



Fujiwara & Rosenbaum, LLLC

*Alahea Corporate Tower
1100 Alahea St., Fl. 20, Suite B
Honolulu, Hawaii 96813*

February 21, 2023
Rm. 229, 10:00a.m.

To: Senator Jarrett Keohokalole, Chair and Senator Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

From: Elizabeth Jubin Fujiwara, Senior Partner*

Re: Testimony in **SUPPORT of S.B. No. 1057, S.D.1—Relating to Employment Earnings**

Our law firm applauds the intent of S.B. No. 1057, S.D. 1 to require employers to include pay or salary as part of a job advertisement. with the purpose of reducing pay inequalities. When employers are not transparent about pay, gender and racial wage gaps widen, and women and people of color lose out. Thus, this bill is especially cogent and follows our deep and long-standing tradition of concern for all citizens, since Hawai'i was the first state to pass our constitutional Equal Rights Amendment for women.

For some workers it goes like this: You have been lingering on LinkedIn for months when, finally, you find a job that's exactly what you're looking for. You edit your resume. Write a cover letter. You're happy when you get the interview and thrilled after you absolutely crush it. So, what's the catch? Well, the hiring manager refuses to tell you what the salary for the position would be... until after you tell them what you're hoping to make. Did you ask for too much? Too little? Can you be sure you are being paid fairly? And when they finally do reveal the salary—which happens after you get the final offer—it is not nearly enough to support yourself or your family. This delayed reveal is a common practice for many employers, to the detriment of women, especially women of color, and to the perpetuation of the gender wage gap.

Studies show that when job applicants are clearly informed about the context for negotiations, including the types of compensation, benefits, conditions that are negotiable, or the typical pay for the position, the gender wage gap narrows.

Women and people of color have long faced bias, which shows up in discriminatory pay and hiring practices by individual employers and a market that devalues jobs predominantly held by women. Secrecy around pay allows this devaluation of women's work to often go unchecked and bias and wage gaps to grow. Research shows that pay negotiations are notoriously unfavorable to women: Employers tend to perceive women negatively and as greedy and aggressive when they negotiate. Consequently, women's negotiations are less likely to be met with higher pay and promotions; perhaps relatedly, some research shows that women often ask for less when they negotiate than men. Women may also tend to ask for less because it is a common practice for job applicants to ask for an amount that is a 10 to 20 percent increase over their prior salary. Given that women and people of color, especially here in Hawai'i wherein women in general earn **less than 80%** and **Native Hawaiian and other Pacific Islander women only earn 66% of white male earnings** nationally in the same occupations, they would have to request a particularly large percentage increase over their current pay for their request to be on par.

* I initiated along with Marion Shim, Executive Director of the State Commission on the Status of Women, the Hawaii Women Lawyer's book, **Our Rights, Our Lives: A Guide to Women's Legal Rights in Hawaii**. I was one of the editors for two editions and wrote several sections: **Sexual Harassment, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967, Pay Equity, Wrongful Termination, Hawaii Civil Rights Commission, and Hawaii's Equal Rights Amendment**. Since starting my own law practice in 1986 I have focused my entire law career on sex discrimination, sexual harassment, equal pay, pregnancy discrimination along with all types of discrimination, especially race, in the workplace. [I was also asked to be the Senior Trial Attorney for the EEOC-Honolulu, which I did for two years.] See also my **ABA 2022 video series** on the history and status of Discrimination in the U.S. Besides litigating on all these issues, I have given numerous workshops on the issue of sexual harassment and have written numerous articles on discrimination and lobbied for changes in the law.

Disclosing the salary or salary range for a position helps keep employers accountable, levels the negotiating playing field, and gives applicants and employees new tools to detect and remedy any unjustified pay disparities. Eight states have passed salary range transparency laws since 2018—five in just the last two years—and more states are considering passing their own.

Pay transparency will help businesses too. When a company publicly posts salary ranges, it incentivizes them to proactively review and evaluate their compensation practices and address any unjustified disparities between employees. This is also good for employee loyalty and productivity and helps avoid liability. As importantly, it further helps employers avoid wasting time interviewing candidates who would not accept the position because the salary is too low. And in this tight labor market, many employers have begun posting salaries when they are not required to, finding that doing so helps attract potential employees.

In every single state, the lifetime career losses for women would amount to hundreds of thousands of dollars and in over half the states, the lifetime losses amount to over \$1 million for some women of color.

Closing the gender wage gap has motivated recent legislative action to promote workplace pay transparency, such as protection from retaliation for discussing pay with co-workers. **HRS § 378-2.3 (b)**. However, putting the onus on individual workers to collect information and negotiate to fix pay discrepancies will always be an incomplete solution.

“Substantially Similar” Rather than Equal Work or Equal Skill, Effort, & Responsibility

The Hawai’i Equal Pay Act, HRS § 378-2.3(a) states:

No employer shall discriminate between employees **because of sex**, by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex in the establishment for **equal work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions**. Payment differentials resulting from: **(1) A seniority system; (2) A merit system; (3) A system that measures earnings by quantity or quality of production; (4) A bona fide occupational qualification; or (5) A differential based on any other permissible factor other than sex do not violate this section.**

The federal Equal Pay Act and Hawai’i’s Equal Pay Act above have long required equal pay for “equal work.” Numerous **courts have narrowly and rigidly applied the “equal work” standard to throw out pay discrimination cases based on minute or irrelevant differences in the jobs being compared.** In response, states are increasingly adopting “substantially similar” or “comparable work” standards that hold the possibility of broader and fairer comparisons reflecting the reality of the modern workplace.

For example, **Colorado’s** amended equal pay law provides that employers may not pay employees of one sex less than employees of a different sex for **“substantially similar” work based on a composite of skill, effort, and responsibility, regardless of job title.** After its amendment, **New York’s** law expanded existing pay equity provisions to require equal pay not for “equal work,” but for **“substantially similar” work**, when viewed as a **composite of skill, effort, and responsibility**, and performed under substantially similar working conditions. **Connecticut** changed its equal pay standard from equal pay for equal work to equal pay for **“comparable work,”** which is work that is comparable when “viewed as a **composite of skill, effort, and responsibility**” and performed under similar work conditions. **Rhode Island** amended its equal pay standard to a **“comparable work”** standard, which is work that requires **“substantially similar skill, effort, and responsibility”** performed under similar conditions.

Consequently, we are concerned that as presently drafted S.B. 1057, S.D.1 does not go far enough to update Hawai’i’s existing discrimination protections for equal pay. For this reason, we would respectfully request that the Committee includes, *inter alia*, the following:

(1) **Amend the list of protected classes under HRS § 378-2.3 (a) to make the protections afforded by this section consistent with HRS § 378-2(a) that prohibits employment discrimination.**

(2) **Update the term "equal work" to “substantially similar work”, which is the more accurate term used in many other states.**

For these reasons, we respectfully submit our support for the intent of S.B.1057 and ask for the amendments we have outlined above.



To: Senate Committee on Commerce and Consumer Protection

Hearing Date/Time: February 21, 2023 10:00 AM

Place: Hawaii State Capitol, Room 229

Re: Testimony in STRONG SUPPORT of SB1057, SD1

Dear Chair Keohokalole, Vice Chair Fukunaga, and the Members of Committee,

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of SB1057 which would reduce pay inequity by requiring job listings to disclose the hourly rate or salary range reasonably reflecting actual expected compensation. I encourage you to also replace the term “equal work” with “substantially similar work” in Hawaii nondiscrimination statutes. This is the more accurate term used in many other states.

Hawaii can be a leader in pay equity and was making significant progress in reducing the pay gap until a few years ago. However, the gap has now worsened according to US Bureau of Labor statistics. In 2020, women’s-to-men’s earning ratio in Hawaii fell below 80% for the first time since 2011.

Salary transparency plays a role in ensuring pay equity and can do so with minimal cost or disruption to employers. Research shows that addressing pay inequality improves work force measures as attendance, cooperation and productivity, and decreases employee turnover.

Please support SB1057/HB1354 and include the “substantially similar work” language. Thank you.

The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua’i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW’s mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.

