person shall be authorized to disclose an employee’s wages other than the employee” would prevent her human resources department from disclosing her colleagues’ wages to her. It appears that this language might restrict her to having to directly ask her colleagues for their wage levels, which seems to undermine the intent of this section of our equal pay law.

According to the U.S. Bureau of Labor Statistics, Hawai'i women had median usual weekly earnings of \$734, or 80.0 percent, of the \$918 median usual weekly earnings of their male counterparts in 2017. That's lower than the national ratio of 81.8 percent. After reaching its peak of 92.8 percent in 2014, this ratio has decreased in in Hawai'i in each of the past three years.

Three out of ten Hawai'i single mothers with children under the age of 18 live in poverty. When their children are all under the age of five, one-third of single mothers are poor. Meanwhile, research from the Institute for Women's Policy Research estimates that eliminating the gender wage gap would reduce the poverty rate among single mothers at the national level by almost half.

We commend you for passing SB 2351 in 2018, which took strides to reduce the gender wage gap in Hawai'i. We request that you defer HB 1536, in order to prevent an erosion of our equal pay law.

We appreciate your consideration of this testimony.

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*The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*

**HB-1536**

Submitted on: 2/5/2019 5:57:46 PM

Testimony for LAB on 2/7/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Oppose	Yes

Comments:

Dear Chair Johanson, Vice Chair Eli, and members of LAB Committee,

AAUW of Hawaii strongly oppose HB1536. Many women would only know of pay inequality at their workplace if they were advised by another employee. Being able to not only inquire and disclose but also **discuss** the pay inequality is essential part of learning about the pay inequality. Having information about another employee's pay without fuller understanding one can get through discussion could also lead to misunderstanding.

Act 108 of Session Laws of Hawaii 2018 just became effective January 1, 2019. Please give Act 108 to take effect first.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Mahalo for your consideration.

Hearing Date: Thursday, February 7, 2019, 9:30 am, Room 309

To: House Committee on Labor & Public Employment  
Chair, Representative Aaron Johanson  
Vice Chair, Representative Stacelynn Eli

From: Jean Evans, MPH (Individual, [jevans9999@yahoo.com](mailto:jevans9999@yahoo.com),  
808-728-1152, 99-1669 Hoapono Pl., Aiea, HI 96701)

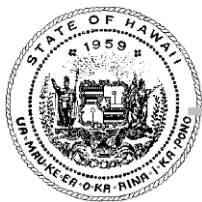
**Re: TESTIMONY IN OPPOSITION OF HB 1536 – Relating to Equal  
Pay**

My name is Jean Evans. I retired after 40 years holding executive positions in Hawaii non-profit agencies. In these positions I have interviewed and hired hundreds of applicants.

**I am in opposition of HB 1536 Relating to Equal Pay.**

Act 108, which includes the provision allowing employees to discuss their wages went into effect on January 1, 2019. I am concerned that modifying the language to eliminate “discussing” and adding additional restrictions will lead to confusion in the new law. I believe leaving the language intact is the best course.

Mahalo for allowing me to submit my testimony today.



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

**LATE**

February 7, 2019  
Rm. 309, 9:30 a.m.

To: Representative Aaron Ling Johanson, Chair  
Members of the House Committee on Labor & Public Employment

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1536

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 1536, Relating to Equal Pay, would amend H.R.S. § 378-2.3 to prohibit the disclosure of an employee’s wages by any person other than the employee. **The HCRC opposes H.B. No. 1536.**

In Act 108, L. 2018, H.R.S. § 378-2.3 was just recently amended to add subsection (b) prohibiting retaliation or discrimination against an employee for disclosure of wages, discussing or inquiring about wages or aiding other employees to exercise their rights. These changes went into effect on January 1, 2019. This bill would undermine those amendments, only weeks after they went into effect.

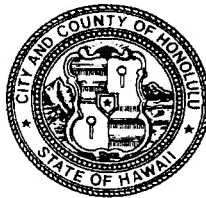
Employees are likely discover that they are not receiving equal pay from another employee, and not just from the co-worker receiving higher pay for equal work. Limiting this kind of pay disclosure defeats the purpose of the 2018 change adding H.R.S. § 378-2.3(b) and undermines the purpose of achieving equal pay.

The HCRC opposes H.B. No. 1536.

DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**  
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**LATE**

KIRK CALDWELL  
MAYOR



CAROLEE C. KUBO  
DIRECTOR

NOEL T. ONO  
ASSISTANT DIRECTOR

February 7, 2019

The Honorable Aaron Ling Johanson, Chair  
The Honorable Stacelynn K.M. Eli, Vice Chair  
and Members of the Committee on Labor & Public Employment  
House of Representatives  
State Capitol, Room 309  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Johanson, Vice Chair Eli, and Members of the Committee:

SUBJECT: House Bill No. 1536  
Relating to Equal Pay

House Bill No. 1536 would amend Hawaii Revised Statutes (HRS) Section 378-2.3 to prohibit the disclosure of an employee's wages by any person other than the employee. The committee should be aware that as a public employer, the City and County of Honolulu is currently obligated, under the Uniform Information Practices Act (UIPA) codified in HRS Chapter 92F, to disclose public information, including the salary and/or salary range of public employees. The proposed requirements appear to conflict with this obligation.

Thank you for this opportunity to comment on H.B. No. 1536.

Sincerely,

*Carolee C. Kubo for*

Carolee C. Kubo  
Director