

STAND. COM. REP. NO. 1360

Honolulu, Hawaii

MAR 21 2019

RE: H.B. No. 1192
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred H.B. No. 1192, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity;
- (3) Require employers to disclose wage ranges to employees and prospective employees; and
- (4) Exempt wage disclosure and discussion from the prohibitions on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace.

Your Committee received testimony in support of this measure from the Hawaii Appleseed Center for Law and Economic Justice;



American Association of University Women of Hawaii; Fujiwara & Rosenbaum, LLC; Pride at Work Hawaii; Aloha State Association of the Deaf; Planned Parenthood Votes Northwest and Hawaii; and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Petroleum Company, Island Plastic Bags Inc., and Society for Human Resources Management Hawaii. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission, Hawaii Food Industry Association, and Chamber of Commerce Hawaii.

Your Committee finds that pay disparity still persists between men and women in Hawaii who do similar work. Hawaii ranks twenty-third in income equality out of all states and the District of Columbia, according to the most recent census bureau. Your Committee further finds that the most extreme disparity in pay exists among Native Hawaiian and other Pacific Islander women who earn only sixty-two percent of white male earnings nationally. This measure clarifies the classes protected from pay discrimination, and provides for wage transparency, which will get Hawaii closer to ending pay disparity in the workplace.

Your Committee notes that S.B. No. 1375, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, is a similar measure. Your Committee concludes that the language in S.B. No. 1375, S.D. 1, is preferable because it does not contain language that exempts wage disclosure and discussion from the prohibition on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace. In addition, S.B. No. 1375, S.D. 1, contains amendments previously proposed by the Hawai'i Civil Rights Commission.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1375, S.D. 1, a similar measure, which:
 - (A) Conforms statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
 - (B) Clarifies allowable justifications for compensation differentials and remedies for pay disparity;



- (C) Requires employers to disclose wage ranges to employees and prospective employees; and
 - (D) Inserts an effective date of upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1192, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1192, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,


BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* <i>HB1192, HD2</i>	Committee Referral: <i>LCA, JDC/WAM</i>	Date: <i>3-14-19</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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt	✓			
TOTAL	<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: <i>[Signature]</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes