

STAND. COM. REP. NO. **3750**

Honolulu, Hawaii

JUL 0 2 2020

RE: H.B. No. 1701
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1701, H.D. 1, S.D. 1, 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) Amend the list of protected classes under Hawaii's equal pay statute to make the protections afforded by that section consistent with the state statute that prohibits employment discrimination;
- (2) Clarify the factors that can be used by employers to justify differences in compensation based on seniority, merit, or other non-discriminatory purposes;
- (3) Provide pay transparency by requiring employers to make salary range information available to employees and job candidates, which will help employers manage their pay expenses and encourage pay equity; and
- (4) Update the term "equal work" as used in state non-discrimination statutes, to "substantially similar work", which is the more accurate term used in many other states.



Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, Common Cause Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Planned Parenthood Votes Northwest and Hawaii, Americans for Democratic Action, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Women's Coalition, Pride at Work - Hawaii, American Association of University Women of Hawaii, Hawaii Children's Action Network Speaks!, and nine individuals. Your Committee received testimony in opposition to this measure from Island Plastic Bags, Inc.; Maui Chamber of Commerce; and Retail Merchants of Hawaii. Your Committee received comments on this measure from Hawai'i Pacific Health, Hawaii Food Industry Association, Chamber of Commerce Hawaii, and The Queen's Health Systems.

Your Committee finds that in 2018, median annual earnings for women in Hawaii were just eighty-three percent of men's earnings, representing a seventeen percent pay gap. Furthermore, native Hawaiian and other Pacific Islander women earn only sixty-two percent of white male earnings nationally. Your Committee believes that Hawaii should be a leader in the area of pay equity and ensure that state law is more protective of pay equity rights than the federal Equal Pay Act of 1963 or Title VII of the Civil Rights Act of 1964. This measure is a significant step toward ensuring that workers of any gender are paid equally for work that is substantially equal with respect to the skill, effort, and responsibility required to perform the work and the conditions under which the work is performed.

Your Committee has amended this measure by:

- (1) Making it effective upon its 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1701, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1701, H.D. 1, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:	
HB 1701 HD/SB1	LCA, JDC	06/30/2020	
<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			
RHOADS, Karl (C)	/		
KEOHOKALOLE, Jarrett (VC)	/		
GABBARD, Mike	/		
KIM, Donna Mercado	/		
FEVELLA, Kurt	/		
TOTAL	5		
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