Sincerely,
Nancy Rustad
Public Policy Committee, AAUW of Hawaii
publicpolicy-hi@aauw.net



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai‘i Appleseed Center for Law & Economic Justice
In Support of SB 1057 SD1 – Relating to Employment Earnings
Senate Committee on Commerce & Consumer Protection
Tuesday, February 21, 2023, 10:00 AM, Room 229 & Via Videoconference

Dear Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee:

Thank you for the opportunity to provide testimony in support of SB 1057 SD1. In 2018, Hawai‘i took strides to reduce wage gaps in our state by passing an equal pay law. SB 1057 SD1 builds on that progress by requiring job listings to include an hourly rate or salary range.

According to the U.S. Bureau of Labor Statistics, Hawai‘i women had median usual weekly earnings of \$797 in 2018, or 82.6 percent of the \$965 median usual weekly earnings of their male counterparts.¹ Unfortunately, that is a *decrease* of 10 percentage points from Hawai‘i women’s earnings peak at 92.8 percent of men’s earnings in 2014.²

If women earned the same pay as comparable men, not only would their pay increase, but poverty for women and their children would fall, too. The poverty rate among working women in Hawai‘i would decrease by more than half, from 5.4 to 2.5 percent, and the poverty rate for families headed by working single mothers would drop by close to half, from 21.3 to 10.7 percent.³ In addition, if working women in Hawai‘i received equal pay, 61.2 percent of working mothers would have increased earnings and the poverty rate among children of working mothers would fall by more than half, from 10.9 percent to 4.5 percent.

We can and should find ways to better ensure that all workers are able to access economic security in the Aloha State, regardless of gender or any other characteristic of their identity. Modest and common-sense proposals, such as requiring employers to release salary ranges to employees and job candidates, as contained within this bill, would move us closer towards that goal. One recommendation we support would be to replace the term “equal work” with “substantially similar work” to be more precise and accurate to the intent of the policy.

Mahalo for the opportunity to testify.

¹ “Highlights of women’s earnings in 2018,” U.S. Bureau of Labor Statistics, November 2019, <https://www.bls.gov/opub/reports/womens-earnings/2018/home.htm>

² “Highlights of women’s earnings in 2014,” U.S. Bureau of Labor Statistics, November 2015, <https://www.bls.gov/opub/reports/womens-earnings/archive/highlights-of-womens-earnings-in-2014.pdf>

³ “The Economic Impact of Equal Pay by State,” Institute for Women’s Policy Research, February 2015, <https://statusofwomensdata.org/wp-content/uploads/2015/02/C457.pdf>



To: Senate Committee on Commerce and Consumer Protection
Hearing Date/Time: February 21, 2023 10AM
Re: Testimony in SUPPORT of SB1057 SD1

Dear Chair Keohokalole, Vice Chair Fukunaga, and the Members of Committee,

Members of Hawaii State Democratic Women's Caucus thank you for this opportunity to testify in support of SB1057 SD1 which would require employers to include pay range as part of a job posting to increase pay transparency and equal pay for all employees.

We are asking for an amendment to replace the term "equal work" with "**substantially similar work**" in our state nondiscrimination statutes which is the more accurate term and used in many other states.

Pay transparency can be implemented with minimal cost or disruption to employers and the research shows pay transparency and attempts at pay equity will attract millennials, making the employers in Hawaii more attractive in this competitive market to attract competent employees. Hawaii can be a leader in the field of pay equity, as Hawaii has led the way in civil rights.

Thank you for your consideration.

Sincerely,

Members of Hawaii State Democratic Women's Caucus

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls.



February 21, 2023

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice-Chair and
Members of the Senate Committee on Commerce and Consumer Protection

Re: S.B. No. 1057, S.D.1—Relating to Employment Earnings

Hearing: Tuesday, February 21, 2023, in Conference Room 229 & Videoconference, 10a.m.

Dear Chair Keohokalole, Vice-Chair Fukunaga and Members of the Senate Committee on Commerce and Consumer Protection :

Hawaii Women Lawyers supports the intent of S.B. No. 1057, S.D. 1 to require employers to include pay or salary as part of a job advertisement. with the purpose of reducing pay inequalities. When employers are not transparent about pay, gender and racial wage gaps widen, and women and people of color lose out. Thus, this bill is especially cogent and follows our deep and long-standing tradition of concern for all citizens, since Hawai'i was the first state to pass our constitutional Equal Rights Amendment for women.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Women and people of color have long faced bias, which shows up in discriminatory pay and hiring practices by individual employers and a market that devalues jobs predominantly held by women. Secrecy around pay allows this devaluation of women's work to often go unchecked and bias and wage gaps to grow.

