



STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA

March 13, 2025

To: The Honorable Adrian K. Tam, Chair,  
The Honorable Shirley Ann Templo, Vice Chair, and  
Members of the House Committee on Tourism

Date: Thursday, March 13, 2025

Time: 10:30 a.m.

Place: Conference Room 423, State Capitol

From: Jade T. Butay, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: S.B. 1660 SD1 RELATING TO EMPLOYMENT**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The DLIR **appreciates the intent** but has concerns regarding this measure as it has provisions that conflict with existing laws under both the Hawaii Occupational Safety and Health Division (HIOSH) and the Hawaii Civil Rights Commission (HCRC). The HIOSH law and administrative rules already require an effective safety and health program to identify, evaluate, and control workplace hazards as well as responsibilities for managers and supervisors and penalties for violations. The HIOSH law also has prohibitions on retaliation for reporting workplace hazards

Moreover, the proposal in part would require the Hawaii Civil Rights Commission (HCRC) to manage a duplicative enforcement process alongside the DLIR for a retaliation protection already provided for in HRS §378-2 and HIOSH law (HRS § 396) .

**II. CURRENT LAW**

Section 396-4, "Powers and duties of the department.", HRS, requires the department to administer occupational safety and health standards by adopting Federal OSHA standards through rulemaking. HIOSH enforces these standards to prevent work-related injuries and illnesses. HIOSH may also enforce industry consensus standards by adopting them by reference—such as American National Standards Institute (ANSI) standards—or by prosecuting under the General Duty Clause, using industry or national consensus standards as evidence.

§ 12-60-2(b)(1)(A) Hawaii Administrative Rules (HAR) requires an employer to have and “maintain an effective safety and health program to identify, evaluate, and control workplace hazards.”

§ 12-60-2(b)(4) HAR requires an employer to have a safety and health training program so all employees understand the hazards to which they may be exposed as well as the procedures and practices need to protect them from the hazards. It also requires supervisors and managers to be trained in the elements of the safety and health program and the specific responsibilities for supervisors and managers.

§ 396-8(e) prohibits retaliation against an employee for exercising their rights under Hawaii Occupational Safety and Health Law (Chapter 396, HRS).

§ 396-10(o) provides for penalties as follows:

- Serious violations: \$1,221 to \$16,550 per violation
- Willful or Repeated: \$11,823 to \$165,514 per violation

### **III. COMMENTS ON THE SENATE BILL**

The DLIR has concerns with this measure as drafted as it is duplicative in part of the enforcement of existing laws under the jurisdiction of HIOSH and the HCRC. However, the measure does not specify where the new chapter shall be placed. Both HIOSH and HCRC have existing complaints processes and remedies for violations. The remedies contained in this measure in part conflict with existing remedies, including civil fines, and it is unclear how the DLIR would be able to revoke or suspend a hospitality employer's business license.

HIOSH law and rules already contain provisions for employers to have safety and health programs and responsibilities for supervisors and managers to protect workers as well as significant penalties for employers. Currently, there are no OSHA or consensus standards for employers to provide panic buttons.

HIOSH is willing to work with the bill's proponents and stakeholders to ascertain what aspects of the measure's intent and provisions HIOSH could incorporate into its pre-existing efforts to help assure safe and healthy workplaces within the state.



# **HAWAI‘I CIVIL RIGHTS COMMISSION**

## **KOMIKINA PONO KĪWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday, March 13, 2025

10:30am

Conference Room 423 & Videoconference  
State Capitol, 415 South Beretania Street

To:

COMMITTEE ON TOURISM

Rep. Adrian K. Tam, Chair

Rep. Shirley Ann Templo, Vice Chair

From: Dr. William J. Puette, Chair

and Commissioners of the Hawai‘i Civil Rights Commission

### **Re: S.B. No. 1660, S.D. 1 Relating to Employment**

The Hawai‘i Civil Rights Commission (HCRC) appreciates the intent of S.B. 1660 S.D. 1 to provide enhanced protections for hospitality workers, a segment of the state’s workforce that has been found to be particularly vulnerable to harassment. However, the HCRC has concerns regarding portions of the bill that would create causes of action and enforcement mechanisms that may be incompatible with the existing rules and procedures governing the enforcement of the state’s antidiscrimination laws.

