

STAND. COM. REP. NO.

1296

Honolulu, Hawaii

MAR 14 , 2019

RE: S.B. No. 1048
S.D. 1
H.D. 1

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

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 1048, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL HARASSMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Make confidentiality clauses in employment agreements or contracts unenforceable as to sexual harassment claims unless included in a specific legal settlement or as provided by federal law; and
- (2) Prohibit mandatory arbitration of sexual harassment claims, make such agreements unenforceable, and make confidentiality clauses in arbitration agreements unenforceable unless included in a specific legal settlement or as otherwise provided by federal law.

The Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and a few individuals testified in support of this



measure. The Hawai'i Civil Rights Commission and Hawai'i Women Lawyers provided comments on this measure.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2050, to facilitate further discussion; 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 Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1048, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1048, S.D. 1, 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,



AARON LING JOHANSON, Chair