Research shows that pay negotiations are notoriously unfavorable to women: Employers tend to perceive women negatively and as greedy and aggressive when they negotiate. Consequently, women's negotiations are less likely to be met with higher pay and promotions; perhaps relatedly, some research shows that women often ask for less when they negotiate than men. Women may also tend to ask for less because it is a common practice for job applicants to ask for an amount that is a 10 to 20 percent increase over their prior salary. Given that women and people of color, especially here in Hawai'i wherein women in general earn **less than 80%** and **Native Hawaiian and other Pacific Islander women only earn 66% of white male earnings** nationally in the same occupations, they would have to request a particularly large percentage increase over their current pay for their request to be on par.

Pay transparency will help businesses too. When a company publicly posts salary ranges, it incentivizes them to proactively review and evaluate their compensation practices and address any unjustified disparities between employees. This is also good for employee loyalty and productivity and helps avoid liability. As importantly, it further helps employers avoid wasting time interviewing candidates who would not accept the position because the salary is too low. And in this tight labor market, many

employers have begun posting salaries when they are not required to, finding that doing so helps attract potential employees.

“Substantially Similar” Rather than Equal Work or Equal Skill, Effort, & Responsibility

The Hawai‘i Equal Pay Act, HRS § 378-2.3(a) states:

No employer shall discriminate between employees **because of sex**, by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex in the establishment for **equal work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions**. Payment differentials resulting from: **(1) A** seniority system; **(2) A** merit system; **(3) A** system that measures earnings by quantity or quality of production; **(4) A** bona fide occupational qualification; or **(5) A** differential based on any other permissible factor other than sex do not violate this section.

The federal Equal Pay Act and Hawai‘i’s Equal Pay Act above have long required equal pay for “equal work.” Numerous **courts have narrowly and rigidly applied the “equal work” standard to throw out** pay discrimination cases based on **minute or irrelevant differences in the jobs being compared**. In response, states are increasingly adopting “substantially similar” or “comparable work” standards that hold the possibility of broader and fairer comparisons reflecting the reality of the modern workplace.

For example, **Colorado**’s amended equal pay law provides that employers may not pay employees of one sex less than employees of a different sex for **“substantially similar” work** based on a **composite of skill, effort, and responsibility**, regardless of job title. After its amendment, **New York**’s law expanded existing pay equity provisions to require equal pay not for “equal work,” but for **“substantially similar” work**, when viewed as a **composite of skill, effort, and responsibility**, and performed under substantially similar working conditions. **Connecticut** changed its equal pay standard from equal pay for equal work to equal pay for **“comparable work,”** which is work that is comparable when “viewed as a **composite of skill, effort, and responsibility**” and performed under similar work conditions. **Rhode Island** amended its equal pay standard to a **“comparable work”** standard, which is work that requires **“substantially similar skill, effort, and responsibility”** performed under similar conditions.

Consequently, we are concerned that as presently drafted S.B. 1057, S.D.1 does **not go far enough to** update Hawai‘i’s existing discrimination protections for equal pay. For this reason, we would respectfully request that the Committee includes the following:

(1) **Amend the list of protected classes under HRS § 378-2.3 (a) to make the protections afforded by this section consistent with HRS § 378-2(a) that prohibits employment discrimination.**

(2) **Update the term "equal work" to “substantially similar work”,** which is the more accurate term used in many other states.

(3) **Make this act effective upon its approval** rather than continued discussion through 2050, because of the ongoing discrimination and subsequent unnecessary poverty caused by the serious, unabashed and continued unequal pay of women, especially Native Hawaiians and other Pacific Islanders in Hawai‘i.

For the above reasons, Hawaii Women Lawyers supports S.B. No. **1057, S.D.1** and respectfully requests that the Committee pass this measure with the above amendments. Thank you for the opportunity to testify in support of this measure.