The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. The HCRC enforces laws protecting the people of Hawai‘i from discrimination in the areas of housing, employment, public accommodations, and in some state and state-funded services. With specialized training and expertise, HCRC staff are uniquely qualified to handle complaints of discrimination from the public.

S.B. 1660 S.D. 1 would mandate that hospitality employers adopt written policies regarding harassment, provide annual training, supply panic buttons to certain hospitality workers, provide a list of applicable resources, and display a notice of rights and protections. While these items would not be enforced by the HCRC, the HCRC supports the bill’s intent to reduce or prevent incidents of harassment toward hospitality workers.

S.B. 1660 S.D. 1 defines “harassment” as unwelcome conduct based on protected characteristics including sex, race, national origin, or sexual orientation, that creates a hostile, intimidating, or offensive working environment. **Complaints based on harassment of this type**

are already enforced by the HCRC pursuant to Hawai'i Revised Statutes (HRS) HRS §378-2. Likewise, the HCRC also has jurisdiction over matters relating to retaliation, as discussed below.

Within S.B. 1660 S.D. 1, the section entitled “**Prohibition on retaliation**” (§ -3) begins:

- (a) No hospitality employer shall retaliate against a hospitality worker who:
  - (1) Reports, in good faith, any incident of harassment or retaliation;
  - (2) Uses a panic button or other safety device as provided under this chapter;
  - (3) Participates in an investigation, hearing, or other proceeding related to harassment or retaliation; or
  - (4) Refuses to perform work in an area where the hospitality worker reasonably believes there is a risk to the worker's safety due to harassment or other threats.

§ -4 specifies details about complaints filed under S.B. 1660 S.D. 1, and § -5 defines the penalties that the Department of Labor and Industrial Relations (DLIR) may impose for violations. In addition, Section 3 directs the DLIR to adopt rules to effectuate the purposes of S.B. 1660 S.D. 1, including rules determining penalties and establishing procedures for handling complaints.

**HRS §378-2(a)(2), which the HCRC enforces, already prohibits retaliation of the type contemplated within the “Prohibition on retaliation” section as it relates to harassment.** Hawai'i Administrative Rules, Title 12, Chapter 26, Subchapter 1 lays out the detailed procedures that the HCRC already uses for the filing, investigation, and enforcement of such retaliation claims. Moreover, HRS §378-5 describes the existing remedies for violations of such retaliation claims, including but not limited to reinstatement, back pay, and compensatory damages.

The HCRC therefore is concerned that S.B. 1660 S.D. 1 as written may create causes of action and enforcement mechanisms that directly conflict with and/or duplicate portions of the state's existing laws regarding retaliation. The HCRC routinely files, investigates, and adjudicates complaints of retaliation in the workplace and has successfully done so for many years in accordance with established procedures. The establishment of a new competing system would not only be confusing to the public but also potentially impact the ability of the HCRC to most effectively enforce the state's antidiscrimination laws.

In summary, the HCRC appreciates the intent behind S.B. 1660, S.D. 1 but has reservations with the bill as written.



March 10, 2025

Representative Adrian Tam, Chair  
Representative Shirley Ann Templo, Vice Chair  
Committee on Tourism  
House of Representatives  
Hawaii State Legislature

**Comments on SB1660 SD1**

Dear Chair Tam, Vice Chair Templo and Members of the House Committee on Tourism,

Thank you for the opportunity to provide our comments on SB1660 SD1.

Providing for the health and safety of our employees and creating a workplace free from harassment is of utmost importance to the members of the Kohala Coast Resort Association.

Therefore, we provide our housekeepers with panic buttons, provide regular training on what to do in case of harassment from a fellow team member or guest, provide training to our security teams on how to immediately identify and address any challenges on property, and regularly update our corporate policies to address any issues of concern.

We appreciate that the Legislature is asking the Department of Labor to establish rules and policies to address complaints. We would like to share that we have had a difficult time reaching employees from their Employer Services Division of the Department of Labor to help answer our questions since the pandemic. We understand that Department of Labor is severely understaffed, especially on the neighbor islands. Therefore, if the Legislature is going to add to their workload, we would sincerely appreciate it also assist them in addressing staffing challenges across the neighbor islands.

On behalf of our 5,500 employees and their 17,500 family members, thank you for the opportunity to provide our comments on SB1660 SD1.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho". The signature is fluid and cursive.

