

JAN 18 2019

A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

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

1 SECTION 1. Chapter 378, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§378- Sexual misconduct nondisclosure agreements;
5 prohibited. (a) No employer shall require an employee to enter
6 into, as a condition of employment, a nondisclosure agreement
7 that prevents the employee from disclosing sexual harassment or
8 sexual assault occurring in the workplace, at work-related
9 events, between employees, or between an employer and an
10 employee.

11 (b) It is an unlawful practice under this chapter for an
12 employer to retaliate against an employee for disclosing or
13 discussing sexual harassment or sexual assault.

14 (c) This section shall not apply to human resources
15 employees expected to maintain the confidentiality of an
16 investigation as part of their official duties, employees
17 requested to maintain the confidentiality of an ongoing human



1 resources investigation, and confidential settlements between an
2 employee alleging sexual harassment and an employer."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

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S.B. NO. 1041

Report Title:

Employment Practices; Sexual Misconduct; Nondisclosure Agreement

Description:

Prohibits written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's conditions of employment. Prohibits employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

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