

STAND. COM. REP. NO.

993

Honolulu, Hawaii

MAR 01 2019

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, 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 and intent of this measure is to:

- (1) Make unenforceable confidentiality clauses in employment contracts when an act of sexual harassment is claimed by an employee, except as otherwise provided by federal law;
- (2) Ban mandatory arbitration in agreements as to sexual harassment claims beginning July 1, 2019, except as otherwise provided by federal law; and
- (3) Make mandatory confidentiality claims in an arbitration agreement unenforceable as to sexual harassment claims, except as otherwise provided by federal law.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, AAUW of Hawaii, Planned Parenthood Votes Northwest and Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Women Lawyers, Hawaii Women's Coalition, and one individual.



Your Committee finds that confidentiality clauses in employment contracts that apply to sexual harassment claims and mandatory arbitration agreements requiring arbitration of sexual harassment claims allow sexual harassment to be kept a secret and off the record. Your Committee further finds that these clauses in agreements shield harassers from liability for their actions and limit the ability of the victims of sexual harassment to effectively pursue legal remedies. This measure will make mandatory arbitration agreements and confidentiality agreements unenforceable as to sexual harassment claims.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1048, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



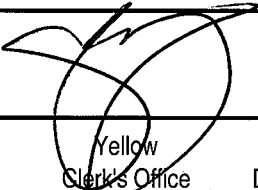
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:	
SB 1048, SDI	LCA, JDC	2/22/19	
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____			
The Recommendation is:			
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313
Members	Aye	Aye (WR)	Nay
Excused			
RHOADS, Karl (C)	✓		
WAKAI, Glenn (VC)	✓		
GABBARD, Mike	✓		
KIM, Donna Mercado	✓		
FEVELLA, Kurt	✓		
<b>TOTAL</b>	5	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature: 			
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy			

\*Only one measure per Record of Votes