Stephanie Donoho, Administrative Director

Craig Anderson, VP Operations, Mauna Kea Resort –President  
Pat Fitzgerald, CEO, Hualalai Investors – Vice President  
Charlie Parker, General Manager, Four Seasons Hualalai – Secretary  
Daniel Scott, Managing Director Rosewood Kona Village – Treasurer  
Chris Sessions, DOSM, Fairmont Orchid – Board of Directors  
Scott Head, VP Resort Operations, Waikoloa Land Company – Board of Directors  
David Givens, General Manager, Hilton Waikoloa Village – Board of Directors  
Rob Gunthner, Area VP Resort Operations, Hilton Grand Vacations – Board of Directors  
Pete Alles, Regional VP and GM, Mauna Lani, Auberge Resorts Collection – Board of Directors  
Mark Goldrup, General Manager, Waikoloa Beach Marriott – Board of Directors



Where LGBTQIA+ Rights Meet the Labor Movement  
A constituency group of the Hawai'i State AFL-CIO

March 10, 2025

House's Committee on Tourism  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: Thursday, March 13, 2025, at 10:30 AM

RE: **Strong Support for Senate Bill 1660 SD 1**

Aloha Chair Tam, Vice Chair Templo, and committee members,

Pride at Work - Hawai'i strongly supports **Senate Bill 1660 SD 1**, which requires employers in the hospitality industry to implement anti-harassment measures, provide training, and equip certain workers with panic buttons. This legislation is a crucial step toward ensuring the safety, dignity, and well-being of hospitality workers across the state.

Hawai'i's hospitality industry employs thousands of workers, many of whom face unsafe working conditions, including harassment and violence in the workplace. Unfortunately, these incidents disproportionately impact women, LGBTQIA+ workers, and other marginalized groups, making this bill especially critical for promoting workplace equity and safety. By requiring anti-harassment measures, comprehensive training, and the provision of panic buttons, SB 1660 establishes proactive safeguards to protect workers from harm.

The hospitality industry is an essential pillar of Hawai'i's economy, and the workers who serve in this sector deserve protection from harassment and violence. Providing panic buttons to certain employees, such as housekeeping and maintenance staff, empowers workers to call for immediate assistance if they find themselves in dangerous situations. Additionally, ensuring that workers can report harassment without fear of retaliation fosters a culture of accountability and respect in the workplace.

This bill also holds employers accountable by mandating compliance with anti-harassment policies no later than January 1, 2026, and requiring the **Department of Labor and Industrial Relations** to establish clear rules and procedures for handling complaints and enforcing penalties. These measures will help create a safer and more equitable work environment for all hospitality employees.

As an organization committed to advocating for the rights and protections of LGBTQIA+ workers and all marginalized communities, Pride at Work - Hawai'i urges this committee to pass SB 1660 without delay. Workers should not have to choose between their livelihoods and their personal safety. This bill is a necessary step to ensure that all hospitality workers in Hawai'i are treated with the dignity and respect they deserve.

Mahalo for the opportunity to testify in **strong support** of SB 1660.

In solidarity,

Michael Golojuch, Jr. (he/him)  
President

[Pride at Work – Hawai'i](#)



March 11, 2025

**Position: Support of SB1660 SD1**

**To:** Representative Adrian K. Tam, Chair  
Representative Shirley Ann Templo, Vice Chair  
Members of the House Committee on Tourism

**From:** Llasmin Chaîne, LSW, Executive Director, Hawai'i State Commission on the Status of Women

**Re:** Testimony in Support of SB1660 SD1, Relating to Employment

Hearing: Thursday, March 13, 2025, 10:30 a.m.  
Conference Room 423, State Capitol

On behalf of the Hawai'i State Commission on the Status of Women, I would like to thank the committee for hearing this important bill. I would like to express my **strong support of SB1660 SD1**, which requires employers in the hospitality industry to implement anti-harassment measures, provide training, and equip certain workers with panic buttons, and I appreciate the opportunity to offer comments.

I defer to the Department of Labor and Industrial Relations (DLIR) as to the best strategy for holding employers accountable and ensuring compliance of the bill's stated provisions regarding anti-harassment policy development and implementation, the provision of mandatory annual training, the display of a notice of rights and protections, and the supply of panic buttons to designated hospitality workers. I defer to the Hawai'i Civil Rights Commission (HCRC) as to the information that should be communicated to hospitality workers regarding the process of reporting harassment and instances of employer retaliation.