**Senate Committee on Commerce and Consumer Protection
Senator Keohokalole, Chair
Senator Fukunaga, Vice Chair
Tuesday, February 21, 2023 at 10:00 A.M.**

RE: SB 1057 Relating to Employment Earnings

Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

The Society of Human Resource Management (SHRM) Hawaii respectfully opposes SB 1057 – Relating to Employment Earnings which requires job listings to include an hourly rate or salary range.

SHRM Hawaii serves and represents nearly 600 members and employers' statewide and human resource management is a critical component to the success and survival of the many businesses that make up our local economy. HR professionals are responsible for evaluating and balancing the needs of both the employers and employees and caring for businesses' most valuable asset: the working people of our state.

As human resources professionals, we believe that including an hourly rate or salary range on job postings can limit an organization's ability to negotiate salaries with potential employees, and can also severely limit the pool of qualified candidates who are willing to take the job. Salary itself is often only one component of a compensation package. Posting a salary or range may unduly focus the potential applicant on only one aspect of the position.

Hawaii Employers have to compete for limited talent. Requiring pay rates in job listings takes away valuable competitive advantage, particularly for smaller and local employers. This bill puts them at a significant recruiting disadvantage to larger and more predatory companies who could utilize pay rate publishing requirements to compete unfairly.

There are also unaddressed concerns about compliance after hire. Poor performance by employees, changing market conditions, employee turnover, reorganizations needed for survival, and many other factors are valid reasons for changing pay rates. Without enforcement, false



representations of pay rates and practices will divide those employers who play fair and those who don't, using bait-and-switch practices and other unethical tactics.

Posting a salary range can also create an environment of mistrust between the employer and the potential employee, as the employee may view the offer as an attempt to undervalue their skill and experience. Such a requirement also potentially causes "salary compression" issues with existing employees and may foster an increased turnover rate for the employer. In summary, including an hourly rate or salary range on job postings can do more harm than good.

Given the above, we respectfully ask that you do not advance this bill. We look forward to contributing positively to the development of sound public policy and continuing to serve as a resource to the legislature on matters related to labor and employment laws.

Thank you for this opportunity to provide testimony.

Dailyn Yanagida
Legislative Affairs Committee Co-Chair

Rosanne M. Nolan
Legislative Affairs Committee Co-Chair



Hearing Date: Tuesday, February 21, 2023 10:00 am, Room 229

To: Senate Committee on Commerce and Consumer Protection
Chair, Senator Jarrett Keohokalohe
Vice Chair, Senator Carol Fukunaga

From: Jean Evans, (Individual)

Re: TESTIMONY IN SUPPORT OF SB 1057, SD 1- RELATING TO EMPLOYMENT EARNINGS

My name is Jean Evans. I retired after 40 years holding executive positions in Hawaii non-profit agencies. In these positions I have interviewed and hired hundreds of applicants. I am also a member of AAUW Hawaii.

I support of SB 1057, SD 1 Relating to Employment Earnings

SB 1057, SD 1 requires job listings to include an hourly rate or salary range. In addition, I strongly encourage you to also replace the term “equal pay” with “**substantially similar work**” in our state nondiscrimination statutes which is the more accurate term used in many other states

It is well documented that there is a large gap in gender pay across the nation and in Hawaii where women earned only 79% of what men earn in 2020. This pay gap hits women especially hard here in Hawaii with our notoriously high cost of living often making it very difficult to make ends meet.

Non-profit agencies in Hawaii have historically offered low salaries which did not reflect the level of education, experience and responsibility associated with the positions. These agencies, which were predominately filled by females with a few male top executives, were seen as helping and giving organizations and so perpetuated the idea that the women should work for lower wages for the good of the community. Slowly this mind-set is changing to reflect a more professional attitude toward the non-profit workforce. However, this change has been slow and contributes to the state-wide wage gap.

When I applied for the two executive director positions which I subsequently secured, I had no idea of the salary ranges or even if there were any. When I inquired about the salary I was told only that it was “flexible”. That response did not give me a clue as to what to expect. Only after being in these positions with a salary I thought fair, did I discover that previous Executive Directors were compensated well above me. In one case the salary was over **twice** my salary. Interestingly, one was a female and the other a male. Offered salaries amounts seemed arbitrary and unfair and got me looking for positions elsewhere.

