

STAND. COM. REP. NO.

**2200**

Honolulu, Hawaii

**FEB 12 2018**

RE: S.B. No. 2351

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Labor and Judiciary, to which was referred S.B. No. 2351 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit prospective employers from requesting or considering a job applicant's prior wage or salary history in the job application process; and
- (2) Prohibit enforced wage secrecy and prohibit retaliation or discrimination against employees who disclose, discuss, or inquire about their own or coworkers' wages for the purpose of exercising rights under the law.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, Commission on the Status of Women, YWCA O'ahu, Hawaii Appleseed Center for Law & Economic Justice, Planned Parenthood Votes Northwest and Hawaii, Hawai'i State Democratic Women's Caucus, Hawaii State AFL-CIO, American Association of University Women of Hawaii, Windward Oahu Branch of the American Association of University Women, Americans for Democratic Action, and eighteen individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii and one individual. Your Committees received



comments on this measure from the Hawaii Food Industry Association.

Your Committees find that pay disparity persists between men and women who do similar work. Existing Hawaii law generally prohibits an employer from paying an employee at wage rates less than the rates paid to employees of the opposite sex; however, in 2015, the gender wage gap in Hawaii stood at sixteen cents on the dollar and more than twenty cents on the dollar for women of color. This wage gap extends across almost all occupations reporting in Hawaii. Your Committees further find that the ability of employers to consider a job applicant's previous salary history and pay secrecy are contributing factors to the gender pay disparity. Your Committees find that this measure is a step toward ending pay discrimination against women, particularly women of color.

As affirmed by the records of votes of the members of your Committees on Labor and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2351 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Labor and  
Judiciary,



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BRIAN T. TANIGUCHI, Chair




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JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:* <i>SB2351</i>	Committee Referral: <i>LBR/JDC, WAM</i>	Date: <i>02/01/18</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)				✓
CHANG, Stanley	✓			
IHARA, Jr., Les	✓			
TANIGUCHI, Brian T.	✓			
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

