

Honolulu, Hawaii

FEB 05 , 2020

RE: H.B. No. 1701  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1701 entitled:

"A BILL FOR AN ACT RELATING TO EQUAL PAY,"

begs leave to report as follows:

The purpose of this measure is to promote pay equity by:

- (1) Conforming statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarifying the factors that can be used by employers to justify differences in compensation based on seniority, merit, or other non-discriminatory factors;
- (3) Requiring employers to disclose wage ranges to employees and prospective employees; and
- (4) Updating the term "equal work" as used in state non-discrimination statutes, to "substantially similar work".

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, Hawaii State Commission on the Status of Women, ILWU Local 142, American Association of



University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Breastfeeding Hawaii, Hawaii Children's Action Network Speaks!, Pride at Work - Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and several individuals. Your Committee received testimony in opposition to this measure from the Hawaii Credit Union League and the Chamber of Commerce Hawaii. Your Committee received comments from The Queen's Health Systems, Hawaii Pacific Health, and one individual.

Your Committee finds that according to the U.S. Bureau of Labor Statistics, in 2018, women in Hawaii who were working in full-time wage or salaried positions had weekly earnings of 82.6 percent of the median earnings of men in the same category. Your Committee further finds that persisting inequality in pay between genders has dire and long-lasting economic effects on women, who make up almost half of America's workforce, as well as on children and most households.

This measure builds on the pay equity provisions of Act 108, Session Laws of Hawaii 2018, by prohibiting discrimination in compensation based on race, sex, including gender identity or expression, sexual orientation, age, religion, color ancestry, disability, marital status, arrest and court record, or domestic or sexual violence victim status for substantially similar work.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should your Committee on Judiciary consider this measure, your Committee respectfully requests that it look at other states that have "substantially similar work" provisions and assess their definitions of "substantially similar work" as they relate to equal pay.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1701, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 1701, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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AARON LING JOHANSON, Chair