As an executive seeking to hire qualified people, I interviewed many good candidates only to find out that their salary requirements were higher than I could offer. If I had been

required to post the ranges I could have saved their time and mine. Based on the budget, I knew what the salary ranges were, but formally posting those was not the customary way recruitment was done. I realize now that compensation transparency would have helped me both as an employer and employee.

Employee turnover continues to be a problem in Hawaii, especially when unemployment is low. This bill is an important step in reducing turnover by ensuring competitive salaries, equal treatment, and assisting employers to control their expenses with set pay ranges.

Let Hawaii become a leader in the area of salary transparency by passing this legislation as another step toward leveling salary discrepancies and retaining talented employees. I see this measure as a win for both employers and employees. I encourage your support for this bill.

Mahalo for allowing me to submit my testimony today.

Jean Evans

SB-1057-SD-1

Submitted on: 2/18/2023 10:13:58 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

I support AAUW's position on this bill, including substitution of "substantially similar" for "equal" work.

SB-1057-SD-1

Submitted on: 2/18/2023 12:44:54 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.

SB-1057-SD-1

Submitted on: 2/19/2023 9:14:40 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Mahalo nui for this opportunity to testify in **STRONG SUPPORT** of SB1057 SD1 which would require employers to include pay range as part of a job posting to increase pay transparency and equal pay for all employees.

I'm also requesting for an amendment to replace the term "equal work" with "substantially similar work" in our state nondiscrimination statutes. The "substantially similar work" is more accurate and is used by many other states. I personally have known a small ice cream shop owner who paid high school and college girls working for her \$3 per hour less than the boys because the job position she hired boys for had the task of stocking the inventory among many other tasks which the job position she hired the girls didn't. Making this small change would prevent such discrimination.

Mahalo for your consideration.

SB-1057-SD-1

Submitted on: 2/19/2023 11:12:11 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Deb Nehmad	Individual	Support	Written Testimony Only

Comments:

I STRONGLY support this bill

TESTIMONY REGARDING SB 1057/HB 1354, RELATING TO EMPLOYMENT EARNINGS

To: Hawaii State Senate Committee on Commerce and Consumer Protection
Chair: Senator Jarrett Keohokalole
Vice Chair: Senator Carol Fukunaga
From: Anne L. Keck
Lahaina, HI 96761
Date: February 19, 2023

Hearing Date/Time/Place: February 21, 2023 @ 10:00am, Conference Room 229, State Capitol Building

Dear Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee.

My name is Anne Keck and I am in support of wage transparency laws similar to the one presented in SB 1057/HB 1354. Hawaii cannot afford to wait to enact such a law due its 37th ranking among all states and the District of Columbia in gender income equality. Such a condition should not be tolerated, and wage transparency laws are a proven mechanism to address it.

However, the current draft of the bill before your Committee is defective in several respects.

First, the use of the term “equal pay” in Section 1 is a misnomer. The goal is not equal pay for all job positions, but rather equal pay for substantially similar work to reach income equality. Moreover, referencing other states’ laws in our statutes is something that should be avoided, as it is our goal to be a leader rather than a follower. Hence, I recommend Section 1 be re-drafted to read as follows:

SECTION 1. The legislature finds that requiring employers to include the amount of pay or salary as part of a job advertisement increases pay transparency and income equality for all employees. Employers also benefit from such goals, as pay transparency decreases time and costs of job recruitments and assists in employee retention. The purpose of this Act is thus to reduce pay inequalities by requiring job listings to disclose the hourly rate or salary range reasonably reflecting the actual expected compensation and allowing current employees to access pay scales.

Second, the draft bill does nothing to address income inequality suffered by current employees. Accordingly, another section should be added to the draft bill providing that: “An employer, upon request, shall provide an employee the pay scale for the position in which the employee is currently employed.”

Third, and perhaps most importantly, the proposed effective date of the bill of July 1, 2050, is a joke. The proposal to wait 27 years to effectuate this law leaves an entire generation of women and minorities suffering dramatic pay inequality. Absent quicker action, Hawaii’s income inequality will continue to spiral out of control. California’s similar pay transparency law took effect January 1, 2023. Hawaii cannot afford to wait any longer to enact this type of law. Please do not sit on your hands – act now!

