

Honolulu, Hawaii

MAR 13 , 2020

RE: S.B. No. 2313  
S.D. 2  
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 S.B. No. 2313, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to prohibit an employer from:

- (1) Requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault; and
- (2) Retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Civil Rights Commission, Hawaii Labor Coalition, AAUW of Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, SAG-AFTRA Hawaii Local, and five individuals. Your Committee received comments on this measure from the Queen's Health Systems.

Your Committee finds that maintaining and fostering a safe work environment that is respectful and free from workplace harassment, intimidation, and assault are important to ensuring



the safety and dignity of all employees. Prohibiting employers from using nondisclosure agreements to suppress disclosure of sexual harassment or sexual assault occurring in the work environment and retaliating against employees for disclosure provides enhanced protections and supports a safe and positive work environment for all individuals.

Your Committee has amended this measure by:

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

Your Committee notes the concerns of the Queen's Health Systems in its testimony that this measure, as currently drafted, would impede its peer review process relating to quality assessment and performance improvement. However, based on the testimony, it is unclear to your Committee how the Queen's Health Systems' peer review process and the nondisclosure agreement requirements contained in this measure actually relate.

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. 2313, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2313, S.D. 2, 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



