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February 20, 2024

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
415 South Beretania Street, Conference Room 325
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: Testimony in Opposition of H.B. 2531
Hearing: February 21, 2024, 2:00 PM

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

This letter is in opposition of H.B. 2531 which adds new language to permit a person who employs or contracts with a health care worker who suffers an act of violence to report the violent event to law enforcement.

H.B. 2531 will cause significant negative impact on the employer-employee relationship. This bill will necessitate the employer to inquire into the employee's personal life because H.B. 2531 is not limited to events that occur in the context of the employee's employment. The employer will have to delve into the employee's personal life and the discussion will be intrusive into the employee's family and intimate relationships. Most, if not all, employees will find the employer's inquiry as to the specifics of the violent episode and the nature of the relationship with the perpetrator not only intrusive, but offensive, interfering and nosey. H.B. 2531 requires the employer to cross the line that separates work and private life. H.B. 2531 will place requirements upon the employer that will be disruptive to the employer-employee relationship involving health care workers who are a highly organized and assertive workforce.

Despite language to the contrary, H.B. 2531 does not insulate the employer from civil liability but will instead trigger liability for the employer. H.B. 2531 places upon the employer the obligation to discuss the violent event with the employee, which potentially includes the employee's personal life and occurrences leading up to the violent event. Notably, for each violent event the employee experiences, the employer must, at minimum, consult and discuss with the employee whether the employee consents to the employer reporting the event to law enforcement. Should the employer fail to discuss the violent event with the employee, the

employer's selective enforcement may create a cause of action against the employer, especially should the employee be subjected to later acts of violence.

Another concern of H.B. 2531 is that it essentially provides free legal counsel for the employer. The bill provides for costs and fees, including attorney fees to be paid for. This provision, along with the civil implications, will encourage employers to file claims, especially for costs and fees.

H.B. 2531 requires the employer to pry into the employee's private and personal life which is outside the scope of the employee's work life. This intrusion will irreversibly change the employer-employee relationship and trigger civil liabilities. It will also unjustifiably provide legal counsel for the employer. H.B. 2531 is unnecessary. Any witness to a violent event can call law enforcement. Moreover, health care workers are intelligent, assertive and organized individuals. Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Thirty-Second Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 21, 2024

H.B. 2531 — RELATING TO WORKPLACE SAFETY.

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2531, which allows a person who employs or contracts with a health care worker who suffers an act of violence to report the event to law enforcement and petition for a temporary restraining order and injunction under certain circumstances.

Passage of this legislation will send a message that if a patient or family member seriously assaults a nurse or other health care workers, that person can face consequences. Health care workers who face repeated violence from the same offender should have easy access to file a temporary restraining order with the help and support of their employing agency or hospital. Employers need to ensure that health care workers can perform their essential duties in a safe environment. No health care worker should feel unsafe at work. **The World Health Organization noted that up to 38% of health workers suffer physical violence at some point in their career.** Health care workers have significantly higher rates of on-the-job nonfatal assaults compared to other job occupations. Nurses are often the primary targets of nonfatal assaults and psychiatric nurses have the highest rate of assault. Health care providers do not deserve to be subjected to violence while caring for patients and this bill should offer some protection and assurance. We need to protect the individuals that care for our most vulnerable.

Thank you for the opportunity to provide testimony in support of H.B. 2531.

Respectfully submitted,

Randy Perreira
Executive Director



**WAIANAE COAST
COMPREHENSIVE
HEALTH CENTER**

RE: In Support of House Bill 2531

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

I write on behalf of Waianae Coast Comprehensive Health Center (WCCHC) to express our **strong support** for HB2531, an important piece of legislation aimed at enhancing the safety and security of healthcare workers by allowing employers to report acts of violence and petition for temporary restraining orders (TROs) and injunctions under specific conditions.

This bill is particularly relevant for us at WCCHC, where our commitment to the well-being of our employees directly correlates with our ability to serve our community effectively. The healthcare sector has witnessed a concerning rise in workplace violence, with healthcare workers facing threats and physical harm at an alarming rate. Notably, in 2018, healthcare workers accounted for 73 percent of all nonfatal workplace injuries due to violence, a rate five times higher than other sectors. Canopy, a safety device manufacturer, shared new 2023 data showing violence impacted more than 10% of hospital staff last year in every role. Hospital staff with their devices triggered 22,000 alerts requesting immediate help with an emerging threat or active violence among 200,000 employees. While the largest share of these alerts originated in emergency departments (40.5%), nearly two-thirds happened in other areas of the hospital.

Our experience mirrors this national trend, with numerous instances of threats against our staff. Regrettably, obtaining adequate and timely responses from local law enforcement has been challenging, contributing to increased employee burnout and absenteeism. For instance, one of our dedicated doctors had to take three separate shifts off work to navigate the complex process of obtaining a TRO, underscoring the inefficiencies of the current system.

HB2531 offers a practical step in the right direction by allowing health centers to take proactive steps to secure TROs on behalf of their employees, fostering a safer work environment and, by extension, a healthier community. States including Arkansas, California, Colorado, Georgia, and others have enacted similar provisions.

We appreciate you for considering this measure.

Mahalo,

Teresa L. Gonsalves
Chief Compliance and Ethics Officer
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