Mahalo nui loa,

Anne Keck

SB-1057-SD-1

Submitted on: 2/19/2023 8:57:43 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha

Please support this bill.

This bill can make Hawaii a leader in the area of pay equity, by providing pay transparency and adding protections to our statutes. The main point of the bill is to require employers to list an hourly rate of salary range when posting job openings.

I encourage you to also replace the term “equal work” with “substantially similar work” in our state nondiscrimination statutes which is the more accurate term used in many other states.

Mahalo,

Elizabeth Hansen, Hakalau HI 96710

SB-1057-SD-1

Submitted on: 2/19/2023 9:11:44 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support this bill. This bill can make Hawaii a leader in the area of pay equity, by providing pay transparency and adding protections to our statutes. The main point of the bill is to require employers to list an hourly rate of salary range when posting job openings. I encourage you to also replace the term “equal work” with “substantially similar work” in our state nondiscrimination statutes which is the more accurate term used in many other states.

Mahalo,

Rodger Hansen, Hakalau HI 96710

SB-1057-SD-1

Submitted on: 2/19/2023 9:30:03 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

I support SB1057 SD1. In 2018, Hawai'i passed an equal pay bill which made strides to reduce wage gaps in our state. SB1057 SD1 builds off that law by requiring job listings to include an hourly rate or salary range.

Please consider some amendments:

1. Big change: amend this bill to insert language from HB745, which is a more comprehensive version of this proposal, and is the product of two years of advocacy work from stakeholders who know the issue.
2. Small change: If the above is too big of a change, please consider replacing the term "equal work" with "substantially similar work" as recommended by some of those same stakeholders that worked to get HB745 introduced.

Mahalo for the opportunity to testify.

SB-1057-SD-1

Submitted on: 2/20/2023 7:40:55 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Dear Chair Jarrett Keohokalole, Vice Chair Carol Fukunaga and members of the Committee,

My name is Caroline Kunitake and I am in support of SB 1057/HB 1354 which requires job listings to include an hourly rate or salary range.

This bill can make Hawaii a leader in the area of pay equity, by providing pay transparency and adding protections to our statutes. The main point of the bill is to require employers to list an hourly rate of salary range when posting job openings. I encourage you to also replace the term “equal work” with “**substantially similar work**” in our state nondiscrimination statutes which is the more accurate term used in many other states.

The gender pay gap has worsened in Hawaii: Women in Hawaii earned 79.4% of what men earned in 2020 compared to 82.3% nationwide. This makes us 37th among all states and the District of Columbia in income equality. The state's ratio fell below 80% for the first time since 2011.

- Hawaii can be a leader in the field of pay equity, as Hawaii has led the way in civil rights.
- Bill’s measures do succeed, with minimal cost or disruption to employers.
- Research shows that workers stay longer and are more productive, when working for companies which treat them with dignity. A recent Harvard-Berkeley study showed that pay inequality decreased worker attendance, cooperation, and output.

Thank you for your time and attention to this important matter. I appreciate the opportunity to share my thoughts and concerns.

Mahalo,

Caroline Kunitake

To: Hawaii State Senate Committee on Commerce and Consumer Protection

Hearing Date/Time: February 21, 2023 at 10AM

Place: Hawaii State Capitol, Rm. 229

Re: Testimony in **support with revisions** of SB1057 SD1 RELATING TO EMPLOYMENT EARNINGS

Dear Chair Keohokalole and Members of the Committee,

I **support the intent** of SB1057 SD1 that aims to remedy the gender pay gap in Hawaii.

Throughout history, women have been discriminated against and still face many systemic biases. In Hawaii, women earn 79 cents to the man's dollar, according to the United States Bureau of Labor and Statistics. In addition, the pay gap is still an ongoing problem that disproportionately affects certain racial groups, specifically Native Hawaiians and Pacific Islanders.

SB1057 SD1 aims to end the gender pay gap and strengthen equal pay and pay transparency. The purpose of the bill is to require employers to disclose the hourly rate and salary range on job listings. While this bill is a step forward in the right direction, it needs to go further.

