

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1375  
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 Labor, Culture and the Arts, to which was referred S.B. No. 1375 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity; and
- (3) Require employers to disclose wage ranges to employees and prospective employees.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, Hawaii Appleseed Center for Law & Economic Justice, American Association of University Women of Hawaii, and seven individuals.

Your Committee finds that pay disparity still persists between men and women in Hawaii who do similar work. Hawaii ranks



twenty-third in income equality out of all states and the District of Columbia, according to the most recent census bureau. Your Committee further finds that the most extreme disparity in pay exists among Native Hawaiian and other Pacific Islander women who earn only sixty-two percent of white male earnings nationally. This measure clarifies the classes protected from pay discrimination, and provides for wage transparency, which will get Hawaii closer to ending pay disparity in the workplace.

Your Committee has amended this measure by:

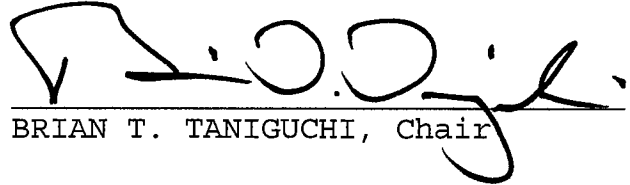
- (1) Adopting language suggested by the Hawai'i Civil Rights Commission that:
  - (A) Clarifies that an employer shall provide the pay scale for a position to an applicant regardless of whether it was requested;
  - (B) Clarifies that an employer shall disclose an hourly rate or salary range in all job listings, but does not need to select a salary within the posted range or republish each job listing with an adjusted range;
  - (C) Specifies that if an employer commits certain acts in violation of section 378-2.4(g), Hawaii Revised Statutes, then the employer is also in violation of section 378-2.3, Hawaii Revised Statutes;
  - (D) Specifies that the definition of "compensation" in section 378-2.4, Hawaii Revised Statutes, also applies to section 378-2.3, Hawaii Revised Statutes, and includes housing; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1375,



S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor, Culture and  
the Arts,



BRIAN T. TANIGUCHI, Chair



