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## A BILL FOR AN ACT

RELATING TO SEXUAL HARASSMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that workplace harassment  
2 is prohibited under state and federal employment law, with  
3 protection against discrimination based on various factors, such  
4 as race, gender, age, marital status, national origin, religion,  
5 or disability. These protections prohibit harassment when it is  
6 so severe or pervasive that it creates a hostile work  
7 environment. According to the United States Equal Employment  
8 Opportunity Commission, "although the law doesn't prohibit  
9 simple teasing, offhand comments, or isolated incidents that are  
10 not very serious, harassment is illegal when it is so frequent  
11 or severe that it creates a hostile or offensive work  
12 environment or when it results in an adverse employment decision  
13 (such as the victim being fired or demoted)." Individuals who  
14 are harassed in the workplace based on these protected classes  
15 may be able to take legal action at the state level.

16           The legislature also finds that the State can learn from  
17 other jurisdictions, including Maryland, which enacted the



1 Disclosing Sexual Harassment in the Workplace Act of 2018 on May  
2 15, 2018. Like Maryland, the legislature further finds that  
3 employment-related sexual harassment claims made by certain  
4 employees should be disclosed for the purpose of providing  
5 transparency and prohibiting certain employers from taking  
6 adverse action against these employees. Accordingly, the  
7 purpose of the Act is to require:

8 (1) Employers with fifty or more employees to submit  
9 regular electronic reports to the Hawaii civil rights  
10 commission; and

11 (2) The Hawaii civil rights commission to publish and make  
12 accessible to the public on the commission's website  
13 quantitative information about legal settlements  
14 resulting from these reports.

15 SECTION 2. Chapter 368, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 "§368- Sexual harassment claims; legal settlements;  
19 employers. (a) By July 1, 2022, and every five years  
20 thereafter, all employers in the State that employ fifty or more



1 employees shall file an electronic report with the commission  
2 that contains the following:

3 (1) The number of legal settlements made by the employer  
4 after an allegation of sexual harassment;

5 (2) The number of legal settlements made by the employer  
6 after an allegation of sexual harassment that included  
7 a provision requiring both parties to keep the terms  
8 of the legal settlement confidential;

9 (3) The number of times that the employer has made a legal  
10 settlement to resolve an allegation of sexual  
11 harassment against any particular employee during the  
12 past ten years; and

13 (4) If the employer has made a legal settlement to resolve  
14 an allegation of sexual harassment against a  
15 particular employee during the past ten years, whether  
16 the employer subsequently took any disciplinary or  
17 other personnel action against the employee against  
18 whom the allegation was made.

19 (b) The commission shall publish and make accessible to  
20 the public on the commission's website quantitative information



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1 about legal settlements resulting from the electronic reports  
 2 required under subsection (a)."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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JAN 17 2020



# H.B. NO. 2123

**Report Title:**

Sexual Harassment; Legal Settlements; Employers; Reporting Requirements

**Description:**

Requires employers that employ 50 or more employees to file regular electronic reports with the Hawaii Civil Rights Commission (HCRC) on legal settlements regarding sexual harassment. Requires HCRC to publish and make accessible to the public on the commission's website quantitative information about such legal settlements.

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