I humbly request that this bill is amended to adopt the language contained in HB745 RELATING TO EQUAL PAY. Not only is the language more comprehensive, this is a bill that has been in the making for the past three years. This bill originates from the 2020 HB1701 and SB2253 RELATING TO EQUAL PAY, two bills that I was heavily invested in during my time as an intern at the Hawaii State Capitol. I worked for then-Senator Brian Taniguchi, Chair of the Senate Labor, Culture and the Arts Committee. Both times we heard these bills, and both times we passed them out of our committee. It would mean the world to see that work finally come to pass.

We have to be unequivocal with the fact that women's rights are non-negotiable. Equality for women is non-negotiable. It would be preferable to have a system where women are not disrespected and put down. Hopefully Hawaii takes that leap forward and these ideas take hold in our nation, and hopefully the rest of the world.

For the reasons above, **I support this measure with revisions.**

Thank you for your time and consideration.

Jarret Pascual



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII**

February 21, 2023

Re: SB 1057 SD1 RELATING TO EMPLOYMENT EARNINGS

Good morning, Chair Keohokalole and members of the Senate Committee on Consumer Protection and Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

While we understand the intent of SB 1057 SD1 Relating to Employment Earnings, we are respectfully opposed. This measure requires job listings to include an hourly rate or salary range and takes effect 7/1/2050.

Retailers like many other industries are having a hard time finding qualified employees. If the salary range is mandated to be in ads, **employers would have an even small pool of candidates to consider.** The candidates would only be concentrating on the pay and would most likely jump if another company is offering more. **These candidates would not consider company culture or promotion ability, or other benefits offered.** Retail has a lot of high school students working in our stores. We would also like to have flexibility on what we offer to those who are seeking their first job vs those with experience.

Furthermore, it also **allows the competition as well as the employees in the company will find out what your company is offering. For current employees this may spark jealousy and resentment therefore making the workplace a toxic environment.** Employers all vary in how much they pay each employee that is based on their job description and experience.

Retail is an extremely competitive industry. However we must also recognize that larger businesses may be able to pay their employees more than small mom and pop type businesses. **We need to protect and help small businesses in Hawaii. Measures like this have the potential to hurt businesses attract employees, especially our smaller locally owned and operated ones.**

Mahalo again for this opportunity to testify.

LATE

To: Hawaii State Senate Committee on Labor and Technology
Hearing Date/Time: Thursday, February 8, 2023, 3:00pm
Place: Hawaii State Capitol, CR 224 & Videoconference
Re: Judith Ann Armstrong is in strong support of SB 1057 requiring salary information on listings for employment.

Dear Members of the Labor and Technology,

I, Judith Ann Armstrong, am in strong support of SB1057 relating to employment earnings.

The goal of this bill is to reduce pay inequalities by requiring job listings to disclose the hourly rate or salary range reasonably reflecting the actual expected compensation. While passage of Act 108 in 2018 that became effective January 1, 2019 was a step towards ensuring pay equity, this bill would increase pay transparency and provide a strong equal pay protection with a minimal cost or disruption to employers.

Please use the more comprehensive language in HB 745

Talking Points

- Hawaii can be a leader in the field of pay equity, as Hawaii has led the way in civil rights.
- Bill's measures do succeed, with minimal cost or disruption to employers.
- Research shows that workers stay longer and are more productive, when working for companies which treat them with dignity. A recent Harvard-Berkeley study showed that pay inequality decreased worker attendance, cooperation, and output.
- Salary transparency and attempts at pay equity will attract millennials; will be more attractive in a competitive market.²
- Being up front about wages saves businesses time so that they are not interviewing candidates that will eventually turn them down. In addition to fairness, this is also about efficiency.
- Salary ranges help employers control their pay expenses and ensure pay equity among employees. It is critical that employers have rational explanations for why they pay their employees a certain rate, and defined salary ranges help accomplish that.
- Seven states (CA, WA, NY, MD, NV, RI, CT) have salary transparency as state laws.

Thank you for this opportunity to testify in support of SB 1057.

Sincerely,
Judith Ann Armstrong