Due to the isolated working conditions of hospitality employees, they **are at an increased risk of experiencing sexual harassment, exposure (offenders flashing their genitals), unwanted touching and/or sexual assault.**

Given:

- sexual violence is a highly underreported crime (only about 1 in 10 people who experience sexual harassment or assault in the workplace ever report<sup>1</sup>),
- the detrimental effects of sexual harassment and assault on well-being<sup>2</sup>,
- the high rate of retaliation (75%<sup>1</sup>) that employees that speak up about harassment or assault face from their employers,
- the significant percentage of immigrants working in the hospitality industry, especially housekeeping (immigrants make up over 68% of Hawai'i's housekeepers<sup>3</sup>), and

<sup>1</sup> Gonzales Fitzpatrick, Maya. (2020) Panic Buttons: Tackling Sexual Harassment & Assault in California's Hospitality Industry. Brown University – Watson Institute for International & Public Affairs. <https://watson.brown.edu/public-policy/files/pp/imce/events/2020/GonzalesFitzpatrick%2C%20Capstone.pdf>

<sup>2</sup> About Sexual Violence. CDC – Sexual Violence Prevention. <https://www.cdc.gov/sexual-violence/about/index.html>

<sup>3</sup> Yee, Chelsea. (2022, September 6) Hawaii's biggest groups of immigrants and their jobs. KHON2. <https://www.khon2.com/local-news/immigrants-in-hawaii-ranked-by-size-and-labor-force/>

- the multiple power disparities that exist between employee/guest, employee/supervisor, and employee/employer, which can be leveraged against marginalized hospitality employees,

I respectfully **urge this Committee to pass SB1660 SD1.**

Sexual violence prevention (SVP) best practices<sup>4</sup> include:

- the implementation of anti-harassment and SVP policies<sup>5</sup>,
- mandatory annual training on:
  - sexual violence (types and impacts upon survivors),
  - prevention strategies,
  - victim rights, and
  - pertinent reporting methods,
- connecting survivors to local service providers who provide counseling, and assist with police reporting, medical treatment and evidence collection; and
- the provision of protective environments.

The implementation of trauma informed practices and survivor centered policies<sup>6</sup>, helps to ensure employees thrive and **decreases the risk that they will develop post-traumatic stress disorder (PTSD) after experiencing incidents of sexual violence.** The sooner they can be assisted with symptom management, emotional regulation, and healthy coping strategy options, the better it is for both their short and long-term recovery trajectories.

Subsequently, **hospitality workers' safety and wellbeing will be improved as a result of this bill's key provisions.**

**I offer the following amendments to this bill for your consideration.:**

- Proposed bill amendment to employer responsibilities to provide hospitality workers with resources on page 4, lines 10-11:
 

(4) Provide hospitality workers with a list of resources **in English, Ilocano, Tagalog, Japanese, and any language that is the first language spoken by at least five percent of the employer's workforce,** including contact information for:
- Proposed bill amendment to employer responsibilities to display a notice of rights and protections on page 4, lines 20-21 and page 5, lines 1-3:
 

(5) Display, in a conspicuous and accessible location, a notice summarizing the rights and protections provided under this chapter and providing information about how to report a violation **and sexual assault in English, Ilocano, Tagalog, Japanese, and any language that is the first language spoken by at least five percent of the employer's workforce.**

Thank you for this opportunity to submit testimony in **strong support of SB1660 SD1.**

<sup>4</sup> About Violence Prevention. CDC – Violence Prevention. <https://www.cdc.gov/violence-prevention/about/index.html>

<sup>5</sup> Program: Rape Prevention and Education Program. CDC – Sexual Violence Prevention. <https://www.cdc.gov/sexual-violence/programs/index.html>

<sup>6</sup> Sexual Violence Prevention - Resource for Action, A Compilation of the Best Available Evidence. CDC. [https://www.cdc.gov/violenceprevention/pdf/SV-Prevention-Resource\\_508.pdf#:~:text=These%20strategies%20focus%20on%20promoting%20social%20norms%20that,protective%20environments%3B%20and%20supporting%20victims%2Fsurvivors%20to%20lessen%20harms.](https://www.cdc.gov/violenceprevention/pdf/SV-Prevention-Resource_508.pdf#:~:text=These%20strategies%20focus%20on%20promoting%20social%20norms%20that,protective%20environments%3B%20and%20supporting%20victims%2Fsurvivors%20to%20lessen%20harms.)